



**RIGHT-OF-WAY & UTILITIES
DIVISION**

MANAGEMENT GUIDE SYSTEM

**VOLUME I
POLICY MANUAL**

**STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION**

RIGHT-OF-WAY & UTILITIES DIVISION

MANAGEMENT GUIDE SYSTEM

**VOLUME I
POLICY MANUAL**

MANAGEMENT GUIDE SYSTEM TABLE OF CONTENTS

Within the Right-of-Way & Utilities Division, there is a system of manuals known as the Management Guide System. This system was established to guide the Division in accomplishing its basic objectives. Contained in its two manuals, Policy and Procedure are individual sections, each designed to fulfill a specific need for information.

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If the information you seek appears to be located in other than these volumes, please contact the Right-of-Way & Utilities Division for assistance.

MANAGEMENT GUIDE SYSTEM REVISIONS

Upon publication, these revisions of our Management Guide System will be as accurate and up-to-date as possible. Operational changes within our office are inevitable, as are revisions to our information system, if they are to reflect a true picture of our operation.

Since this office operates under the philosophy of participative management, it is the task of each responsible individual and unit to take notice and take or recommend action when a revision seems necessary, regardless of that individual's area of concern or control.

Total comprehensiveness is impossible to reach in any written effort. We are merely augmenting Federal and State statutes, Oklahoma Department of Transportation (ODOT) Commission rules and regulations, those memoranda established by the Commission, Director, ODOT Policy Directives and Administrative Orders, or other responsible entities. A measure of common sense can usually be applied to help us handle those areas not addressed. These will provide guidance and the framework to help us handle situations not specifically addressed.

RIGHT-OF-WAY & UTILITIES DIVISION HISTORY

What is now the Right-of-Way & Utilities Division was originally organized in 1925. It had five employees and was housed in the basement of the State Capitol. The functions were limited at that time to the preparation of needed materials and the acquisition of rights-of-way for simple rural widening requiring only narrow strips of land from abutting ownerships. In many cases, the required rights-of-way were donated and any problems encountered were of a minor nature.

The Division experienced comparatively normal evolution until late 1955. The accounting procedures were few and elementary and the filing system was simple. These functions required the services of only five people with all records being posted by hand. The responsibilities pertaining to the relocation of utilities were negligible and were accomplished by one individual. The engineering functions were more demanding and required the services of nine people. During this time, the properties from which rights-of-way were required were not appraised prior to negotiation, necessitating acquisition by "horse trading" methods and required the services of fifteen people. The small number of condemnations was handled by the office of the Attorney General.

The advent of the Federal Interstate System, together with the accompanying regulations, resulted in a revolutionary change in the basic concepts governing the acquisition of rights-of-way. This drastic change was experienced by every state charged with the responsibility of securing right-of-way for Federal Interstate Highways.

The primary problem of the Right-of-Way & Utilities Division was no longer one of "horse-trading" for easements covering a narrow strip along a section line road. Rather, it must now secure suitable title to an area of 160 acres on which a major interchange would be constructed, or perhaps a strip 400 feet wide must be secured through the heart of an industrial or residential area. The problem may even be one of securing the access rights of properties abutting existing facilities.

These complex takings also increased the number of condemnation proceedings and brought about the creation of the Legal Division. This division also handled most other legal needs of the then Department of Highways.

At this stage, the program of acquisition had developed to such magnitude, both in terms of volume and value that it became necessary to obtain market value appraisals prepared by professional appraisers prior to acquisition of rights-of-way. This relieved the negotiator of the responsibility of estimating just compensation. In 1956, the United States Department of Commerce, through the Bureau of Public Roads, recognizing the necessity, established directives requiring a formal appraisal by professional appraisers and a determination of just compensation by the review appraiser prior to negotiation. It was at this time and for this reason that the Right-of-Way Division first began to utilize the services of professional appraisers as a standard procedure. This was the first major operational change experienced by the Right-of-Way Division.

A short time later in 1960, it became apparent, due to the vast increase in the volume of productions and the necessity of specialization, that diversified authority and responsibility were required in order to obtain maximum efficiency. It was at this time that the Right-of-Way Division was reorganized into the various functions of right-of-way activity. This was the first major organizational change within the Right-of-Way & Utilities Division and resulted in the formation

of the Engineering, Utilities, Policy-Administration, Acquisition and Appraisal Branches, each of which was charged with the responsibility of accomplishing its assigned function and was directly responsible to the Right-of-Way Engineer.

As a result of a Management Study Report by Roy Jorgensen and Associates, the second major organizational change affecting the Right-of-Way & Utilities Division occurred in July 1964. At this time, the Office of Land Acquisition was created by bringing the Right-of-Way & Utilities Division and Legal Divisions together under the single control of the Assistant Chief Engineer for Land Acquisition. Also at this time a Data Processing Section was created within the Office to provide an adequate information system to assure project processing in an orderly manner. The Department's present master project letting schedule is a derivative of that initiated by the Office of Land Acquisition.

The next change occurred in July 1967, when the Internal Review Section was organized within the Office of Land Acquisition. The Section's duties included reviewing procedures, management controls and the auditing of Land Acquisition claims and credits. As a direct result of this section's efforts, a subsequent Bureau of Public Roads audit, involving approximately \$4.6 million dollars, disclosed no instance in which federal funds were ineligible to participate. In the best recollection of those involved, a zero defect audit of this magnitude had never occurred before -- in any state.

In 1968, the U.S. Congress in its wisdom created and passed the first Federal Relocation Assistance Act. To implement a program of providing the necessary payments and services to persons displaced by federally aided projects, the Realty Section within Office Branch was expanded into the present Relocation Branch. Subsequently, this Branch has absorbed responsibility for carrying out the requirements of the Highway Beautification Act insofar as junkyards and signboards are concerned.

By 1969, not only the volume but the complexity of the work within the Right-of-Way & Utilities Division had grown almost to the point where the Division was in danger of becoming unwieldy and incapable of instant response to management's guidance simply because of the inertia introduced by growth. Therefore, to continue to have an organizational structure capable of in-depth analysis and adequate control, the Division was internally partitioned into the Bureau of Acquisition, composed of Acquisition, Appraisal and Relocation Branches, and the Bureau of Engineering, composed of Engineering, Office and Utilities Branches. Each Bureau was headed by an Assistant Division Chief thereby re-establishing an adequate span of control.

In late 1971, the Office Branch was severed from the Right-of-Way & Utilities Division and attached to the Office of Land Acquisition overhead as the Business Office. In this new position, it reoriented itself toward the organization as a whole, including the Legal Division.

Then in June 1974, a Beautification Section was created within the Relocation Branch to develop a specialized group to carry out the billboard and junkyard programs. Signs in right-of-way acquisition programs were also handled by Beautification Section and their work was coordinated with the Relocation Branch. This section was later incorporated back into the Relocation Branch.

October 1975 brought a further change in structure. The Acquisition Branch was removed from the Bureau of Acquisition and placed directly under the supervision of the Chief, Right-of-Way & Utilities Division. It still was very much involved with the Bureau of Acquisition functions and coordinated its work with the units in the Bureau.

In February 1986, the Federal government issued a single common rule to be used by all government agencies in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The regulations provided significant flexibility in developing and implementing appraisal, acquisition and relocation assistance procedures. The passage of the amendments to the Uniform Relocation Assistance Act in 1987 allowed even more flexibility in the administration of these programs.

1987 also brought about an additional structural change in the Right-of-Way & Utilities Division with the addition of a Local Projects Branch to coordinate work on local public agency projects. These very popular projects are acquired by the city and county governments in a manner consistent with Federal and State regulations. The Local Projects Branch coordinates the Division's activities with plans and title verification, acquisition, relocation assistance and utility relocations.

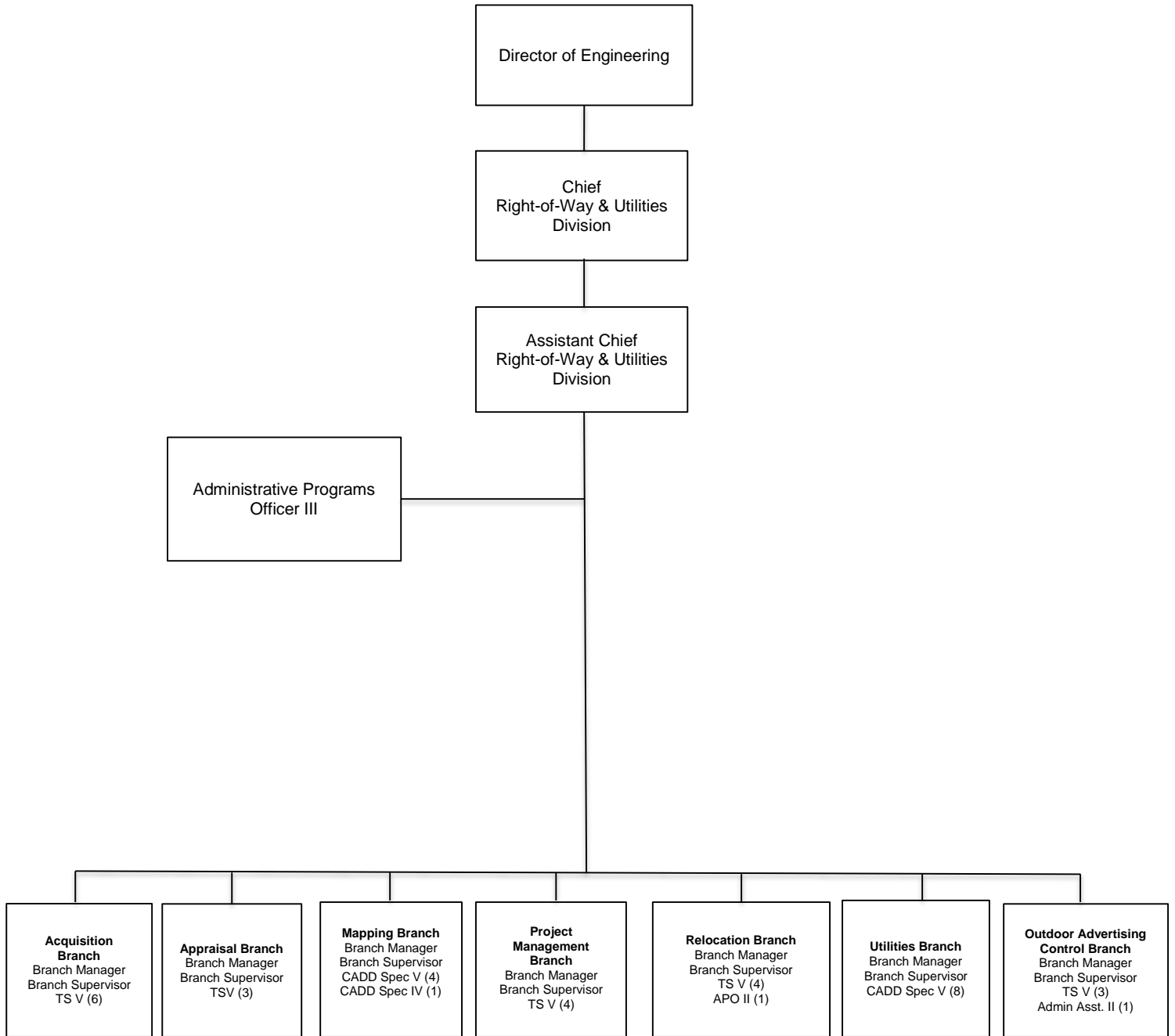
The 1990's brought more organizational change by the down-sizing of both government and private enterprise. Beginning the 21st century with a trend toward project management methodologies and improved contract administration procedures brings with it new challenges. 2005 brought yet another organizational change. The Office of Land Acquisition was placed under the direction of Pre-Construction. The January 2006 update to this Policy Manual System was just a precursor to new procedures and, hopefully, an improved professional method of being successful with the public's business - transportation.

In 2008 a new addition was made to Right-of-Way & Utilities Division, Outdoor Advertising Control. Formerly in Maintenance, a new focus was needed regarding the regulatory control of Outdoor Advertising.

This 2015 update is another comprehensive effort designed to provide better guidance to our employees and service providers, the team that gets our work done so well.

The last eighty-six years have brought about many changes -- new people, new ways, and new technology. Those years have also seen Oklahoma's road system change drastically. But one thing has not changed -- our respect for those citizens who move over for us as we continue to improve Oklahoma's Highway System.

Right-of-Way & Utilities Division Table of Organization



VOLUME I

SECTION I

GENERAL INFORMATION

This Policy Manual has been prepared as a source containing clear statements of policy, position guides, and administrative level procedures for use within the Right-of-Way & Utilities Division.

The first section of the Policy Manual contains general information.

The second section is concerned with General Policies. General Policies are policy statements that apply to the Office as a whole.

The third section pertains to Operating Policies. Operating Policies are statements of a more specific nature relating to major functional activities of the Right-of-Way & Utilities Division.

The fourth section of the Policy Manual pertains to certain procedure statements of an administrative and internal operative nature. Specifically, these procedures control operations occurring above the Branch level, within the Right-of-Way & Utilities Division.

The fifth section is devoted to position guides for managerial and supervisory positions. By referring to this section, a manager or supervisor should be able to interpret his/her duties, responsibilities, authority and principal working relationships. Publication was restricted to position guides describing positions embodying "line" authority and responsibility, and key staff positions. However, the Right-of-Way & Utilities Division has detailed position guides to aid persons in virtually all positions within our organization.

The sixth and last section of the Policy Manual is a glossary of words, terms and phrases used in our work which might not be familiar to the average layman or even a Department employee not specializing in land acquisition work.

VOLUME I

SECTION II

GENERAL POLICIES

- GP 6-1 MANAGEMENT GUIDE SYSTEM - RIGHT-OF-WAY & UTILITIES
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**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Management Guide System – Right-of-Way & Utilities Division	No: GP 6-1
	Revised: 04/01/15
	Page: 1 of 2

Policy:

In accordance with 23CFR 710.201(c), this Management Guide System, as required, will be created, updated and utilized in order to ensure effective and efficient operations.

These policies and procedures are ODOT policy by virtue of ODOT Policy A-101-3 which states: "The Division Manager of the Right-of-Way & Utilities Division is responsible for the implementation of land acquisition policies for the Department. The policies contained in the Management Guide System are hereby made a part of the official policies of the department".

The Oklahoma Administrative Code (OAC), provides and outlines other Administrative procedures for Right-of-Way, as developed by and through 730:1-5-1(6), 730:10-3-6(6), 730:20-1, 730:35-3 and 730-35-5 Acquisition & Disposal of Properties.

A system of manuals named the RIGHT-OF-WAY & UTILITIES DIVISION - MANAGEMENT GUIDE SYSTEM is to be published and maintained. The system will be comprised of one manual named the "Policy Manual," containing policies and position guides and those procedures formulated above Branch level. In addition, a "Procedure Manual" will be prepared with sections for each Branch to contain their procedures, and other items necessary to aid the Branch employees in fulfilling their individual assigned tasks.

Scope:

Applies to those policies and procedures pertaining specifically to the Right-of-Way & Utilities Division. Policies and procedures formulated outside the Right-of-Way & Utilities Division, but having application throughout the Department or assigning responsibility to the Right-of-Way & Utilities Division, will not be incorporated in this manual, but will be found in the Department of Transportation Policy Manual.

Responsibility:

Branch Managers

Insure their respective Procedures are adequate and reflect a true picture of operations and make recommendations for revisions to the Assistant Chief, Right-of-Way & Utilities Division, on an as-needed basis as well as on an annual basis.

Assistant Chief, Right-of-Way & Utilities Division

Insure the Procedure Manual within the Division is adequate and reflects a true picture of current operations.

Make recommendations for manual revisions to the Chief, Right-of-Way & Utilities Division, on an as- needed basis as well as on an annual basis.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Management Guide System – Right-of-Way & Utilities Division	No: GP 6-1
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Propose Division-level procedures.

Chief, Right-of-Way & Utilities Division

Approve all procedures within the Division.

Review and analyze existing policies and make recommendations to the Director of Engineering.

Prepare and implement Division-level operating procedures

Publication and maintenance of the “Specifications Manual for Right-of-Way Plans and Associated Materials” for Mapping Branch activities.

Formulate general and operational policies for the Right-of-Way & Utilities Division.

Publication and maintenance of the Policy Manual.

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**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Basic Objectives – Right-of-Way & Utilities Division

No: GP 6-2
Revised: 04/01/15
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Policy:

The Right-of-Way & Utilities Division, has the responsibility to acquire properties or interests therein, which are necessary to effectively achieve the objectives of the Department of Transportation; to make all arrangements for the removal and relocation of facilities belonging to public utilities as necessary in the normal operations of the Department; to manage and make proper disposal of any properties which may be acquired by the Right-of-Way & Utilities Division in the course of its operations, and to provide relocation assistance payments and advisory services. To accomplish these responsibilities, the following objectives of the Right-of-Way & Utilities Division are stated to guide the activities of those employees.

Scope:

Applies to all employees.

Responsibility:

All employees

Conduct all activities of the Right-of-Way & Utilities Division in a manner that will contribute to and promote the general welfare and development of the State of Oklahoma; and to cooperate with all governmental agencies having interests and responsibilities in the acquisition and administration of real properties for highway purposes.

Conduct all affairs of the Right-of-Way & Utilities Division in a manner that will merit the trust and confidence of the public.

Communicate with others in a timely professional manner that is clear, complete and concise.

Develop an organization of employees who command respect for their skills, abilities and integrity.

Develop throughout the Right-of-Way & Utilities Division a high level of managerial and administrative ability to accomplish the responsibilities of the Division with maximum efficiency.

Actively and aggressively engage in and conduct any research activities necessary to insure that the methods and procedures of the Right-of-Way & Utilities Division are kept abreast of all developments that will improve effectiveness.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Basic Objectives – Right-of-Way & Utilities Division

No: GP 6-2
Revised: 04/01/15
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Take all steps necessary to insure that the public is well informed as to the land acquisition program of the Department of Transportation, the procedures involved in land acquisition activities and the effects of such activities.

Conduct all activities in a non-discriminatory manner.

Conduct all legal proceedings necessary in the acquisition and management of real properties for highway purposes.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject:
Administration

No: GP 6-3
Revised: 04/01/15
Page: 1 of 1

Policy:

Effective accomplishment of the objectives of the Right-of-Way & Utilities Division is largely dependent upon the efficient performance of managerial and administrative functions throughout all units of the Division. The following statements set forth the general guidelines of the Right-of-Way & Utilities Division and are intended to provide direction and assistance to all personnel assigned to the Division.

1. The manager of each organizational unit within the Right-of-Way & Utilities Division is responsible for assuring that policies and/or procedures regarding the work of the unit is clearly stated, in order to provide guidance and direction to employees responsible for performing the work.
2. Management decisions at each organizational level will be made promptly, and clearly communicated to those affected.
3. Organizational unit managers at each level will delegate authority and responsibility to their subordinates, to permit operating decisions to be made at the lowest practicable level in each unit.
4. Organizational unit managers at each level will supervise operations and activities closely enough to insure familiarity without assuming the responsibilities of subordinates.
5. Organizational unit managers are to assume the basic responsibility for the successful and efficient accomplishment of all duties and responsibilities assigned the unit, and will relieve superiors of details, but present to them matters of importance to the interests of the organization as a whole.
6. Organizational unit managers are responsible for assuring a high degree of cooperation and coordination with other organizational units of the Right-of-Way & Utilities Division, the Oklahoma Department of Transportation, the Federal Highway Administration, and other agencies in matters related to the accomplishment of the work of the Right-of-Way & Utilities Division.

Scope:

Applies to the performance of all managerial and supervisory personnel.

Responsibility:

Organizational unit managers at each level shall take the necessary steps to effectively implement this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Organization	No: Revised: Page:	GP 6-4 04/01/15 1 of 1
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Policy:

Effective performance of the work of the Right-of-Way & Utilities Division depends to a great extent upon the clear definition of duties, authorities, responsibilities and relationships of managerial and supervisory positions; the development of efficient work procedures and practices; and the maintenance of an organizational structure conducive to effective coordination. The general policies of the Right-of-Way & Utilities Division with regard to organization are stated below.

1. The duties, responsibilities, authorities and principal working relationships of each managerial and supervisory position in the Right-of-Way & Utilities Division will be clearly defined and communicated to the position incumbent.
2. Organizational unit managers are responsible for developing administrative and work procedures and practices that will assure effective performance of the functions of the unit and foster coordination throughout the Right-of-Way & Utilities Division.
3. Organizational unit managers are responsible for assuring continuing appraisal and evaluation of the existing organizational structure and practices of the unit, to assure that structural relationships, policies and procedures are altered to meet changing conditions and to provide the most effective organization possible.

Scope:

Applies to the performance of all managerial and supervisory personnel.

Responsibility:

Organizational unit managers at each level shall take the necessary steps to effectively implement this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manpower Development

No: GP 6-5
Revised: 04/01/15
Page: 1 of 2

Policy:

The Right-of-Way & Utilities Division pursues an orderly course of manpower development, as follows:

1. Orientation of new employees, consisting of giving the background of the job, its relation to the overall function of its unit, the details of the performance expected, and its interrelation to the other units of the Division.
2. Continuous analysis of employee performance and potential.
3. Utilization of personnel in their areas of highest competence, wherever possible.
4. Additional training for employees, consisting of formal classroom instruction here and/or at educational institutions; supervisory guidance and counseling; provision of various reading and training materials; and provision of opportunity to develop skills by on-the-job performance.
5. Maintenance of good internal relations by making clear statements of employee duties; by continuing review of salary scales and position responsibilities; by practicing recognition of the individual; and by keeping the employee informed of their progress.

Scope:

All positions in the Right-of-Way & Utilities Division are within the scope of this policy, but execution of specific points must necessarily be limited by budgetary considerations and by Merit System regulations.

Responsibility:

Managers and Supervisors at All Levels

Responsible for orientation, performance appraisal, job counseling, and clarification of duties for personnel directly under their supervision; and for recommendations concerning the participation of their personnel in educational programs.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for identifying educational program needs selection of participants in such programs, and promotion and utilization of personnel under their direction.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manpower Development

No: GP 6-5
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Chief, Right-of-Way & Utilities Division

Responsible for the evaluation of educational programs and their results; and reserves the final decision on institution of such programs, participants in them, and the disposition of personnel.

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**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Scheduling	No: Revised: Page:	OP-GA 6-1 04/01/15 1 of 1
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Policy:

A basic prerequisite to efficient performance of the work of the Right-of-Way & Utilities Division is planning and scheduling the work program. The general policies of the Division, with regard to these activities, are stated below.

1. A clear and continuing schedule of all projects assigned to the Right-of-Way & Utilities Division for processing will be maintained. This schedule shall be based on established control points for each project; such points to be established, in general, at the end of particular phases of work; i.e., engineering, appraisal, acquisition, etc. The schedule shall indicate the planned date of completion for each phase of work.
2. The schedule of current projects in process in the Right-of-Way & Utilities Division shall serve as a guide to the Branch Managers in planning and scheduling the work of their organizational units.

Scope:

This policy applies to all projects assigned to the Right-of-Way & Utilities Division for processing.

Responsibility:

Chief, Right-of-Way & Utilities Division

In cooperation with the Programs Division and Project Management Division, will develop and maintain a schedule of projects. The Chief, Right-of-Way & Utilities Division insures that each project is completed by the date established by the schedule and on completion of same, certifies clearance in writing as appropriate.

Assistant Chief, Right-of-Way & Utilities Division

Assists the Chief with Direction and control of R/W, Utility and Outdoor Advertising Control activities.

Manager, Project Management Branch

Receives all plans and verifies that the projects are ready to be worked.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Non-Discrimination Policy	No: Revised: Page:	OP-GA 6-2 04/01/15 1 of 1
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Policy:

The Right-Of-Way & Utilities Division will comply fully with Federal Law, State Statute and Department policy pertaining to Title VI and Americans with Disabilities Act.

Right-of-Way shall be acquired and related functions administered so that no person on the grounds of race, color, gender, national origin or disability, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity.

Contracts will be awarded by ODOT to any company or individual subscribing to a non-discriminatory hiring and promotion policy and requiring a non-discriminatory hiring and promotion policy among its subcontractors.

Scope:

There are no exceptions.

Responsibility:

Chiefs, Right-of-Way & Utilities Division

Regulate the Division.

Director of Engineering

Review for proper resolution of any infraction of this policy which comes to his/her attention.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Correspondence	No: Revised: Page:	OP-GA 6-3 04/01/15 1 of 1
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Policy:

The Right-of-Way & Utilities Division takes the attitude that every inquiry deserves a courteous and prompt reply, and that the manner in which our correspondence is handled is a major factor in shaping our public image. Incoming correspondence that requires a reply shall be answered within seven calendar days of receipt. Outgoing correspondence should be carefully composed, courteous in tone, correctly and neatly prepared, and should be as complete and informative as possible concerning the question or subject involved.

Scope:

The only element of this policy subject to exception is the time limit. In those cases where research requires more than seven days, an extension of time is granted.

Responsibility:

Branch Managers

Responsible for seeing that the correspondence coming into and going out of their branches is handled in conformance with policy.

Chief, Right-of-Way & Utilities Division

Responsible for establishing procedures and controls for the Right-of-Way & Utilities Division to assure prompt and proper handling of correspondence.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Fiscal Policy

No: OP-GA 6-4
Revised: 04/01/15
Page: 1 of 1

Policy:

The Right-of-Way & Utilities Division subscribes to the fiscal policies of the Department of Transportation that no State funds may be expended until an official appropriation of funds has been made; and that no expenditures of Federal funds may be made until a Project has been authorized by the Federal Highway Administration.

Operating budgets are determined by the State Legislature and the Right-of-Way & Utilities Division is bound by law to submit every year a projection of fiscal needs for the succeeding year. No expenditures may be made in expectation of future appropriations, but all expenditures must be adequately covered by funds on deposit at that time.

Scope:

Applies to all expenditures made by the Right-of-Way & Utilities Division.

Responsibility:

Manager, Business Office

Responsible for providing direct supervision to insure that adequate funds are appropriated to fulfill the function of the Right-of-Way & Utilities Division.

Chiefs, Right-of-Way & Utilities Division

Responsible for coordinating and supervising fiscal transactions.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Commission Agenda Items	No: Revised: Page:	OP-GA 6-5 04/01/15 1 of 1
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Policy:

Those transactions that must be taken before the Transportation Commission for approval, or documents that must be executed by the Commission, are submitted in advance for inclusion in the formal agenda for the regularly scheduled meetings.

Scope:

There are no exceptions.

Responsibility:

Chiefs, Right-of-Way & Utilities Division

Responsible for determining the need for supervising preparation of documents and exhibits and for making the presentation and recommendation as may be required.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Release of Plans to Public	No: Revised: Page:	OP-GA 6-6 04/01/15 1 of 1
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Policy:

Copies or prints of right-of-way plan sheets that pertain to a landowner's property may be given to the landowner during the negotiation stage. All plan sheets to be released must be stamped "PRELIMINARY SUBJECT TO REVISION."

Scope:

No exceptions may be made without prior approval of the Branch Manager.

Responsibility:

Branch Managers

May initiate requests for release of copies or prints of right-of-way plan sheets.

Chief, Right-of-Way & Utilities Division

Responsible for establishing controls and seeing that no arbitrary or improper releases of plan sheets are made.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Public Notices and Releases to News Media	No: Revised: Page:	OP-GA 6-7 04/01/15 1 of 1
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Policy:

All news releases originating in the Right-of-Way & Utilities Division must be approved by the Chief, Right-of-Way & Utilities Division and the Media & Public Relations Division Manager before release. Anyone giving an interview or statement for use by news media, and acting in the capacity of spokesperson for the Right-of-Way & Utilities Division must coordinate with the Media & Public Relations Division Manager.

Scope:

Excepted are those advertisements serving notice upon absentee defendants in condemnation cases, notices of public auction, public announcements of the relocation program, and notices of the opening or closing of a relocation field office. Such public notices may be routinely handled.

Responsibility:

Branch Managers, Assistant Chief, Right-of-Way & Utilities Division

May originate information to be used in public notices.

Chief, Right-of-Way & Utilities Division

Will approve or disapprove public notices originated within the Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Inventory of Equipment	No: Revised: Page:	OP-GA 6-8 04/01/15 1 of 1
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Policy:

An accurate inventory of all non-depreciable equipment assigned to the Right-of-Way & Utilities Division shall be maintained.

Scope:

There are no exceptions.

Responsibility:

Manager, Business Office

Responsible for seeing that all non-depreciable equipment is kept on a current inventory.

Chief, Right-of-Way & Utilities Division

Responsible for seeing that all non-depreciable equipment assigned in his/her division is not removed without authorization and for the proper disposal of items removed.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements	No: Revised: Page:	OP-GA 6-9 04/01/15 1 of 2
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Policy:

The local underwriting of right-of-way and/or utilities adjustment costs is governed by commission item and/or statute, but the separate responsibilities shall be set out in a written agreement between the Department and the county or city government, in each case of local responsibility. Each such agreement shall be approved as to form and legality of the terms of the agreement before submission to the Transportation Director or designee for execution, or before submission to the Transportation Commission for execution in those rare cases where, in the opinion of the Director of Engineering, the terms of the agreement need Commission approval.

In the event a county or city is unwilling and/or financially unable to execute the requested project agreement then the Department may proceed to:

1. Construct the project without an agreement and so notify the county or city of its continued financial obligation.
2. Utilize the funds for that particular project elsewhere.

Scope:

Widening and new construction projects that require a local contribution of right-of-way and/or utility adjustments are subject to this policy.

Responsibility:

Managers, Acquisition Branch & Project Management Branch

Shall determine the necessity for and prepare the appropriate type of project agreement(s) that will be required for projects submitted to the Right-of-Way & Utilities Division.

Manager, Mapping Branch

Responsible for obtaining the current, official city limits map.

Manager, Utilities Branch

Responsible for the preparation of utility cost estimates when required.

Managers, Acquisition Branch & Project Management Branch

Responsible for the delivery and presentation of project agreement(s) to the local governmental entity for consideration and execution.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements	No: Revised: Page:	OP-GA 6-9 04/01/15 2 of 2
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Chief, Legal & Business Services Division

Responsible for the approval as to form and legality of executed project agreement(s) prior to presentation to Transportation Director or designee for execution by the Department.

Chief, Right of Way & Utilities Division

Responsible for approval and signature of ODOT Director.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Programming Projects For Federal Aid	No: Revised: Page:	OP-GA 6-10 04/01/15 1 of 1
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Policy:

Each project to be processed through the Right-of-Way & Utilities Division shall be considered for federal participation on an individual basis.

Several factors should be considered in deciding whether to request federal participation in any phase of right-of-way work. Included in this group of factors are points such as type of design, environmental clearance, and availability of funds, timing, cost of the right-of-way, cost of relocating utilities, and cost to provide relocation assistance. To aid in making the decision, estimates of cost shall be prepared for the various phases: land, damages, improvements, relocation assistance, and utilities.

Individual project authorizations should be requested for right-of-way costs and utility costs.

NOTE:

A project's identification number does not necessarily indicate federal participation in right-of-way costs.

Scope:

Projects programmed through the Department by Local Public Agencies are normally accepted from programming for right-of-way, relocation, and utilities participation in federal funds allocated to the Department.

When excess land is acquired, except in those rare cases where land exchange is imminent, federal participation will be limited to the fair market value of the portion of the property required for the highway project plus damages to the remainder.

Responsibility:

Manager, Project Management Branch

Responsible for coordination, preparation and submission, of cost estimates.

Chief, Right-of-Way & Utilities Division

Responsible for recommending whether federal participation should be requested for projects on an individual project or parcel basis and for requesting authorization to appraise and acquire.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Quality of Title	No: Revised: Page:	OP-GA 6-11 04/01/15 1 of 1
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Policy:

The Right-of-Way & Utilities Division shall secure a clear title to every property acquired for permanent holding. All permanent right-of-way shall be acquired in fee (less mineral rights), and all interests shall be satisfied, including mortgage interests and liens.

Scope:

All permanent acquisitions for highway purposes are within the scope of this policy, but exceptions to the fee title and mineral rights requirements may be made in individual cases by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Assistant Chief, Right-of-Way & Utilities Division

Responsible for insuring that all recorded interests are divulged through title investigation and recognized in the appraisal and acquisition phases.

The real property interest acquired for all Federal-aid projects funded pursuant to Title 23 of the United States Code shall be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public. See 23CFR § 710.201(e).

Chief, Right-of-Way & Utilities Division

Responsible for insuring that adequate title and all necessary interests are acquired in each negotiated purchase.

Chief, Legal & Business Services Division

Responsible for insuring that all interests are made parties to the suit in the event of condemnation proceedings.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Options to Purchase Right-of-Way	No: Revised: Page:	OP-GA 6-12 04/01/15 1 of 1
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Policy:

Options or option contracts to purchase right-of-way are not to be used in the usual acquisition process; however, in unusual circumstances, as determined by the Chief, Right-of-Way & Utilities Division, they may be used.

Scope:

Applies to all land acquisition.

Responsibility:

Assistant Chief, Right-of-Way & Utilities Division

Instructs the proper personnel to prepare and use the options.

Chief, Right-of-Way & Utilities Division

Determines the need for and authorizes the use of options to purchase.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contact with Property Owners Prior to Determination of Market Value	No: OP-GA 6-13 Revised: 04/01/15 Page: 1 of 1
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Policy:

Federal and State statutes/regulations or policies may require contacts with owners and other parties of interest prior to the initiation of negotiations. However, when this is done, the representative should take care that an offer is not made or any discussion of value occurs. The Negotiation agent's record should clearly show the date when the first discussion of value or price was made and this date should be after the date of determination of fair market value by the Department.

Scope:

No exception.

Responsibility:

Branch Managers

Responsible for seeing that all transactions carried out by their Branches are in conformity with policy.

Chief, Right-of-Way & Utilities Division

Responsible for regulating the division and ascertaining that orderly and reasonable schedules for owner contacts are used.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Confidentiality of Appraisal Reports	No: Revised: Page:	OP-GA 6-14 04/01/15 1 of 1
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Policy:

Written appraisal reports are held in confidentiality. They may be provided or released to the owner of record, their designated representative, or to other parties with a documented financial interest in the property appraised. Written appraisal reports will not be provided to anyone other than those described above except as required by the Oklahoma Open Records Act or Oklahoma Discovery Code. Upon receipt of a disclosure request from qualified parties in interest, the Negotiation Agent shall prepare and release a full and complete copy of the appraisal report in full accordance with Acquisition Branch Procedure 6.113-4.

Scope:

All formal appraisal reports fall within the scope of this policy and no exceptions may be made without the prior approval of the Chief, Right-of-Way & Utilities Division.

Responsibility:

Chief, Right-of-Way & Utilities Division

Responsible for regulating the division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Non-Compensable Items	No: Revised: Page:	OP-GA 6-15 04/01/15 1 of 1
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Policy:

The Chief, Legal & Business Services Division shall maintain a list of items that are commonly involved in right-of-way negotiation and condemnation, but that are non-compensable according to federal and state law. This information will be made available to all persons involved in the appraisal of and negotiation for parcels, and those involved in the trial of condemnation cases.

Scope:

The list shall include only those items that are not entitled to consideration for compensation.

Responsibility:

Chief, Legal & Business Services Division

Responsible for the preparation of a list of non-compensable items and for keeping it current. The current list includes, but is not limited to, the following:

1. Loss of Business
2. Loss of Good Will
3. Interruption of Business
4. Inability to locate an equivalent substitute property
5. Change in amount or flow of traffic
6. Noise or fumes from traffic
7. Diversion of traffic
8. Loss or diminution of parking area on public right-of-way
9. Inconvenience or annoyance
10. Remote or speculative damages
11. Any injury suffered in common with the community and not peculiar to the subject property
12. Personal Property

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Just Compensation

No: OP-GA 6-16
Revised: 04/01/15
Page: 1 of 1

Policy:

In compliance with 49 CFR Sec. 24.102(e), a "Summary Statement of Just Compensation" shall be included with each initial written offer letter. This written summary statement is to be prepared by either Appraisal Branch, when an appraisal report is to be utilized as the basis for the owner's offer; or Acquisition Branch, when a waiver valuation is to be utilized.

In accordance with 27 O.S. 2001 § 16(B), Just Compensation is defined as follows:

The value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken. If only a part of a tract is taken, just compensation shall be ascertained by determining the difference between the fair market value of the whole tract immediately before the taking and the fair market value of that portion left remaining immediately after the taking.

Scope:

This policy applies to all ODOT and LPA projects.

Responsibility:

Manager, Appraisal Branch

Responsible for the preparation of appraisal procedures incorporating the preparation of Summary Statements of Just Compensation (R/W Form 129).

Manager, Acquisition Branch

Responsible for the preparation of Waiver Valuation Process procedures incorporating the preparation of Summary Statements of Just Compensation. Additionally, on LPA projects, is responsible for full compliance by LPA's for this policy.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for the institution of procedures that conform to this policy.

Chief, Right-of-Way & Utilities Division

Responsible for regulating the Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Land Acquisition from Government Agencies

No: OP-GA 6-17
Revised: 04/01/15
Page: 1 of 1

Policy:

When acquiring lands or interests in lands owned by government agencies, every effort should be made to avoid deviating from the normal acquisition practices used in dealing with private landowners. However, to a practicable extent, minor changes may be made in our normal acquisition practices in consideration of any regulations governing the agency from which land is to be acquired.

Experience has shown that regulations governing these agencies vary extensively depending, not only upon which agency has jurisdiction over the land, but also upon whether we are acquiring in fee simple, a perpetual easement, or a temporary easement.

Scope:

Exceptional situations requiring deviation from this policy or procedures written to implement this policy shall be brought to the attention of the Chief, Right-of-Way & Utilities Division.

Responsibility:

Chief, Right-of-Way & Utilities Division

Shall be responsible for determining a course of action in situations either not covered by written procedures or outside the scope of this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Projects of Local Public Agencies (LPA)	No: Revised: Page:	OP-GA 6-18 04/01/15 1 of 2
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Policy:

Real Property Acquisition policies for LPA's shall be done in accordance with 49 CFR § 24.101(d).

When Local Public Agency (LPA) projects are programmed with the Transportation Commission, the Right-of-Way & Utilities Division provides oversight and monitors the projects; and, by agreement, performs certain services on those projects and takes appropriate action when necessary. Monitoring consists of examination of appraisals, oversight of acquisition methods, recommendations for the removal or disposition of encroachments, and examination of right-of-way clearance.

All LPA projects must comply with Department policies and procedures for the appraisal and acquisition of right-of-way, relocation assistance, and utility relocations.

Right-of-Way Relocation Assistance must be done by a provider on the ODOT approved list. Under no circumstances are funds reimbursed for any services rendered by others in connection with the local public agency's projects.

Scope:

Projects which are performed largely by the local public agency, but programmed and funded through the Transportation Commission as local projects, are LPA projects and are within the scope of this policy.

Responsibility:

Chief, Right-of-Way & Utilities Division

Responsible for making the decision to process a project through his/her organization with LPA designation and defining the type and extent of monitoring and services to be rendered on any LPA project.

Chief, Legal & Business Services Division

Responsible for advising LPA's on condemnation procedures.

Manager, Acquisition Branch

1. Under the direct supervision of the Assistant Chief, Right-of-Way & Utilities Division is responsible for directing, monitoring and coordination of all LPA land acquisition functions within Right-of-Way & Utilities Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Projects of Local Public Agencies (LPA)	No: OP-GA 6-18
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2. Responsible for monitoring work in the field and providing acquisition clearances.
3. Responsible for providing clearances to the appropriate originating Division.
4. Participate in public hearings for LPA projects on an as-needed basis.

Manager, Appraisal Branch

Responsible for providing technical assistance when required and, on certain projects, verification that all department appraisal and appraisal review requirements have been met.

Manager, Relocation Branch

Responsible for monitoring a full and complete relocation program where displacements occur and for providing clearances to the appropriate originating Division.

Chief, Right-of-Way & Utilities Division

Responsible for certifying to the Federal Highway Administration or Office Engineer, as may be required, that the project has been completed in compliance with all federal rules and regulations.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Authorization of Compensation

No: OP-GA 6-19
Revised: 04/01/15
Page: 1 of 3

Policy:

The disbursement of public funds as compensation for right-of-way taking and as relocation benefits shall be done with integrity and sound judgment, and those persons having authority to participate in determining the amount and legality of such disbursements shall assume responsibility for their decisions.

No disbursement in payment for land, damages, and relocation assistance benefits shall be made unless the amount has been established as set out herein and included in an Authorized Negotiation List officially circulated. No relocation benefit shall be paid unless the eligibility of the recipient has been established as set out in OP-REL 6-1, and the amount of the maximum benefit established as set out herein has been placed on an Authorized Negotiation List officially circulated. Where relocation benefits are of the nature excepted in the "Scope" below, no benefits shall be paid unless the name of the recipient has appeared on an Authorized Negotiation List as a person or entity with an entitlement to benefits.

Authorized amounts shall not be revised, except for cause, and shall be revised only by those having proper authority, as set out below. Complete records shall be kept showing the full history of all amounts scheduled for disbursement and adequate justification for all revised amounts.

Scope:

Appraisal waiver acquisitions, moving costs, incidental costs in relocation and in acquisition, and alternate benefits provided under the relocation program are accepted from the requirement that the amounts have circulation on an Authorized Negotiation List, since these amounts are not known until after documentation has been presented to establish the amount. Acquisition amounts in hardship cases and in advance acquisition cases are also accepted, where more than one appraisal may be acceptable and decision is reserved to the Chief, Right-of-Way & Utilities Division. Court awards and settlement amounts are exempted from circulation on an Authorized Negotiation List.

Responsibility:

Review Appraiser, Appraisal Branch

Responsible for recommendation of the amount of Fair Market Value and damages, and has the authority to recommend a revision in the amount for cause, as provided in the policies and regulations governing appraisal and review.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Authorization of Compensation

No: OP-GA 6-19
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Manager, Appraisal Branch

Responsible for preparation of written estimates of value in his branch and for seeing that all recommendations for revision originating in his/her branch or processing through it are sufficiently documented and properly handled.

Manager, Relocation Branch

Responsible for preparation of written estimates of value in that branch and for seeing that all recommendations for revision originating in the branch are sufficiently documented and properly handled. The Manager, Relocation Branch, is responsible for establishing the maximum benefit payable under the relocation program, with the exceptions as given under "Scope".

Manager, Acquisition Branch

1. Has authority to recommend revision of an authorized amount for cause, as established in the policies and regulations governing the acquisition program and is responsible for seeing that all requests for revision originating in the branch are adequately documented and properly handled.
2. Has authority to negotiate claims for damages and prepares all documentation for a Release of Damages substantiating this need. Prepares and processes all documents and claims for payment contingent upon approval of the Chief, Right-of-Way & Utilities Division.

Manager, Business Office

Responsible for preparation of the Authorized Negotiation Lists, using figures provided by Appraisal, Acquisition, and Relocation Branches, for their proper circulation, and for seeing that revised amounts are properly authorized and placed on an Authorized Negotiation List identified as having been revised.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for maintaining surveillance and control over Division units in the observance of this policy.

Chief, Right-of-Way & Utilities Division

1. Responsible for authorizing preparation and circulation of an Authorized Negotiation List, and has the responsibility for giving final approval to pay any revised amount when the adjustment originates within Right-of-Way & Utilities Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Authorization of Compensation

No: OP-GA 6-19
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2. Responsible for authorizing preparation of a Release of Damages, and has the responsibility for giving final approval to pay amounts to resolve current claims of damages and to release the Department from further claims.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Acquisition of Real Property from Department Employees and Public Officials	No: OP-GA 6-20 Revised: 04/01/15 Page: 1 of 2
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Policy:

To assure that such acquisitions are carried out in a manner that will cast no legitimate doubt or negative reflection upon the integrity of either the owner or the Department, the requirements are that:

No real property shall be purchased by the Department from a member of the Commission, the Director or other employee of the Department, or from any corporation in which such person or a member of his immediate family is an officer or agent and/or owns five percent (5%) or more of the stocks or shares actually issued by such corporation, or from any person who within eighteen (18) months prior to such purchase held such position with the Commission or the Department, unless his interest in such property shall be openly disclosed upon the public records of the Commission, and such property is acquired either by condemnation proceedings or the price to be paid for such property is approved in writing by the Director and the Chairman of the Commission; and provided further that such person shall not have participated in such acquisition for and in behalf of the Department or the Commission. (As defined in the Oklahoma Administrative Code (OAC) Title 730:1-3-8, Section C) unless the interest in such shall be openly disclosed upon the public records of the Commission; and such property is acquired either by condemnation proceedings or the price to be paid for such property is approved in writing by the Chief, Right-of-Way & Utilities Division, Director of Engineering, ODOT Director, the chairman of the Commission, and provided further that such person shall not have participated in such acquisition for and in behalf of the Department or the Commission.

Scope:

The only exception to this policy is when one of these properties goes to condemnation.

Responsibility:

Manager, Appraisal Branch

As the final review appraiser, shall recommend fair market value in real property acquisition affected by this policy.

Manager, Acquisition Branch

Responsible for submitting for approval any administrative settlement differing from the determined just compensation.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Acquisition of Real Property from Department Employees and Public Officials	No: OP-GA 6-20 Revised: 04/01/15 Page: 2 of 2
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Chief, Right-of-Way & Utilities Division

Responsible for approving any administrative settlements and instituting procedures that will determine with reasonable accuracy whether any real property to be acquired is affected by this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Threat of Condemnation	No: Revised: Page:	OP-GA 6-21 04/01/15 1 of 1
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Policy:

The attitude of the Right-of-Way & Utilities Division toward condemnation proceedings is that these proceedings are a means by which a disagreement on terms of sale may be fairly resolved. Coercion of the property owner is a forbidden tactic, and a threat of condemnation used to force negotiation is specifically forbidden. Neither shall the time of condemnation be advanced, nor action deferred, in order to induce an agreement on the price to be paid. When condemnation appears to be the only course left open to use, our attitude toward it, and toward the property owner is that a hearing in court is the property owner's constitutional right, rather than a weapon to be used against him/her.

Scope:

There are no exceptions.

Responsibility:

Chief, Right-of-Way & Utilities Division

Responsible for instituting procedures that are in agreement with this policy and for seeing that those employees dealing directly with negotiation and condemnation do so in good faith.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utility Certification for Project Letting	No: Revised: Page:	OP-GA 6-22 04/01/15 1 of 1
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Policy:

Every project except for Right-of-Way Clearance Contracts must have a right-of-way certification regardless of whether or not there is any additional right-of-way acquired and no project will be authorized for construction without a right-of-way certification. Additionally, the status of all utility relocations must be identified in a right-of-way certification.

Legal entry must be obtained to all right-of-way on a project prior to advertising a project for construction except for Right-of-Way Clearance Contracts, and all obstructions, except related utilities, must be removed from the right-of-way before construction operations begin. Legal right of entry is in force when title passes to the State, or in the case of condemnation, when the State deposits a warrant with the court clerk, or when a right-of-entry letter is executed.

See Policy OP-GA 6-33 for use of Right-of-Entry.

Scope:

Except for relief granted under 23 CFR 635.309(c) for unique or rare instances, there are no exceptions to the legal entry requirement. Obstructions may remain in the right-of-way after the contractor has started work only if written assurances are received from the owner of the obstructions that the contractor will not be delayed and that the obstructions will be removed.

Also reference 69 O.S. 2001 § 1204.

Responsibility:

Chief, Right-of-Way & Utilities Division

Responsible for acquiring the right-of-way through negotiation procedures prior to issuance of the construction work order. In addition, he/she is responsible for clearing the right-of-way of obstructions such as improvements or signs so that the contractor will not be unduly delayed.

Chief, Legal & Business Services Division

Responsible for obtaining legal entry by eminent domain or other procedures prior to the issuance of the construction work order.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way and Utility Claims Audit	No: Revised: Page:	OP-GA 6-23 04/01/15 1 of 1
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Policy:

The accounting system used to review and process right-of-way claims shall include a pre-payment audit. The main purpose of the pre-payment audit stage is to insure that there is adequate justification to disburse public funds. Pre-payment audit activities shall be carried out at the Branch level, initiating the claim and subsequently processed through Business Office for a separate pre-payment audit.

In addition, Utility claims are subject to a post-payment audit performed by Operations Review and Evaluation (OR&E).

At the discretion of management, post-payment audit activities may be performed on a periodic or full-time basis. The frequency with which post-payment audits are conducted shall be governed by the seriousness and frequency of citations or findings from the Federal Highway Administration, OR&E, Office of State Finance and Office of the State Auditor and Inspector.

Scope:

There are no exceptions.

Responsibility:

Right-of-Way & Utilities Division Branch Managers

Responsible for establishing and properly performing pre-audit procedures.

Manager, Business Office

Responsible for the preparation and implementation of pre-payment audit procedures in accordance with this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Assistance Appeals	No: Revised: Page:	OP-GA 6-24 04/01/15 1 of 1
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Policy:

An appeal may be filed against any decision regarding eligibility for relocation benefits. Appeals must be filed within 60 days after the person received written notification of the Department's determination on the person's claim.

The appeals shall be heard by the Relocation Appeals Board consisting of three members and one alternate appointed for that purpose by the ODOT Director. All rulings shall be reported to the Chief, Right-of-Way & Utilities Division. A record shall be kept of all hearings, and proper notices shall be served. The Oklahoma Rules of Evidence shall serve as guidelines, but shall not have the force of law, due to the nature of these cases and the fact that the appellants are not required to be represented by counsel.

The Relocation Appeals Board shall conduct the hearing of all appeals pursuant to Article II of the Administrative Procedures Act, Title 75 O.S. § 308a, et seq. The Relocation Appeals Board, on behalf of the Director, ODOT, shall issue a final agency Order pursuant to Title 75 O.S. § 312. The final agency Order shall be subject to rehearing pursuant to Title 75 O.S. § 318.

The Appeals Board shall be composed of a Chairman, Secretary, member and one alternate; and shall not be persons in positions which cause them to be directly involved in actions subject to appeal.

Scope:

Appeals arising out of appraisal processes, condemnation proceedings, and acquisition transactions not specifically enumerated, are beyond the scope of this policy and have recourse elsewhere.

Responsibility:

Chairman, Appeals Board

Establishing procedures, conducting hearings, and maintaining records.

Director, Oklahoma Department of Transportation

Appoint the three members to the Board and one alternate member for the purpose of issuing Final Agency Orders and is responsible for establishing procedures.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Cost Estimates and Relocation Impact Analysis	No: Revised: Page:	OP-GA 6-25 04/01/15 1 of 1
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Policy:

Whenever estimates of right-of-way costs for programming or for highway alignment studies and relocation impact analyses are prepared in the Right-of-Way & Utilities Division, they must be based upon accurate data furnished by persons competent in the specific fields encompassed by the elements being considered in the studies; and must contain factors for land, damages, service provider fees, utilities relocation and adjustment, staking, contingencies; relocation of persons and businesses, including moving costs, replacement housing benefits, demolition and any inspections. The information used to calculate a project estimate is to be obtained from actual on-site inspections.

Scope:

All projects progressing through the Right-of-Way & Utilities Division are within the scope of this policy, but specific projects may be individually accepted at the discretion of management.

Responsibility:

**Managers of Project Management, Mapping,
Utilities, Appraisal and Relocation Branches**

Responsible for preparation of right-of-way and other cost estimates and analysis.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for coordinating the use of Right-of-Way & Utilities Division personnel in the preparation of cost estimates.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Environmental Mitigation	No: Revised: Page:	OP-GA 6-26 04/01/15 1 of 1
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Policy:

In accordance with ODOT Policy Directive C-201-2, the Right-of-Way & Utilities Division is responsible for notifying Planning & Research Division (Now Environmental Programs Division) of possible contamination encountered during the right-of-way phase so they may initiate an investigation and evaluation of potential liability before acquisition, or to mitigate costs, or to avoid the site in order to prevent delays during construction.

Scope:

Applies to all projects assigned to the Right-of-Way & Utilities Division.

Responsibility:

Right-of-Way & Utilities Division Managers

1. Responsible for reporting possible involvement with undetermined or unknown hazardous waste or underground storage tanks.
2. Will initiate a request to Survey Division through Mapping Branch for unplotted underground storage tanks to be placed on the plans.

Chiefs, Right-of-Way & Utilities Division

Responsible for establishing procedures to maintain an environmental history of projects and specifically identified parcels.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Administrative Settlements	No: Revised: Page:	OP-GA 6-27 04/01/15 1 of 1
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Policy:

Whenever the Negotiation Agent identifies or is presented with a substantial reason to increase the amount of the offer, a recommendation is made to the supervisor for an administrative settlement giving a full explanation and justification for the recommended increase. Such administrative settlements are made in cases where an increase can be justified. Such increases should allow successful negotiations and avoid or mitigate condemnation by settlement out of court.

Scope:

Every acquisition may be subject to administrative settlement as long as it is in the best public interest.

Responsibility:

Negotiation Agent

Responsible for making a request for settlement through the chain of command.

Chief, Right-of-Way & Utilities Division

Responsible for reviewing the case and is the final authority for approving administrative settlements.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Per Diem, Travel Expense and Use of State Vehicles	No: Revised: Page:	OP-GA 6-28 04/01/15 1 of 1
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Policy:

Those employees who are officially authorized for per diem and travel expense shall receive compensation in accordance with the Department's policies. Those traveling in state-owned vehicles shall abide by Section 156.1 of Title 47, Oklahoma Statutes, and applicable ODOT Policies, which prohibit the use of state-owned vehicles for private purposes or personal business.

Responsibility:

Each driver of a state-owned vehicle

1. For proper use of the vehicle.

Each individual claiming per diem or travel expense

2. For the accuracy and validity of his/her own claim.

Right-of-Way & Utilities Division Managers

Responsible for the accuracy of their employees' expense vouchers.

Business Manager

Responsible for maintaining procedures that will insure a proper audit of expense claims and mileage logs.

Chief, Right-of-Way & Utilities Division

Approve all expense vouchers originating in the Right-of-Way & Utilities Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Oil/Gas Wells

No: OP-GA 6-29
Revised: 04/01/15
Page: 1 of 2

Policy:

The valuation, acquisition, and/or relocation of oil/gas wells and other similar installations shall be addressed as follows:

Oil/Gas Wells

Oil/Gas wells are not providing a direct utility service to the public. Oil/Gas wells are generally privately owned gathering, storage, and transmission sites, but may be owned and operated by public utilities.

Potentially, there are four entities involved in an oil/gas well site; the mineral owner, the surface owner, the well owner (working interest and overriding royalty interest owners), and the well operator (if not a working interest owner).

The mineral owner has a compensable interest, but if the well can be re-drilled and placed back in operation, then there is no compensation due from the agency as minerals will not be lost and loss of business is non-compensable. Mineral interest is in the nature of a real property interest and the mineral owner should be compensated for the loss of the mineral estate if a well cannot be re-drilled to extract the minerals or if the expense of re-drilling exceeds the value of any recoverable minerals. This is generally done on the strength of a Reservoir Engineer's assessment of the remaining minerals in the ground.

The surface owner will be or will have been compensated by the acquisition and will not have an otherwise compensable interest.

In the event another well can drilled, the well owner (working interest and overriding royalty interest owners) generally will be compensated only for their proportionate share of the drilling and completion costs required by the new well in conjunction with the provisions of the 'joint operating agreement' in place on a cost-to-cure basis. In the event another well cannot be drilled, then the well owner (working interest and overriding royalty interest owners) will be compensated for the value of the lost minerals in-place less the cost of capture, based generally on a Reservoir Engineer's assessment of the remaining minerals in the ground, less the royalty. There may also be reestablishment expenses that would be handled through the relocation process.

The above ground equipment; including the pump jack, the tank batteries, gas separator, well head, etc. are generally owned by the well owners (working interest owners) in accordance with the provisions of the 'joint operating agreement'. If it is determined that the above ground equipment is owned solely by the well operator, then the Department generally deals with these items as real property, appraising and acquiring. However, there is also the option of dealing with this as personalty and handling it through the relocation process as well, specifically if the well owner re-drills.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Oil/Gas Wells	No: Revised: Page:	OP-GA 6-29 04/01/15 2 of 2
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The agency also has the obligation to contact the Oklahoma Corporation Commission and work to close and properly plug and abandon any acquired well.

Each situation is different and the circumstances will dictate how the agency approaches the situation and it requires the cooperation of all the Branches involved identifying the correct approach based on the above. No one is to “assume” another Branch is taking care of the situation, verify and document everything.

Responsibility:

Managers, Appraisal, Acquisition, Utilities and Relocation Branches

The enforcement of the policy on Oil/Gas Wells shall be the responsibility of the Branch Managers. They are required to work together and determine the most effective approach and ensure efforts to resolve these situations are undertaken in an efficient and timely manner

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Outdoor Advertising Signs/Communication Towers – Trade Fixtures	No: OP-GA 6-30 Revised: 04/01/15 Page: 1 of 3
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Policy:

Outdoor Advertising Signs and Communication Towers are trade fixtures and considered as personal property.

Scope:

Outdoor Advertising Signs

An Outdoor Advertising Sign has a ground (real property) lease, in accordance with Federal regulation, State Statute and case law, it is the policy of the Division to consider, dispose, and/or relocate Outdoor Advertising Signs as personal property. In the event the Outdoor Advertising Sign must be impacted, then it shall be relocated or acquired on a cost less depreciation basis.

Reference the following:

1. 49 CFR § 24.301(f) stipulates Outdoor Advertising Signs are personal property.
2. 69 O.S. 2001 § 1280(B) stipulates Outdoor Advertising Signs are trade fixtures.
3. The case law that defines trade fixtures as personal property is:
 - a. ODOT V. Lamar Outdoor Advertising 2007 OK CIV APP 105
 - b. Waterford Energy, Inc. V. Oklahoma Tax Commission 845 P 2nd 198(1992).

Communication Towers

Potentially, there are three or more individual entities involved in a Communication Tower's site; the surface owner, the tower owner, and the entity(ies) leasing space on the tower.

Communication Towers, like Outdoor Advertising Signs have a ground (real property) lease. However, unlike Outdoor Advertising Signs, the method of the acquisition of a Communication Tower will depend on whether it is a public/private utility or privately owned non-utility. Public Utility Facility is defined as meaning any publicly, privately, municipally or cooperatively owned facility or system, which is used to provide water, power, light, gas, sewer, telegraph, telephone and communications, or like utility service, to the public in the State of Oklahoma, or some portion thereof.

Reference the following:

1. 69 O.S. 2001 § 1205(k) defines utility facility.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Outdoor Advertising Signs/Communication Towers – Trade Fixtures	No: OP-GA 6-30 Revised: 04/01/15 Page: 2 of 3
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If the Communication Tower's site is acquired, the surface owner has a compensable interest on the basis of the ground lease which will be included in the acquisition offer.

As stated above, the Communication Tower's owner may be a public utility, a private utility, or privately held.

- If the Communication Tower's owner is a public utility, then it shall be addressed as a utility relocation.
- If the Communication Tower's owner is a private utility, then it shall be addressed as a utility relocation.
- If the Communication Tower's owner is privately held, then they have a compensable interest in the Communication Tower, and other associated facilities by virtue of their ground lease with surface owner, and the facility should be acquired at the value of its cost new, less depreciation.

The entities leasing space on the Communication Tower(s) are generally considered Public Utilities as they are generally entities such as Sprint, AT&T/SBC, Cricket, etc., and are addressed as Public Utilities since they meet the statutory definition of such.

Communication Towers are licensed and regulated by the Federal Communications Commission, and should be relocated, whenever possible, in accordance with the Federal Communications Act.

Responsibility:

Managers, Appraisal, Acquisition, Utilities and Relocation Branches

Outdoor Advertising Signs

The role of Outdoor Advertising Branch is to maintain an inventory of billboards and inform the other branches of the Division which signs are legally permitted and which ones are grand-fathered.

The Appraisal Branch is to value the cost of relocation and the depreciated cost of a new billboard and offer the lesser of the two.

The Acquisition Branch is to secure the billboard interest.

The Utilities and Relocation Branches are to coordinate the timely removal of the Outdoor Advertising Signs.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Outdoor Advertising Signs/Communication Towers – Trade Fixtures	No: OP-GA 6-30 Revised: 04/01/15 Page: 3 of 3
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Communication Towers

Each situation should be approached based on its specifics and it requires the cooperation of all the Branches involved to identify the correct approach based on the above. No one is to “assume” another Branch is taking care of the situation, verify and document every time.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contact with Persons with Limited English Proficiency	No: OP-GA 6-31 Revised: 04/01/15 Page: 1 of 1
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Policy:

The Right-of-Way & Utilities Division shall comply fully with Federal Law, State Statute and Department Policy pertaining to Limited English Proficiency (LEP) requirements.

The Right-of-Way & Utilities Division will provide people with LEP the resources for comprehension for meaningful decision making per Federal Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Contacts with all property owners will be done in accordance with Title VI of the Civil Rights Act of 1964.

Scope:

Applies to anyone with Limited English Proficiency.

Responsibility:

Chief, Right-of-Way & Utilities Division

Regulate the Division's Operations

Appraisal, Acquisition & Relocation Branch Managers

Ensure compliance with this policy in all contacts with property owners or relocatees.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Functional Replacement of Real Property in Public Ownership	No: OP-GA 6-32 Revised: 04/01/15 Page: 1 of 1
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Policy:

Functional Replacement of Real Property in Public Ownership pursuant to 23 CFR § 710.509.

Scope:

Only Government owned properties will be considered for Functional Replacement Procedures.

Responsibility:

Appraisal, Acquisition & Relocation Branch Managers

Responsible for submitting written requests to the Chief for review.

Chief, Right-of-Way & Utilities Division

Responsible for approving requests for consideration of Functional Replacement and for seeking concurrence from the FHWA with regard to projects utilizing Federal Funds.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Right-of-Entry	No: Revised: Page:	OP-GA 6-33 04/01/15 1 of 1
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Policy:

Right-of-Entry is a mechanism for securing the right to occupy and use a specific piece(s) of property prior to obtaining full legal possession. This mechanism is to be used only for unique and rare instances.

Scope:

Applies only to ODOT's 8-year Construction Work Plan for non LPA projects. All other projects and programs do not have the authority to utilize this mechanism in regard to securing property prior to the letting of a construction project.

Also reference 23CFR 635.309(c)(2)

Acquisition Branch Manager

Responsible for submitting a written request to the Chief R/W & Utilities Division for approval to use a right-of-entry letter to preserve the Departments ability to occupy and use property while seeking full legal possession.

Chief, Right-of-Way & Utilities Division

Responsible for approving request for consideration to use a Right-of-Entry letter.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contract Administration – Personal Service Contracts	No: Revised: Page:	OP-PSC 6-1 04/01/15 1 of 2
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Policy:

The Right-of-Way & Utilities Division will establish and administer procedures for the administration of personal service contracts. The procedures established will comply with applicable state and federal statutes, orders, rules and regulations including, but not limited to, the following:

1. Title 74 O.S. § 85.12, Subsection 3 exempts ODOT from the Oklahoma Central Purchasing Act except for 74 O.S. § 85.39 - Development and Promulgation of Internal Purchasing Procedures.
2. Title 69 O.S. § 1502 - Authorized Expenditures of Funds and Money for Roads, Bridges, and Ferries.
3. Title 61 O.S. § 103.5 exempts ODOT from the Competitive Bidding Act when it comes to contracts below \$50,000 entered into solely for right-of-way clearance, commonly known as Improvement Removal Contracts.
4. Title 49 of the Code of Federal Regulations (CFR) § 18.36(a) which states, "A State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations."
5. Title 23 of the Code of Federal Regulations (CFR) § 172 as supporting regulations only.

NOTE:

Personal services are retained by contract when they are needed to accomplish the operation of the Right-of-Way & Utilities Division. Such services will be retained only when staff personnel are not available and it is determined that fee services are necessary to meet work schedules in a timely manner.

Scope:

Personal services, not to be confused with professional services, are defined as services which are predominately physical or manual in character and may involve the supplying of products. They include, but are not limited to, the following services: appraisal, right-of-way plan and document preparation, title and abstracting; negotiation; utility relocation, right-of-way relocation assistance; or other specialty services which the Right-of-Way & Utilities Division is not adequately staffed to perform.

Those contracts which do not fall under this classification, whether for services or goods, are beyond the scope of this policy and are not governed by this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contract Administration – Personal Service Contracts	No: Revised: Page:	OP-PSC 6-1 04/01/15 2 of 2
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Responsibility:

Branch Managers

Administer the following steps of the contract administration for their respective branches: contractor prequalification, needs assessment, and request for authorization to proceed with contract.

Responsible for the following: contractor selection via the applicable selection method, request for contractor approval, request for written contract.

Responsible for the following: contract execution, notice to proceed, contract distribution, contract monitoring, contract close out and contractor evaluation.

Assistant Chief, Right-of-Way & Utilities Division

Verify that the need for a personal service contract exists, on a case by case basis and verify the availability of funds. Upon approval, the request will be returned to the Branch Manager for action. If the request is not approved, the request will be returned to the Branch Manager with an explanation of disapproval.

Office Manager

Prepare the written contract and return it to the appropriate Branch Manager.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Contractor Qualification – Personal Service Contracts

No: OP-PSC 6-2
Revised: 04/01/15
Page: 1 of 2

Policy:

The Right-of-Way & Utilities Division will establish and administer procedures for the pre-qualification of right-of-way service providers seeking the opportunity to be placed on the Right-of-Way & Utilities Division's Approved Service Provider's List. 61 O.S. § 118 gives the Oklahoma Department of Transportation, Right-of-Way & Utilities Division, under the authority of the Oklahoma Transportation Commission, the right to establish a system for pre-qualifying prospective bidders. The Right-of-Way & Utilities Division shall be the sole judge of the qualifications of prospective bidders and shall ascertain, to their exclusive satisfaction, the qualifications of each pre-qualified bidder.

Newly qualified contractors shall be required to participate in a satisfactory pilot project(s) for the service applied for (or a satisfactory project for each Branch of the Right-of-Way & Utilities Division should the contractor request to qualify as a turnkey contractor) prior to final approval.

NOTE:

Service Providers can request to be added to the approved list at any time.

Scope:

Effective the date of policy approval (see above), service providers must be pre-qualified and placed on the Right-of-Way & Utilities Division's approved Service Provider's list prior to being permitted to submit proposals on projects open for bid. Pre-qualification will be valid for a period of two (2) years - at which time the contractor will be required to submit a request for re-qualification to the Right-of-Way & Utilities Division. The service provider will be notified prior to their re-qualification deadline and sent a Re-qualification Application to fill out and submit to the Division for approval to remain on the Approved List.

Responsibility:

PRE-QUALIFICATION

Branch Managers

Pre-qualification. Responsible for the following steps of the pre-qualification process for their respective branches: take requests from potential service providers; transmit Pre-qualification Questionnaire and service provider qualification requirements to the provider; review completed questionnaires and required documentation; verify information on questionnaire; request additional information, if necessary; conduct personal interview, prepare Rating Sheet (for internal use only); prepare any pertinent notes regarding the application, documentation, and interview; submit to the Assistant Chief, Right-of-Way & Utilities Division for concurrence.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contractor Qualification – Personal Service Contracts	No: Revised: Page:	OP-PSC 6-2 04/01/15 2 of 2
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Assistant Chief, Right-of-Way & Utilities Division

Approve or disapprove the recommendation and return to the Branch Manager or forward to the Chief, Right-of-Way & Utilities Division.

Office Manager

Maintain the official list of pre-qualified service providers.

RE-QUALIFICATION

Branch Managers

Re-qualification: Responsible for the following steps of the re-qualification process: prior to the end of the two (2) year period that the service provider has been on the Approved Service Provider's List, send out a Re-qualification Application with a cover letter outlining the process; review completed applications; recommend approval or disapproval to continue to remain on the Approved List to the Assistant Chief, Right-of-Way & Utilities Division for concurrence.

Assistant Chief, Right-of-Way & Utilities Division

Approve or disapprove the recommendation and return to the Branch Manager or forward to the Chief, Right-of-Way & Utilities Division.

Office Manager

Maintain the official list of pre-qualified service providers.

Pre-Qualification & Re-Qualification

Chief, Right-of-Way & Utilities Division

Retains final approval authority for all service provider issues; Pre-Qualification, Re-Qualification, Removal, etc...

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contractor's Service Evaluation – Personal Service Contracts	No: Revised: Page:	OP-PSC 6-3 04/01/15 1 of 2
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Policy:

Title 74 § 85.12 of the Oklahoma Central Purchasing Act exempts the Oklahoma Department of Transportation from the Act except for § 85.39, Development and Promulgation of Internal Purchasing Procedures. Subsection C. states "Each state agency shall maintain a document file for each acquisition the state agency makes which shall include, at a minimum, justification for the acquisition, supporting documentation, copies of all contracts, if any, pertaining to the acquisition, evaluations, written reports if required by contract, and any other information the State Purchasing Director requires be kept." Right-of-Way & Utilities Division Procedure Statement PRO 6.1-10, Contract Administration - Personal Service Contracts, states that the service provider's performance resulting from the associated project contract shall be evaluated at the time of contract close out. Future use of contractors will be based upon these evaluations.

Scope:

With the advent of extensive outsourcing it was necessary to develop a vehicle to evaluate the work of contractors performing services for the Oklahoma Department of Transportation, Right-of-Way & Utilities Division. That vehicle needed to be put in place to assist in maintaining a standard of excellence in the work performed under the auspices of the Oklahoma Department of Transportation. The Contractor's Service Evaluation is that vehicle. The evaluation shall be a fair and equitable process that allows an opportunity to respond to the rating should the contractor deem the evaluation to be unfair or inequitable.

Responsibility:

Contract Facilitator

Complete the Contractor's Service Evaluation form and submit it to the Branch Manager for concurrence.

Branch Managers

Review the evaluation. If the Branch Manager is not in concurrence, the evaluation should be discussed with the Contract Facilitator. Upon concurrence, sign where indicated, and forward the form to the Assistant Chief, Right-of-Way & Utilities Division, for concurrence.

NOTE:

A face-to-face meeting with the contractor to discuss the evaluation is required if the rating does not meet standards.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contractor's Service Evaluation – Personal Service Contracts	No: Revised: Page:	OP-PSC 6-3 04/01/15 2 of 2
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Assistant Chief, Right-of-Way Division

Review the evaluation:

1. If the Assistant Chief concurs, sign where indicated, and forward to the Chief, Right-of-Way & Utilities Division.
2. If the Assistant Chief is not in concurrence, attach supporting documentation to the evaluation indicating otherwise, discuss with the Branch Manager and forward to the Chief, Right-of-Way & Utilities Division.

Chief, Right-of-Way Division

Review the evaluation:

1. If the Chief concurs, sign where indicated, and return the form to the Branch Manager for distribution.
2. If the Chief is not in concurrence, attach supporting documentation to the evaluation indicating otherwise, discuss with the Branch Manager and the Assistant Chief, Right-of-Way & Utilities Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal	No:	OP-APP 6-1
	Revised:	04/01/15
	Page:	1 of 3

Policy:

Appraisal reports shall be made on all projects prior to the initiation of negotiations to acquire real property.

Appraisal reports shall provide the real estate portion of just compensation including land, improvements, fixtures, any or all damages to the part not taken and all partial interests in real estate, both freehold and leasehold.

An appraisal report is a written statement independently and impartially prepared by a qualified, certified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

The following tables identify a comparison and the consistencies for 49 CFR Part 24 and USPAP in regard to appraisal practices.

Consistencies

49 CFR Part 24	USPAP
A written statement	Standard 2 – Reporting
Independently and impartially prepared	Ethics Provision – Conduct
by a qualified appraiser	Standard 1, Standards Rule 1
setting forth an opinion of defined value	Standards Rule 1 and 2
of an adequately described property	Standards Rule 1 and 2
as of specific date	Standards Rule 1 and 2
supported by the presentation	Standards Rule 1
and analysis	Standards Rule 1
of relevant market information.	Standards Rule 1 and 2

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal	No:	OP-APP 6-1
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Comparison

Uniform Act	USPAP
Government Acquisition of private property in support of public programs	Varied private sector needs but dominated by mortgage lending
Comply with Constitution: Just Compensation based on Fair Market Value appraisal	Provide order and control of the appraisal profession
Fair treatment of owner(s) <u>and</u> taxpayers	Avoid confusing and misleading appraisal users and protect appraisers
Reflect market appraisal standards	Set nationwide appraisal standards
Agency knows what it needs and why	Appraisal user may have limited or no appraisal knowledge
Appraiser needs information and guidance from agency/user	Appraiser determines what is needed and sets the appraisal parameters

The format and level of documentation for an appraisal will depend on the complexity of the appraisal problem. The Department's Appraisal Branch Procedures will serve as a reference for generally acceptable appraisal formats and levels of documentation. The appraisal reports shall be in compliance with the current standards set forth in USPAP and the requirements as stated in the Uniform Act 49 CFR 24.103.

Despite the fact that Uniform Act requirements are separate from USPAP standard rules, both are consistent. In 1990 FHWA wrote the Standards Board asking for a review of 49 CFR Part 24 appraisal and appraisal review requirements vis-à-vis USPAP. The Appraisal Standards Board replied on October 25, 1990 that they had reviewed 49 CFR 24.103 and 24.104 and determined they were consistent with provisions and standards rules in USPAP. Since that time there has been no change in 49 CFR 24.103 and 24.104 that would be inconsistent with USPAP.

Where there are perceived differences between the standards of USPAP and the requirements of the Uniform Act conflict, The Uniform Act typically prevails in eminent domain appraisals. In the event that a conflict occurs between the requirements as set forth in USPAP, and the Uniform Act, it must be brought to the attention of the Appraisal Branch Manager for resolution.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal	No: Revised: Page:	OP-APP 6-1 04/01/15 3 of 3
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Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for the preparation of proper appraisals and appraisal review procedures.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for the institution of procedures that conform to policy.

Chief, Right-of-Way & Utilities Division

Responsible for regulating the operations of the division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Waiver Valuations	No: Date: Page:	OP-APP 6-2 04/01/15 1 of 1
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Policy:

Pursuant to 49 CFR 102 (c)(2)

As directed by the Chief, Right-of-Way & Utilities Division, utilizing the waiver valuation procedures, the same person may value and negotiate the acquisition of a parcel only when the agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is less than \$10,000 including cost to cure items.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief of Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for the determination of waiver parcels.

Manager Acquisition Branch

Responsible for the valuation of appraisal waivers

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal and Appraisal Review Acceptance	No: OP-APP 6-3
	Date: 04/01/15
	Page: 1 of 1

Policy:

No appraisal report or appraisal review prepared by a fee appraiser or fee reviewer will be compensated for until formally accepted by the Department.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Supervisor Appraisal Branch

Responsible for carrying out this policy

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Establishing Just Compensation	No: Date: Page:	OP-APP 6-4 04/01/15 1 of 1
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Reference:

State of Oklahoma Constitution Article 2 § 24

Policy:

Ultimately, the final value authorized by the Department is at the sole discretion of the Assistant Chief, or Chief, Right-of-Way & Utilities Division, as defined by the agency officials and by 49 CFR 24.102(d) & 27 O.S. 2011 § 13.

For the purpose of ODOT Right-of-Way acquisitions, just compensation shall mean the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken.

The approved amount of just compensation shall not be less than the approved appraisal review of the fair market value of the property to be acquired, taking into account the value of the allowable damages or benefits to any remaining property.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal and Acquisition Branch

Responsible for providing a documented recommendation of just compensation.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for the establishment of just compensation.

Chief, Right-of-Way & Utilities Division

Responsible for the establishment of just compensation.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal in Excess of \$250,000	No: Revised: Page:	OP-APP 6-5 04/01/15 1 of 1
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Policy:

Two appraisals shall be made on all properties where the estimated value is in excess of \$250,000, unless specified otherwise by the Chief of Right of Way and Utilities Division.

A second appraisal may also be required when, in the opinion of the Appraisal Branch Manager, extenuating circumstances warrant an additional appraisal.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for the evaluation and recommendation of the need for a second appraisal.

Chief, Right-of-Way & Utilities Division

Shall use his/her discretion in making a decision as to the need for a second appraisal.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Highest Supportable Value	No: Date: Page:	OP-APP 6-6 04/01/15 1 of 1
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Policy:

Every consideration is to be given by both the appraiser and the review appraiser to be at the top of the supportable market in determining the final value opinions.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for the preparation of proper appraisals and appraisal review procedures.

Review Appraiser

Responsible for the recommendation of just compensation, including damages or benefits, if any.

Chief, Right of Way and Utilities Division

Responsible for the establishment of just compensation.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Personal Property	No: Revised: Page:	OP-APP 6-7 04/01/15 1 of 1
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Policy:

Typically personal property is not considered as a part of the realty and is excluded from the appraisal in most instances.

Due to the nature of eminent domain acquisitions in some instances it is preferred and may become necessary to include personal property either as a part of the realty or in the compensation due the property owner. This can be accomplished thru the appraisal process.

The appraiser shall coordinate with the relocation agent in the determination of personal property to be included in the appraisal report and personal property to be handled by relocation personel.

The ODOT Appraisal Branch Manager shall provide guidance and advice as these instances occur and shall render a ruling for any item which cannot be clearly identified as either real property or personal property.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for the guidance and the development of procedures regarding this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Private Utilities	No: Date: Page:	OP-APP 6-8 04/01/15 1 of 1
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Policy:

Privately owned utility lines (such as water, oil, natural gas, and electric) are classified into two categories':

- Those privately owned by the landowner (typically water, gas, and electric)
- Those that are tenant owned (typically oil, natural gas)

Compensation for operating private utility lines owned by the landowner owner shall be based on like kind functional replacement costs.

Operational private utility lines owned by the tenants shall be handled in the same manner as stated above, however a Disclaimer of Tenant Owned Improvements must be obtained from the landowner.

Coordination with ODOT Utilities Branch is required to avoid duplication of payments.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for the implementation of this policy.

Managers, Appraisal and Utilities Branches

Responsible for the classification and proper handling of tenant owned private utilities involved in appraisals.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiation by Appraisers and Review Appraisers	No: Revised: Page:	OP-APP 6-9 04/01/15 1 of 1
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Reference:

24 CFR 102(n) (2)

Policy:

To avoid situations that may lead to a conflict of interest or even the perception of a conflict of interest, no appraiser or review appraiser shall negotiate for property acquisition on any project which he/she has or will be providing appraisal related services.

It is intended that there be a clear separation between the appraisal process and the negotiation process.

Scope:

There shall be no exceptions unless as directed by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Managers, Appraisal and Acquisition Branch

Responsible for implementing this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Trade Fixtures	No: Revised: Page:	OP-APP 6-10 04/01/15 1 of 2
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Reference:

OP-GA 6-30, 23 CFR 750 Subpart D
24 CFR 301(f)

Policy:

Trade fixtures legally located within a proposed new right-of-way will be addressed as part of the appraisal process.

Leasehold interest will be paid to the land owner as defined by the definitions below.

Compensation for trade fixtures shall be based on the reproduction cost new less depreciation, of the trade fixture, or the cost to relocate it, whichever is less.

The only exceptions to relocating a trade fixture, other than stated above, are as follows:

1. Outdoor Advertising signs - The only exceptions to relocating an outdoor advertising sign are those set forth in the Highway Beautification Act of 1965, or as determined by the Chief of Right-of-Way and Utilities Division.
2. All other trade fixtures may be relocated unless prohibited by governmental regulation, or there is no suitable location for the fixture to be relocated to.

Scope:

This policy applies only to trade fixtures legally located within the proposed new right-of-way. This policy does not apply to trade fixtures which are encroaching on present right-of-way, or which are illegally erected, as those trade fixtures are considered non-compensable items.

Responsibility:

Manager, Appraisal Branch

Responsible for the preparation and implementation of procedures in accordance with this policy.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for coordination and implementation of sign / trade fixture appraisal procedures in conformance with this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Trade Fixtures	No: Revised: Page:	OP-APP 6-10 04/01/15 2 of 2
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Chief, Right-of-Way & Utilities Division

Responsible for approving policy and procedures.

Definitions:

Outdoor Advertising Signs - Any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform the public of activities, products or services which are not located on the property on which the sign is located.

On-Premise Activity Signs - Signs which advertise activities conducted upon the property on which the sign is located, including but not limited to goods sold, stored, manufactured, processed or mined thereon, or services rendered from or entertainment provided thereon.

Trade Fixtures - Articles of personal property annexed by a business tenant to real property, which are necessary to the carrying on of a trade and are removable by the tenant. Items specifically included in this definition – Outdoor advertising signs and communication towers

Leasehold Interest/Tenant Position - The sign company/tenant shall be compensated for the difference between the value of a typical land lease and the market rent value of typical sign / trade fixture land leases, if any.

Leasehold Interest/Owner Position - If the lease does not conflict with the highest and best use of the land, the owners shall be compensated for the present value of the unexpired term of the lease.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Salvage Estimates	No: Revised: Page:	OP-APP 6-11 04/01/15 1 of 1
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Policy:

Salvage value estimates shall be provided upon request, for all major improvements scheduled to be acquired by the State.

During negotiations, the property owner may be presented with a separate retention offer.

Scope:

There are no exceptions, except as approved by Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Acquisition Branch

Responsible for requesting salvage value estimates.

Staff/ Fee Appraiser

Responsible for preparing salvage value estimates.

Manager, Appraisal Branch

Responsible for seeing that all necessary salvage estimates are made.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Uneconomic Remnants	No: Revised: Page:	OP-APP 6-12 04/01/15 1 of 1
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Policy:

See 27 O.S. 2011 § 13 for reference.

If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, an offer to acquire that remnant shall be made.

For the purposes of this policy, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition, of the owner's property, which has little or no value or utility to the owner as determined by the Department and as provided for by 49 CFR 24.102(k).

This policy only applies to those properties which were considered to be functionally economic prior to the acquisition.

In the event that a property is considered to be uneconomic / unusable prior to the start of the project it is not the responsibility of the Department to acquire the remnant.

Responsibility:

Manager, Appraisal Branch

Responsible for making the preliminary evaluation and recommendation to purchase an uneconomic remnant.

Right-of-Way & Utilities Division Branch Managers

May make a written recommendation to the Chief, Right-of-Way & Utilities Division concerning the acquisition of an uneconomic remnant.

Chief, Right-of-Way & Utilities Division

Shall use his/her discretion in making a decision to concur in the recommendation or to disapprove the proposed acquisition of an uneconomic remnant.

NOTE:

It is the Department's decision as to what constitutes an uneconomic remnant, not the property owner's desire.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Other Remainders	No: Revised: Page:	OP-APP 6-13 04/01/15 1 of 1
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Policy:

See 27 O.S. 2011 § 13 for reference.

The acquiring agency may also acquire remainders that are not uneconomic remnants, in order to avoid claims of severance or damage in litigation.

Responsibility:

Manager, Appraisal Branch

Responsible for making the preliminary evaluation and recommendation to purchase a remainder property.

Right-of-Way & Utilities Division Branch Managers

May make a written recommendation to the Chief, Right-of-Way & Utilities Division concerning the acquisition of a remainder property.

Chief, Right-of-Way & Utilities Division

Shall use his/her discretion in making a decision to concur in the recommendation or to disapprove the recommendation to acquire the remainder property.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Minimum Compensation Amounts	No: Revised: Page:	OP-APP 6-14 04/01/15 1 of 1
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Policy:

Where the acquisition of property interest is of a small or insignificant nature, the minimal valuation of that ownership interest for purposes of establishing an offer shall be a minimum of \$500.00.

Tenant interests for purposes of establishing a minimum offer shall be \$100.00.

Responsibility:

Appraiser

Value the acquisition of small or insignificant parcels in accordance with above policy.

Review Appraiser

Check the valuation of small or insignificant takings by the appraiser and establish the minimum compensation in accordance with above policy, if necessary.

Manager, Appraisal Branch

The enforcement of the policy on minimum compensation amounts shall be the responsibility of the Appraisal Branch Manager.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Outside Requests to Perform Appraisal Services	No: Date: Page:	OP-APP 6-15 04/01/15 1 of 1
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All appraisal related work requests from any source outside of Right of Way & Utilities Division are to be submitted to the Chief or Assistant Chief of Right of Way & Utilities Division.

The Chief or Assistant Chief of Right of Way & Utilities Division will assign and prioritize the requests in order to ensure consistency.

All assignments are to be completed and turned into the Chief or Assistant Chief of Right of Way & Utilities Division within 30 days of being assigned.

All requests will be formally submitted in writing.

There are no exceptions.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Damage Studies	No: Date: Page:	OP-APP 6-16 04/01/15 1 of 1
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Policy:

Damage studies are essential as a means of supporting documentaion to address the adverse effects of a partial acquisition.

Damage studies are relevant to all parcels that have damages to the remainder beyond that of cost to cure damages.

Damage studies must be pertinent to the appraisal problem, project specific, geographically relevant, and current.

For the purpose of this policy statement damage studies are divided into two separate classifications;

1. Those studies which are utilized on an individual parcel basis
2. A project wide comprehensive damage study intended to be utilized throughout the length of the project

In those instances where large numbers of properties have the potential for damages to the remainders, the Chief of Right of Way and Utilities Division may determine that there is a need to commission a project wide, comprehensive damage study be conducted to address these issues.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible for implementation of this policy statement.

Responsible for recommending projects that may be suitable for a project wide comprehensive damage study to the Chief of Right of Way and Utilities Division.

Chief Right of Way and Utilites Division

Responsible for the determination of a need for project wide comprehensive damage studies to be conducted.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Submission of Deliverables	No: Date: Page:	OP-APP 6-17 04/01/15 1 of 1
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Policy:

All Appraisals, Appraisal Reviews, Master Addendums or other documents must be submitted in both paper and digital format, and capable of electronic submission.

Appraisals:

Paper submission – generated in either Microsoft Word or Word Perfect

1 original
1 copy

Electronic submission

CD or flashdrive

Status Reports:

Paper submission – generated in Microsoft Excel

1 copy at monthly service provider meeting.

Electronic submission – generated in Microsoft Excel

E- Mail – weekly to Project Facilitators, and the Appraisal Branch Manager before 12 pm (noon) on the first working day of each week.

Contracts:

Submittal must be electronic capable

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Appraisal Branch

Responsible oversight of all documents.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Front Land, Back Land, Value Zone Concepts	No: OP-APP 6-18
	Revised: 04/01/15
	Page: 1 of 2

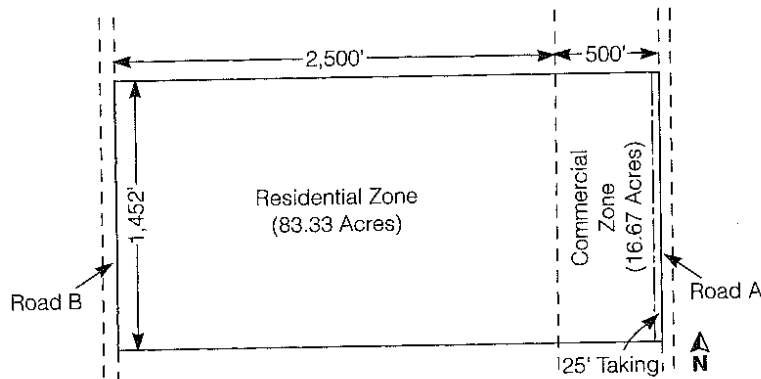
Front land, back land or value zones can only exist on properties with differing highest and best uses. Considerable case law across the country has developed over time, regarding how best to value the differing usages.

While much of this is continually debated, the proper determination of the larger parcel provides the solution to the appraisal problem. It is recommended that the appraiser be familiar with J. D. Eaton's – Real Estate Valuation in Litigation

A good example of the proper method of determining the larger parcel is found in J. D. Eaton's – Real Estate Valuation in Litigation and is detailed below:

Figure 5.5 shows a 100-acre farm that is subject to two zoning classifications. The proposed widening of Road A necessitates the acquisition of the easterly 25 feet of the tract. The highest and best use of the property coincides with its current zoning. The property is owned by a single individual and is contiguous, but there is no unity of highest and best use. Thus, the larger parcel in this case is the easterly 500 feet of the ownership and only this part of the tract is subject to compensable damages and/or special benefits.

FIGURE 5.5 NO UNITY OF USE



This determination of the larger parcel eliminates the application of the *backland theory* described in Chapter 3. The backland theory would be used, and misused, far less frequently if appraisers and others involved in condemnation proceedings had a better understanding of the larger parcel premise. Once the appraiser has identified the larger parcel, the scope of the analysis required is narrowed substantially. In the above case, only the easterly 500 feet need to be appraised, so only comparable commercial land sales have to be investigated and analyzed. Residential land sales need not be studied.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Front Land, Back Land, Value Zone Concepts	No: Revised: Page:	OP-APP 6-18 04/01/15 2 of 2
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The practice as illustrated simply allows that ODOT will compensate the property owner for the current fair market value of the portion of the tract to be acquired as it currently exists as determined by the larger parcel.

This satisfies Article 2 Section 24 of the Constitution of the State of Oklahoma as amended which reads:

Just compensation shall mean the value of the part taken.....

In many instances the fair market value of the front land is greater than that of the back land, or even the average unit price of the tract. The fact that the adjacent areas of land which have different highest and best uses are all under the same ownership, and together compose a large tract does not presuppose that they would be developed or marketed as a single tract. In fact, market realities often dictate otherwise.

An owner ordinarily will sell a portion of his property for the highest price the market will bear so long as that use does not damage the value of the remainder.

ODOT has long recognized that different portions of the ownership tract may have different highest and best uses and, thus different per unit values.

This practice allows ODOT to compensate a property owner for the value of the land to be acquired based on the current highest and best use of the land being acquired. While at the same time staying consistent with ODOT policy statement OP-APP 6-6

The land owner is thus to be awarded the actual market value of the particular portion of the property to be acquired, valued according to its highest and best use. The land owner is not limited to the average price per unit value as a pro rata portion of the parent tract where the front portion has a different highest and best value. Nor is the land owner limited to compensation commensurate with backland value when his frontage is being acquired,

Where market evidence shows the front portion of the tract to be acquired has a higher value than the rear portion of the tract, the landowner must be compensated at the value of the land actually acquired rather than an average value based on its proportionate portion of the land area of the parent tract, nor shall the land owner be compensated for backland value when front land is actually being acquired. The reverse holds true when the portion of the property to be acquired is part of the backland or a less desirable portion of the tract.

In every instance the valuation of the land to be acquired shall be based on that portions of the lands (the larger parcel) it's highest and best use, and current market value before the proposed acquisition.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Disclaiming Property Rights Interest	No: Date: Page:	OP-APP 6-19 04/01/15 1 of 1
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Policy:

In those instances where the landowner has only a fractional or no interest in all or a portion of the property right(s) being compensated for, the appraiser / agent must make every effort to obtain a signed Disclaimer of Property Right(s) Interest, or document why such disclaimer was not obtained.

Scope:

Any exceptions to the terms of this policy must be approved by the Chief, Right-of-Way & Utilities Division.

Responsibility:

Appraiser / Agent

Responsible for obtaining a signed Disclaimer of Property Right(s) Interest form or documenting why such disclaimer was not obtained.

Manager, Appraisal Branch

Responsible for the implementation of this policy for those parcels where an appraisal was obtained.

Manager, Acquisition Branch

Responsible for the implementation of this policy for those parcels where a waiver was obtained.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal of Contaminated Properties	No: Date: Page:	OP-APP 6-20 04/01/15 1 of 1
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Policy:

Each property will be appraised as though clean, free and clear of any contamination unless otherwise instructed.

Basis:

While various forms of contamination are common, as per Policy Directive C-201-2-E (1), ODOT Environmental Programs Division personnel and Preliminary Design personnel performing field work, are actively involved in identifying site contaminants. Environmental assessments and other environmental services result in detailed identification, quantification, and where appropriate estimating remediation costs in the preliminary development stages, thus providing ODOT with the opportunity to properly address contaminated sites.

Action:

It is recognized that the appraisers employed by ODOT are not experts in the field of environmental contamination. If the appraisers suspect that through their research, property inspection, or statements made by others, that there appears to be the likelihood that environmental contamination may exist on the site, the appraiser is to notify ODOT Appraisal Branch personnel of the fact immediately, while further providing photographs (if possible) and statements to the effect, prominently located within the body of the appraisal report.

ODOT Appraisal Branch personnel will notify Environmental Programs Division of any potential contamination brought to their attention.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Easement Valuation	No: Revised: Page:	OP-APP 6-21 04/01/15 1 of 2
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Separating easement value from the underlying fee value is often times difficult and complex.

The following is provided as a guideline for the valuation of easements for ODOT appraisal reports.

Direct market evidence is the best and expected methodology to use to arrive at easement valuation. However, market evidence is not always readily available and, if that is the case, the appraiser should utilize the following ODOT standard of practice regarding easement valuation. The valuation percentages set forth below are ODOT's standard of practice rather than market driven. Unless stated otherwise.

Perpetual Highway Easements: 100% of the underlying fee value.

“A condemnor cannot demand a perpetual easement with one breath and insist with the next that he be excused from paying full compensation for the perpetual easement on the ground that there is a bare possibility that he may abandon the perpetual easement on some uncertain day..... the law of eminent domain deems the possibility of the abandonment of a perpetual easement by nonuser so remote and improbable it will not allow the contingency to be taken into consideration in determining the value of the easement” – *North Carolina Highway Department Vs Black, 79 S.E. 2d 778, 784-785 (N.C. 1954)*

“For this same reason, the courts generally rule that a fee ownership encumbered by a perpetual road easement has little or no market value” – *Real Estate valuation in litigation by J. D. Eaton Second Edition 1995 Pg. 352*

While the above statement holds true for perpetual highway easements where little rights other the right of reversion remain, for other less restrictive easements the appraiser must bear in mind the type of perpetual easement and the property rights both acquired and remaining in determining proper compensation.

Perpetual Utility Easements: 75% of the underlying fee value.

Perpetual Channel Easements: 75% of the underlying fee value.

Perpetual Easement: 75% of the underlying fee value.

Perpetual Flowage Easement: Market Driven (Flood Prone vs. Non-Flood Prone)

Temporary Construction Easements: 10% of the underlying fee value, times the number of years to be occupied (Typically 2 years)

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Easement Valuation	No: Revised: Page:	OP-APP 6-21 04/01/15 2 of 2
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Temporary Detour Easements:	10% of the underlying fee value, times the number of years to be occupied (Typically 2 years)
Temporary Channel Easements:	10% of the underlying fee value, times the number of years to be occupied (Typically 2 years)
Temporary Construction Easements To Remove Improvements:	Non-compensable
Temporary Construction Easements To Drain a Pond:	Non-compensable
Temporary Driveway Easements:	Non-compensable

If a combination of easements overlap the same area, it may become necessary to adjust the percentages listed above in order not to exceed 100% of the underlying fee value. At no point shall the value of an easement or combination of easements exceed 100% of the underlying fee value.

Separating the remainder estate value for lands previously encumbered by ODOT owned easements is often times difficult, complex and confusing.

The appraiser shall utilize the following ODOT standard of practice for the valuation of the remainder interest of lands encumbered by existing ODOT easements.

Note: The valuation percentages set forth below are ODOT's standard of practice rather than market driven, unless stated otherwise.

Statutory Right of Way	10% of the underlying fee value
Perpetual Highway Easements:	10% of the underlying fee value.
Perpetual Utility Easements:	25% of the underlying fee value.
Perpetual Channel Easements:	25% of the underlying fee value.
Perpetual Easement:	25% of the underlying fee value.
Perpetual Flowage Easement:	Market Driven (Flood Prone vs. Non-Flood Prone) remainder interest

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Compensation for Items Effected by the Proposed Acquisition	No: Date: Page:	OP-APP 6-22 04/01/15 1 of 2
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The following is intended to provide valuation guidance for ODOT RW acquisition appraisal reports.

1. For those items which are being acquired by ODOT; the appraiser is directed to pay the contributory value of the item to be acquired as it pertains to the overall value of the whole.
2. When the property owner is being compensated to replace an item, the functional replacement cost new, plus the delivery and set-up charges, will be considered as the just compensation for the item.
3. For items to be relocated; the property owner will be compensated for the estimated cost to relocate said item, outside of the proposed right of way to be acquired.
4. If it is necessary to reconfigure an item, compensation shall be based on the estimated cost of reconfiguration.

Simply put:

If ODOT is acquiring it - pay contributory value

If ODOT is compensating to replace it - pay full replacement cost new plus installation

If ODOT is relocating it - pay relocation cost based on estimate

If ODOT is compensating to reconfigure an item - compensation will be based on estimated cost

Items included in the value of the Comparable Sales.

In many instances the comparable land sales and the subject property's land may have similar features, some of which are natural and some of which are man-made. This fact may lead the appraiser to assume that the value for any given item included in the take is therefore included with the land value. While this may hold true, for properties that are being acquired in total, it does not apply to partial acquisitions.

Therefore for the purpose of ODOT partial acquisition appraisal reports the following guidelines shall apply:

1. If the item is naturally occurring on both the comparable sales and the subject property, the value for that item(s) can be said to be included in the land value.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Compensation for Items Effected by the Proposed Acquisition	No: Date: Page:	OP-APP 6-22 04/01/15 2 of 2
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2. For those items that are man-made, the appraiser must place a value on that item as set forth in 1 – 4 above.
 - a. A common example of this would be, cross fencing on an agricultural tract in a setting where all of the comparable sales have fencing. In this example the value of the fencing may well be wrapped up in the land value, however for ODOT purposes, the appraiser is directed to arrive at a contributory value for that cross fencing.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Crops Damaged or Taken	No: Revised: Page:	OP-ACQ 6-1 04/01/15 1 of 1
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Policy:

Because of the uncertainty involved in predicting, at the time of the appraisal, exactly what specific date the property will actually be acquired or disturbed, the value of the growing crop will not be included in the appraisal. A written estimate of value for crops that will be damaged or taken by the Department will be prepared by the Acquisition Branch during the time of negotiations.

Scope:

All crops that will be damaged or taken prior to harvesting of crops in place at time of acquisition.

Responsibility:

Manager, Acquisition Branch

Prepares a written recommendation for a crop appraisal.

Chief, Right-of-Way & Utilities Division

Reviews the recommendation for a crop appraisal and authorizes its use.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Negotiation

No: OP-ACQ 6-2
Revised: 04/01/15
Page: 1 of 2

Policy:

The policy of the Right-of-Way & Utilities Division toward negotiated purchase is that it is the best method of acquisition, considering that by eliminating the added cost of condemnation and possible higher financial exposure it is more timely and cost effective than condemnation, it reduces congestion in the courts and, for the same reasons, the property owner is less drastically affected. Sincere attempts to purchase should be made before referring a case to condemnation, and in ordinary cases a minimum of three contacts should be made by the negotiator before he/she considers the possibilities of negotiations being exhausted. All interest in a property should be taken into consideration during negotiation, and, whenever possible, all persons owning a negotiable interest should be present when the offer to buy is made. The offer must be made in writing, as well as a statement of the earliest time the State intends to take possession.

No threats or coercion shall be used by the negotiator and no changes in the amount of the offer or the terms of the sale shall be made without due processing as prescribed by the Chief, Right-of-Way & Utilities Division in other specific policies. The negotiator is obligated to give the property owner a full explanation of the right-of-way plans and construction plans and the effects they will have upon their property. The negotiator shall also guarantee and document that the property owner is informed of his/her rights and remedies under the law.

The negotiator shall keep a full record of contacts made with property owners including personal, phone and mail, the date of each visit, and the nature of the business transacted. A negotiator having any personal involvement with the property or the owners shall make a disclosure and recuse themselves, should the circumstances require it.

Payment to property owners shall be done in accordance with the following:

1. 49 CFR 24.102(j)

Payment before taking possession. Before requiring the owner to surrender possession of the real property, the Agency shall pay the agreed purchase price to the owner, or in the case of a condemnation, deposit with the court, for the benefit of the owner, an amount not less than the Agency's approved appraisal of the fair market value of such property, or the court award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the owner, the Agency may obtain a right-of-entry for construction purposes before making payment available to an owner. (See appendix A, §24.102(j).)

Appendix A §24.102(j) Payment before taking possession. It is intended that a right-of-entry for construction purposes be obtained only in the exceptional case,

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiation	No: Revised: Page:	OP-ACQ 6-2 04/01/15 2 of 2
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such as an emergency project, when there is no time to make an appraisal and purchase offer and the property owner is agreeable to the process.

2. 27 O.S. 2001, § 13 Paragraph 4 Eminent Domain

No owner shall be required to surrender possession of real property before the agreed purchase price is paid or deposited with the state court, in accordance with applicable law, for the benefit of the owner of an amount not less than the approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding of such property.

NOTE:

As directed by the Chief, Right-of-Way & Utilities Division, utilizing the waiver valuation procedures, the same person may value and negotiate the acquisition of a parcel only when the initial estimated just compensation of the part taken does not exceed \$10,000, including any cost to cure items.

Scope:

Those cases which, due to circumstances, need to go directly to condemnation are excluded from this policy.

Responsibility:

Manager, Acquisition Branch

Responsible for instituting procedures, that is consistent with policy, and for training and instruction of negotiators designed to promote this guidance.

Chief, Right-of-Way & Utilities Division

Responsible for regulating the division and for the final decision in any case that requires a departure from standard procedure.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Acquisition of Property Through Condemnation	No: Revised: Page:	OP-ACQ 6-3 04/01/15 1 of 1
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Policy:

Condemnation is the last resort, and no case should be presented for court action until negotiations have failed as determined by the Chief, Right-of-Way & Utilities Division.

Scope:

There are cases that must automatically go to condemnation due to technicalities, such as title difficulties that must be ruled on by a court of law, or where a court decision is required by law or other regulation. Those cases are accepted and are not within the scope of this policy.

Responsibility:

Manager, Acquisition Branch

Responsible for making the recommendation that further negotiation is not warranted and for recommending condemnation action.

Chief, Right-of-Way & Utilities Division

Responsible for reviewing those cases recommended for condemnation action and instructing transfer of these cases to the Legal and Business Services Division for acquisition under eminent domain.

Chief, Legal & Business Services Division

Responsible for the prompt filing of cases, prosecution to their ultimate disposition, and if sometime during the prosecution of a case the possibility of settlement or further negotiation arises, he/she is responsible for making the proper recommendation to the Director of Engineering.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Offers on Nominal Takings	No: Revised: Page:	OP-ACQ 6-4 04/01/15 1 of 1
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Policy:

Where the taking of an ownership is of a small or insignificant nature, a minimal offer in the amount of \$500.00 shall be made.

Responsibility:

Negotiation Agent

Responsible for making offers on nominal ownership takings in accordance with the above policy.

Manager, Acquisition Branch/Project Facilitator

Responsible for the enforcement of the above policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Title Investigation	No: Revised: Page:	OP-MAP 6-1 04/01/15 1 of 1
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Policy:

All title investigations conducted prior to acquiring property for use by the Department shall discover the nature of surface title, mortgages, liens, and other encumbrances, name or names of the current owners and past owners for at least the five-year period immediately preceding the title search. The investigator should search out sufficient information to show the chain of title with reasonable certainty, regardless of the time elapsed since the transaction. In addition to the above, all Federal Highway Administration regulations pertaining to title investigations for right-of-way projects shall be complied with, regardless of whether the project is funded with federal monies.

All requests for title investigation received from other units within the Department must be approved by the Chief, Right-of-Way & Utilities Division, before processing.

In the event the workload exceeds the capacities of Right-of-Way & Utilities Division personnel, the services of competent land title search companies may be used until such time as the workload can be handled by Right-of-Way & Utilities Division employees.

Scope:

Exceptions to the "five-year period" requirement are permitted only in preliminary title investigations. Otherwise, all title investigations conducted prior to acquiring property for use by the Department of Transportation shall be governed by this policy.

Responsibility:

Manager, Mapping Branch

Shall insure that all title investigations are carried out in accordance with this policy.

Manager, Appraisal Branch

Shall insure that the ownership data received from the Mapping Branch is rechecked for current ownership before completing the appraisals.

Manager, Acquisition Branch

Shall insure that the ownership data received from both Mapping and Appraisal Branches are rechecked for current ownership prior to contacting the owners of the property to be acquired, and immediately prior to securing or condemning.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Right-of-Way Plans and Related Materials	No: Revised: Page:	OP-MAP 6-2 04/01/15 1 of 1
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Policy:

The right-of-way plans and related materials are basic acquisition tools and, as such, must satisfy several requirements. They must depict the existing property details and they must provide information concerning any proposed changes due to construction.

To insure the necessary quality and standardization, right-of-way plans shall conform to the Right-of-Way & Utilities Division's Specifications Manual for Right-of-Way Plans and Associated Materials, and shall either be prepared by or checked for accuracy by the Mapping Branch.

A right-of-way consultant may be employed to prepare or check right-of-way plans and related material when it is determined that the Right-of-Way Division & Utilities staff is unable to meet existing or predicted work schedules.

Because of the highly specialized nature of right-of-way activities, problems related to right-of-way line location, points of access, economic impact upon land owners, etc., may be created by the initial project design. In such cases, it is the responsibility of the Right-of-Way & Utilities Division to recommend immediate plan revisions in writing to the appropriate Division to avoid unnecessary work by all units within the Department. A chronological record of plan changes shall be kept, showing the reasons for the changes.

Scope:

All projects for which right-of-way plans are prepared must be checked by either the Department or a right-of-way consultant employed by the Department.

Responsibility:

Manager, Mapping Branch

Responsible for the preparation and implementation of procedures in accordance with this policy and for coordinating with Design Division on plan revisions.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for recommendations to the Chief, Right-of-Way & Utilities Division, concerning employment of right-of-way consultants.

Chief, Right-of-Way & Utilities Division

Retains final authority over the employment of consultants, and shall approve or disapprove any proposed revisions to the Specifications Manual for Right-of-Way Plans and Associated Materials.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Property Descriptions	No: Revised: Page:	OP-MAP 6-3 04/01/15 1 of 1
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Policy:

The Right-of-Way & Utilities Division in its acquisition process shall use a form of legal conveyance that includes a property description either prepared by or checked for accuracy by the Mapping Branch and/or a right-of-way consultant. The description shall be written, and shall describe by metes and bounds or by lots, blocks and subdivision, as required by the Department of Transportation's Specifications Manual for Right-of-Way Plans and Associated Materials.

A right-of-way consultant may be employed to prepare property descriptions when it is determined that the Right-of-Way & Utilities Division staff is unable to meet existing or predicted work schedules.

Scope:

Applies to all projects or individual tracts of land to be acquired under the auspices of the Right-of-Way & Utilities Division.

Responsibility:

Manager, Mapping Branch

Responsible for the preparation and implementation of procedures in accordance with this policy.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for making a request to Chief, Right-of-Way & Utilities Division, when consulting services are needed.

Chief, Right-of-Way & Utilities Division

Retains the final authority concerning right-of-way consulting contracts, as well as the final authority over the property description methods and instruments prescribed by the Specifications Manual for Right-of-Way Plans and Associated Materials.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Relocation Assistance Program

No: OP-REL 6-1
Revised: 04/01/15
Page: 1 of 1

Policy:

When people or businesses are to be displaced by a transportation project, the Right-of-Way & Utilities Division will offer payments and advisory assistance to the displacees in full compliance with Federal and State laws.

Scope:

Provision of relocation benefits and advisory assistance shall be uniform on all projects regardless of type of funding.

Responsibility:

Manager, Acquisition Branch

Responsible for presenting at the initiation of negotiations, proper relocation program information and for offering payments to owner-occupants to be displaced by a project.

Manager, Relocation Branch

Responsible for presenting relocation offers to tenants and carrying out all other relocation programs.

Assistant Chief, Right-of-Way & Utilities Division

Responsible for coordinating relocation activities between the branches.

Chief, Right-of-Way & Utilities Division

Responsible for preparation and implementation of Right-of-Way & Utilities Division procedures to carry out this policy and determining when a displaced person is, in fact, appealing the initial decision concerning his/her eligibility for a payment or the amount of a payment offered under the relocation assistance program.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Relocation Assistance Field Office

No: OP-REL 6-2
Revised: 04/01/15
Page: 1 of 1

Policy:

A field office will be set up and maintained at the project site when deemed necessary, and where a field office is established it shall be held open a minimum of one evening each week to accommodate displacees.

Scope:

All projects.

Responsibility:

Field Supervisor, Relocation Agents

Responsible for operation of the field office and scheduling its hours.

Manager, Relocation Branch

Responsible for the implementation of procedures pertaining to the establishment and maintenance of field offices and for requesting establishment of a field office when needed.

Chief, Right-of-Way & Utilities Division

Responsible for approving or disapproving the request.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Vacating Date – Owners and Tenants	No: Revised: Page:	OP-REL 6-3 04/01/15 1 of 1
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Policy:

Owners and tenants occupying improvements being taken or who are required to relocate personal property as a result of real property being acquired for right-of-way purposes shall be given at least ninety days written notice of the Department's intended possession date, such date to be established by the method prescribed in current Federal and State laws and regulations. Tenant's notices shall be separate from the owner's and shall be served promptly after the written offer to acquire is made to the real property owner. Thirty-day notices in writing to owners and tenants being displaced shall also be served at the appropriate time prior to the Department's taking possession of the premises.

It is the policy of the Right-of-Way & Utilities Division to grant extensions of time when it is necessary to accommodate the occupant and when it will not interfere with utilities relocation or construction contract letting.

Scope:

Exceptions may be made only at the direction of the Chief, Right-of-Way & Utilities Division.

Responsibility:

Manager, Relocation Branch

Responsible for seeing that the date of delivery of the written offer to tenants is recorded in each individual case and for establishing vacating dates and granting extensions of time.

Manager, Business Office

Responsible for serving the thirty-day notice at the request of the Manager, Relocation Branch, and using the date established by Relocation Branch Manager.

Chief, Right-of-Way & Utilities Division

Responsible for seeing that the methods being used conform to policy and that instances of exception to policy are considered on their individual merits. Responsible for seeing that right-of-way acquisitions made by other agencies under agreement with the Department are in conformity with this policy.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Property Management

No: OP-REL 6-4
Revised: 04/01/15
Page: 1 of 3

Policy:

The efficient control and administration of land and improvements acquired for right-of-way purposes will result in improved public relations and reduced overall transportation costs. In striving towards our goal of more efficient control and administration, procedures shall be prepared and implemented in accordance with the following:

1. Property management procedures that would jeopardize federal participation in project funding shall not be instituted or practiced.
2. Upon acquisition of a parcel, immediate notice shall be given to those personnel responsible for property management.
3. A system of records, inventories, and onsite inspections shall be devised to account for all properties acquired by the Right-of-Way & Utilities Division. A reasonable effort will be made to protect them from theft, vandalism, and fire, until the properties are disposed of or accounted for.
4. When it is in the best economic interest of the Department, any land and/or improvements acquired by the Right-of-Way & Utilities Division may be leased until such time as the property is needed or until it is no longer in the Department's best economic interest to continue the lease.
5. Improvements acquired by the Right-of-Way & Utilities Division for transportation purposes shall eventually be disposed of. However, at the time said improvements are acquired; a determination shall be made to determine whether it is in the best economic interests of the Department to rent the property temporarily or to clear it from the right-of-way as soon as possible.
6. Mineral interests owned by the Department may be leased by public auction to the highest bidder based on the terms advertised as to royalty interest and lease terms. Provided, however, if the Chief, Legal & Business Services Division determines it is in the best interest of the Department, forced pooling may be chosen.
7. When it becomes necessary to dispose of land and/or improvements, the following methods are permissible:
 - a. Land
 - (1) Any land or interest therein which was acquired for highway purposes and is no longer needed, may be offered for sale in accordance with the provisions of 69 O.S. §1001.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Property Management	No: Revised: Page:	OP-REL 6-4 04/01/15 2 of 3
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b. Improvements

(1) Improvements with a nominal salvage value may be disposed of by:

(a.) Turning them over to the field division to be disposed of in any manner they deem appropriate; or

(b.) The solicitation of bids for removal as a clearance contract; or

(c.) The solicitation of bids for removal as an improvement removal contract, or

(d.) Turning them over to the construction contractor as a part of the designated contract work.

(2) Improvements in the way of construction may be sold by public auction.

c. Underground storage tanks will be turned over to Maintenance Division for removal.

Scope:

Applies to all land and improvements acquired by the Right-of-Way & Utilities Division.

Responsibility:

Manager, Relocation Branch

1. Responsible for the preparation and implementation of procedures in accordance with this policy in regard to activities relating to right-of-way clearance.

Manager, Appraisal Branch

2. Responsible for the determining salvage value.

Manager, Relocation Branch

3. Responsible for initiating leasebacks to displaced persons.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Property Management	No: OP-REL 6-4 Revised: 04/01/15 Page: 3 of 3
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Assistant Chief, Right-of-Way & Utilities Division

Responsible for recommending specific courses of action regarding right-of-way clearance.

Chief, Right-of-Way & Utilities Division

Responsible for approving any disposal of improvements, pertaining to right-of-way clearance and no clearance contract, improvement removal contract or public auction shall be entered into without his approval.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Utility Accommodation	No: Revised: Page:	OP-UT 6-1 04-27-11 1 of 13
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Policy:

Because of the amount of time required to relocate utility facilities every effort must be made to notify all those involved at the earliest possible time and to meet with representatives of utility owners whose existing or proposed facilities will be affected by transportation projects.

A Utility Relocation Coordination Service Provider may be utilized in connection with utility relocation work when it is determined that the Right-of-Way & Utilities Division staff is unable to meet existing or predicted work schedules.

The purpose of the Policies and Procedures set forth herein is to provide a reference which will establish a standard process to be followed by owners of public and private utility facilities and the Oklahoma Department of Transportation in the planning, preparing, and approving of relocation proposals; the physical rearrangement of facilities; and the preparation of standardized supporting documents for the Department's reimbursement to the owner, when applicable.

The success of planning, preparing and approving utility proposals depends upon complete cooperation of all organizations involved. Continuous liaison between the Oklahoma Department of Transportation and the utility owners will be mutually beneficial.

We have attempted to clearly set out the specifications which must be met, the procedures which must be followed and the conditions under which reimbursement may be made. The term "owner," as used in this manual refers to any company, corporation, entity, municipality, or individual whose facilities come into conflict with an existing or proposed highway. The term "Department" refers to the Oklahoma Department of Transportation. The Federal Highway System is administered by the U.S. Department of Transportation, Federal Highway Administration, and will be hereinafter referred to as the "Federal Highway Administration." The Department of the Army, Corps of Engineers, will be referred to as the "Corps."

The Utilities Branch, in coordination with the Department's Field Divisions, is charged with the responsibility of informing the involved public and private Utility Owners of anticipated conflicts between their existing facilities and the proposed roadway construction; of entering into agreements with responsible parties in order to arrive at a mutually satisfactory arrangement or adjustment within the latitude of governing regulations and sound engineering; of reviewing and approving the submitted supporting documents developed as a result of the proposals and agreement; of initiating work orders; of maintaining general liaison; and processing claims for reimbursement.

The objective of the Department is to complete the required adjustment of all utility facilities in a mutually satisfactory manner in advance of the roadway construction.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Accommodation	No: Revised: Page:	OP-UT 6-1 04-27-11 2 of 13
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CLASSIFICATION OF UTILITIES

For general purposes, we may consider all utilities (both public and private) to be classified as pipelines, electric power lines or communication lines. Each classification may present a separate problem.

Pipelines

Pipelines may be further divided according to the products they carry:

1. Gas lines: Either high pressure or medium pressure transmission lines, distribution lines, vacuum lines and gathering lines.
2. Oil transmission and products lines.
3. Oil lines: Gathering lines, waste lines and salt water lines.
4. Water lines.
5. Sanitary Sewer lines.
6. Miscellaneous pipelines.

Electric Power Lines

Electric power lines may be transmission lines, distribution lines or service lines. These lines may be aerial, underground or a combination of both.

Communication Lines and/or Facilities

Communications lines and/or facilities may be aerial, underground, a combination of both or electronic transmission towers. Their function may encompass local, regional, national or international service.

GENERAL OUTLINE FOR UTILITY RELOCATIONS

SCOPE

Roadways and utilities may conflict in many different circumstances which can be simple in nature or complex. Three categories where conflicts may occur are described as follows:

1. New utility construction within the limits of completed State or Federal Highways:
A new utility facility which is to occupy an existing, completed highway must be authorized by means of a utility permit.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Utility Accommodation

No: OP-UT 6-1
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2. New utility construction within the limits of planned State or Federal Highways: A new utility which will occupy a planned highway location may be adjusted by means of an advance agreement. Where the owner possesses easements within the planned highway location and formal plans have been developed for the facility, it will be mutually advantageous if the Department is made aware of the plans at an early date. When roadway grade, alignment, and right-of-way limits can be determined, an agreement may be made to place the facility within the planned roadway location, in accordance with appropriate regulations and with proper financial responsibility. In his case, the Department may pay for the additional cost necessary to accommodate the roadway construction such as extra depth for ditches, conduit, extra length for poles, high strength steel support wire, etc. Inquiries concerning this category should be directed to the Utilities Branch. Subsequently, specific directions will be furnished for completing the work.

3. Relocation of existing utilities within the limits of planned State or Federal Highway locations: This is the area where most of the conflicts are experienced. Therefore, the balance of The Policies & Procedures is devoted primarily to the relocation of existing facilities to accommodate highway construction.

NOTIFICATION

Upon completion of a highway survey, the Department will notify owners having facilities in the area that a survey has been made and that preparation of plans for the highway project will soon be under way. A route map showing the tentative alignment will be forwarded with a request that owners confirm ownership and general location within the designated area.

CONSTRUCTION PLANS

When construction or usable plans are developed and the project has been proposed for construction, the involved owners will be furnished copies and a notification to proceed with engineering toward the ultimate rearrangement of their facilities.

RETENTION OF CONSULTING ENGINEER

If an owner is not able to perform the engineering and it is necessary to employ the services of a consulting engineer to complete the engineering requirements, it is at this time that such intention should be made known. The consultant must be approved by the Department before his work can be accepted and before the owner may be reimbursed for these charges. The consultant should begin his duties by attending the field meeting as discussed in the following paragraph.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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FIELD MEETING

A field meeting will be scheduled by the Department at the convenience of the owner and should be attended by the owner, the Department's Field Division, Resident Engineer, and the appropriate Federal agency. These meetings are conducted by the Utilities Branch. The form, "Field Meeting for Utility Rearrangement in Advance of Highway Construction" should be completed by the owner and submitted at the field meeting.

FIELD MEETING REPORT

The Utilities Branch will make a complete report on the decisions made in the field and the agreements reached between the parties. Copies of the field report will be furnished to persons who participated in the meeting and to persons responsible for approving the decisions made with a request for their concurrence or comments, in writing. It is necessary that the proposal for relocation be prepared based upon the contents of the field meeting report. Deviations from this report in the proposal must be approved prior to completing the proposal.

PREPARATION OF PROPOSAL

When the field meeting reveals that a rearrangement is necessary to accommodate highway construction, the owner will be asked to prepare either a complete proposal or only drawings for the relocation, depending upon the financial responsibility. The proposal represents a formal explanation and illustration of the manner in which the owner will adjust his facilities.

The proposal is also the means by which the Department and the owner enter into an agreement for completion and reimbursement of the work necessary.

When the owner seeks reimbursement, a complete proposal will be required. If there is no reimbursement, drawings will be sufficient documentation. Either an "actual cost" or "lump sum" proposal may be prepared, depending on the circumstances. The completed proposal shall be submitted to the designated Residential Engineer.

CONTENTS OF PROPOSAL

The proposal consists of the agreement form, an estimate of costs, detailed drawings, and supporting papers. Supporting papers include a summary sheet, copy of easements when required, and miscellaneous statements or other items not shown on the drawing pertaining to the makeup of the estimated costs. Each component part of the proposal should be submitted in an original and five copies. The agreement form must bear the signature of the owner or an official who is authorized to sign contracts. The agreement form will be furnished by the Department.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Accommodation	No: Revised: Page:	OP-UT 6-1 04-27-11 5 of 13
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APPROVAL OF PROPOSAL

When necessary, the Department will transmit proposals relative to all projects in which Federal Aid funds participate to the appropriate Federal agency for approval.

WORK ORDER-SCHEDULING THE WORK

Subsequent to approval of the proposal by all parties concerned, the Utilities Branch will notify the owner to proceed with the rearrangement and will confirm the designation of a Division representative to coordinate the work of the owner and the Department. If reimbursement is expected, the owner should not perform any physical rearrangement until such notification is received. If company force account labor is used, work may begin subsequent to arrangement with the Department's Division representative. If contract labor is to be employed, solicitation for competitive bids begin, with subsequent concurrence of the successful bidder to be made by the Department. The use of a continuing contractor requires the approval of the Department.

NOTIFICATION OF RESIDENT ENGINEER

After receiving a work order and after proper bid solicitation and/or scheduling of company forces, the owner will notify the designated Resident Engineer, by letter or other positive means of communication, when the relocation work is to begin.

CHANGE OF PLAN

If a justifiable change from the proposal becomes necessary in the field, the Resident Engineer must be informed immediately. The change, if minor in nature and cost, should be proposed to the Resident Engineer for his verbal concurrence so that a shutdown of operations may be avoided. The change should then be fully documented and submitted to the Resident Engineer for submission to the central office for approval. If a major field change becomes necessary, a shutdown of operations may be necessary so all responsible parties will have an opportunity to evaluate and recommend subsequent action.

Without written approval, a change of plan may result in a citation against the owner.

PREPARATION OF CLAIM

After completing the rearrangement, the claim must be prepared in accordance with the agreement and work order. Claims should be submitted directly to the Resident Engineer for his approval and signature. The claim will then be forwarded to the Division Engineer for approval and signature then to the Right-of-Way & Utilities Division, Utilities Branch. Claims will be processed for payment as soon as they are received by the Utilities Branch.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Where a burden is placed on an owner due to the cost of the relocation project and/or the length of time involved, the Department may be billed progressively after approval is obtained from the Utilities Branch.

AUDIT

Owner's accounts for relocation costs are audited by the Department and/or by the Federal Government.

ACCOMMODATION

A Policy on Geometric Design of Highways and Streets, relevant CFR, Oklahoma Administrative Code, and other guidance provide for control of access on all sections of the Interstate System & other controlled or partially controlled highways in the State of Oklahoma. These provisions were established to provide for the maximum degree of safety and to preserve the traffic-carrying capacity, both of which are warranted by the large public fund investment in the facility.

Control of access can be materially affected by the extent and manner in which public utilities cross or otherwise occupy the highway right-of-way. Highway agencies have various degrees of authority to develop and maintain control of access and to regulate utilities, generally through their authority to designate and to control the use made of right-of-way acquired for public highways, including those of all freeways. Their authorities depend upon State laws or regulations.

A uniform policy is needed to establish the conditions under which public and private utilities may be accommodated on the freeway right-of-way. While the policy has as its primary purpose increasing and maintaining highway safety and function to be the maximum and insuring uniformity of utility treatment among the states, it recognizes the public interest in avoiding unnecessary and costly operation of public utility organizations. The policy applies to all highways with full control of access, regardless of system. Also, it has value as a guide for all highways with partial control of access.

It is not the intent of this policy to impose restrictions on the future installations of utility crossings to the extent that would obstruct the development of expanding areas adjacent to the freeways.

This policy makes no reference to reimbursement to utility owners for the cost of adjusting or installing utilities on freeways. Reimbursement is subject to state laws.

It is the intent of this policy to establish procedures whereby the individual state highway authorities may uniformly administer the same.

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UTILITIES TO WHICH POLICY APPLIES

The principals set forth in this policy apply to all public and private utilities including but not limited to communication, electric power, water, gas, oil, petroleum products, steam, sewer, drainage, irrigation, and similar facilities. Such utilities may involve construction and maintenance of underground, surface, or overhead facilities, either singly or in combination.

This policy shall apply to utilities located within public freeway right-of-way.

This policy does not apply to utility lines for servicing facilities required for operating the freeway.

NEW UTILITY INSTALLATIONS ALONG FREEWAYS

New utilities will not be permitted to be installed longitudinally within the control of access lines, including partially controlled access areas of any freeway except that in special cases such installations may be permitted under strictly controlled conditions. However, in each such case the utility owner must show that:

1. The accommodation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the freeway;
2. The accommodation will not be constructed and/or serviced by direct access from the through-traffic roadways or connecting ramps;
3. The accommodation will not interfere with or impair the present use or future expansion of the freeway; and
4. Any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects which would result from the disapproval of the use of such right-of-way for the accommodation of such utility.

NEW UTILITY INSTALLATIONS

Only Public Utilities as designated by the Oklahoma Corporation Commission, have the ability to place facilities longitudinally within Highway Rights-of-Way. Care shall be taken when issuing a Utility Permit to consider the Applicant's Public Utility status before approving the permit.

Privately owned utilities may cross Highway Rights-of-Way in accordance with these provisions.

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Care shall also be taken when issuing a Utility Permit to consider the existing limits of no access as further discussed herein.

Questions regarding whether or not a requesting entity is classified as a Public Utility should be forwarded to the Department's Utilities Branch Manager. Likewise, questions regarding limits of access/no access should also be discussed with the Department's Utilities Branch Manager.

EXISTING UTILITIES ALONG PROPOSED FREEWAYS

In order to promote safer conditions for the traveling public, this policy is developed to regulate the occupancy of State Highway rights-of-way by utility facilities which are at present not covered by AASHTO policies (highways that do not have control of access). This policy will apply to all overhead, underground, parallel, or crossing utility facilities, privately or publicly owned, that presently exist on projects to be constructed in the future. The policy will also apply to all utility facilities to be installed on State Highway rights-of-way not presently covered by AASHTO policies.

1. All facilities to be installed or relocated will be designed in accordance with the Oklahoma Department of Transportation's Policies and Procedures.
2. All facilities and/or obstructions must clear the roadway construction.
3. All above ground facilities and/or maintenance points (such as end of conduits, manholes, etc.) will be located within 4 feet of the right-of-way line. A plan for future maintenance procedures must be developed by the owner for approval by the Department that will provide for maintenance outside of traffic lanes.
4. When plans for a project are developed which provide for the overlaying or resurfacing of a highway where the existing surfacing will remain in place, existing utility facilities located under said surfacing may also be left in place if it is determined the facilities will accommodate the overlaying or resurfacing and future maintenance of the project.
5. If the above cannot be accomplished, the owner will prepare a plan clearly showing how all future maintenance will be performed. The plan will bear the recommendation of the Department's Resident Engineer and Division Engineer and be submitted to the Chief, Right-of-Way & Utilities Division for approval if deemed to be acceptable.

Where a utility already exists within the proposed right-of-way of a freeway and it can be serviced, maintained, and operated without access from the through traffic roadways or ramps, it may remain as long as it does not adversely affect the safety, design,

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construction, operation, maintenance, or stability of the freeway. Otherwise, it must be relocated.

MAJOR VALLEY CROSSINGS

Where a freeway crosses a major valley or river on an existing structure, any utility carried by said structure at the time the highway route is improved may continue to be so carried when relocation of the utility would be very costly and provided the utility can be serviced without interference with road users.

Expansion of a utility carried by an existing structure across a major valley or river may be permitted provided the utility can be installed and serviced without interference with road users.

A new utility will not be permitted to be installed on a structure across a major valley or river at and after the time the highway route is improved except for special cases.

UTILITIES CROSSING FREEWAYS

New utility installations and adjustments or relocations of existing utilities may be permitted to cross a freeway. To the extent feasible and practicable, they should cross on a line generally normal to the freeway alignment and preferably under the freeway.

UTILITIES ALONG ROADS OR STREETS CROSSING FREEWAYS

Where a utility follows a crossroad or street which is carried over or under a freeway, provision should be made for the utility to cross the freeway on the locations of the crossroad or street in such manner that the utility can be serviced without access from the through-traffic roadways or ramps. Generally the utilities are to be located within the right-of-way of the crossroad or street, existing or relocated, and may cross over or under the freeway or be carried on or through the highway grade separation structure, provided installation and servicing thereof can be accomplished without access from the through-traffic roadways or ramps. Where distinct advantage and appreciable cost saving is effected by locating the utilities outside the right-of-way of the crossroad or street they may be so located, they shall be located and treated in the same manner as utility lines crossing the freeway at points removed from grade separation structures.

OVERHEAD UTILITY CROSSINGS

Overhead utility lines crossing a freeway at points removed from grade separation structures or those crossing near a grade separation but not within the right-of-way of a crossroad or street, in general, should be adjusted so that supporting structures are located outside the outer edges of through-traffic roadway side slopes and preferably outside the control access lines. In any case, supporting poles shall not be placed within the appropriate clear zone as designated in the current edition of the AASHTO

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publication "Roadside Design Guide." Supporting poles may be placed in medians of sufficient width to provide the above referenced clear zone from the edges of both roadways. If additional lanes are planned, the clear zone shall be determined from the ultimate edges of the roadway. Where right-of-way lines and control of access lines are not one and the same, as where frontage roads are provided, supporting poles may be located in the area between them. In extraordinary cases where such spanning of the roadways is not feasible, consideration may be given to conversion to underground facilities to cross the freeway.

At interchange areas, in general, support for overhead utilities should be permitted only where all of the following conditions are met: (a) the above indicated clear zone is provided with respect to the freeway through-traffic lanes, (b) the appropriate clear zone from edge of ramp is provided as designated in the above referenced AASHTO "Roadside Design Guide," (c) essential sight distance is not impaired, and (d) the conditions of Item 7, "Access for Servicing Utilities" are satisfied.

The vertical clearance to overhead utility lines crossing freeways shall be determined by the state but in no case shall be less than the clearance required by the National Electrical Safety Code, ANSI, C2, Institute of Electrical and Electronics Engineers, Inc.

UNDERGROUND UTILITY CROSSINGS

Utilities crossing underground below the freeways shall be of durable materials and so installed as to virtually preclude any necessity for disturbing the roadways to perform maintenance or expansion operations. The design and types of materials shall conform to appropriate governmental codes and specifications.

Manholes and other points of access to underground utilities may be permitted within the right-of-way of a freeway only when they are located beyond the shoulders of the through-traffic roadways or ramps as planned for later widening, if any, and only where they can be serviced or maintained without access from the through-traffic roadways or ramps.

IRRIGATION DITCHES AND WATER CANALS

Except for necessary crossings, water canals and irrigation ditches should be excluded from the right-of-way of freeways except for special cases. Crossings may be made by underground siphon or through culverts or bridges as appropriate to the size of canal, topographic conditions and highway safety aspects. In general, locations and structures are to be designed in the same manner as are facilities for natural transverse drainage.

All access and egress for servicing or patrolling such facilities shall be made from outside the control of access lines. Ditch-walkers or ditch-riders shall not be permitted to indiscriminately cross the freeway at grade. Under appropriate traffic control arrangements, special ditch cleaning equipment may be permitted to cross in those

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cases where considerable extra travel distance would otherwise be required to utilize grade separation structures.

PROVISIONS FOR EXPANSION OF UTILITIES

When existing utilities are relocated or adjusted in conjunction with construction of a freeway, provision may be made for known and planned expansion of the utility facilities, particularly those underground. They should be planned to avoid interference with traffic at some future date when additional or new overhead or underground lines are installed.

UTILITIES IN VEHICULAR TUNNELS

As a general rule, utilities will not be permitted to occupy vehicular tunnels on freeways on new location except in special cases.

Utilities which transport a hazardous material shall not be allowed in a vehicular tunnel under any circumstances.

Where a utility occupies space in an existing vehicular tunnel that is converted to a freeway, relocation of the utility may not be required. Utilities which have not previously occupied an existing vehicular tunnel that is incorporated in a freeway will not be permitted therein except in special cases.

ACCESS FOR SERVICING UTILITIES

Access for servicing a utility along or across a freeway should be limited to access via (a) frontage roads where provided, (b) nearby or adjacent public roads and streets, or (c) trails along or near the highway right-of-way lines, connecting only to an intersecting road from any one or all of which entry may be made to the outer portion of the freeway right-of-way.

In those special cases where utility supports, manholes, or other appurtenances are located in medians or interchange areas, access to them from through-traffic roadways

or ramps may be permitted but only by permits issued by the highway agency to the utility owner setting forth the conditions for policing and other controls to protect highway users.

Where utilities are located outside the control of access line and where such utilities may require maintenance from within the freeway right-of-way, a permit must be obtained from the highway agency.

Advance arrangements should also be made between the utility and the highway agency for emergency maintenance procedures.

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CONSTRUCTION AND LOCATION DETAILS

The highway agency which constructs or maintains freeways has the right to review and approve the location and design of all utility installations and adjustments affecting the highway and issue permits for the contemplated work.

MANNER OF MAKING UTILITY INSTALLATIONS AND ADJUSTMENTS

In general, utility installations and adjustments are to be made with due consideration to highway and utility costs and in a manner that will provide maximum safety to the highway users, will cause the least possible interference with the highway facility and its operation, and will not increase the difficulty of or cost of maintenance of the highway.

ACCOMMODATION OF FIBER OPTIC FACILITIES WITHIN LIMITS OF NO ACCESS

The Department's policy for accommodation of utility facilities within Interstate and Controlled Access Highways is on a justifiable hardship case exception basis only. Due to the increasing demand to upgrade ITS infrastructure, communication systems, and to keep up with emerging technology, The Department may accommodate fiber optic installations within Interstate and Controlled Access Highways.

When deemed appropriate and of direct benefit, and producing assets for the Department of Transportation, Right-of-Way & Utilities Division's policy will allow for the placement of fiber optic cable and adjacent structures as necessary to facilitate the usual functions of such installations within the limits of controlled access right-of-way. These installations will be placed at specific, approved locations and be allowed access by drives and/or gates as directed by ODOT's representative. The representative will have full authority to contract and negotiate with outside parties on behalf and for the direct benefit of ODOT.

Scope:

All Right-of-Way & Utilities Division activities concerning public or private utilities shall be performed in accordance with this policy.

Responsibility:

Manager, Utilities Branch

Responsible for Utility Branch Procedures, and for insuring that all work is accomplished in accordance with The Department's Policies and Procedures. The manager will make recommendations through Assistant Chief, Right-of-Way & Utilities Division to Chief, Right-of-Way & Utilities Division concerning employment of Utilities Relocation Coordination Service Providers.

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Manager, Appraisal Branch

Responsible for coordinating with the Utilities Branch on all private utility appraisals.

Chief, Right-of-Way & Utilities Division

Retains final approving authority.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Financial Responsibility for Costs

No: OP-UT 6-2
Revised: 01-21-11
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Policy:

FINANCIAL RESPONSIBILITY

Department participation in the cost of utility relocations required by a highway project is governed by statute, 69 O.S. Supp. 2010 §§ 1401, 1402, & 1403, as amended, sets out the limits to which the Department is bound.

In the division of costs, the occupancy of right-of-way is the major governing factor. Under the heading "Right-of Way" in this section are described the several categories of right-of-way occupancy and are the basis upon which financial responsibility for relocations will be determined.

Right-of-Way

Where the owner occupies a private right-of-way or has a compensable interest in the land being acquired for highway purposes, relocation costs will normally be borne by either the Department or local interests.

Where the utility facility occupies a public right-of-way, the cost of relocation will generally be borne by the owner.

Where there is a combination of the above conditions covering an owner's facility involved in a particular highway project, the costs of relocation will be prorated between the Department and the owner.

Proration of Costs

Where prevailing conditions require a division of costs between the Department and the owner, the procedures outlined below shall be followed. The same division will be applied to all charges accumulated by the owner.

1. Underground Facilities from a study of the limits of the present right-of-way and the limits of the proposed right-of-way at the location of an existing facility, a pro rata determination of cost for the necessary adjustment may be made. The proration will be based upon the segment lengths of:

Y = The existing facility located in present public right-of-way.

Z = The total length of the existing facility needing to be relocated within the proposed and present public right-of-way combined. May also include short extents outside the proposed/present Public Right-of-Way as needed to facilitate depth requirements. These extents will always be approved in advance and at the discretion of the Department.

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Financial Responsibility for Costs

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The percentage of y/z will be considered the owner's share. That percentage determined by $z-y/z$ will be considered the Department's share. This fixed percentage will be applied to the total relocation cost as required to accommodate the roadway construction.

2. Electric Lines and Communication Lines from a study of the relocation of existing poles in relation to the limits of the present right-of-way, a pro rata determination of costs for the necessary adjustment may be made. The proration will be based upon:

Y = The number of poles located in the present public right-of-way.

Z = The total number of poles to be moved within the proposed and present public right-of-way combined.

The percentage determined by y/z will be considered the owner's share and the percentage determined by $z-y/z$ will be considered the Department's share of the total actual relocation cost. Joint-use facilities will be prorated, depending upon each individual situation. This fixed percentage will be applied to the total relocation cost as required to accommodate the roadway construction.

Interstate Highways

Interstate highways ordinarily located on completely new rights-of-way, except where existing highways cross the Interstate routes, have been expressly outlined by the Oklahoma State Legislature in Title 69 O.S. SUPP 2010 §§ 1401, 1402, & 1403, as amended. By this statute, the Department will pay the cost necessary for removing or relocating utility facilities in either privately owned or public rights-of-way if Federal Aid Funds are available; thus, obviating the requirements of prorating the costs of the utility adjustments on Interstate projects, so long as the adjustments are limited to those specifically required by the construction of the Interstate highway.

Highways Other Than Interstate

The financial responsibility for relocating utility facilities on highways other than Interstate highways, whether the improvement is on new or existing alignment will be in accordance with State law. The division of cost may be as set out in the preceding heading of this section.

Betterment Credits

The financial responsibility for betterments will be as described in the approval proposal.

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Expired Service Life Credit

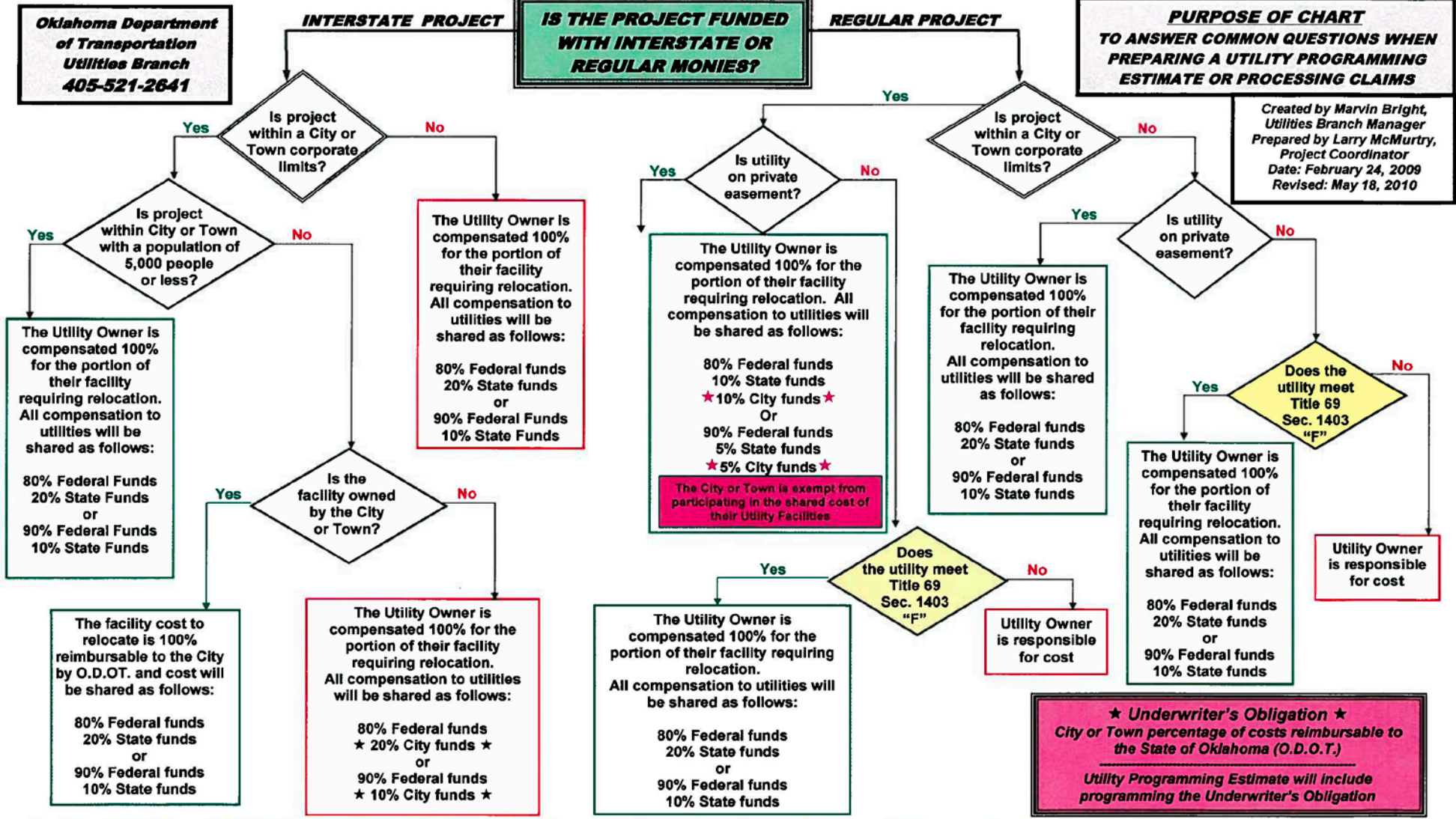
The financial responsibility for expired service life credit will be as described in the approved proposal.

Oklahoma Department
of Transportation
Utilities Branch
405-521-2641

**IS THE PROJECT FUNDED
WITH INTERSTATE OR
REGULAR MONIES?**

PURPOSE OF CHART
TO ANSWER COMMON QUESTIONS WHEN
PREPARING A UTILITY PROGRAMMING
ESTIMATE OR PROCESSING CLAIMS

Created by Marvin Bright,
Utilities Branch Manager
Prepared by Larry McMurtry,
Project Coordinator
Date: February 24, 2009
Revised: May 18, 2010



OKLAHOMA STATE STATUTE – TITLE 69 – SECTION 1403 – PARAGRAPH "F" (PUBLIC UTILITIES ON STATE HIGHWAYS)
Rural water districts, nonprofit water corporations, and municipal public water systems in municipalities with a population of 10,000 or less, according to the latest FDC, or their beneficial trusts shall be exempt from the payment of the costs and expenses for the removal and relocation of water and sewer pipelines and all such facilities constructed or in place in the public R/W when the removal and relocation of such facilities is necessary for the improvement, construction or reconstruction of any road or highway which is part of the state highway system or turnpike project.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Utility Relocation for Construction

No: OP-UT 6-3
Revised: 01-21-11
Page: 1 of 1

Policy:

General

The physical construction, adjustment, or relocation may begin after the proposal has been approved and completely signed, the work order received by the owner, and concurrence received by the owner in the use of the contractor recommended if contract labor is to be used. Work is to be accomplished in accordance with the proposal in a prudent manner consistent with the principles of the industry. Any deviation from the approval proposal must have approval from the Department.

Liaison

The Resident Engineer designated in the work order letter must be notified before work begins. The named Resident Engineer will be responsible for all construction within a highway project. To insure proper reimbursement, it is important that the Department's Resident be aware of all activity of the owner or his contractors from the beginning of any construction to completion.

Claims by the owner for reimbursement for the adjustment must be supported by on the job records and diaries kept by the Department's Resident Engineer or his representative. Constant liaison between the owner, his contractors, if any and the Resident Engineer must be maintained.

Legal Entry to Highway Rights-of-Way

The Department's rights-of-way will be secured or legal entry obtained before the work order letter is issued to the owner. When owner's forces, or a contractor acting on behalf of the owner move in equipment and material, right-of-way boundaries must be respected. If difficulties arise, the Resident Engineer's office should be notified immediately.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Law, Regulation, Statute, Code References	No: OP-UT 6-4
	Revised: 01-21-11
	Page: 1 of 2

Policy:

The following is a partial listing of existing Federal Laws, Federal Regulations, State Statutes, Oklahoma Administrative Codes, and Department Policies & Procedures that are applicable to utility relocation activities. This is by no means a comprehensive list, but is provided so that the utility relocation practitioner can develop a well-rounded working knowledge of the process.

Code of Federal Regulation (CFR)

23 CFR § 645 Utilities

Order 1321.1C FHWA Directives Management

State Statutes

69 O.S. 2001 § 233. Public service corporation

69 O.S. 2001 § 610. Joint construction of bridges by county, city and public service corporation

69 O.S. 2001 § 631. Use of bridges by public utilities or service corporations—Supervision by County Board.

69 O.S. 2001 § 632. Public utilities and public service corporations to pay tolls

69 O.S. 2001 § 1205. Acquisition policy

69 O.S. 2001 § 1208. Structures in rights-of-way or street prohibited—Public nuisance

69 O.S. 2001 § 1331. Powers of State and governing bodies

69 O.S. Supp. 2010 § 1401. Use of highways, rights-of-way and easement by public utilities and cable television system—Consent, terms and conditions

69 O.S. Supp. 2010 § 1402. Interference with public use by public utilities forbidden

69 O.S. Supp. 2010 § 1403. Public utilities on State Highways—Location and removal

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Law, Regulation, Statute, Code References

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Oklahoma Administrative Codes

730:10-1-7
730:10-23
730:20-1-2
730:20-1-3
730:20-1-4
730:20-1-5
730:20-1-6

Department Policies & Administrative Orders

A-101-3 Land Acquisition

C-101-2 Municipal Annexation of Portions of State Highways – Assignment of Responsibility

D-202-1-(1) Utility Regulations and rearrangements

AASHTO Policy

A policy on the accommodation of utilities within Freeway Right-of-Way, October 2005

A Guide for accommodating utilities within Highway Right-of-Way, October 2005

ASCE Standard

C1/ASCE 38-02 Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data

USDOT/FHWA

Design Guide for Fiber Optic Installation on Freeway Right-of-Way, December 2002

NCURP

Synthesis 405 Utility Location and Highway Design

TRB/SURP2

Report S2-R15-RW Integrating the Priorities of Transportation Agencies and Utility Companies

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Permitting – Occupancy of Department
Right-of-Way

No: OP-UT 6-5
Revised: 01-21-11
Page: 1 of 10

Policy:

The purpose of permits is to provide a means for essential utility lines to cross or occupy highway rights-of-way with minimum inconvenience to the traveling public and to regulate the methods used so that they are workable, reasonable, safe, and as nearly permanent and as free from maintenance as can be devised, such as perpendicular crossings when possible.

A permit to occupy Department rights-of-way may be obtained by the owner of a utility facility if a determination can be made that the installation and existence of the facility will not impair the safety of the traveling public or otherwise interfere with the intended use of the right-of-way.

Before placing a utility facility on any Department right-of-way, a permit must be obtained using standard forms furnished by the Department. All information requested on the form must be supplied. Drawings clearly illustrating work to be performed within the highway right-of-way and all other utility facilities in the area of this permit shall be provided with the permit application. A plan view will be sufficient except where a crossing of the highway is involved. Each highway crossing must be represented by an actual profile and cross-section, regardless of the type of utility being installed or its function.

Permits may be obtained through the Department's division office in the division where the installation is to be made.

Information and permit forms may be secured from any Department of Transportation Field Division Office, the Department of Transportation's Central Office, Utilities Branch, or from the Department's Website.

A \$5.00 handling fee is required for each permit. The fee will only be waived for nonprofit applicants such as schools and churches.

All permittees are responsible for compliance with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff on this project. Further, the applicant agrees as stipulated in the ODEQ's general permit to require a storm water permit with the ODEQ when required. The applicant agrees to have daily operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. The applicant agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutants Discharge Elimination System (OPDES) permit with ODEQ which authorizes discharges of storm water associated with construction activity from the project site in this document.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Permitting – Occupancy of Department
Right-of-Way

No: OP-UT 6-5
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All permittees are responsible for due diligence research regarding the potential presence of hazardous substances within the area of their planned installation. Due diligence includes, but is not limited to researching courthouse records for deed restrictions that may entail special requirements and/or prohibited activities. Permittees are solely responsible for the health and safety of their employees, agents, contractors, etc.

Freeways and Controlled Access Highways

On Interstate highways and highways with access control, permits will be approved only when the installation and occupancy of the right-of-way comply with the following:

1. The AASHTO publication “A Policy on the Accommodation of Utilities Within the Freeway Rights-of-Way”.
2. Work to be performed on Department right-of-way must have the approval of the Department’s Division Engineer who must be notified when the work is to begin and when it is complete for final inspection. Under no circumstance will any work be done on Department right-of-way until approval has been obtained. No work will be done on Department right-of-way on Saturdays, Sundays, Holidays or after dark unless approved by the Division Engineer. The Division Engineer may require a pre-construction conference.
3. One copy of the approved permit must be kept at the work site for inspection by the Division Engineer or his representatives. Applicant is to have an inspector or engineer present at all times during construction to insure that installation is made in accordance with plans and specifications approved by the Department. No deviation from the approved plans and specifications will be made without the approval of the Department’s Division Engineer.
4. The applicant must agree to hold the State harmless for any damage or injury to persons or property caused by or resulting from the construction, maintenance, operation, or repair of his facilities on, under, or over the Department right-of-way and must further agree to reimburse the Department for repair of any damage to Department facilities caused by the construction, maintenance, and/or operation of the facility.
5. No driveways, local roads, county roads, ditch liners, structures, or surfaced areas will be cut unless approved by the Division Engineer.
6. All work on the Department right-of-way is to be done in accordance with the current “Standard Specifications for Highway Construction.” At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition. Cleanup will include replacing any protective grass cover destroyed by

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trenching or the operation of any equipment and correcting any other damage that may have been caused as directed by the Division Engineer.

7. The applicant must furnish all flagmen, lights, barricades, and warning signs during the construction, maintenance, or repair of his facilities on the Department's right-of-way as required by Department standards and "The Manual on Uniform Traffic Control Devices."
8. In some cases, the applicant must post a performance bond in an amount determined by the Division Engineer. Necessity for such bond will be determined by the Division Engineer and the bond will be held in his office until the right-of-way is in a presentable condition.
9. Access for constructing a utility along frontage roads or across a freeway will be limited to frontage roads, nearby or adjacent public roads and streets, and trails along or near right-of-way lines. The use of through lanes or ramps by company personnel, machinery, or equipment to reach the work site will not be permitted. When construction equipment must be used within the control of access limits, the owner's plan must designate point of entry and departure of equipment. If deviation from access policy is to be requested, the Division Engineer should be consulted prior to development of a final plan.
10. When notified to do so by the Department, the applicant agrees to make all changes in the facilities on Department right-of-way at the applicant's own expense unless otherwise provided by law or order of the Transportation Commission.
11. Clearance above the traffic lanes of the highway at all pole line crossings should comply with applicable safety codes and will not be less than 20 feet. All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times. Facilities located on the highway right-of-way outside the control of access limits must be kept free of weeds and brush within five feet of the installation.
12. All encased crossings should have casing from right-of-way line to right-of-way line and be sealed at both ends with an approved conduit seal (standard neoprene, rubber, and comparable seals will be approved) and vented outside the right-of-way lines unless otherwise approved by the Division Engineer. The top of the conduit should be a minimum of 48 inches below subgrade but not less than 30 inches below the bottom of the ditches. The casing must be designed to sustain roadway loadings, contain and divert from the roadway the contents of the carrier pipe, and have a life expectancy equal to or greater than the carrier pipe. The vents should be sized to allow proper release of carrier pipe contents in case of failure.

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The minimum pipe size for vents is 2 inch nominal and the vent must extend a minimum of 36 inches above natural ground level. The owner must install identification markers at each right-of-way line directly above the facility. The markers may be attached to vents or to a right-of-way fence and should be placed over parallel underground facilities at each change in direction and not more than 1,000 foot intervals. The markers may be in the owner's standard design but must identify the owner, stating address and telephone number, size of facility, and must be at least 130 square inches in area. They must also be erected at a location plainly visible from within the highway right-of-way.

All underground electric cables crossing a highway must be placed in a conduit and be a minimum of 48 inches below the ditch flow lines. Conduit placed beneath a roadway should be steel. PVC or fiberglass conduit may be used if it is designed to withstand highway loading and is properly protected. Mechanical protection such as preformed concrete slabs is to be placed approximately 18 inches above the conduit and an advance warning plastic tape, clearly identifying the facility, is to be placed in the trench approximately 1 foot above the mechanical protection. Encasement for underground power lines or similar facilities should comply with the above except for the installation of vents and seals and the ability to contain and divert.

Encasement for underground telephone lines is not required.

Steel pipelines crossing the right-of-way may be installed without encasement if the installation is in accordance with "Special Provisions for the Installation of Underground Pipelines". This Special Provision stipulates in part that carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the right-of-way by being of steel at least one grade better and of the same wall thickness or a minimum of one wall thickness greater and of the same alloy. Pipe must be 48 inches below the flow line of drainage ditches and all other highway drainage facilities and must be properly protected from corrosion.

Facilities such as water and sanitary sewer lines crossing the highway right-of-way may be approved without encasement if cast or ductile iron or material of equal design is used with the understanding that maintenance in the event of failure will be performed in accordance with the AASHTO publication, "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way" and, more specifically, service will not be rendered from through traffic lanes or ramps. If a replacement facility becomes necessary, replacement will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe or any other approved method that will prevent disturbance of the highway. Polyethylene, AC, PVC, or equivalent material lines will not be permitted without the use of a steel or equivalent material, conduit.

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All underground crossings must be installed by boring or punching or other approved methods. The method and equipment for the installation must be approved by the Division Engineer. When boring beneath a roadway, water may be used provided the elevation is a minimum of 5 feet below the subgrade. Sufficient water for lubricating the bit is acceptable. However, jetting or pressure flushing of the bore will not be permitted. The alignment of the bore is to be established by drilling a pilot hole before beginning the full size bore. When water is used, the annular space outside the conduit or carrier pipe is to have grout placed at a minimum of 10 PSI pressure to insure against cavities beneath the roadbed. No digging or equipment will be permitted in center medians without special permission from the Division Engineer.

When larger diameter pipe/conduit is placed, construction should be done by jacking, dry boring, or tunneling. When boring in cohesion less materials, jacking, dry boring, or tunneling shall be done in conjunction with the advancement of a conduit/pipe. When boring in Bentonite Clay or equivalent material, drilling mud shall be required at the ends of the bore for a minimum distance of one foot. A natural clay or concrete plug will be acceptable for other bores.

Time to complete a bore shall be kept within the limits of open boring or advancing a conduit that can be properly reamed and cleaned out within one working day. Under no circumstances shall muck or water be left standing inside the bore at the end of a working day or due to a breakdown of equipment of more than eight hours.

If considered necessary, pressure grouting of the voids will be required when the diameter of any bore exceeds the outside diameter of the pipe by 2 inches or more. No trenching will be allowed inside the control of access limits unless approved by the Department. In the interest of safety, no trenching shall be performed or equipment parked within 30 feet of the edge of the traffic lanes. In unusual cases where trenching is necessary, a special plan with specifications will be developed by the owner with assistance from the Division Engineer, setting out the method for controlling the traffic placement of the facility and proper restoration of the roadway. These specifications must be approved by the Division Engineer.

Parallel facilities outside the control of access but inside the right-of-way should be installed as close to the right-of-way line as practical, as approved by the Division Engineer. All buried facilities should be placed at a minimum depth of 30 inches except for power which should be placed at a minimum of 48 inches below the surface. All nonferrous lines must have an electrically conductive wire with test points or other means of locating the pipe while it is underground. The ditch must be backfilled to a density equal to the adjacent soil and a proper

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vegetative cover established on the area disturbed. Parallel overhead lines on all highway right-of-way should be limited to single pole construction. All crossings of a highway should be as nearly perpendicular as possible. Any deviation must be approved by the Division Engineer.

All parallel underground electric cables must be placed a minimum of 48 inches below the surface. Mechanical protection such as preformed concrete slabs is to be placed approximately 18 inches above the cable and an advance warning plastic tape, clearly identifying the facility, is to be placed in the trench approximately one foot above the mechanical protection.

13. The applicant must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without approval of the Division Engineer. If it becomes necessary to disturb trees or shrubbery, the applicant's intentions must be plainly stated in the application which will include size and kind of trees and shrubs and disposition during installation.
14. The applicant must be familiar with the AASHTO Policy referred to above, particularly that portion which prohibits the installation or future maintenance of a utility facility from through traffic lanes or ramps.
15. The applicant must agree to hold the Department of Transportation harmless for any and all damage that the utility facilities might sustain while occupying State highway right-of-way.
16. Blasting will not be permitted within the highway right-of-way except in unusual cases and only with special approval from the Division Engineer.
17. The applicant must agree to notify all owners who have facilities in the area encompassed by this permit before beginning any work.

This permit may be revoked for noncompliance or failure to begin work within a one year period of date of approval.

Highways without Controlled Access

On all highways without access control, permits will be approved if the installation and occupancy comply with Oklahoma State Department of Transportation policy entitled "Occupancy of State Highway Rights-of-Way by Utility Facilities Not Presently Covered by AASHTO Policies" and requirements as follows:

1. Work to be performed on Department right-of-way must have the approval of the Department's Division Engineer who must be notified when the work is to begin and when it is complete for final inspection.

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Under no circumstances will any work be done on Department of right-of-way until such an approval has been obtained. No work will be done on Department right-of-way on Saturdays, Sundays, Holidays or after dark unless approved by the Division Engineer. The Division Engineer may require a pre-construction conference.

2. One copy of the approved permit must be kept at the work site for inspection by the Division Engineer or his representative. Applicant will be required to have an inspector or engineer present at all times during construction to insure that installation is made in accordance with plans and specifications approved by the Department. No deviation from the approved plans and specifications will be made without the approval of the Department's Division Engineer.
3. The applicant must agree to hold the State harmless for any damage or injury to persons or property caused by or resulting from the construction, maintenance, operation, or repair of the facilities on, under, or over the Department right-of-way and must further agree to reimburse the Department for any repair of damage to Department facilities caused by the construction, maintenance, and/or operation of the facility.
4. No driveways, local roads, county roads, ditch liners, structures, or surfaced areas will be cut unless approved by the Division Engineer.
5. All work on the Department right-of-way is to be done in accordance with the current "Standard Specifications for Highway Construction." At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition. Cleanup includes replacing any protective grass cover destroyed by trenching or operation of any equipment and correcting any other damage that may have been caused, as directed by the Division Engineer.
6. The applicant must furnish all flagmen, lights, barricades, and warning signs deemed necessary by the Department of Transportation during the construction, maintenance, or repair of his facilities on the Department right-of-way as required by Department standards and the "Manual on Uniform Traffic Control Devices." In some cases, the applicant must post a performance bond in an amount determined by the Division Engineer. Necessity for such bond will be determined by the Division Engineer and the bond will be held in his office until the right-of-way is in a presentable condition.
7. When notified to do so by the Department, the applicant agrees to make all changes in the facilities on Department right-of-way at the applicant's own expense unless otherwise provided by law or order of the Transportation Commission.

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8. Clearance above the traffic lanes of the highway at all pole line crossings should comply with applicable safety codes and will not be less than 20 feet. All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times and free from weeds and brush within a 5-foot area of the installation. These facilities, when parallel to the highway, will be no more than 4 feet inside the right-of-way line unless otherwise approved by the Division Engineer.

9. All encased crossings should have casing from right-of-way line to right-of-way line and be sealed at both ends with an approved conduit seal (standard neoprene, rubber and comparable seals will be approved) and vented outside the right-of-way lines unless otherwise approved by the Division Engineer. The top of the conduit should be a minimum of 48 inches below subgrade but not less than 30 inches below the bottom of the ditches. The casing must be designed to sustain roadway loadings, contain and divert from the roadway the contents of the carrier pipe, and to have a life expectancy equal to or greater than the carrier pipe. The vents should be sized to allow proper release of carrier pipe contents in case of failure. The minimum pipe size for vents is 2 inch nominal and the vent must extend a minimum of 36 inches above ground level. The owner must install identification markers at each right-of-way line directly above the facility. The markers may be attached to vents or to a right-of-way fence and should be placed over parallel underground facilities at each change in direction and not more than 1000 foot intervals. The markers may be in the owner's standard design but must identify the owner, stating address and telephone number, size of facility, and must be at least 130 square inches in area. They must also be erected at a location plainly visible from within the highway right-of-way.

All underground electric cables crossing a highway must be placed in a conduit and be a minimum of 48 inches below the ditch flow lines. Conduit placed beneath a roadway should be steel. PVC or fiberglass conduit may be used if it is designed to withstand highway loading and is properly protected. Mechanical protection such as preformed concrete slabs is to be placed approximately 18 inches above the conduit and an advance warning plastic tape, clearly identifying the facility, is to be placed in the trench approximately one foot above the mechanical protection. Encasement for underground power lines or similar facilities should comply with the above except for the installation of vents and seals and the ability to contain and divert.

Encasement for underground telephone lines is not required.

Steel pipelines crossing the right-of-way may be installed without encasement if the installation is in accordance with "Special Provisions for the Installation of Underground Pipelines".

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This Special Provision stipulates in part that carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the right-of-way by being of steel at least one grade better and of the same wall thickness or a minimum of one wall thickness greater and of the same alloy. Pipe must be 48 inches below the flow line of drainage ditches and all other highway drainage facilities and must be properly protected from corrosion.

Facilities such as water and sanitary sewer lines crossing the highway right-of-way may be approved without the use of encasement if cast or ductile iron or material of equal design is used with the understanding that maintenance will be performed by a method that will not disturb the through lanes or interfere with traffic. AC, PVC, polyethylene, or equivalent material lines will not be permitted without the use of a steel or equivalent material, conduit.

All underground crossings must be installed by boring or punching or other approved methods. The method and equipment for the installation must be approved by the Division Engineer. When boring beneath a roadway, water may be used provided the elevation is a minimum of 5 feet below subgrade. Sufficient water for lubricating the bit is acceptable. However, jetting or pressure flushing of the bore will not be permitted. The alignment of the bore is to be established by drilling a pilot hole before beginning the full size bore. When water is used, the annular space outside the conduit or carrier pipe is to have grout placed at a minimum of 10 PSI pressure to insure against cavities beneath the roadbed. No digging or equipment will be permitted in center medians without special permission from the Division Engineer.

When larger diameter pipe/conduit is placed, construction should be done by jacking, dry boring, or tunneling. When boring in cohesion less materials, jacking, dry boring, or tunneling shall be done in conjunction with the advancement of a conduit/pipe. When boring in Bentonite Clay or equivalent material, drilling mud shall be required at the ends of the bore for a minimum distance of one foot. A natural clay or concrete plug will be acceptable for other bores.

Time to complete a bore shall be kept within the limits of open boring or advancing a conduit that can be properly reamed and cleaned out within one working day. Under no circumstances shall muck or water be left standing inside the bore at the end of a working day or due to a breakdown of equipment of more than eight hours.

If considered necessary, pressure grouting of the voids will be required when the diameter of any bore exceeds the outside diameter of the pipe by 2 inches or more. In the interest of safety, trenching and the parking of equipment should be performed as far as possible from traffic lanes.

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In unusual cases where trenching is necessary, a special plan with specifications will be developed by the owner with assistance from the Division Engineer, setting out the method for controlling the traffic, placement of the facility, and proper restoration of the roadway. The method must be approved by the Division Engineer.

Parallel facilities outside the control of access but inside the right-of-way should be installed as close to the right-of-way line as practical as approved by the Division Engineer. All buried facilities should be placed a minimum depth of 30 inches except power which should be placed at a minimum depth of 48 inches below the surface. All nonferrous lines must have an electrically conductive wire with test points or other means of locating the pipe while it is underground. The ditch must be backfilled to a density equal to the adjacent soil and a proper vegetative cover established on the area disturbed. Parallel overhead lines on all highway right-of-way should be limited to single pole construction. All crossings of a highway should be as nearly perpendicular as possible. Any deviation must be approved by the Division Engineer.

All parallel underground electric cables must be placed a minimum of 48 inches below the surface. Mechanical protection such as preformed concrete slabs is to be placed approximately 18 inches above the cable and an advance warning plastic tape, clearly identifying the facility, is to be placed in the trench approximately one foot above the mechanical protection.

10. The applicant must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without approval of the Division Engineer. If it becomes necessary to disturb trees or shrubbery, applicant's intentions must be plainly stated in the application which will include size and kind of trees and shrubs and disposition during installation.
11. Blasting will not be permitted within the highway right-of-way except in unusual cases and only with special approval from the Division Engineer.
12. The applicant must agree to hold the Department of Transportation harmless for any and all damage that the utility facilities might sustain while occupying State highway right-of-way.
13. The applicant must agree to notify all owners who have facilities in the area encompassed by this permit before beginning any work.

This permit may be revoked for noncompliance or failure to begin work within a one year period of dates of approval.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Financial Responsibility for Service Lines

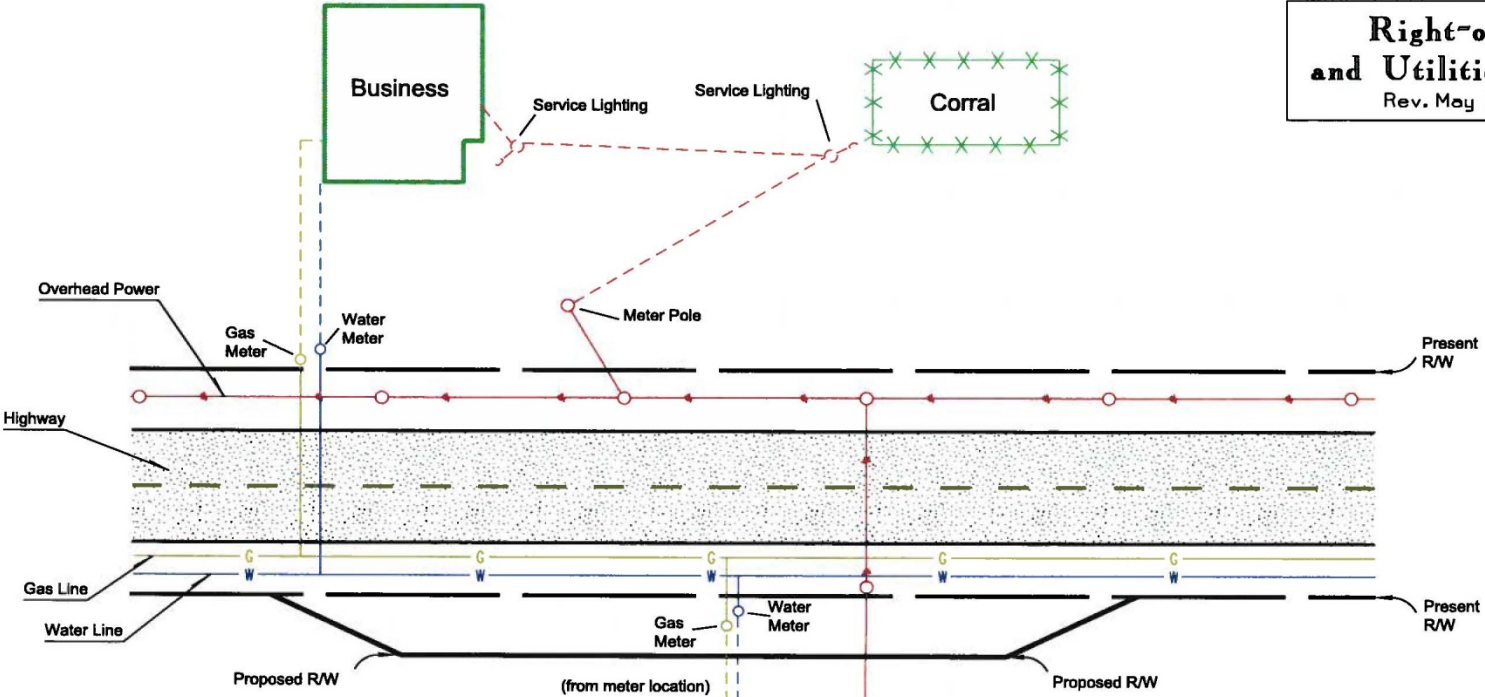
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Policy:

In general, public utility companies are responsible for the construction, operation, & maintenance of their facilities up to and including any service meter. The property owner becomes responsible for the construction, operation and maintenance of the service line from the service meter to their building, home or improvement.

The attached diagram provides a visual reference outlining Utilities Branch and Utility Owner responsibility versus Appraisal, Acquisition and/or Relocation Branch and Property Owner responsibility.

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**Right-of-Way
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Utilities Branch Responsibilities

————— Solid Line (Using uniform color code)

Utilities Branch responsible for the resetting and replacement of meters and service poles when affected by construction

*** Other Branch Responsibilities**

- - - - - Dashed Line (Using uniform color code)

Includes light poles & service lighting

* Appraisal, Acquisition, & / or Relocation Branch Responsibility

OKLAHOMA DEPARTMENT OF TRANSPORTATION
 Right-of-Way & Utilities Division
**BRANCH RESPONSIBILITIES
 FOR UTILITY SERVICE LINES**

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Special Provisions for the Installation of Underground
Steel Pipelines

No: OP-UT 6-7
Revised: 01-21-11
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Policy:

The attached Special Provision, Form No. 311, shall be submitted when applicable with all utility permits.

STATE OF OKLAHOMA
SPECIAL PROVISIONS FOR THE INSTALLATION OF UNDERGROUND STEEL PIPELINES
CROSSING STATE AND FEDERAL RIGHTS-OF-WAY WITHOUT THE
USE OF CONDUIT

1. Design and construction of steel pipelines crossing the State Highway rights-of-way will be accomplished in accordance with the quality maintained by industry standards. Carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the rights-of-way by being of steel at least one grade better and of the same thickness, or a minimum of one wall thickness greater and of the same alloy.
2. Pipe will be placed at a depth not less than 48 inches below the flow line of drainage ditches and all other drainage facilities within highway rights-of-way, with proper corrosion protection maintained at all times. When the construction consists of coated pipe and hard formations are encountered, the pipe being installed in bored or punched holes must be protected to prevent coating damage. All installations will be made in accordance with the requirements of the Oklahoma Corporation Commission and the U.S. Department of Transportation.
3. Identification marker's must be erected at the right-of-way line in accordance with Paragraph 10 or 11 of the accompanying utility permit.
4. All pipeline facility installation or pipeline repair work due to failure within controlled access highways will be performed in accordance with the AASHTO publication "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way", and more specifically, service will not be rendered from through traffic lanes or ramps. If a replacement facility becomes necessary, it will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe, or any other approved means which will not interfere with the highway. Installation of pipelines and future service on non-controlled access rights-of-way will also be rendered in a manner as not to interfere with the through lanes or otherwise inconvenience the traveling public.

5.	Construction Specifications	Outside R/W	Inside R/W
	(A) Steel Alloy/Grade	_____	_____
	(B) Nominal Diameter	_____	_____
	(C) Wall Thickness or Weight/Ft.	_____	_____
	(D) Contents	_____	_____
	(E) Test Pressure PSIG	_____	_____
	(F) Working Pressure PSIG	_____	_____
	(G) Maximum Pressure Pipeline	_____	_____

Not valid unless all information is furnished and installation made in accordance with these provisions. This form accompanies and becomes a part of Utility Relocation Agreement R/W Form No. 305 or Utility Permit Forms M-4 or M-4A.

Line Designation _____ Hwy. No. _____ County _____

Project No. or Permit No. _____

Utility Owner Name _____ Signature _____

Department of Transportation Approval _____ Date _____

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Buy America Requirement

No: OP-UT 6-8
Revised: 09-19-12
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Policy:

Buy America

Department participation in the cost of utility relocations required by a highway project and using any amount of FAHP funding must comply with the Buy America requirements (as specified in 23 U.S.C. 313 and 23 CFR 635.410).

Buy America requirements apply to contracts or agreements for utility work using FAHP funding.

Any contract involving utility work that uses any amount of FAHP funding must comply with the Buy America requirements.

Buy America requirements do not apply to standalone utility work or contracts with no federal funds involved.

If the utility work is accomplished through a contract or agreement separate from a highway improvement contract and uses only state or local funding, the Buy America requirements do not apply.

No foreign steel will be allowed in utility work using FAHP funding.

All materials permanently incorporated into a project using FAHP funding must meet the Buy America requirements (as specified in 23 U.S.C. 313).

Buy America requirements take precedence over the requirements pertaining to the relocation or accommodation of utility facilities.

Based on the Buy America requirements (as specified in 23 U.S.C. 313 and 23 CFR 635.410) being codified in Federal Law, these requirements take precedence over regulations pertaining to the accommodation or relocation of utility facilities (as specified in 23 CFR 645) on contracts or agreements involving FAHP funding.

Buy America and utility issues should be considered when developing agreements to relocate utilities that utilize FAHP funding.

Utility contracts or agreements for utility work that utilize FAHP funding must include the provisions to meet the Buy America requirements (as specified in 23 U.S.C. 313 and 23 CFR 635.410). The contract or agreement shall require the contractor to provide a definitive statement about the origin of all products, permanently incorporated into the project, covered under the Buy America requirements. Additional information on the Buy America requirements to include in utility contracts and agreements is available in the FHWA Construction Program Guide at: <http://www.fhwa.dot.gov/construction/cqit/buyam.cfm> and the

**POLICY STATEMENT
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Subject:
Buy America Requirement

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FHWA Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006: <http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2B01>.

Waiver granting for the Buy America requirements:

Waiver of the Buy America requirements may be granted on a project-by-project basis. Additional information on the requirements and conditions around which the Department and FHWA will consider waivers is available in the FHWA Construction Program Guide. A waiver must be approved in writing and signed by the Department and FHWA before being considered approved or authorized.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Outdoor Advertising Control Program	No: Revised: Page:	OP-OAC 6-1 04/01/15 1 of 6
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Policy:

Statutory Requirements, Authority for Control and Administration

1. The foundation of the Department's Outdoor Advertising Control Program comes from the Highway Beautification Act of 1965, as amended, (PL 89-285) which states the basic program objectives as follows:

“The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.”

2. The Outdoor Advertising Control Branch is a Branch of the Right-of-Way & Utilities Division of the Oklahoma Department of Transportation (ODOT.) The Branch is a centralized operation that is located at the Division Nine ODOT Headquarters in Oklahoma City, Oklahoma.
3. The Department's Outdoor Advertising Control Program is operated in full compliance with current federal laws, federal regulations, state statutes, state codes, and the ODOT policies & procedures pertaining to the control of outdoor advertising adjacent to National Highway System routes (and any federal aid primary systems in existence as of June 1, 1991) in Oklahoma. The references that are used to enforce the regulation of outdoor advertising are as follows:
 - 23 USC § 131 (Highway Beautification Act)
 - 23 CFR § 750
 - 69 OS 2001 §§ 1271 thru 1286
 - OAC §§ 730:35-5-1 thru 730:35-5-16
 - State & Federal Agreement (Signed April 14, 1972)

Federal Laws:

23 USC § 131 codifies into law the Highway Beautification Act (HBA). In addition to establishing the program objectives, Section 131 establishes the State's responsibility to provide continuing “effective control” of outdoor advertising on the Interstate and Primary Highway systems and specifies that State's failing to fulfill this responsibility will be subject to a 10 percent reduction of their annual Federal-aid highway apportionment.

4. With respect to the scope of application, the act specifies that the provisions of this program apply to areas adjacent to the Interstate and primary systems for a distance of 660 feet from the right-of-way in urban areas and also includes signs that are visible beyond 660 feet of the right-of-way in rural areas.

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Subject: Outdoor Advertising Control Program	No: Revised: Page:	OP-OAC 6-1 04/01/15 2 of 6
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5. Sign types permitted by the law are as follows:

- Directional and official signs
- Signs advertising the sale of property on which they are located
- Signs advertising activities conducted on the property on which they are located
- Signs legally in existence on October 22, 1965, determined to be landmark signs
- Signs advertising the distribution of free coffee by non-profit organizations

In addition to the permitted signs above, the law provides for general outdoor advertising in zoned or un-zoned commercial or industrial areas, with the terms for such signage being established through an agreement between each State and the FHWA. This allowance for general outdoor advertising through the State & Federal Agreement is exclusive, however, of any portions of the Interstate System or Federal-aid Primary System which have been designated as Scenic Byways.

6. The three basic requirements of the HBA for States to demonstrate effective control of outdoor advertising are:

- Enact legislation consistent with the HBA establishing the State's laws
- Enter into a State/Federal agreement with FHWA setting forth the State's laws and regulations
- Enforce the State laws and regulations

Federal Regulations:

The Federal regulations implementing the program for the control of outdoor advertising are detailed in 23 CFR § 750. Subparts to this regulation having particular application to outdoor advertising control are as follows:

- Subpart B - National Standards for Directional and Official Signs.
- Subpart G - Outdoor Advertising Control

Subpart B – National Standards for Directional and Official Signs

This subpart provides for the establishment of directional and official sign and notices for the following to the extent that they are judged to be in the interest of the traveling public:

- Natural wonders
- Scenic and historic attractions
- Cultural, scientific, educational and religious sites
- Areas of natural beauty or naturally suited for outdoor recreation

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Outdoor Advertising Control Program

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In addition, this subpart provides specific criteria on sign size, height, spacing/location, lighting message content and selection criteria for directional signs and notices.

Subpart G – Outdoor Advertising Control

This subpart prescribes the FHWA requirements relating to the effective control of outdoor advertising. In addition to reiterating the statutory requirements of 23 USC §131, this subpart specifies the responsibilities and requirements of States in providing effective control of outdoor advertising such as:

- Sign control in zoned and un-zoned commercial and industrial areas
- Non-conforming sign issues including grandfathered signs, maintenance and continuance of signs
- On-premise or accessory advertising

With respect to effective control of outdoor advertising, Subpart G provides for the following:

- Prohibit the erection of new signs that are in contention with Federal law
- Assure that new signs comply with the State's size, spacing, and lighting criteria in its State/Federal Agreement
- Assure that new directional and official signs comply with Federal size and spacing criteria
- Remove illegal signs expeditiously
- Assure that legal nonconforming signs qualify as such
- Remove legal nonconforming signs according to State definition of "customary maintenance" and "destroyed"
- Establish criteria for ascertaining which traveled way a sign is intended to be read from
- Develop laws, regulations, and enforcement procedures to FHWA for approval

State Statutes

Title 69 O.S. §§ 1271 thru 1286

Oklahoma Administrative Code

OAC Title 730:35-5

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7. Implementation

The following is the manner in which the ODOT implements their enforcement of the Highway Beautification Act. Regulation of outdoor advertising along controlled routes of the highway system in the state of Oklahoma is enforced by the Outdoor Advertising Control Branch, a branch of the Right-of-Way Division. The major functions necessary to implement Oklahoma's Outdoor Advertising Control program are as follows:

- Inventory
 - Outdoor Advertising Licensing
 - Sign Permitting
 - Removal of Illegal Signs
 - Management of Legal Nonconforming (Grandfathered) Signs
8. Information packets are available from the Outdoor Advertising Control Branch. A running log of recipients of the packet is kept on file in the office. The packet consists of the following:
- Application Forms (Outdoor Advertising License Form & Sign Permit Form)
 - Zoning Confirmation Form (Form Z-504 - To be submitted with sign permit applications for zoned areas only)
 - List of Fees
 - Outdoor Advertising's Regulated Routes Map (A color coded map depicting which routes of highway are regulated for outdoor advertising purposes.)
 - Diagram of Sign Structure Types
 - State Map
9. Any notices that are issued referencing a time frame to be heeded, a cancellation, or rejection is sent either by United Parcel Service or facsimile to provide proof of receipt by the recipient. Any time frame that is issued begins at the date of receipt.
10. Not all routes of highway are regulated for outdoor advertising purposes. The routes which are regulated consist of all routes deemed part of the National Highway System of Defense, and any federal aid primary routes which were on the system as of June 1, 2001.

The Department's Outdoor Advertising Control Map, depicting these regulated routes, is produced & maintained by Planning & Research Division under guidance of Outdoor Advertising Control Branch personnel.

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While all regulated routes are regulated, some of the regulated routes also have a designation as a Scenic Byway which restricts the placement of signs. (See OP-OAC 6-15 Scenic Byway Program.)

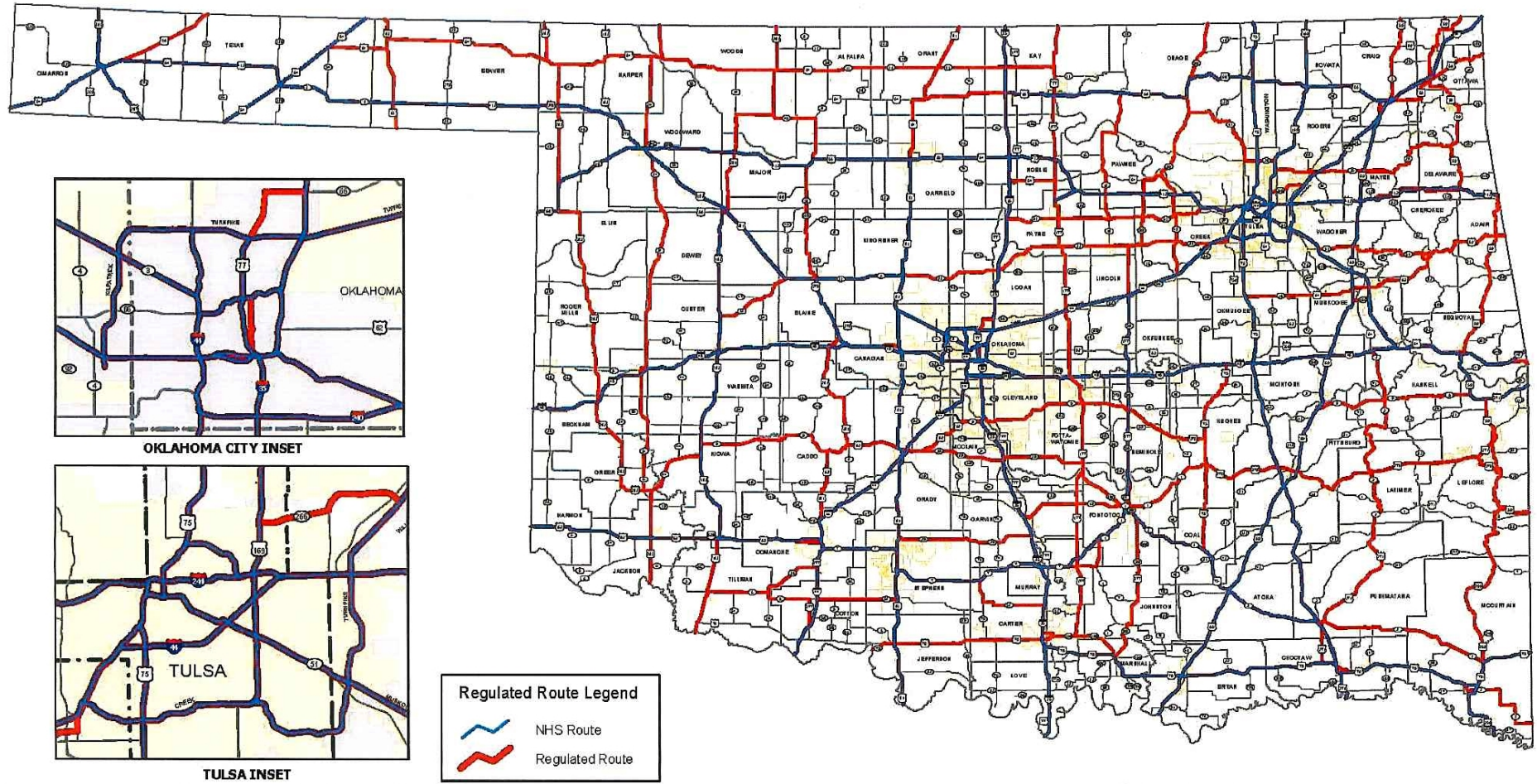
Scope:

The Outdoor Advertising Control Program involves the regulation and control of the location, size, spacing, lighting and maintenance of signs and devices along the State's NHS routes as well as some Non-NHS routes. **See attached map for Regulated Routes.**

Responsibility:

Manager, Outdoor Advertising Control

Ensure program is carried out in accordance with all appropriate laws, rules and regulations.



Regulated Route Legend

-  NHS Route
-  Regulated Route



OKLAHOMA DEPARTMENT OF TRANSPORTATION
 PLANNING & RESEARCH DIVISION
 405 N. EAST AVENUE, SUITE 100
 OKLAHOMA CITY, OKLAHOMA 73102

HBA Regulated Routes

Oklahoma Department of Transportation
 Outdoor Advertising Control Branch
 200 N.E. 21st Street
 Oklahoma City, Oklahoma 73105
 Phone: (405) 521-3005



JANUARY 5, 2012

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Policy:

The following words, abbreviations, and terms will have the following meanings.

Scope:

Abandoned - Means a registered sign in need of substantial repair, or which is overgrown by trees or other vegetation not on the highway right-of-way, for a period of one (1) year, shall be considered abandoned and any nonconforming or grandfather status granted by the Highway Advertising Control Act shall be terminated.

Adjacent Area - See Controlled Area

Advertisement - Means any writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed outdoors on real property and is intended to invite or to draw the attention or to solicit the patronage or support of the public to any goods, merchandise, real or personal property, business, services, entertainment or amusement manufactured, produced, bought, sold, conducted, furnished, or dealt in by any person; the term shall also include any part of an advertisement recognizable as such, whether a permanent or portable installation, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use; nor shall same include temporary election candidate campaign signs or voters' referendum signs, if erected not more than forty-five (45) days prior to an election and removed within seven (7) days following the election or within seven (7) days following the final election if more than one is required to settle the advertised candidates election or non-election, or referendum issue.

Agreement - Refers to the agreement between the Director of the Oklahoma Department of Transportation and the Secretary of Transportation of the United States, regarding the enforcement of the Highway Beautification Act of 1965.

Billboard - Large format advertising displays intended for viewing from extended distances, generally more than 50 feet. Billboard displays include, but are not limited to 30-sheet posters, 8-sheet posters, vinyl-wrapped posters, bulletins, wall murals, and stadium/arena signage. The most common size of billboards located within metropolitan areas is 14 feet high by 48 feet wide.

Business Area - Means any part of an adjacent (control) area which is zoned for business, commercial or industrial activities under the authority of any law of this state, or not zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

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Centerline of the Highway - Means a line equidistant from the edges of the median separating the main traveled ways of a divided highway, or the centerline of the main traveled way of a non-divided highway.

CEVMS - (Changeable electronic variable message signs.) Signs which use LED technology to display advertisement.

CLAR - A permit classification reserved for the relocation of signs requiring removal to accommodate a highway construction project. This site must meet all current requirements except for spacing between registered signs. (Spacing is based on pre-November 1, 2001 standards.) This permit is granted to provide relocation to a sign acquired under eminent domain and in accordance with Title 69 O.S. §1275(c)(4) & (5).

Class "A" Permit - **(CLSA)** a permit classification designated for Class A sites which comply with state & federal regulations post November 1, 2001 spacing increase. **(CSLP)** A permit classification designated for Class A sites which comply with all current state and federal regulations except for spacing between registered signs. (Spacing is based on pre-November 1, 2001 standards.) **(CLAR)** A permit classification reserved for the relocation of signs requiring removal to accommodate a highway construction project. This site must meet all current requirements except for spacing between registered signs.

Class "B" Permit – (SNQP) a permit classification issued to legal non-conforming signs, which do not conform in one or more aspects to the Highway Beautification Act. Although these signs are non-conforming they are legal due to being in place at the time the law became effective for the corresponding highway route. (See definition for "grandfathered signs" and LNRM for more information.)

Class "C" Permit – (CLSC) This permit is issued for sign displays which meet "informational" status. They are limited to 150 sq. ft. of advertising display per facing, and must meet stringent criteria. (See definition for "Informational Signs")

Class "D" Permit – (CHUR) a permit classification designated for registered church signs & religious notices. Criteria for permit issuance is the same as a Class "A", however there is no permit renewal fee required.

CLSA – A Class "A" permitted sign site designation for a location which meets all current standards.

Commercial of Industrial Area - Means any part of a controlled area which is within six hundred sixty (660) feet of the nearest edge of the right-of-way and is:

1. Zoned for industrial or commercial activities under the authority of any state zoning law, or city or county zoning ordinance of this state.

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Any commercial or industrial area created or established by any zoning authority must actually be capable of supporting commercial or industrial activities. A zoning action which is not a part of a comprehensive zoning plan and is created primarily to allow outdoor advertising structures does not constitute valid zoning for outdoor advertising control purposes.

2. Not zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

Comprehensive Zoning - Means a complete approach to land use within the jurisdiction of a zoning authority. For example, the mere placing of the label "zoned commercial or industrial" on land does not constitute comprehensive zoning, but rather, the establishment of a complete set of regulations to govern the land use within the entire jurisdiction of the zoning authority.

Controlled Area - Within urban areas means the area which is adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way on any Interstate or Primary Highway. The six hundred sixty (660) foot distance shall be measured horizontally along a line perpendicular to, or ninety degrees (90°) to the centerline of the highway. Outside of urban areas, adjacent area or controlled area means the area which is visible from the main traveled way on any Interstate or Primary highway and has the purpose of being read. Signs located outside the controlled area will not be registered.

Control of Access - Means the Department shall not issue a permit for any sign which cannot be erected or maintained from private property without violating control of access boundaries.

CSLP - A permit classification designated for Class A sites which comply with all current state and federal regulations except for spacing between registered signs. (Spacing is based on pre-November 1, 2001 standards.) CSLP signs or permits must have been in existence or issued prior to the law change.

Customary Maintenance - Means maintenance that shall only include, change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing vegetation (not on right-of-way), reinforcing the structure with banding or nails, and repairing the apron or catwalks. Additional maintenance activities may be approved upon written request to the Department. An increase in dimension, any change in location, increase in height, change in the location of lighting, or the addition of lighting does not constitute customary maintenance. An increase, change, addition or any maintenance which is not listed above, shall terminate any nonconforming or grandfather status granted by the Act and the sign shall be considered illegal, thus a public nuisance subject to summary abatement and removal without compensation.

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Damage - Means injury or harm as a result of wear and tear, storms, or other natural causes including, but not limited to, insect damage. If such damage occurs, the owner of the damaged sign shall notify the Department by letter within thirty (30) days of the occurrence, giving the signs registration number, date damage occurred, whether or not the sign will be repaired, an itemized list of repairs, and a picture of the damaged structure. Failure to comply with any part of the above requirements before repairing a damaged sign shall result in forfeiture of any nonconforming or grandfather status granted by the 1972 Highway Advertising Control Act. After receiving authorization and repairs have been completed, the owner shall send a picture of the repaired structure.

Department - Means the Oklahoma Department of Transportation.

Destroyed - When damage to a sign exceeds fifty percent of the physical structure.

Destruction - Means that a sign shall be considered destroyed when damaged, from any cause except a criminal or tortious act, exceeding fifty percent (50%) of the sign structure.

Directional Signs - Means signs giving directional information about goods and services of interest to the traveling public. Such signs shall be limited to those pertaining to rest stops, camping grounds, food services, fuel and automotive services, and lodging.

Director - Means the Director of the Department of Transportation or his designee.

Discontinued or Blank Sign - Means a registered sign not displaying products or service advertising contents for a period of one (1) year shall be considered discontinued and removed at the expense of the sign owner. Leasing information shall be considered advertising content for the purposes of this definition.

Divided Highway - Means that part of a primary highway which has been constructed as divided, dual lane fully controlled access to the throughways except for the established interchanges.

Exempt – A classification designated for exempt signs. Signs not requiring a permit or to be registered with the Department.

Federal-aid Primary Highway - Means the Federal-aid Primary System in existence on June 1, 1991, and any highway which is not on such system but is on the National Highway System.

Global Positioning System (GPS) - This is a satellite navigation system funded and controlled by the United States Department of Defense (DOD). While there are many thousands of civil users of GPS worldwide, the system was designed for and is operated by the DOD. GPS provides specially coded satellite signals that can be processed by a GPA receiver, enabling the receiver to compute position, velocity, and time.

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Four GPS satellite signals are used to compute positions in three dimensions and the time offset in the receiver clock.

Grandfathered or Legal Non-Conforming Sign - Means a sign which was lawfully erected but does not comply with all of the provisions of the Highway Beautification Act, State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Although these signs are non-conforming they are legal due to being in place at the time the law became effective for the corresponding highway route. Illegally erected or maintained signs are not nonconforming signs. (Same as Nonconforming (grandfathered) sign.)

Highway Beautification Act of 1965 (HBA) - Federal law upon which all regulations, statutes, and codes are based regarding outdoor advertising control. The HBA is sometimes referred to as the "Ladybird Johnson Act".

Illegal Sign - Means signs that are situated in controlled areas adjacent to Interstate and Federal-aid Primary Systems which are outside zoned and unzoned commercial or industrial area, are not listed on the 1972 inventory and do not qualify either as on-premise, directional or official signs and notices required or authorized by law. Signs erected within zoned and unzoned commercial and industrial areas without benefit of a permit or which are erected or maintained not in accordance with permit requirements are also illegal.

Information Signs - Mean signs containing directions or information about public persons or public places which are owned or operated by federal, state, or local governments or their agencies. It also refers to public or privately owned natural phenomenon, historic, cultural, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, when deemed to be of interest to the traveling public. Informational signs do not include political campaign signs or posters.

Interstate highway - Means any highway at any time officially designated a part of the National System of Interstate and Defense Highways by the Department and approved by the United States Department of Transportation.

Inventory - This refers to the act of driving the regulated routes of highways and obtaining pertinent information of signs advertising to the main traveled way of said highways. In addition to the pertinent information, the inventory also includes documenting each location on an aerial photograph, taking photos of the sign site, determining the legal description, and obtaining GPS coordinates when applicable. Regulated routes of highways have also been videotaped displaying the area in which signs are generally located (within 100 to 200 feet of the right-of-way).

Landmark Signs - CFR 23 Sec. 750.710

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(a) 23 U.S.C. 131(c) permits the existence of signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which is consistent with the purpose of 23 U.S.C. 131.

(b) States electing to permit landmark signs under 23 U.S.C. 131

(c) Shall submit a one-time list to the Federal Highway Administration for approval. The list should identify each sign as being in the original 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965. (c) Reasonable maintenance, repair, and restoration of a landmark sign is permitted. Substantial change in size, lighting, or message content will terminate its exempt status.

NOTE:

These signs are not specifically addressed anywhere in the state/federal agreement, statutes or administrative code and are not recognized as a special category of sign in Oklahoma. All "landmark" signs that have been identified in Oklahoma were previously "grandfathered" into the system and are treated as such.

Lease - Means an agreement, in writing, by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.

License - Means the privilege granted by the Department to do business as an outdoor advertising company in the State of Oklahoma.

LED (Light Emitting Diode) - A semiconductor diode that emits light when a voltage is applied to it and that is used in an electronic display.

LNRM – A legal nonconforming (grandfathered) registered sign which does not maintain a permit.

Main Traveled Way - Means the traveled portion of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

Maintain - Means to hold or keep in a state of continuing existence.

National Association of Highway Beautification Agencies (NAHBA) - An association comprised of a governing body, the Board of Directors, and its membership. The Board of Directors is composed of six (6) members who are employees or representatives of any state's department of transportation or highway agency.

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NAHBA's mission is to be an advocate for developing and promoting innovative ideas and consistent business practices for the control of outdoor advertising, junkyards, scenic and beautification programs; streamline the federal outdoor advertising control program through improved communication; facilitate the dissemination of information to members; and to encourage the integration of competing interests that serve the motoring public.

NHS (National Highway System) - An approximate 160,000 mile network of roadway spanning the United States important to the nation's economy, defense, and mobility. The NHS includes the following:

- Interstate: The Eisenhower Interstate System of highways retains its separate identity within the NHS.
- Other Principal Arterials: These are highways in rural and urban areas which provide access between an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility.
- Strategic Highway Network (STRAHNET): This is a network of highways which are important to the United States' strategic defense policy and which provide defense access, continuity and emergency capabilities for defense purposes.
- Major Strategic Highway Network Connectors: These are highways which provide access between major military installations and highways which are part of the Strategic Highway Network.
- Intermodal Connectors: These highways provide access between major intermodal facilities and the other four subsystems making up the National Highway System.

Nonconforming (grandfathered) Sign - Means a sign which was lawfully erected but does not comply with all of the provisions of the State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.

Nonconforming (grandfathered) Sign Maintenance - Means the sign must remain substantially the same as it existed on the effective date of State law. (Also see Customary Maintenance and Destruction above.)

NOTC – A classification designated for signs adjacent to a route which is no longer regulated.

Official Signs and Notices - Mean signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the

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purpose of carrying out an official duty or responsibility. These signs must not exceed thirty-two (32) total square feet in area.

Off-Premise Sign - A sign that advertises products or services that are not sold, produced, manufactured, or furnished on the property where the sign is located. An outdoor display is an off-premise sign.

On-Premise Sign - Means signs consisting solely of the name of the establishment, or which identify the establishment's principal or accessory products, or the services which are offered on the business premises. Signs advertising the sale or lease of the property on which they are located, are considered on-premise signs. Signs located on narrow strips of land contiguous to the advertised activity when the purpose clearly is to circumvent the Oklahoma Highway Advertising Control Act shall not qualify as on-premise signs. (See 730:35-5-14)

Outdoor Advertising Association of America (OAAA) - A national trade association representing and supported by their membership; operators, suppliers, associates, and international members. The mission of the OAAA is to promote, protect, and improve the outdoor advertising medium by focusing on legislation, marketing, product improvement, new technologies, and industry unity.

Outdoor Advertising Business - Means any person, firm, or corporation which builds, leases, sells, or rents advertising space upon an outdoor advertising sign, display or device to others for profit.

Panel - Each separate advertising display attached to a sign structure constitutes a panel. For example, a double-stacked V-board would have four (4) panels.

Permit - a legal document that grants permission to a sign owner to build and maintain a sign at a qualifying location. Permits are considered a privilege and are issued by the Department through an application and approval process.

Poster Panel - An outdoor unit that can accommodate 8-sheet or 30-sheet poster displays.

Primary Highway - Means the Federal-aid Primary System in existence on June 1, 1991, and any highway which is not on such system but is on the National Highway System.

Public Utility Signs - Means warning signs, informational signs, notices or markers which are customarily erected and maintained by publicly or privately owned utilities, as essential to their operations.

Registration Certificate - A legal document issued by the Department which confirms the ownership of a permitted sign. This document is made of green security paper and measures 8 ½ in. x 5 ½ in. This document is, in essence, the title to the sign.

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Transfer of the sign requires this document to be fully executed as provided for on the back side of the certificate.

Regulated Route - Routes of interstate or highway where state and federal rules and regulations are enforced by the Oklahoma Department of Transportation. These include all routes deemed part of the National Highway System of Defense, and any federal aid primary routes which were on the system as of June 1, 2001.

Rest Area - Means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

Scenic Turnout - Means as area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control which provides a shelter off the main-traveled way for stopped vehicles for the purpose of viewing an area of scenic significance.

Service Club and Religious Notices - Mean signs and notices relating to the existence or meetings of non-profit service clubs, including but not limited to, garden clubs, charitable associations or religious services. Service club or religious notice signs shall not exceed eight (8) square feet in area. (See 23 CFR § 750.153(p) & OAC 730:35-5-15)

Sign, Outdoor Advertising, or Outdoor Advertising Device - Means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the Interstate or National Highway System. It includes permanent or portable installations, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use. It shall not include temporary election campaign signs or voters' referendum signs, if erected not more than 45 days prior to an election and removed within 7 days following the election or within 7 days following the final election if more than one election is required to fill the office or settle the referendum issue.

Sign Facing - Means the total advertising surface of an outdoor advertising sign, display or device which is visible from the main-traveled way of the highway. For purposes of this definition, a single sign facing may consist of one or more sign panels facing in one direction.

Sign Panel - Means a separate advertising area contained upon a sign facing, including any border or trim, but excluding ornamental base or apron supports; provided however, that such ornamental base or apron supports shall not contain an advertising message or messages.

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Sign Standards by Sign Type - Means Class "A" signs, Class "C" signs, "on premise" signs, exempt signs, prohibited signs and all their zoning, spacing, lighting and size requirements. (See 730:35-5-12, 730:35-5-13, 730:35-5-14, 730:35-5-15, and 730:35-5-16.)

Sign Structure Support - Includes all structures, poles, bracings, lateral supports and other material of every kind and nature used to support a face or surface on which outdoor advertising is placed, whether located on or attached to the surface of the earth or man-made structure.

SNQP - A legal nonconforming signs which maintains a permit. (See Class "B" Permit for more information.)

SUSP – A temporary classification in which a sign or permit is placed for a suspended period to allow time for an issue to be resolved.

The Act - Means the Highway Advertising Control Act contained within Title 69 O.S., Section 1271 et seq., and any amendment thereto.

To Erect and variants of the verb "to erect" - Means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. These shall not include any of the foregoing activities when performed as incident to the change of advertising message or customary maintenance of the sign structure. Any relocation of the sign structure, however slight, from one sight to another site shall be deemed to be within the meaning of the verb "to erect" and its variants.

TRBL – This classification is designated for signs located on Tribal land held in trust. This is an exempt category.

Truck Weighing Station - Means an area or site established and maintained within or adjacent to the highway right-of-way and upon which are located permanent truck weighing facilities operated by the Department, the Department of Public Safety, and/or the Oklahoma State Tax Commission.

UNRX – This classification is designated for illegal signs.

Unzoned Commercial or Industrial Areas - Means those areas which are not zoned by state or local law, regulation or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon. No area upon which a commercial or industrial activity is conducted shall be considered as an unzoned commercial or industrial area if the commercial or industrial activity is conducted as a method, scheme or ruse designed for the purpose of conducting the business of outdoor advertising.

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Urban Area - Means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each state, or an urban place as designated by the Bureau of the Census having a population of five thousand (5,000) or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

Vinyl - A flexible, plastic sheeting on which an advertising message is rendered by either computer production or hand painting. This sheeting is then stretched across a billboard and securely attached thereto, displaying the advertisement to the traveling public.

Visible - Means capable of being seen without visual aid by a person or normal visual acuity.

Zoned Commercial or Industrial Areas - Means those areas zoned for commercial or industrial activities under the authority of any state law or city or county zoning ordinance of this state. Any commercial or industrial area created or established by any zoning authority must actually be capable of supporting commercial or industrial activities. Any state or local zoning action which is not a part of a comprehensive zoning plan, such as strip zoning, spot zoning, or variances created primarily to allow outdoor advertising structures, will not be recognized by the Department as zoning for outdoor advertising purposes.

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on industry nomenclature and keeping terms properly defined.

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Policy:

A fee schedule will be established and periodically reviewed.

Scope:

Outdoor Advertising License (New)	\$400.00
Outdoor Advertising License Renewal (1)	\$200.00
Penalty for Late License Filing (1)	\$50.00
Sign Permit Application (Initial)	\$100.00
Sign Permit Renewal (Biennial - Every Two Years)	\$20.00
Replacement Title (Registration Certificate)	\$25.00
Replacement Registration Tag	\$25.00
Title of Registration Transfer (2)	\$25.00

1. Annual license renewal is due by June 30th of each year. This fee is not pro-rated. For every month late, a penalty is added to the renewal fee. (Deadline is determined by post-mark on received envelope.)
2. Title transfers are required to be fully executed on back, and must be accompanied with land use consent (with new owner) or lease assignment. (Proof of payment, such as a cancelled check, will suffice.)

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on geographical trends in the fee structure and adjusting fees accordingly.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Regulations Affecting Various Types of Signs

No: OP-OAC 6-4
Revised: 04/01/15
Page: 1 of 2

Policy:

As a general guide the attached table should be used in determining how to handle various signs and their accompanying issues.

Scope:

See Attached Table

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on relevant laws, rules and regulations in order to keep the table current.

COMMON QUESTIONS CONCERNING REGULATIONS FOR VARIOUS TYPES OF SIGNS

QUESTIONS	SIGN TYPE							
	Commercial Outdoor Advertising Signs (Not on-premise)	On-Premise Signs	Class C Informational Signs (See OAC 730:35-5-13 for definition.)	Church & Service Club Signs (8 sq. ft. or less)	Church Signs (Exceeding 8 sq. ft.)	General Guide Signs ¹ (Administered by Division Traffic Engineers)	Exempt Signs (See OAC 730:35-5-3 for definition)	Signs Located on Sovereign/Trust Lands (Exempt from HBA Regs.)
Does this type of sign need to be located on the owner's land?	NO	Not Necessarily ²	NO	NO	NO	NO	NO	NO
Is a permit application fee required? (Initial)	YES	NO	YES	NO	YES	Depends on Type	NO	NO
Does this type of sign need an OAC license?	Maybe ³ (See OAC 730:35-5-4)	NO	NO	NO	NO	NO	NO	NO
Is a permit renewal fee required?	YES ³	NO	NO	NO	NO	Refer to Local Division Traffic Engineer	NO	NO
Does the spacing criteria apply?	YES	NO	YES	NO	YES	Refer to Local Division Traffic Engineer	NO	NO
Does the sign need to be located in a zoned or unzoned commercial industrial area?	YES	NO	NO	NO	YES	NO	NO	NO
What is the maximum height of the sign face?	25 FT.	N/A (Refer to Local Government)	Facing cannot exceed 150 sq. ft. in area	N/A	25 FT.	Refer to Local Division Traffic Engineer	N/A	N/A
What is the maximum width of the sign face?	60 FT.	N/A (Refer to Local Government)	Facing cannot exceed 150 sq. ft. in area	N/A	60 FT.	Refer to Local Division Traffic Engineer	NO	NO
What is the maximum area of the sign face?	1200 sq. ft.	N/A (Refer to Local Government)	150 sq. ft.	8 sq. ft.	1200 sq. ft.	Refer to Local Division Traffic Engineer	NO	NO
Can this sign be located on State Right-of-Way?	NO	NO	NO	NO	NO	YES	NO	NO

¹ This type of signage can include signs qualifying under the Main Street Program, Community Pride (limited to 24 sq. ft.,) and Landscape Agreements, and also signs delineating Indian Political Boundaries. The TODS & LOGO Program is administered by the Traffic Engineering Division in Oklahoma City. Call 405-522-1816 for information. All of these types of signs are not regulated by the Outdoor Advertising Control Branch.

² On premise sign advertisements are germane to the activity, products or services being provided or taking place on the property upon which the sign is located. This includes the sale or lease of property upon which they are located.

³ Any person, firm or corporation engaging in the business of outdoor advertising, or providing advertisement for an activity or business other than their own, must obtain an Oklahoma Outdoor Advertising License. A license is renewed June of every year.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Changeable Message Signs (Tri-vision, LED, CMS, & CEVMS)	No: Revised: Page:	OP-OAC 6-5 04/01/15 1 of 1
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Policy:

As a general guide the following scope shall be utilized in determining how to handle these various sign types, lighting and their accompanying issues. Title 69 O.S. § 1275(d) and OAC Title 730:35-5-12(c).

Scope:

The guidelines for changeable message signs can be found in Sign Standards under "Lighting" in both the statutes and the administrative rules. Federal and State guidelines prohibit flashing, intermittent or moving lights being used on off-premise signs. There are two different types of changeable message signs allowed; Tri-vision and LED/digital or changeable electronic variable message signs (CEVMS) both of these types of technology are allowed only under stringent guidelines.

Tri-vision signs utilize panels or slats which rotate to display different messages in a fixed position. Regulations require that the rotation from one message to another can not be more frequent than eight seconds and the actual rotation process must be completed in four seconds or less.

CEVMS utilize LED technology, or other types of lighting technology, to create more than one advertising display on a sign facing. The guidelines are similar to the Tri-vision signs in that each individual message must remain in place for at least eight seconds. However, due to the prohibition of moving or intermittent lights, the transformation from one message to the next must occur with static displays, without any type of obvious animation such as fading or scrolling.

These types of signs do not require a special permit, but must meet all Class "A" standards. The guidelines for CMS are specified in the approval letter per individual site.

Nonconforming signs cannot be updated to Tri-vision, CMS, or CEVMS technology as this would be considered a substantial change and inconsistent with 23 CFR § 750.707(d)(5).

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on relevant laws, rules and regulations in regard to lighting and changeable messages, and ensuring that they are enforced.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Political or Election Signs	No: Revised: Page:	OP-OAC 6-6 04/01/15 1 of 1
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Policy:

This type of sign shall be treated in accordance with Title 69 O.S. § 1208, 1209 & 1211 of the Oklahoma Statutes and Title 730:35-5-1 of the Oklahoma Administrative Code.

Scope:

Because of the temporary nature of candidate campaign signs or voters' referendum signs, there are no permit fees required. However there are strict guidelines for signs promoting political candidates and issues. They are as follows:

- Signs cannot be placed on the highway right-of-way, or on right-of-way fences or public utility poles.
- Signs cannot be erected more than forty-five (45) days prior to an election.
- Signs must be removed within seven (7) days after the election or within seven (7) days following the final election if more than one election is required to fill the office or settle the referendum issue.

Responsibility:

Manager, Outdoor Advertising Control Branch

Responsible for keeping current on relevant laws regarding political signs.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Qualifying Commercial & Industrial Activities

No: OP-OAC 6-7
Revised: 04/01/15
Page: 1 of 2

Policy:

In areas which are unzoned, Federal and State laws require that a sign site must be located within 600 feet of a qualifying commercial or industrial activity to receive conforming status. See Title 69 O.S. § 1273(d) & (e) of the Oklahoma Statutes and Title 730:35-5-12(2) of the Oklahoma Administrative Code.

Scope:

Guidelines used to determine acceptance of a commercial or industrial activity are as follows:

- A regularly used portion of the activity must be located within 660 feet of the adjacent highway right-of-way.
- A regularly used portion of the activity must be clearly visible and recognizable as a business from the roadway.
- Activity shall be equipped with all customary utilities, facilities and open to the public regularly or used regularly by the employees of the business as their principal work station.
- Activity must be active and open for business.

As stated above the sign site must be located within 600 feet of qualifying business, which would be deemed an unzoned commercial or industrial area. This would encompass the area along the highway extending outward 600 feet from and beyond the edge of the regularly used area of said activity in each direction and a corresponding zone directly across a primary highway which is not a fully controlled access highway. All measurements shall be made from the edge of the regularly used building, parking lots, storage or processing areas of the commercial or industrial activity, not from the property lines of the activity and shall be along or parallel to the edge of the pavement of the highway. Provided however, the unzoned area shall not include land on the opposite side of an interstate or dual-lane limited access primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area.

The following activities shall not be considered commercial or industrial activities for the purpose of outdoor advertising:

- Outdoor advertising structures
- Agricultural, forestry, ranching, grazing, farming, and related activities, including
- but not limited to wayside fresh produce stands

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Qualifying Commercial & Industrial Activities	No: Revised: Page:	OP-OAC 6-7 04/01/15 2 of 2
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- Transient or temporary businesses and activities
- Activities conducted in a building used primarily as a residence
- Activities that are in violation of any state statutes

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on relevant laws and guidelines regarding these activities.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Signs Not Required to be Permitted	No: Revised: Page:	OP-OAC 6-8 04/01/15 1 of 2
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Policy:

Only signs that are required to be regulated by law, rule or regulation fall within the Outdoor Advertising Control Program.

Scope:

Signage as outlined below does not fall within the oversight of the Outdoor Advertising Control Program.

Signs on Sovereign Nation or Allottee Property Held in Trust by the United States

Pursuant to 25 CFR § 1.4 State and local regulation of the use of Indian property, signs located on Sovereign Nation or Allottee property held in trust by the United States are not subject to the laws, ordinances, codes, resolutions, rules, or other regulations of any State or political subdivision thereof limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, or any such property leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States. These signs are classified as TRBL in the OAC system.

Freedom of Speech Messages

Tourist Oriented Directional Signs (TODS)

These signs are generally located within public right-of-way and are controlled by the Department's Traffic Engineering Division. The on-line link for the TODS Manual is www.okladot.state.ok.us/traffic/pdfs/tod-1999.pdf and the direct telephone number is (405)522-1816.

LOGO signs that identify and promote businesses located off of the highway system.

These signs are generally located within public right-of-way and are controlled by the Department's Traffic Engineering Division. The direct telephone number is (405)522-1816.

On-Premise Signs

Signs advertising the sale or lease of property upon which they are located.

Official traffic signs or utility markers located within the public right-of-way.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Signs Not Required to be Permitted	No: Revised: Page:	OP-OAC 6-8 04/01/15 2 of 2
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Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on signs that are required to be regulated by law, rule or regulation.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Sign Permit & Adjudication

No: OP-OAC 6-9
Revised: 04/01/15
Page: 1 of 3

Policy:

As a general guide the outline below should be used in determining how to handle various signs and their accompanying issues.

Scope:

CHUR - Class "A" Permitted Church Signs

Sign that is owned by a Church or religious organization and contains church related messages only. Sign location must meet Class "A" requirements, however permit renewals are waived.

CLAR - Class "Relocation Permit

Sign location meets all current requirements except for spacing between registered signs. (Spacing is based on pre-November 1, 2001 standards.) this permit is granted to provide relocation to a sign acquired under eminent domain and in accordance with Title 69 O.S. §1275(c)(4) & (5).

CLSA - Class A Conforming Permit

Sign location meets all current regulations including spacing between registered sign. (Legislative space increase effective November 1, 2001.)

CLSC - Class "C" Permit (Informational Signs)

This classification of sign is designated for non-commercial, civic/public interest type advertisement. Although a one-time application fee is required to register this type of sign, there is no permit renewal required. The size is limited to 150 square feet of display per facing. (Reference OAC 730:35-5-13.)

CSLP - Class "A" Substandard Conforming Permit

Sign location meets all current requirements except for spacing between registered signs. (Spacing is based on pre-November 1, 2001 standards.) Signs or permits must have been in existence or issued prior to the law change.

EXPT - Exempt Signs

Signs that are not required to be registered. The exempt category includes church, civic or non-profit organization, school, official, on-premise, directional and utility signs. Specific criteria are required to be met.

LDSC - Landscape Agreement Signs

Signs which are operating under a landscape agreement issued by the appropriate field division. These signs are located on rights-of-way not personal property and therefore exempt from highway beautification regulations. Records for LDSC signs are only kept in the OAC branch for informational purposes.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject:
Sign Permit & Adjudication

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LNRM - Lawful Non-Conforming (Grandfathered) Sign (No Permit Issued)

This classification of sign does not have a permit. If the sign is ever removed, destroyed or damaged beyond 50 percent, it cannot be re-built. Sign must remain substantially the same as it existed on date of original inventory. All LNRM's are slowly being integrated into SNQP classification, which requires a permit to be maintained. Upon transfer of any signs under this classification, the status is reclassified to SNQP and a renewal date is entered in the database for the permit. (Scheduled for two years after reclassification on the applicable billing quarter.)

NOTC - Non-controlled Route

Sign is no longer advertising to a regulated highway route.

ONPR - On Premise Sign (Also considered exempt.)

To qualify as an on-premise sign it must be located on the actual physical premises of the activity or related products advertised. Refer to OAC 730:35-5-14 for more specific qualifications.

SNQP - Lawful Non-Conforming (Grandfathered) Sign (Class "B" Permit Issued)

This classification is for grandfathered signs with a permit. If the sign is ever removed, destroyed or damaged beyond fifty percent, it can not be re-built. Sign must remain substantially the same as it existed on date of original inventory.

SUSP - Signs or Permits Held in Suspense

This classification is usually temporary. Most signs or permits held in this classification or re-classified once an issue has been resolved. This designation does not necessarily indicate that a sign is illegal.)

TRBL - Signs located on Tribal Land Held in Trust (Also considered exempt.)

Tribal lands held in trust are granted sovereign immunity by the United States Government. Therefore state highway beautification laws are not applicable to signs located on these properties.

UNRX - Illegal Signs

A sign or billboard unlawfully erected or maintained. Illegal signs can be found under the two following categories:

- Un-registered signs not qualifying for exemption located in the control area of a regulated route. Ninety day notices to either register the sign if highway beautification requirements can be met or to remove the sign are issued upon discovery.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Sign Permit & Adjudication	No: OP-OAC 6-9
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- Signs which have at one time been registered legal conforming or non-conforming which for some reason violated some aspect of the highway beautification law. Previously registered illegal signs can many times become legal again if proper steps are taken to bring the sign back into compliance.

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on relevant laws, rules and regulations.

POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Sign Structure Types, Sizes, Spacing & Illumination	No: Revised: Page:	OP-OAC 6-10 04/01/15 1 of 2
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Policy:

Sign Structure Types must be within the HBA Standards and Guidelines.

Scope:

All sign structures, excluding grandfathered signs must adhere to the following standards:

- A sign facing cannot exceed 25 feet in height
- A sign facing cannot exceed 60 feet in width
- A sign facing cannot exceed an overall area of 1200 square feet

Signage as outlined below is the type of sign structures that are acceptable as long as they are built within HBA standards and guidelines:

- Single Face Units (One panel)
- Single Face Double-stacked Units (Two panels)
- Back-to-back Single Face Units (Two panels)
- Back-to-back Double-stacked Units: (4 panels)
- Side-by-side Units: (2 panels)
- Back-to-back Side-by-side Units (4 panels)
- V-Board Units: (Two panels)
- V-Board Double-stacked Units (4 panels)

When measuring a stacked unit the border and trim are to be included however, the aprons or catwalks are not considered.

Panels of side-by-side units are required to be physically contiguous, connected by the same structure or cross-bracing.

In the case of back-to-back and/or V-board units, the facings must also be physically contiguous, with the facings located no more than 15 feet apart at their nearest point nor more than 30 feet apart at their widest point to allow for cross-bracing.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Sign Structure Types, Sizes, Spacing & Illumination	No: Revised: Page:	OP-OAC 6-10 04/01/15 2 of 2
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NOTE:

Tri-Vision and LED technology can be added to any of the above mentioned units and long as they are not classified as SNQP or LNRM; however there are strict guidelines that *must* be adhered to in order to keep the sign in compliance. If the permit was not approved for Tri-vision or LED/digital technology upon issuance then a formal request to upgrade must be made thru the OAC office. (See OAC § 730:35-12(c) (6).) The guidelines for Tri-Vision signs can be found under Policy OAC 6-5 of this manual, or in the "Lighting" portion of both the State Statutes and the Oklahoma Administrative Code. (69 OS 2001 § 1275(d) (4) and OAC § 730:35-5-12(c) (5) – See Attachments D and E) These same guidelines are applied to LED displays.

Responsibility:

Manager, Outdoor Advertising Control

Responsible for keeping current on HBA Standards and Guidelines.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Vegetation Clearance	No: Revised: Page:	OP-OAC 6-11 04/01/15 1 of 1
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Policy:

The Outdoor Advertising Control Program does not have a vegetation clearance permitting process. The Department is not required or obligated to provide visibility or to allow sign owners access to the right-of-way to remove vegetation for the purpose of making outdoor advertising more visible.

However, any requests to remove or clear vegetation from the right-of-way shall be directed to the appropriate Field Division Maintenance Engineer for their handling and will be resolved at their discretion.

Scope:

None

Responsibility:

Field Division Maintenance Engineer

Responsible for responding to requests for vegetation clearance.

Manager, Outdoor Advertising Control

Responsible for keeping current on all relevant laws, rules and regulations in regard to this issue and for forwarding requests to the appropriate Field Division.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Restrictions on Lawful Non-conforming Signs

No: OP-OAC 6-12
Revised: 04/01/15
Page: 1 of 1

Policy:

Highway Beautification Act of 1965, 23 CFR § 750.707(d)(5), Title 69 O.S. §§ 1273(p), 1278, 1279 & 1286, and Oklahoma Administrative Code 730:35-5-3.

Scope:

A grandfathered sign must remain substantially the same throughout its lifetime. They may be sold, leased or otherwise transferred without affecting their status, but the location may not be changed. A nonconforming sign removed as a result of a right-of-way purchase or for any other reason may be relocated to a conforming area but cannot be reestablished at a new location as a nonconforming use. The sign may continue as long as it is not destroyed, abandoned or discontinued. Maintenance of the sign such as change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing vegetation (not on the right-of-way), reinforcing the structure with banding or nails and repairing the apron or catwalks can be done without approval from the Department. However, when a grandfathered sign has been damaged and requires repairs which would exceed the previously listed maintenance actions, the sign owner is to notify the Department by letter within 30 days of the occurrence and make official request to repair the sign. This notice should include the sign's registration number, a photo of the damaged sign and an itemized list of the repairs needing to be made. The Department will make a determination of whether or not the sign can be repaired, and if so, which repairs meet approval. This determination should be reached by review of the file and in accordance with state and federal guidelines.

Nonconforming signs cannot be updated to Tri-vision, CMS, or CEVMS technology as this would be considered a substantial change and inconsistent with 23 CFR § 750.707(d)(5).

Responsibility:

Manager, Outdoor Advertising Control

Responsible for maintaining a working knowledge of relevant laws, rules and regulations in regard to this issue and for enforcing same.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Abandoned, Discontinued, or Blank Signs	No: Revised: Page:	OP-OAC 6-13 04/01/15 1 of 1
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Policy:

These types of signs shall be defined and processed in accordance with Title 23 CFR §§ 750:303(g), 750:305(a)(4), 750:305(a)(6), 750:305(b)(3), 750:305(b)(4), 750:306(d), and Oklahoma Administrative Code Title 730:35-5-3.

Scope:

Upon discovery & identification of such a sign, the owner is to be officially notified that said sign has been determined to be abandoned, discontinued, or blank. Upon transmission of the official notice, the one (1) year monitoring period begins. The sign owner is advised that they must provide photographic evidence to support any change in the sign's status; i.e. that it has been removed, that it has new advertising, etc.

At the conclusion of the one (1) year monitoring period, should the status of the sign remain unchanged; the Department will actively pursue removal of said sign through the General Counsel's Office.

Responsibility:

General Counsel's Office

Responsible for taking action to remove abandoned, discontinued, or blank signs when notified accordingly by the Outdoor Advertising Control Branch.

Manager, Outdoor Advertising Control Branch

Responsible for managing the inventory, identification, and notification processes to effect removal of said signs.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Scenic Byways Program	No: Revised: Page:	OP-OAC 6-14 04/01/15 1 of 1
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Policy:

23 USC § 131(s), Off-Premise Outdoor Advertising Signs are prohibited along any official state or national scenic byway.

Scope:

Upon being made aware of officially designated scenic byways, no permit applications will be accepted for proposed sign sites along these routes, unless the application is for a sign which was existing prior to the Scenic Byway designation. Scenic byways will be designated on the Department's HBA Regulated Routes Map. Inventory personnel are to be made cognizant of these routes.

Responsibility:

Scenic Byways Committee Chairperson

Responsible for proper notification to the Outdoor Advertising Control Branch of additions and/or revisions to any of the State's Scenic Byways.

Manager, Outdoor Advertising Control

Responsible for maintaining the Department's HBA Regulated Routes Map and ensuring that applicable personnel and service providers are aware of all scenic byway designations.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Request For New Consideration	No: Revised: Page:	OP-OAC 6-15 04/01/15 1 of 1
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Policy:

New Considerations are to be granted to applicants appealing the denial of the issuance, renewal or transfer of a sign permit, or denial of exemption status.

Scope:

In the event that the Outdoor Advertising Control Branch determines that a permit should not be issued, renewed or transferred, or that an exempt classification should be denied, the applicant is to be notified in writing with some form of receipt confirmation. (Certified Mail delivery or facsimile.)

If the applicant wishes to request a new consideration on the matter, they must do so within 15 days of receiving the notice. The new consideration request should be in writing and addressed to the Department's General Counsel where it will be forwarded to the appropriate party for handling. When a new consideration is requested, the request is evaluated by the Appointed Department Staff Attorney (Reviewer). The Reviewer shall provide the applicant and the Outdoor Advertising Control Branch an opportunity to submit written arguments and evidence as well as to appear and make oral presentations. Upon complete review of all presented evidence and any additional investigation deemed necessary, the Reviewer shall make a written recommendation to the Director who may review the evidence and who shall issue the final decision of the Department.

Responsibilities:

Director

Appoint reviewer for New Consideration process. Make any necessary final decisions on behalf of the Department.

General Counsel

Receive requests for new considerations and forward to Reviewer, who is appointed by the Director, after recording receipt.

Reviewer (Director of Finance & Administration)

Function as the liaison between the applicant and the Outdoor Advertising Control Branch and serve as the Reviewer for the new consideration. Arrange the date, time and location for New Consideration reviews advising pertinent parties accordingly. Provide recommendation to the Director after concluding all reviews and investigations.

Manager, Outdoor Advertising Control

Responsible for maintaining a working knowledge of the laws, regulations, statutes, and rules that are relevant to the issue at hand. Represent the OAC Branch before, during or any time necessary as witness to the Branch's involvement and rules and practices applicable to the outdoor advertising control program.

**POLICY STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Junkyard Control Program	No: Revised: Page:	OP-OAC-JYC 6-1 04/01/15 1 of 1
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Policy:

Refer to Title 69 O.S. §1251–1264 and Oklahoma Administrative Code 730:35-3.

Responsibility:

Manager, Outdoor Advertising Control

Responsible for maintaining a working knowledge of the laws, regulations, statutes, rules, and policies regarding the Junkyard Control Program.

VOLUME I

SECTION IV

ADMINISTRATIVE PROCEDURES

GENERAL ADMINISTRATIVE

PRO 6.1-1	RIGHT OF WAY & UTILITY CERTIFICATION FOR PROJECT LETTING (FEDERAL AND NON-FEDERAL PARTICIPATION)
PRO 6.1-2	RELOCATION ASSISTANCE APPEALS
PRO 6.1-3	PROTECTIVE BUYING AND HARDSHIP ACQUISITION
PRO 6.1-4	RIGHT-OF-WAY & UTILITIES DIVISION OPERATIONAL MEMOS
PRO 6.1-5	RIGHT-OF-WAY & UTILITIES DIVISION BUDGETING
PRO 6.1-6	RIGHT-OF-WAY & UTILITIES DIVISION POLICY & PROCEDURES
PRO 6.1-7	FEDERAL LAND TRANSFERS – U.S.F.S.
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PERSONAL SERVICES CONTRACTING – RIGHT-OF-WAY & UTILITIES DIVISION

PRO 6.1-9	RIGHT-OF-WAY & UTILITIES DIVISION CONTRACTING
PRO 6.1-10	CONTRACT ADMINISTRATION - PERSONAL SERVICE CONTRACTS
PRO 6.1-11	QUALIFICATION PROCESS - PERSONAL SERVICE CONTRACTS
PRO 6.1-12	CONTRACTOR'S SERVICE EVALUATION - PERSONAL SERVICE CONTRACTS
PRO 6.1-13	CONTRACTING DBE REVIEW - PERSONAL SERVICES CONTRACTS

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utility Certification for Project Letting (Federal and Non-Federal Participation)	No: PRO 6.1-1 Revised: 04/01/15 Page: 1 of 3
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Applies to:

Policy OP-GA 6-22: Right-of-Way & Utility Certification for Project Letting

Manager, Project Management Branch

1. Receives monthly bid letting list. Prepares and distributes copies of letting list to all branches in the Right-of-Way & Utilities Division, Legal & Business Services Division and to the FHWA.
2. Checks status of agreement, if any, with local agencies.
3. Notes required clearance letter date as provided by FHWA.

Business Office

4. Transmits questionnaires for each project to:
 - a. Legal Division
 - b. Utilities Branch
 - c. Relocation Branch
 - d. Acquisition Branch
 - e. Project Management Branch

Manager, Project Management Branch

5. Coordinates with Business Office on certification letters.

Business Office

6. Coordinates with Manager, Utilities Branch and receives status on each utility involved in order to clear the project for construction.
7. Coordinates with Manager, Relocation Branch on:
 - a. Status of improvements to be relocated to clear right-of-way.
 - b. Status of Relocation Assistance Program.
 - c. Status of sign relocations necessary to clear right-of-way.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utility Certification for Project Letting (Federal and Non-Federal Participation)	No: PRO 6.1-1 Revised: 04/01/15 Page: 2 of 3
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8. Coordinates with Manager, Acquisition Branch, for status of parcels acquired.
9. Coordinates with Chief, Legal Division, on status of parcels to be condemned, if any.
10. Correlates data received and prepares clearance letter to FHWA or Office Engineer in accordance with 23 CFR 635.309(c).

Certification Letter types are as follows:

Certification No. 1

- All necessary rights-of-way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way but all occupants have vacated the lands and improvements; and the State has physical possession and the right to remove, salvage, or demolish these improvements and enter on all land.

and/or

- Status of utilities must be noted and relocations completed or arrangements have been made for them to be completed before the awarding of the construction project.

Certification No. 2

- Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained but right of entry has been obtained, the occupants of all lands and improvements have vacated and the State has physical possession and right to remove, salvage, or demolish these improvements.

and/or

- Status of utilities must be noted and relocations completed or arrangements have been made for them to be completed by no later than 60 days after the awarding of the construction project.

Certification No. 3

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utility Certification for Project Letting (Federal and Non-Federal Participation)	No: PRO 6.1-1 Revised: 04/01/15 Page: 3 of 3
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- The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with 49 CFR 24.204. The State may request authorization on this basis only in very unusual circumstances. This exception must never become the rule.

and/or

- Status of utilities must be noted and relocations completed or arrangements have been made for them to be completed that occurs 60 days beyond award of the construction project.
11. Forwards certification letter to Chief, Right-of-Way & Utilities Division, for signature.

Chief, Right-of-Way & Utilities Division

12. Reviews certification letter, signs and submit to the Business Office.

Business Office

13. Transmits certification letter and copies to the FHWA and the Office Engineer as appropriate.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Assistance Appeals	No: Revised: Page:	PRO 6.1-2 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

Director, Oklahoma Department of Transportation

1. Appoint four Department employees to serve on the Relocation Appeals Board in the capacity of Chairman, Secretary, member and one alternate to hear all appeals and issue final agency orders on behalf of the Director, ODOT.

Chairman, Appeals Board

2. Upon receipt of a written request, determines if the matter being appealed falls in one of the following categories:
 - a. Eligibility for relocation assistance benefits and/or services, or
 - b. Amount of relocation assistance benefits, or
 - c. Eligibility for and/or the amount of reimbursable expenses incurred incidental to conveying title to the real property acquired by the Department.

The Relocation Appeals Board must receive appeals requests within 60 days of the date the person is notified of eligibility or ineligibility for relocation assistance services and/or the amount of benefits. The Relocation Appeals Board must reply within seven calendar days as set out in OP-GA 6-3.

3. If the matter does not fall under the jurisdiction of the Relocation Appeals Board, advises the appellant accordingly.
4. If the matter can be heard by the Relocation Appeals Board, advises the appellant of the following procedure:
 - a. The right to present information relevant to the appeals by a written and/or oral presentation.
 - b. The right to be represented should the appellant so desire.
 - c. The right to review and/or obtain copies of Department records to the matter on appeal.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Relocation Assistance Appeals

No: PRO 6.1-2
Revised: 04/01/15
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5. The Relocation Appeals Board shall consider all information relevant to the appeal and shall render a written opinion of its findings within thirty days after the completion of the review process.
6. The written opinion of the Relocation Appeals Board finding will be personally delivered or mailed (certified return receipt requested).
7. If the findings of the Relocation Appeals Board necessitate additional action by the Department, notifies the Chief, Right-of-Way & Utilities Division of the action required.
8. If the findings of the Relocation Appeals Board do not provide the full relief sought, the appellant shall be notified of the right to request a hearing, reopening or reconsideration before the Relocation Appeals Board within ten (10) days from the date of the entry of the Board's final agency order.
9. Any party aggrieved by a final agency Order or final disposition of an application for rehearing issued by the Relocation Appeals Board is entitled to judicial review by filing a petition in the Oklahoma District Court within 30 days of notification of the final agency Order or disposition of application for rehearing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Protective Buying and Hardship Acquisition

No: PRO 6.1-3
Revised: 04/01/15
Page: 1 of 3

Applies to:

Policy OP-ACQ 6-2: Negotiation

NOTE:

This Administrative procedure is applicable to acquisition prior to final environmental approval of a project by FHWA. Reference 23 CFR 710.501 & 503.

Assistant Chief, Right-of-Way & Utilities Division

1. Protective Buying receives notification of action that may affect an alignment or the value of the real property. It must be clearly demonstrated that development of the property is imminent and such development would limit future transportation choices. A significant increase in cost may be considered as an element justifying a protective purchase.

OR

2. Hardship Acquisition receives a written notice from a property owner indicating a hardship situation exists as a result of an impending project. Requests must include:
 - a. Document an inability to sell the subject property that is unique to this property.

AND

- b. Provide justification on the basis of health, safety or financial reasons, that remaining on the property poses an undue hardship compared to others.
 - c. Other reasons which indicate the nature of the hardship imposed. (Note: Requests from tenants for hardship acquisition cannot be considered unless submitted by the owner of record.)
3. Determines if Protective Buying or Hardship Acquisition is warranted and conforms to 23 CFR 710.503, if so, contacts the following:
 - a. Environmental Programs Division to determine the status of environmental clearance and Planning & Research Division to determine advertisement in the Statewide Transportation Improvement Plan (STIP).

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Protective Buying and Hardship Acquisition	No: Revised: Page:	PRO 6.1-3 04/01/15 2 of 3
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- b. Roadway Design Division to obtain written assurances that the property is needed for the proposed project.
- c. Appropriate Division Engineer for notice of Advanced Acquisition activities.

NOTE:

If Protective Buying or Hardship Acquisition is not warranted, send notice to property owner denying request.

- 4. Process request:
 - a. Send notice to property owner confirming receipt of request and requesting additional information if needed.
 - b. Research subject property location to identify necessity of take.
 - c. Check for Environmental Clearance.
 - d. Seek concurrence from FHWA to process as a Protective Buying or Hardship Acquisition utilizing Federal Funding.
 - e. Prepares a packet and recommendation for the Chief, Right of Way & Utilities Division to forward to the Director of Engineering indicating if the property should be acquired and if Federal participation should be obtained.
 - f. Coordinate with Project Management Division and appropriate Division Engineer to identify sources of funding.
- 5. Packet for recommendation should include:
 - a. Recommendation
 - b. Letter of request (if any) from owner
 - c. Plan sheet or aerial with subject location identified
 - d. Estimated cost for acquisition
 - e. Copy of CFR with appropriate section highlighted
 - f. Pictures of subject property

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Protective Buying and Hardship Acquisition	No: Revised: Page:	PRO 6.1-3 04/01/15 3 of 3
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- g. Deed of record for subject property
- h. Concurrence of FHWA

Chief, Right-of-Way & Utilities Division

- 6. Review recommendation and concur or return to Assistant Chief, Right-of-Way & Utilities Division as denied or request for additional evaluation.

Assistant Chief, Right-of-Way & Utilities Division

- 7. Notify owner of ODOT's intentions.
- 8. If acquisition is approved, set a schedule, request funding and notify Branches.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITES DIVISION**

Subject: Right-of-Way & Utilities Division Operational Memos	No: Revised: Page:	PRO 6.1-4 04/01/15 1 of 1
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Applies to:

Policy GP 6-1: Management Guide System – Right-of-Way & Utilities Division

Definition:

Operational Memos are extensions of Policy and Procedures as they represent clarification of standard practices.

Office Manager

Responsible for maintaining a log of current Operational Memos using the following procedures:

1. At three month intervals, check with Right-of-Way & Utilities Division Managers for any memos that are outdated and need to be discarded.
2. Perform a fully comprehensive review of the Operational Memos in order to be consistent with Policy and Procedure as well as current standard practice.
3. Incorporate all Operational Memos into the appropriate Policy or Procedure or ensure a Policy or Procedure is created to address the specific issue.

Branch Managers

Review operational memos for inclusion into Policy or Procedures. Coordinate with the Office Manager, on an as-needed basis.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Budgeting	No: Revised: Page:	PRO 6.1-5 04/01/15 1 of 1
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Applies to:

Policy OP-GA 6-4: Fiscal Policy

Office Manager, Overhead Branch

1. Develop a budget for the Right-of-Way & Utilities Division based on current salaries, longevity payments, termination pay, and insurance costs. Evaluate past and projected expenses such as travel expenses, depreciable and non-depreciable equipment, office supplies, mobile telephones, leases on office equipment and various other administrative expenses.
2. Review budget with Assistant Chief, Right-of-Way & Utilities Division, for form and content.
3. Submit budget to Chief, Right-of-Way & Utilities Division, for review and approval.

Chief, Right-of-Way & Utilities Division

4. Upon approval, submit budget to Comptroller for authorization and encumbrance.

Office Manager, Overhead Branch

5. Reconcile budget using various monthly reports received from the Comptroller Division.
6. Using computer database tracking information, produce various budget reports and distribute to each Branch on a monthly basis.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Policy and Procedures	No: Revised: Page:	PRO 6.1-6 04/01/15 1 of 3
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Applies to:

Policy GP 6-1: Management Guide System – Right-of-Way & Utilities Division

Office Manager, Overhead Branch

1. Maintains a complete and up-to-date set of Policies and Procedures in a consistent form and format. Division Policies and Procedures are based on a requirement of the Code of Federal Regulations, Title 23, Section 710.201. Procedures must conform to Federal and State statutes, ODOT Commission rules and regulations, ODOT Policy Directives and Administrative Orders.

Branch Managers

2. Develop new policies and procedures or revise existing policies and procedures. When there is an immediate need to implement a new or revised policy or procedure, the development of a Guidance Directive shall be initiated. Guidance Directives shall outline the steps of implementation while the process of preparation, review and approval of a formal Policy or Procedure change is undertaken. The directives shall follow the basic outline as shown on page 3 of 3 of this procedure.
3. Review additions and revisions with Assistant Chief, Right-of-Way & Utilities Division for form, content and approval.
4. Submit approved additions and revisions to Assistant Chief, Right-of-Way & Utilities Division for processing.

Office Manager, Overhead Branch

5. Make additions and changes as requested. Return to Assistant Chief, Right-of-Way & Utilities Division.

Assistant Chief, Right-of-Way & Utilities Division

6. Submit Policy and Procedures to Chief, Right-of-Way & Utilities Division for approval and signature.

Chief, Right-of-Way & Utilities Division

7. Review Policy and Procedures.
8. Approves and signs in appropriate areas.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Policy and Procedures	No: Revised: Page:	PRO 6.1-6 04/01/15 2 of 3
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Office Manager, Overhead Branch

9. Upon approval and signature from Chief, Right-of-Way & Utilities Division, forward to FHWA for concurrence.
10. Upon FHWA concurrence, copy and distribute to each employee of the Right-of-Way & Utilities Division, the new or revised Policy and Procedures.
11. Publish changes to the Web site.

Branch Managers

12. Distribute new or revised Policy and Procedures to Service Providers.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Federal Land Transfers – U.S.F.S.	No: Revised: Page:	PRO 6.1-7 04/01/15 1 of 2
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Policy:

Negotiations for U.S. Forest Service land will be conducted by the ODOT Acquisition Agent or designee with the Forest Service Ranger District.

When plans are received which indicate that U.S. Forest Service land will be taken for an improvement, the ODOT Acquisition Agent or designee will contact the District Ranger of the U.S. Forest Service and inform the District Ranger of the need for the land. A meeting will be scheduled as soon as possible at which time the U.S. Forest Service will be provided two copies of the project plan sheets and property descriptions. The project will be explained as it would be to any landowner from whom an acquisition will be made. The U.S. Forest Service will then review the plans and descriptions and determine if any stipulations will be needed. Stipulations may include construction considerations, right-of-way adjustments, timber removal, right-of-way maintenance, etc. Stipulations will be reviewed and coordinated with the appropriate ODOT Divisions and after agreement will be sent to the ODOT Chief, Right-of-Way & Utilities Division for approval and returned to the U.S. Forest Service. Stipulations are agreements between the U.S. Forest Service and the ODOT regarding construction specifications and other adjustments regarding the U.S. Forest Service property. They will become part of the Federal Land Transfer Highway Easement Deed and the PS&E for the construction project if applicable.

After coordination with the U.S. Forest Service and agreement regarding the correctness of the plans and descriptions, the ODOT Acquisition Agent or designee will process the secured parcel packet and forward it to the ODOT Right-of-way and Utilities Division Mapping Branch. Information provided by the Acquisition Agent or designee will include:

1. The County in which the project is located
2. The name of the Forest in which the project is located
3. The State project number and parcel number(s)
4. The Federal project number
5. The highway project description
6. The Township, Range, Section, Meridian description

The plans and descriptions will be checked to ensure accuracy by ODOT Right-of-Way & Utilities Division Mapping Branch, who will prepare a Highway Easement Deed. The Deed, along with the plans and descriptions will be transmitted through the Chief, Right-of-Way & Utilities Division to the FHWA Oklahoma Division Office for further processing. The Deed will be on 8"X11" size paper. The highway plan sheets will be on 11"X17" size paper.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Federal Land Transfers – U.S.F.S.	No: Revised: Page:	PRO 6.1-7 04/01/15 2 of 2
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The FHWA will forward the Highway Easement Deed to the U.S. Forest Service for approval. After approval by the U.S. Forest Service, the FHWA will execute the Deed and return four original copies to the ODOT Chief, Right-of-Way & Utilities Division for acceptance. Four original copies of the Deed will be sent to the ODOT Right-of-Way & Utilities Division for recordation in the appropriate county. Three original copies of the recorded Deed with the recording information will be returned to the ODOT Chief of Right-of-Way & Utilities who will retain one copy and forward the other two to the FHWA who will retain one and forward the other to the U.S. Forest Service.

Scope:

The decision when to initiate Federal Land transfers will rest with the Chief and Assistant Chief, Right-of-Way & Utilities Division

Responsibility:

Chief, Right-of-Way & Utilities
Assistant Chief, Right-of-Way & Utilities

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Contracting	No: Revised: Page:	PRO 6.1-9 04/01/15 1 of 1
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Applies to:

Policy OP-PSC 6-1: Contract Administration - Personal Service Contracts

Office Manager

1. Maintain and update Policy and Procedures OP-PSC 6-1, OP-PSC 6-2, OP-PSC 6-3 and PRO 6.1-10, PRO 6.1-11, and PRO 6.1-12, while adhering to/complying with FHWA and DCS directives and all other applicable rules, regulations and laws.
2. Maintain contract files and update the following computer databases:
 - a. Contract Tracking: This database is used to follow the various steps in processing a personal services contract through the Right-of-Way & Utilities Division, from the time a contract is requested until the notice to proceed is issued. It will also provide job specific requirements and completion dates.
 - b. Cost per Unit Database: This database is generated from the actual cost agreed to as part of the contract negotiations. Each function of the Right-of-Way & Utilities Division (i.e.: Appraisal, Acquisition, Relocation, Mapping and Utilities) have a unit cost(s) specific to each project activity. These costs are tracked in order to develop an average cost per function.
 - c. Contractor Evaluation Results: This database is for tracking the evaluations of the Service Providers. At the completion of the contract, each service provider is evaluated on performance, cooperation and contract compliance. The evaluation will assist in deciding whether to use that particular service provider on future Right-of-Way & Utilities Division projects.
 - d. Service Provider Database: Supplies a list of approved service providers qualified to perform various Right-of-Way & Utilities Division functions. (i.e.: name, address, telephone number and approved branch function)
3. Reports are distributed to Chief and Assistant Chief, Right-of-Way & Utilities Division and to FHWA Realty Officer as requested. Reports are also posted monthly in the ROW Y-Drive under Overhead for review by Branch Managers.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contract Administration – Personal Service Contracts	No: Revised: Page:	PRO 6.1-10 04/01/15 1 of 15
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Applies to:

Policy OP-PSC 6-1: Contract Administration - Personal Service Contracts

Branch Managers

1. Contractor Prequalification. A prospective contractor must be on the Division's Approved Service Provider List prior to being considered for a personal service contract. (See OP-PSC 6-2 and PRO 6.1-11 for Policy and Procedure)
2. Needs Assessment. The Branch Manager assesses the work of their respective unit to determine if there is a need for a personal service contract by evaluating the following factors on the Needs Assessment worksheet:
 - a. present work load/staff availability
 - b. project specifics
 - c. contracting method
 - d. contract cost
 - e. funding availability

If the Needs Assessment indicates the use of a personal services contract is necessary, a Request to Contract for Services and the Needs Assessment will be submitted to the Assistant Chief, Right-of-Way & Utilities Division for approval or disapproval. See sample copies in this procedure.

Assistant Chief, Right-of-Way & Utilities Division

3. Request Evaluation. Evaluate the Request to Contract for Services. Upon completion of review, and approval or disapproval, the request will be returned to the appropriate Branch Manager for further processing.

Branch Managers

4. Contractor Selection. Upon approval of the Request to Contract for Services, select a contractor by one of the following selection methods:
 - a. Competitive Proposal (Quote Solicitation and Bid Tabulation)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contract Administration – Personal Service Contracts	No: Revised: Page:	PRO 6.1-10 04/01/15 2 of 15
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Prepare an RFP (Request for Proposal) and send it to all of the pre-qualified service providers capable of performing the work described in the scope of services. Receive and tabulate the bid proposals. Select the lowest responsive bid. For Reference see 49 CFR 18.36.

Responsive bids are defined as: received in a timely manner, completing all elements of the RFP, supplying a list of pre-qualified personnel intended to be used to perform the work described in the scope of services. RFP's that do not identify personnel or that identify personnel that have not been pre-qualified to perform work for the Department will be deemed as unresponsive.

- b. Non-Competitive Proposal (Sole Source) to be used only upon the written approval of the Chief, Right-of-Way & Utilities Division prior to initiation.
 - (1) Specific Needs. When specialized expertise such as oil field equipment appraising, specialized demolition activities, etc... are required and are only available from a single source or after solicitation of a number of sources, competition is inadequate. Prepare an RFP and send to the selected pre-qualified contractor. A fair and reasonable fee is negotiated with a specific contractor who is equipped to meet a specific need resulting from a project.
 - (2) Emergency Needs. When public need will not permit the delay resulting from competitive solicitation. Prepare an RFP and send to the selected pre-qualified contractor. A fair and reasonable fee is negotiated with a contractor when the emergency need of a project will not permit the delay resulting from Quote Solicitation and Bid Tabulation. Examples may be emergency demolition, fencing, hardship acquisition, and/or public safety.
- c. Qualifications Based Selection. Prepare a Solicitation of Interest letter, short list interested firms (if necessary), interview a minimum of three (3) firms, score the presentations of each firm in regard to the rating factors for consideration and select the best qualified firm based on multiple attributes such as: scope of work, qualifications, personnel, scheduling, previous performance, and ability to complete the work. Prepare a contract(s) and process in accordance with this procedure.

This selection process is intended to be utilized on large, complex projects or on a program wide basis when there is sufficient time available in the project development schedule.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Contract Administration – Personal Service Contracts

No: PRO 6.1-10
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5. Develop an RFP or Task Order outlining services and expectations required for the project. Send to Service Provider(s). Allow approximately one week to have bid(s) returned by Service Provider(s). Open bid(s) and determine successful low bidder or negotiate as necessary for Specific Needs, Emergency Needs or Qualification Based Selection. Forward the proposals with recommendation to the Assistant Chief for approval or instructions to re-bid the project and then award contract. Notify all providers of awarding of contract within 1 day of bid opening when competitive bids are taken.

RFP's and Task Orders shall contain the following elements:

- a. cover letter requesting bid proposals
- b. project description
- c. required completion dates
- d. work items
- e. Scope of Services
- f. blank Contractor's Service Evaluation Form and Evaluation Standards

NOTE:

Mapping activities shall be bid on a per unit basis, by ownership, utilizing the Mapping Branch rate schedule.

Appraisal activities shall be bid on an ownership basis while incorporating unity of title, location and use. If a Master Addendum is required it shall be bid on a per unit basis.

Acquisition activities shall be bid on an ownership basis and shall not be determined as a percentage of fair market value.

Relocation activities shall be bid on a per unit basis, by individual displacee for actual relocation. Project Assignment/Property Management shall be bid by the project.

Project Manager Activities shall be bid on an ownership basis.

Appraisal, Acquisition and Utilities Staking activities shall be bid by the project. Condemnation staking shall be bid on a per unit basis and paid for as a pass through cost, if needed.

Utility activities shall be bid by the project utilizing the Utilities Branch rate schedule.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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6. The following items are to be submitted with the contractor's bid proposal:
 - a. Title VI Compliance Report of Employment
 - b. contractor's table of organization of personnel anticipated to work on right-of-way projects
7. Upon receipt of approval of recommended contractor and/or bid from the Assistant Chief, submit a Contract Processing Request Form to the Office Manager for the preparation of the contract, if a contract is required. If a project is being worked under a Task Order, once approved by Assistant Chief, process accordingly.

Office Manager

8. Contract Processing. Prepare 2 copies of the contract and submit to the Branch Manager. An additional tracking copy should be kept until receipt of a fully executed contract.

Branch Managers

9. Contract Review and Execution. Review the contract specifics for correctness, assemble the appropriate documentation and have the original contracts signed by the Service Provider.
10. Upon receipt of executed contract or Task Order by the Service Provider, notify the Service Provider in writing that they are to begin work (issue a Notice to Proceed). Forward contracts to the Chief, Legal Division for form and legality. Forward Task Orders to the Assistant Chief, Right-of-Way & Utilities Division for approval.

NOTE:

Notice to Proceed should contain a reference to the portion of the contract relevant to liability insurance. If proof of liability insurance is not provided as stipulated, ODOT may terminate the agreement.

Chief, Legal Division

11. Reviews the contract as to form and legality, and then returns the signed contracts to the Branch Manager.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Branch Managers

12. Contract Execution. Upon satisfactory review, the contracts are submitted for the following signatures, in the order listed:
 - a. Chief, Right-of-Way & Utilities Division
 - (1) Review contractor's personnel with Right-of-Way & Utilities Division Office Manager
 - b. Director of Engineering
 - c. Chief Engineer/Deputy Director, ODOT
13. Send one fully executed contract or Task Order to the Service Provider.
14. Internal Distribution of Contract or Task Order.
 - a. Business Office, 1 original and 2 copies
 - b. Branch Files
 - c. Office Manager
 - d. Others; such as FHWA, Field Division, Project Management Division, Legal & Business Services Division, General Counsel's Office, Director of Engineering, etc. as deemed necessary.
15. Track contract dates and send ten day notices when various functions are due.
16. Contract or Task Order Monitoring. Maintain daily or weekly, at a minimum, contact, as necessary, to ensure proper project progress. Review Contractor's Monthly Status Reports for satisfactory completion of percentage claimed and target dates met. Approve any associated claims and forward them to the Assistant Chief for approval. Document, in writing, all project-related information for inclusion in the project's file. Verbal conversations related to the project must be recorded in writing and kept in the project's files.

If a change in scope of work occurs a supplemental agreement must be prepared.
17. Processing Claims:
 - a. Each Branch is to maintain an accounting of the contract amounts, plus any supplements, and audit/reconcile each claim approved and

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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processed to ensure there is always prompt and appropriate payment made for services rendered on each individual project. Claims are to be processed within two working days. While processing claims the level of completion for each unit of work shall be validated.

- b. All approved claims are to be forwarded to the Assistant Chief or Chief, Right-of-Way & Utilities Division for final approval along with the appropriate invoice and project reconciliation spreadsheet. Once approved/disapproved the claim and other information will be sent back to the Branch for processing of claim for payment.
- c. On Turnkey contracts, invoices will be sent to each appropriate Branch for approval/disapproval in accordance with item a, above.

Once individual Branches approve invoice for payment, return them to the Project Management Branch Facilitator for further processing of full claim.

- 18. Contract or Task Order Close Out. Within 5 days of final billing or when the Contractor has satisfactorily completed the work as defined in the Scope of Services prepare a Contractor's Service Evaluation. Submit completed evaluation to the Assistant Chief and Chief, Right-of-Way & Utilities Division, for concurrence. Upon concurrence, make the following distribution:
 - a. Office Manager (2 copies)
 - b. Branch Files
 - c. Project Management Branch (if it is a Turnkey Contract)
 - d. Contractor
 - e. Records Center

NOTE:

Mapping activities require a preliminary and a final evaluation.

Copies of Contractor Service Evaluations for Branch specific work on Turnkey projects need to be sent to the Project Management Branch.

- 19. Initiate a final claim form, thereby authorizing the Business Office Manager to pay the final claim.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

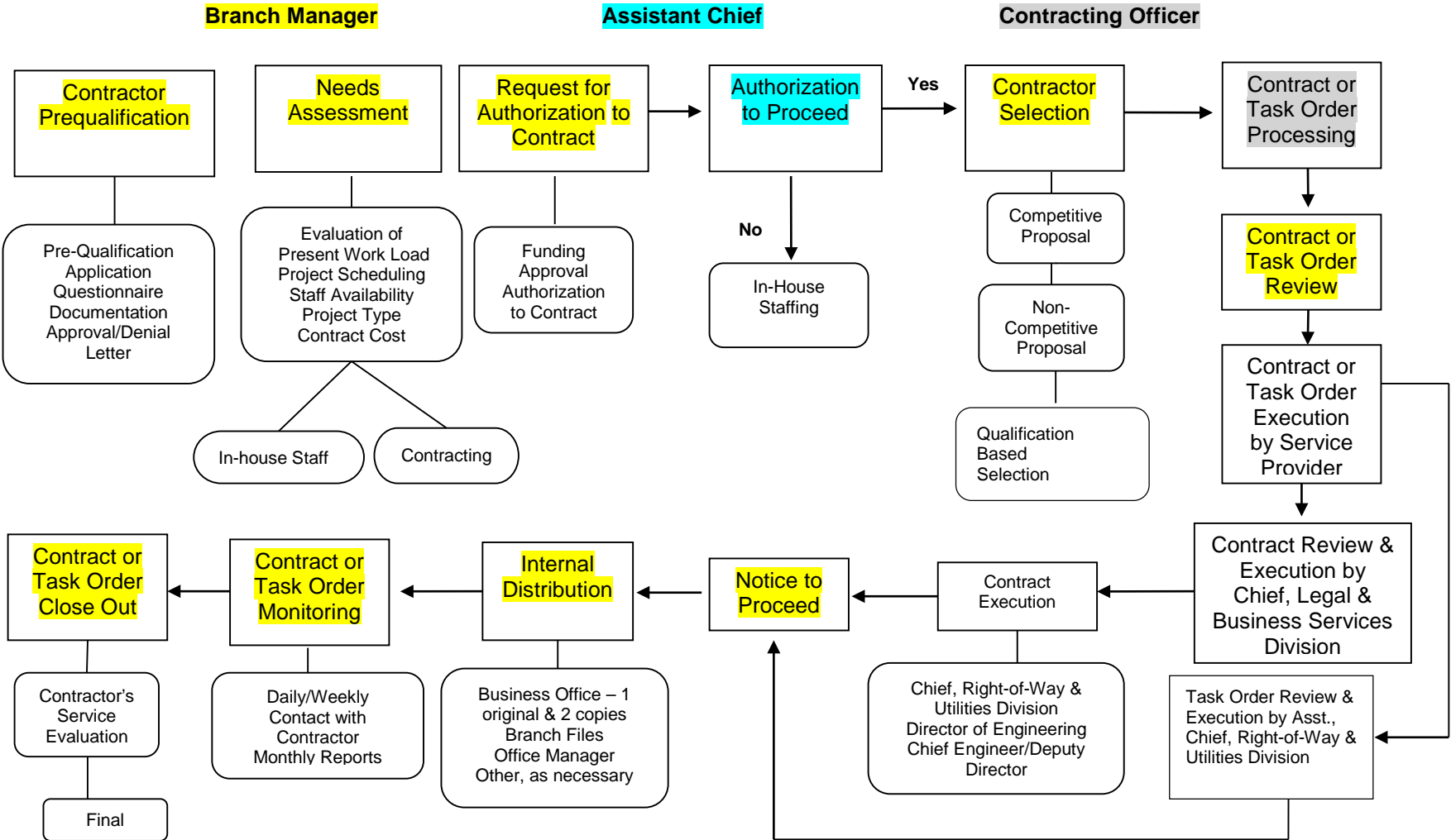
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SUPPLEMENTALS TO CONTRACTS OR TASK ORDERS

Branch Managers

If it is determined that a supplemental agreement is necessary due to added right-of-way, unidentified property splits, etc., the standard Supplemental Agreement is used. (See sample copies in this procedure for a Supplemental to a Contract and a Supplemental to a Task Order) Execution of each supplemental is identified on the form. Distribution of the supplemental is the same as the original contract or Task Order. When the supplemental is circulated for execution, a copy of the original contract or Task Order must be attached to the supplemental agreement.

RIGHT-OF-WAY & UTILITIES DIVISION – PERSONAL SERVICES CONTRACTING



"All steps subject to review and/or concurrence by the FHWA relative to federally funded projects."

**RIGHT-OF-WAY & UTILITIES DIVISION
NEEDS ASSESSMENT**

Branch (None) County _____

Job Piece No's _____ Federal Aid Project No. _____

Based upon Operating Policy OP-PSC 6-1 and Administrative Procedure PRO 6.1-10, Contract Administration –Personal Service Contracts, the Branch Manager must assess the need to contract out the projects on a case-by-case basis.

- 1. **Present Work Load** – Analyze the branch work load and determine if the project can be handled internally.

of staff available _____ # of in-house projects being worked _____

Can the project be completed in-house in a timely manner?

Yes No

Comments (Required) _____

- 2. **Project Specifics** – Develop a rough time line for the project.

Project Type? ie: rural, bridge, interstate, access controlled, etc. _____

Complexity of Project Low Med. High

Durations allotted for this activity Less than Normal Normal More than Normal

Is there time to work the project into the Branch's schedule without interfering with the scheduled let date?

Yes No

Comments (Required) _____

- 3. **Contracting Method Suggested**

Competitive Proposal Non-Competitive Proposal Qualifications Based Selection

Who are the intended Service Providers? _____

**RIGHT-OF-WAY & UTILITIES DIVISION
NEEDS ASSESSMENT**

Comments (Required) _____

4. **Contract Cost** – Would it be cost effective to contract the function of this project out to a service provider?

Yes No

Estimated cost to contract this work _____

Comments (Required) _____

5. **Funding Availability** – Are funds available to contract?

Yes No

Date Funding Approved _____

Comments _____

6. **Overall Assessment of Need to Contract** – Does the Needs Assessment indicate the use of a personal services contract is necessary to complete this function?

Yes No

Comments (Required) _____

**Forward this worksheet, along with a Request to Contract form, to the Assistant Chief,
Right-of-Way & Utilities Division, for approval prior to contracting.**

Oklahoma Department of Transportation - Right-of-Way & Utilities Division

Assistant Chief, Right-of-Way Room C3 Third Floor Office 521-2661 Fax 522-1858

Date: December 17, 2015
To: Assistant Chief, Right-of-Way & Utilities Division
From: _____, Branch Manager, (None)
Subject: Request to Contract for Services

Attached is the Needs Assessment for the following project:

State Project # _____
Federal Project # _____
County _____
Let Date _____

Target dates for activities are as follows:

Mapping _____ Legal _____
Appraisal _____ Relocation _____
Acquisition _____ Utilities _____

Comments: _____

Please designate your approval to continue with the outsourcing of services for the referenced project.

Approved _____
Assistant Chief, Right-of-Way & Utilities Division Date

Comments: _____

Attachment: Needs Assessment

cc: file copy

**SUPPLEMENTAL AGREEMENT NUMBER _____
TO
PERSONAL SERVICES CONTRACT NUMBER _____
BETWEEN
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION
AND
_____**

This Supplemental Agreement is entered into by and between the Oklahoma Department of Transportation, Right-of-Way & Utilities Division (hereinafter referred to as DEPARTMENT) and _____ (hereinafter referred to as CONTRACTOR), said parties who executed the original Personal Services Contract No. _____.

WITNESSETH:

WHEREAS, the DEPARTMENT and the CONTRACTOR entered into a Personal Services Contract for right-of-way services to be performed on State Job # _____, Federal-aid Right-of-Way Project # _____, located on _____, _____ County, Oklahoma.

IT IS THEREFORE AGREED, by and between the CONTRACTOR and the DEPARTMENT that the afore described CONTRACT be amended and revised in the following particulars, to wit:

SECTION 5. COMPENSATION (from the original contract)

The Department has changed the scope of the initial contract requiring an increase in compensation in the amount of \$_____, as outlined below.

Change in the Scope of Work includes the following:

(This section contains the reasons for the supplemental, change in scope of work, change in compensation, and changes in dates, additional parcels, etc.)

Original Contract Amount	= \$
Previous Supplemental Contract Amounts	= \$
This Supplemental Contract Amount	= \$ _____
Total Contract including all Supplementals	= \$

The Department is approving this Addendum as set forth in SECTION 7. AMENDMENTS OR MODIFICATIONS (from the original contract) This contract may be amended or modified with compensation upon reducing to writing and execution by the parties with the same formalities as are observed in the execution of the Original Contract.

No other terms of the original contract are altered by this supplement.

Before me, a Notary Public in and for this state, on this _____ day of _____, 20____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____ and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of this corporation, for the uses and purposes therein set forth.

Contractor Name

Business Name

Federal Tax Identification Number: _____

Witness my hand and seal the day and year last above written.

(SEAL)

Notary Public

My Commission Expires:

Commission Number

**THE STATE OF OKLAHOMA, EX REL
OKLAHOMA DEPARTMENT OF TRANSPORTATION**

APPROVED AS TO LEGALITY AND FORM:

Chief, Legal & Business Services Division

Date

RECOMMENDED APPROVAL:

Chief, Right-of-Way & Utilities Division

Date

Director of Engineering

Date

APPROVED:

Chief Engineer

Date

**SUPPLEMENTAL AGREEMENT NUMBER _____
FOR
PERSONAL SERVICES CONTRACT NUMBER _____
TO
TASK ORDER NUMBER _____
BETWEEN
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION
AND**

This supplemental Agreement is entered into by and between the Oklahoma Department of Transportation, Right-of-Way & Utilities Division (hereinafter referred to as DEPARTMENT) and _____(hereinafter referred to as CONTRACTOR), said parties who executed the original Personal Services Contract No. _____

WITNESSETH:

WHEREAS, the DEPARTMENT and the CONTRACTOR entered into a Personal Services Contract for right-of-way services to be performed on State Job # _____, Federal-aid Right-of-Way Project No. _____, located on _____, _____ County, Oklahoma.

IT IS THEREFORE AGREED, by and between the CONTRACTOR and the DEPARTMENT that the afore described CONTRACT be amended and revised in the following particulars, to wit:

SECTION 5. COMPENSATION (from the original contract)

The Department has changed the scope of the initial contract requiring an increase in compensation in the amount of \$_____, as outlined below.

Change in the Scope of Work includes the following:

(This section contains the reasons for the supplemental, change in scope of work, change in compensation, and changes in dates, additional parcels, etc.)

Original Task Order Amount	= \$
Previous Supplemental Task Order Amounts	= \$
This Supplemental Task Order Amount	= \$ _____
Total Task Order including all Supplementals	= \$

The Department is approving this Addendum as set forth in SECTION 7. AMENDMENTS OR MODIFICATIONS (from the original contract) This contract may be amended or modified with compensation upon reducing to writing and execution by the parties with the same formalities as are observed in the execution of the Original Contract.

No other terms of the original contract are altered by this supplement.

Before me, a Notary Public in and for this state, on this _____ day of _____, 20____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____ and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of this corporation, for the uses and purposes therein set forth.

Contractor Name

Business Name

Federal Tax Identification Number: _____

Witness my hand and seal the day and year last above written.

(SEAL)

Notary Public

My Commission Expires:

Commission Number

APPROVED

Assistant Chief, Right-of-Way & Utilities Division

Date

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Qualification Process – Personal Service Contracts	No: Revised: Page:	PRO 6.1-11 04/01/15 1 of 27
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Applies to:

Policy OP-PSC 6-2: Contractor Qualification - Personal Service Contracts

PRE-QUALIFICATION OF SERVICE PROVIDERS

Branch Managers

1. Requests for Pre-qualification Applications are accepted at all times. Upon request by a Right-of-Way Service Provider to become pre-qualified for eligibility to contract with ODOT Right-of-Way & Utilities Division, sends out with a cover letter, a Pre-qualification packet which contains the following: **(see attached examples)**
 - Pre-qualification Application
 - Pre-qualification Questionnaire
 - Affidavit
 - Criteria for Placement on Right-of-Way & Utilities Division's Pre-qualified Service Provider List
2. Review Pre-qualification Application, Questionnaire and Documentation. Review the application, questionnaire and the supporting documentation for completeness. Verify the information provided. If necessary, request additional documentation using the Request for Additional Information Letter.
3. Hold Interview. Conduct a personal interview with the service provider. Prepare any pertinent notes regarding the application, documentation, and interview.
4. Prepare Rating Sheet. When a satisfactory application, questionnaire and adequate documentation has been received and the interview has been held, complete the Service Provider Pre-qualification Rating Form **(an internal document only, see attached example)** and forward it to the Assistant Chief, Right-of-Way & Utilities Division, for concurrence.

Assistant Chief, Right-of-Way & Utilities Division

5. Rating Concurrence. Review the submission. Concur with the rating or disapprove, with comment, and return to the Branch Manager.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Qualification Process – Personal Service Contracts	No: Revised: Page:	PRO 6.1-11 04/01/15 2 of 27
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Branch Managers

6. Notification. If approved, notify the service provider of approval and the requirement of satisfactorily completing a pilot project prior to final approval by means of the Application - Approved Letter. All newly approved service providers are required to satisfactorily complete a pilot project before permanent

placement on the pre-qualified list of service providers. Any firm/entity requesting placement on the Turnkey list must complete pilot projects in at least two of the three Uniform Act areas; appraisal, acquisition, or relocation. If disapproved, notify the service provider using the Application – Denied Letter. Any potential service provider may appeal the denial to be placed on the pre-qualified list by submitting a written request for review to the Chief, Right-of-Way & Utilities Division.

7. Distribute copies of the appropriate Letter to the following:
- a. Chief, Right-of-Way & Utilities Division
 - b. Assistant Chief, Right-of-Way & Utilities Division
 - c. Office Manager
 - d. Branch Files
 - e. Records Center

BIENNIAL RE-QUALIFICATION OF SERVICE PROVIDERS

Office Manager

1. Every two (2) years, commencing in July of every odd year, all of the current pre-qualified service providers shall be solicited via written notice to remain on the approved list. In order to remain on the approved list, the Service Provider shall submit, at a minimum, the following:
 - List of current, pre-qualified staff with updated resumes
 - List of work completed for the Department w/copies of completed evaluations
 - Copy of current Certificate of General Liability Insurance
 - Provide documentation supporting any continuing education requirements

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Qualification Process – Personal Service Contracts	No: Revised: Page:	PRO 6.1-11 04/01/15 3 of 27
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The Service Provider shall meet the requirements listed on the “Criteria for Re-qualification of Right-of-Way and Utilities Division Service Providers”.

2. Current pre-qualified service providers that do not respond in a timely manner as prescribed in the written notice, generally thirty (30) days, will be sent a second and final notice through both regular mail and certified mail with return receipt, again with a thirty (30) day time frame. Unresponsive service providers shall be automatically removed from the approved list.
3. Copies of all correspondence shall be kept in the service provider's consultant file maintained by the Office Manager.

STATUTORY AFFIDAVIT

STATE OF OKLAHOMA)
) SS:
COUNTY OF _____)

I, _____ of lawful age, and having been first duly sworn, on oath states:

1. The foregoing statements and attached documentation are true and correct; meet the requirements of the State of Oklahoma, Department of Transportation; and are submitted in support of this request to be approved as a Right-of-Way & Utilities Division Service Provider.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

Subscribed and sworn to before me this ____ day of _____, 20__.

(SEAL)

Notary Public

My Commission Expires:

_____ Commission Number

**Criteria for Placement on Right-of-Way & Utilities Division's
Pre-qualified Service Provider List
April 1, 2015**

Right-of-Way & Utilities Division maintains a list of pre-qualified individuals & firms for the purposes of contracting for personal services associated with right-of-way acquisition and utility relocation. For any individual or entity to be eligible to provide contract services, they must first meet the criteria set forth within prior to being placed on the pre-qualified list.

Once pre-qualified, every service provider must then maintain performance evaluations of "Meets Standards" or above and obtain any re-qualification requirements in order to remain on the pre-qualified list. Performance evaluations with one or two areas designated as "Needs Improvement" but an overall evaluation of "Meets Standards" are acceptable, but improvement is expected. However, performance evaluations of "Does Not Meet Standards" may result in the individual or firm being removed from the pre-qualified list.

Right-of-way acquisition and utility relocation involve intensive contact with the public, private companies, public & private utilities, and municipalities. As such, service providers function as direct interfaces between the Department and those entities. Contact with those entities is sensitive and must be conducted with the highest levels of professionalism and public service in mind. Access to placement on the pre-qualified list has been standardized so as to preclude subjective decisions regarding qualifications. However, due to the nature of the work, performance and/or removal from the pre-qualified list is solely at the discretion of the Chief, R/W & Utilities Division. Should a service provider or one of their personnel be removed from the pre-qualified list for non-performance or other reasons, the opportunity for an administrative review pursuant to 75 O.S. 2011 § 308a, et seq is available.

The areas identified for the pre-qualification of individuals & firms are as follows: Turnkey Firms, Turnkey Project Managers, Title Investigation, Mapping, Appraisal, Appraisal Review, Negotiation, Relocation, Demolition / Improvement Removal, and Utility Relocation Coordination.

Any service provider doing business under contract must have pre-qualified staff or pre-arranged subcontractors available to perform the requested services. All contracts for subcontractors must be submitted to ODOT. Proposals submitted without identified or with personnel that have not been pre-qualified or having subcontractors identified that have not pre-arranged a working relationship will be discarded as unresponsive.

All potential service providers must possess a working knowledge of relevant federal & state statutes, federal regulations, Right-of-Way & Utilities Division Policies & Procedures, and individual Branch Manuals & Guides pertinent to the work being performed. The procedure for the pre-qualification process is OP-PSC 6-2. The criteria used to determine whether an individual or firm possesses the required qualifications to perform services are as follows:

Turnkey Firms

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of

subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.

- Must meet the criteria set forth in PM-PRO 6.118-9.
- Must have a Project Manager as approved by the Chief, R/W & Utilities and must have a minimum of two (2) relocation agents meeting the qualifications set forth below.
- Any project proposal received from a Turnkey Firm must be submitted with the staff proposed to perform the requested services and all of the proposed staff must have already been pre-qualified to perform the requested services. Proposals submitted without staff identified or with staff identified that have not been pre-qualified will be discarded as unresponsive.
- Replacement of personnel during an active contract must be pre-approved by the Department and must be accomplished with pre-qualified individuals.
- Must be able to fully execute contract documents and, when necessary, supplemental agreements. Failure or unwillingness to complete the activities required for a project in accordance with the scope of services will result in immediate removal from the list.
- Must be able to provide an adequate number of pre-qualified staff and/or demonstrate current letters of commitment with other pre-qualified individuals acting in the role of subcontractors as necessary to perform the required work as stipulated in the scope of services for a standard turnkey contract.
- Must be able to provide adequate numbers of personnel and/or subcontractors in order to perform the requested services within the designated time frame and in accordance with the established unit rules stipulated in the Request for Proposal (RFP) on a project-by-project basis. Firms not able to provide an adequate number of personnel or subcontractors for larger projects are still eligible to contract for smaller turnkey projects.
- Ability to generate professional, detailed reports, and correspondence.
- Ability to provide evidence of insurance as required in the contract.
- Individuals that are functioning as subcontractors on a turnkey project(s) may be designated as ineligible to contract on an individual basis for the duration of their involvement in a turnkey project.
- Must possess the ability to provide an independently audited overhead rate and capable of entering into negotiations in accordance with the Federal Acquisition Regulations depending on the contract methodology selected.

Project Managers

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- IRWA URAC Certified and an additional two (2) years of experience managing a multidisciplinary right-of-way group on Uniform Act Projects consisting of appraisal, acquisition and relocation, with resume demonstrating competency in all areas, OR Functional Equivalency.

- Functional Equivalency is defined as one of the following:
 - (1) Meeting the qualifications for an ODOT Transportation Manager, Level II with a demonstrated competency in the Uniform Act functions of appraisal, acquisition and relocation. Pursuit of and attaining the IRWA URAC Certification must be completed within a reasonable amount of time.
OR
 - (2) Ten (10) years of experience managing a multidisciplinary right-of-way group on Uniform Act Projects consisting of appraisal, acquisition and relocation, with resume demonstrating competency in all areas. Pursuit of and attaining the IRWA URAC Certification must be completed within a reasonable amount of time.
OR
 - (3) Fifteen (15) years of experience managing a multidisciplinary right-of-way or real estate group, with resume demonstrating competency in all areas. Pursuit of and attaining the IRWA URAC Certification must be completed within a reasonable amount of time.
- Project Manager Trainee
IRWA URAC Certified. Trainees must work for two (2) years to gain qualifying experience which must be experience managing a multidisciplinary right-of-way group on Uniform Act Projects consisting of appraisal, acquisition and relocation and all work must be done under the direction and supervision of a URAC Certified Turnkey Project Manager.
- Must have a working knowledge of Right-of-Way & Utilities Division's Policies & Procedures and the Uniform Act.
- Must have the ability to direct & coordinate all of the Uniform Act functions; appraisal, appraisal review, acquisition, relocation, and property management; i.e. possessing both project management & personnel supervisory skills.
- Ability to interact as needed with members of the media if called upon to do so. All media inquiries should be directed to the Chief and/or Assistant Chief before responding. All media inquiries shall be coordinated with the Department's Media & Public Relations Division.
- Ability to interact with public officials from municipalities when necessary to facilitate project needs; generally acquisition of property from the municipality. However, contact with public officials outside the scope of the normal course of work, i.e. scope of services, shall always be directed to the Chief or Assistant Chief.
- All inquiries from members of the Legislature shall be directed to the Chief and/or Assistant Chief before responding.
- Ability to read, understand, interpret, and communicate the detailed elements of highway construction plans and right-of-way plans.
- Ability to maintain day to day responsibility for all turnkey project functions, provide project oversight and be the contact person regarding details of the work being completed and shall be the final authority for the service provider on all matters.
- Ability to be responsible for all aspects of a turnkey project and be available to handle any problems or answer any questions that may arise concerning the project in a timely manner. Endeavor to make decisions, issue instructions, and provide prompt responses to inquiries and review all of the work of the contractor prior to submission to the Department; i.e. provide direction & quality control.
- Ability to effectively read, understand, interpret and communicate the various elements, approaches and theories within appraisal reports and appraisal reviews.
- Ability to effectively conclude negotiations if an agent of the contractor is unable to resolve issues raised by the property owner. Must meet the requirements as outlined in the Negotiation section of this criteria.

- Ability to effectively conclude relocation activities if an agent of the contractor is unable to resolve issues raised by the displacee. Must meet the requirements as outlined in the Relocation section of this criteria.
- Ability to address, submit in writing, and follow-up on any changes that may be required which effect the acquisition of property or relocation of owners & tenants including but not limited to the following; mapping revisions, appraisal revisions or clarifications, negotiation issues, and relocation assistance issues.
- Must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Adjustments must be requested prior to any work being completed. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives & disincentives.
- Ability to generate professional, detailed reports, and correspondence.
- Preference for knowledge of access control issues.
- Ability to read, review, and research / update title. This includes knowledge of how to obtain title information from the County Courthouse and the Bureau of Indian Affairs.
- Preference for the ability of the Project Manager to be able to execute contracts, contract supplements, and make decisions on behalf of the Turnkey Firm they are representing.
- Preference for experience dealing with real estate transactions involving commercial entities, corporations, Native Americans, and the Bureau of Indian Affairs.

Title Investigation

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Minimum of two (2) years of experience with title work, resume required. The ability to read, review, and research / update title is required. This includes knowledge of how to obtain title information from the County Courthouse and the Bureau of Indian Affairs.
- Ability to generate professional, detailed reports, and correspondence.
- Must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Ability to provide evidence of insurance as required in the contract.

Mapping

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Minimum of two (2) years of experience with title work, resume required. The ability to read, review, and research / update title is required. This includes knowledge of how to obtain title information from the County Courthouse and the Bureau of Indian Affairs.
- Ability to prepare and provide right-of-way plans in Microstation® and Inroads® format.
- Ability to provide right-of-way exhibits, deeds, and plot plans in specified electronic format.
- Ability to read, understand, interpret, and communicate the detailed elements of highway construction plans.
- Ability to work with & provide coordinate geometry data in Microstation® and Inroads® format.
- Ability to provide deliverables in accordance with the Department's Mapping Branch Policy and Procedures.
- Ability to read, write, and interpret legal descriptions and deeds of all types; i.e. metes & bounds, lots & blocks.
- Ability to obtain & provide copies of current city limits maps and plats.
- Ability to generate professional, detailed reports, and correspondence.
- Preference for some knowledge of access control issues.
- Preference for some knowledge of riparian and government lot issues.
- Must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Ability to provide evidence of insurance as required in the contract.

Appraisal

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.

- Must be a certified General or Certified Residential Appraiser currently in good standing and certified by the State of Oklahoma Real Estate Appraisal Board (OREAB).
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Must possess the appropriate computer technology and skills to electronically prepare and transmit appraisal reports.
- Must have a minimum of 5 years appraisal experience and extensive knowledge of condemnation and partial right-of-way appraisals.
- Ability to generate partial acquisition appraisals & total take acquisition appraisals for negotiation or eminent domain in compliance with the Code of Federal Regulations, CFR 49, Part 24, Uniform Standards of Professional Appraisal Practice and the Uniform Standards of Federal Land Acquisition.
- Minimum of two (2) years of experience with title work, resume required. The ability to read, review, and research / update title is required. This includes knowledge of how to obtain title information from the County Courthouse and the Bureau of Indian Affairs.
- Ability to read, understand, interpret, and communicate the detailed elements of highway construction plans and right-of-way plans.
- Ability to address, submit in writing, and follow-up on any changes that may be required which effect the acquisition of property or relocation of owners & tenants including but not limited to the following; appraisal revisions or clarifications.
- If working independently from a turnkey contract, must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Must be capable of providing NOI's to all affected property owners associated with a project.
- Must be capable of working with relocation personnel relative to the delineation of realty & personalty associated with an acquisition / relocation.
- Ability to generate professional, detailed reports, and correspondence.
- Ability to provide evidence of insurance as required in the contract.
- Preference for knowledge of access control issues.

Appraisal Review

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Must be a Certified General Appraiser currently in good standing and certified by the State of Oklahoma Real Estate Appraisal Board (OREAB).

- Must possess the appropriate computer technology and skills to electronically prepare and transmit appraisal reports, Review Letters, and Summary Statements of Just Compensation.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Currently on ODOT's prequalified Appraiser list and be in good standing.
- Must have a minimum of eight (8) years of experience appraising property related to Federally funded, Uniform Act projects. Preferably with some significant Review Appraiser experience.
- Must possess a comprehensive knowledge of State and Federal laws and rules applicable to appraisal under eminent domain and generally accepted appraisal practices.
- Minimum of two (2) years of experience with title work, resume required. The ability to read, review, and research / update title is required. This includes knowledge of how to obtain title information from the County Courthouse and the Bureau of Indian Affairs.
- Must be able to demonstrate ability to oversee work performed by other appraisers.
- Ability to read, understand, interpret, and communicate the detailed elements of highway construction plans and right-of-way plans.
- Ability to address, submit in writing, and follow-up on any changes that may be required which effect the acquisition of property or relocation of owners & tenants including but not limited to the following; mapping revisions, appraisal revisions or clarifications.
- Must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Ability to generate professional, detailed reports, and correspondence.
- Ability to provide evidence of insurance as required in the contract.
- Preference for knowledge of access control issues.
- Preference for experience demonstrated by inclusion on another governmental agency's or lending institutions approved fee review appraiser list.

Negotiation

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Service Provider Agent Designee – Acquisition Branch
IRWA Negotiation / Acquisition Certified (R/W-NAC) or Functional Equivalency.
Functional Equivalency is defined as indicated below. Agents must meet the Educational requirements regardless of experience.

EDUCATION REQUIREMENTS:

IRWA Course No. 103 or 104, and
 IRWA Course No.'s 802, 901, 902, and
 two (2) days of IRWA Course No.'s 800, 801 or 803, and
 three (3) days of any IRWA Courses of Level 200.

EXPERIENCE REQUIREMENTS:

Two (2) years within the last five (5) years, of performing negotiation / acquisition on Uniform Act projects (resume required). Qualifying experience must be directly related to Uniform Act right-of-way activities and shall include the understanding and proficiency of the following:

- 1) Interpretation of real estate principles.
- 2) Application of real property law.
- 3) Interpretation of maps and construction plans.
- 4) Acquisition of an interest in real property including documentation of the transaction.

Two (2) years of non-uniform act experience within the last five (5) years and IRWA Course No. 105 may be substituted for one (1) year of the required Uniform Act experience.

OR

Five (5) years, within the last eight (8) years, of performing negotiation / acquisition on projects directly related to real estate or right of way activities (resume required) and shall include the understanding and proficiency of the following:

- 1) Interpretation of real estate principles.
- 2) Application of real property law.
- 3) Interpretation of maps and construction plans.
- 4) Acquisition of an interest in real property including documentation of the transaction.

Workload for an Agent Designee shall be limited to working on, performing, or being assigned to no more than "30" units at any given time. Acquisition activities are defined as one (1) "unit" per ownership.

- Service Provider Agent Trainee – Acquisition Branch
 One (1) year of experience within the last five (5) years, and
 IRWA Course No. 105, and
 IRWA Course No. 103 or No. 104, and
 IRWA Course No. 200, and
 IRWA Course No. 901.

Note: Agent Trainee's one (1) year qualifying experience must be directly related to real estate or right-of-way activities and shall include the understanding of the following:

- 1) Interpretation of real estate principles.
- 2) Application of real property law.
- 3) Interpretation of maps and construction plans.
- 4) Acquisition of an interest in real property including documentation of the transaction.

Workload for an Agent Trainee shall be limited to working on, performing, or being assigned to no more than "10" units at any given time. Acquisition activities are defined as one (1) "unit" per ownership. All work must be done under the direction and supervision of a Turnkey Project Manager.

- The Oklahoma Department of Transportation may accept National Highway Institute, NHI or other course work as equivalent to the IRWA courses listed above. Final determination of equivalency will be at the sole discretion of ODOT.
- Prospective individuals must submit a resume that describes related work performed. Work performed should include a general description of the work, number of parcels negotiated, and the individual's actual responsibilities.

- Minimum of two (2) years of experience with title work, resume required. The ability to read, review, and research / update title is required. This includes knowledge of how to obtain title information from the County Courthouse and the Bureau of Indian Affairs.
- General knowledge of accepted real estate practices & principles.
- Ability to communicate effectively both verbally and in writing.
- Ability to resolve negotiations effectively & professionally.
- Ability to re-directing the emotional responses from property owners associated with eminent domain acquisitions.
- Ability to read, understand, interpret, and communicate the detailed elements of highway construction & right-of-way plans. Specifically, the ability to communicate the impacts of the planned construction activities including but not limited to; detour construction & removal, utility relocation, fencing, driveways, and drainage characteristics, to property owners so that they understand impacts to their ownership.
- Ability to address, submit in writing, and follow-up on any changes that may be required which affect the acquisition of property or relocation of owners & tenants including but not limited to the following; mapping revisions, appraisal revisions or clarifications, and negotiation issues.
- If working independently from a turnkey contract, must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Ability to generate professional, detailed reports, and correspondence.
- Must be a Notary Public and must provide a copy of their Notary Certification.
- Ability to provide evidence of insurance as required in the contract.
- Preference for knowledge of access control issues.

Relocation

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Service Provider Agent Designee – Relocation Branch
IRWA Relocation Certified (R/W-RAC) or Functional Equivalency.
Functional Equivalency is defined as indicated below. Agents must meet the Educational requirements regardless of experience.
EDUCATION REQUIREMENTS:
IRWA Course No. 103 or 104, and
IRWA Course No.'s 501, 502, 504, and
two (2) days of IRWA Course No.'s 503, 505 or 506.
EXPERIENCE REQUIREMENTS:

Two (2) years within the last five (5) years, of performing relocation assistance on Uniform Act projects (resume required). Qualifying experience must be directly related to Uniform Act right-of-way activities and shall include the understanding and proficiency of the following:

- 1) Interpretation of uniform act regulations.
- 2) Application of the uniform act regarding residential and non-residential relocation, moving payments and advisory assistance.
- 3) Interpretation of maps and construction plans.
- 4) Successful completion of relocation activities including documentation of the relocation.

Two (2) years of non-uniform act experience within the last five (5) years and IRWA Course No. 105 may be substituted for one (1) year of the required Uniform Act experience.

OR

Five (5) years, within the last eight (8) years, of performing relocation assistance on projects directly related to real estate or right of way activities (resume required) and shall include the understanding and proficiency of the following:

- 1) Interpretation of uniform act regulations.
- 2) Application of the uniform act regarding residential and non-residential relocation, moving payments and advisory assistance.
- 3) Interpretation of maps and construction plans.
- 4) Successful completion of relocation activities including documentation of the relocation.

Workload for an Agent Designee shall be limited to working on, performing, or being assigned to no more than “30” units at any given time. Relocation activities are defined as two (2) “units” per displacee.

- Service Provider Agent Trainee – Relocation Branch
One (1) year of experience within the last five (5) years, and IRWA Course No. 105, and IRWA Course No. 103 or No. 104, and IRWA Course No. 501, and IRWA Course No. 901.

Note: Agent Trainee’s one (1) year qualifying experience must be directly related to real estate or right-of-way activities and shall include the understanding of the following:

- 1) Interpretation of the uniform act.
- 2) Application of real property law.
- 3) Interpretation of maps and construction plans.
- 4) Assist in providing relocation advisory services and the relocation of a displacee(s) including documentation of the transaction. All this work must be done under the direct supervision of a seasoned relocation agent, as determined by ODOT.

Workload for an Agent Trainee shall be limited to working on, performing, or being assigned to no more than “6” units at any given time. Relocation activities are defined as two (2) “units” per displacee. All work must be done under the direction and supervision of a Turnkey Project Manager.

- The Oklahoma Department of Transportation may accept National Highway Institute, NHI or other course work as equivalent to the IRWA courses listed above. Final determination of equivalency will be at the sole discretion of ODOT.
- Must be able to provide a minimum of two (2) relocation agents in order to perform the required work per the scope of services and Right-of-Way & Utilities Division’s Policies & Procedures.

- Ability to address, submit in writing, and follow-up on any changes that may be required which effect the acquisition of property or relocation of owners & tenants including but not limited to the following; mapping revisions, appraisal revisions or clarifications, and relocation assistance issues.
- If working independently from a turnkey contract, must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Ability to generate professional, detailed reports, and correspondence.
- Ability to provide evidence of insurance as required in the contract.

Demolition / Improvement Removal

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct business in a professional and courteous manner at all times in contacts with ODOT, the public, and other contractors.
- Ability to read and understand plans for the location of structures to be demolished.
- Ability to generate professional, detailed reports, and correspondence.
- Must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives & disincentives.
- Ability to have trained personnel possessing appropriate certifications at the project site daily when demolition is being performed to ensure ODEQ requirements are met concerning erosion control and the ability to recognize friable asbestos which may have been concealed during the initial NESHAP process.
- Ability to file the NESHAP Notice of Intent to demolish structures and to be able to provide proper re-notification to ODEQ should the demolition date change from original date filed.
- Ability to handle and dispose of Category I and II asbestos in accordance with 40 CFR, Part 61, Subpart M. National Emission Standards for Hazardous Air Pollutant (NESHAP).
- Ability to provide proof of Liability Insurance, EEO form, and affidavits which are part of the contract.
- Ability to provide bonding (Payment and Performance Bond for price bid) from insurance company for the amount of the contract as required in ODOT contracts.

- Ability to provide Title VI information dealing with Contractor's Personnel and Sub-Contractors. Sub-Contractors must be approved by ODOT before demolition work begins.
- Ability to comply with all federal, state and local rules and regulations concerning permits and licenses.
- Ability to provide to the Resident Engineer permits/licenses for demolition valid for the city/town where demolition is being performed before demolition work begins.
- Ability to disconnect all utilities connected to improvements prior to demolition.
- Ability to meet with the Resident Engineer for a pre-work conference prior to starting demolition.

Utility Relocation Coordination

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Ability to conduct themselves in a professional and courteous manner at all times with all contacts.
- Minimum of one (1) year of experience coordinating the relocation of utilities for state, county, or city highway / roadway projects, resume required.
- Must have a working knowledge of the state statutes governing the relocation of utilities associated with Department projects; i.e. 69 O.S. 2011 § 1401, 1402, 1403.
- Must have a working knowledge of the Department's Utilities Branch Policies and Procedures.
- Must be able to coordinate and lead effective meetings involving municipalities, public utility companies, and Department personnel.
- Must have a working knowledge of Utility Relocation Agreements and Utility Permits.
- Ability to read, understand, interpret, and communicate the detailed elements of highway construction & right-of-way plans.
- Ability to identify existing utility facilities in the field and interpret utility owner atlas sheets.
- Ability to evaluate utility relocation proposals, plans & cost estimates, for adherence to required guidelines and determination of betterments.
- Ability to address, submit in writing, and follow-up on any changes to the construction and/or right-of-way plans that may be required which affect the relocation of utilities in a timely manner. If working independently from a turnkey contract, must be able to manage projects via the terms of the contract & scope of services. Requesting time adjustments and/or addressing supplemental agreements as needed to facilitate the project's needs. Time adjustments are addressed based on project related issues or changes in the overall project development schedule. Time adjustments are not addressed based on the service provider's inability to complete the work in a timely manner. This is especially critical relative to contracts containing incentives/disincentives.
- Ability to generate professional, detailed reports, and correspondence.

- Ability to provide evidence of insurance as required in the contract.
- Ability to provide As-Planned Utility Relocation Plans in specified CADD format.
(Subcontracting of this activity is acceptable as long as format, scope, & schedule are maintained. The responsibility for this activity remains with the primary service provider.)

Outdoor Advertising Control – Inventory

- During the performance of work for the ODOT, the CONTRACTOR for itself, its assignees and successors in interest agrees to comply with the Regulations of the United States Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time, which are herein incorporated by reference and with regard to the work performed by the CONTRACTOR after award and prior to completion of services, shall not discriminate on the grounds of race, color, sex, age, religion or national origin in its employment practices, the selection and retention of subcontractors, or toward the participants in and the beneficiaries of State highway programs, i.e., relocatees and impacted citizens.
- Engineering & Surveying firms currently prequalified to do business with the Department.
- Turnkey Right-of-Way firms currently prequalified to do business with the Department.

SERVICE PROVIDER PRE-QUALIFICATION RATING FORM

Service Provider _____

Type of Service(s) _____

Area		Excellent	Above Average	Average	Below Average	Not Acceptable	No Response	N/A	Comments
I. Service Provider=s Capacity and Expertise to Provide the Service(s)									
Current Personnel	Number Qualified								
	Experience								
	Education/Credentials								
Company	Past Related Experience								
	Met Time Constraints in the Past								
	Letter(s) of Recommendation								# Received _____
	Ability to Handle Workload								
	Availability to Work Various Project Locations								
	Resources/Equipment								
	CADD (Micro Station) *								
	COGO (InRoads) *								
	Plotter – D Size or larger *								
Ratings (add # of checks in each column)									
II. Service Provider=s Past Experience with ODOT, if applicable									
Prior Experience									

* **Applicable to Utilities & Mapping Branch functions only!**

Overall Rating _____ (Must be average or above.)

Approved Y/N _____

Recommended by _____ Date _____
 Branch Manager

Concurrence by _____ Date _____
 Assistant Chief, Right-of-Way & Utilities Division

Concurrence by _____ Date _____
 Chief, Right-of-Way & Utilities Division

FOR INTERNAL USE ONLY

Distribution: Chief, Right-of-Way & Utilities Division
 Assistant Chief, Right-of-Way & Utilities Division
 Contracting Officer
 Branch
 Records Center

Attachments: Service Provider's Pre-qualification Application
 Support Documents

STATUTORY AFFIDAVIT

STATE OF OKLAHOMA)
) SS:
COUNTY OF _____)

I, _____ of lawful age, and having been first duly sworn, on oath states:

1. The foregoing statements and attached documentation are true and correct; meet the requirements of the State of Oklahoma, Department of Transportation; and are submitted in support of this request to be re-qualified as an approved Right-of-Way & Utilities Division Service Provider.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

Subscribed and sworn to before me this ____ day of _____, 20__.

(SEAL)

Notary Public

My Commission Expires:

_____ Commission Number

Criteria for Re-qualification of Right-of-Way and Utilities Division Service Providers January 7, 2011

The Right-of-Way and Utilities Division maintains a list of pre-qualified individuals and firms for the purposes of contracting for personal services associated with right-of-way acquisition and utility relocation. For any individual or entity to retain their eligibility to provide contract services, they must re-qualify on a biennial basis by meeting the following minimum requirements and respond in writing addressing each specific requirement.

Mapping/Title Investigation

- Have demonstrated an ability to successfully perform the mapping and/or title functions for ODOT or other entities within the previous two years. Must provide samples of work performed.
- Be willing and able to positively respond to bids for ODOT projects. Failure to respond to bids will result in removal from approved list.
- Have not had more than two projects worked for ODOT that resulted in an evaluation of needs improvement or does not meet standards in two or more of the evaluation areas.

Appraisal/Acquisition/Relocation

- Have demonstrated an ability to successfully perform the respective functions for ODOT or other entities within the previous two years. Must provide samples of work performed.
- Be willing and able to positively respond to bids for ODOT projects. Failure to respond to bids will result in removal from approved list.
- Have not had more than two projects worked for ODOT that resulted in an evaluation of needs improvement or does not meet standards in two or more of the evaluation areas.
- Successfully completing a minimum of 8 hours of continuing education courses relevant to working with the uniform act.
 - 8 hours must be earned as a facilitator or participant in IRWA's Course 103 Ethics or Course 104 Standards of Practice or an equivalent in every 4 year period. Certificate of successful completion required.
 - 8 hours must be earned as a facilitator or participant in an IRWA Course or an equivalent relating to the particular discipline in which re-qualification is being sought. Certificate of successful completion required.
- Additionally, appraisers must complete the IRWA Course 406B USPAP or an equivalent, and must possess the appropriate computer technology and skills to electronically prepare and transmit appraisal reports, review letters and summary statements of just compensation.
- The Oklahoma Department of Transportation may accept National Highway Institute, NHI, or other course work as equivalent to the IRWA courses listed above. Final determination of equivalency will be at the sole discretion of the Oklahoma Department of Transportation.

Demolition/Improvement Removal

- Have demonstrated an ability to successfully perform the demolition and/or improvement removal functions for ODOT or other entities within the previous two years. Must provide samples of work performed.
- Be willing and able to positively respond to bids for ODOT projects. Failure to respond to bids will result in removal from approved list.
- Have not had more than two projects worked for ODOT that resulted in an evaluation of needs improvement or does not meet standards in two or more of the evaluation areas.

Utilities

- Have demonstrated an ability to successfully perform the utility relocation coordination functions for ODOT or other entities within the previous two years. Must provide samples of work performed.
- Be willing and able to positively respond to bids for ODOT projects. Failure to respond to bids will result in removal from approved list.
- Have not had more than two projects worked for ODOT that resulted in an evaluation of needs improvement or does not meet standards in two or more of the evaluation areas.

Turnkey Project Manager

- Have demonstrated an ability to successfully perform the Project Manager functions for ODOT or other entities within the previous two years. Must provide references.
- Be willing and able to positively respond to bids for ODOT projects. Failure to respond to bids will result in removal from approved list.
- Have not had more than two projects worked for ODOT that resulted in an evaluation of needs improvement or does not meet standards in two or more of the evaluation areas.
- Successfully completing a minimum of 16 hours of continuing education courses relevant to working with the uniform act.
 - 8 hours must be earned as a facilitator or participant in IRWA's Course 103 Ethics or Course 104 Standards of Practice or an equivalent in every 4 year period. Certificate of successful completion required.
 - 8 hours must be earned as a facilitator or participant in an IRWA Course or an equivalent relating to the uniform act functions. Certificate of successful completion required.
- *Possessing the IRWA Uniform Act Certification will be required by January 1, 2014*

SERVICE PROVIDER RE-QUALIFICATION RATING FORM

Service Provider _____

Type of Service(s) _____

	Area	Yes	No	Comments
Service Provider=s Personnel				
Current Personnel	List of pre-qualified staff			
	Updated resumes of staff			
	Successful completion of continuing education requirements for each staff member			
Projects	Successfully performed work for ODOT			
	ODOT evaluation forms provided			
	Letter(s) of Recommendation for non-ODOT work			# Received ____
	Successfully performed work for other entities within last 2 years			
	Willing and able to respond to ODOT bids			
	No more than 2 ODOT Projects that were:			
	- Needs Improvement			
	- Does Not Meet Standards			
	If an Appraiser, completion of IRWA Course 406B USPAP or an equivalent			

Met Rating Criteria (Y/N) ____ (Must be "yes" in all areas)

Approved for continued work (Y/N) ____

Recommended by _____
Branch Manager Date

Concurrence by _____
Assistant Chief, Right-of-Way & Utilities Division Date

Concurrence by _____
Chief, Right-of-Way & Utilities Division Date

FOR INTERNAL USE ONLY

Distribution: Chief, Right-of-Way & Utilities Division
 Assistant Chief, Right-of-Way & Utilities Division
 Contracting Officer
 Branch
 Records Center

Attachments: Service Provider's Re-qualification Application
 Application Support Documents

~ APPLICATION - APPROVED ~

Date

Company Contact
Company Name
Company Address

Re: Request to be placed on the ODOT=s Right-of-Way & Utilities Division, Branch=s
Approved Contractor List

Dear Mr., Mrs., Ms.:

Congratulations, your application has been approved and you have been added to the _____
_____ Branch=s Approved List for _____ services effective _____. This
approval is contingent upon the satisfactory completion of a pilot project performed in
partnership with the Right-of-Way & Utilities Division.

Approvals are good for two (2) years from the effective date. Prior to the end of the two (2)
years you will be sent a Renewal Application by the Right-of-Way & Utilities Division.

Request for Proposals (RFPs) are issued on an as needed basis. You will be given the
opportunity to submit a bid proposal when contacted.

Enclosed is a CD of the Right-of-Way & Utilities Division=s Management Guide - Policy and
Procedures Manuals. Please familiarize yourself with these Manuals so that you will be aware
of the appropriate policies and procedures that are to be adhered to while carrying out the
responsibilities of your contract, should your bid proposal be selected. Also, enclosed is a copy
of the Contractor=s Service Evaluation Form and associated Evaluation Standards.

If you have any questions, please feel free to contact me at (405) 521-_____ .

Sincerely,

Branch Manager

Enclosures: Policy and Procedures Manuals
Copy of _____ Branch=s Personal Services Contract
Contractor=s Service Evaluation and Standards

cc: file

~ APPLICATION - DENIED ~
~ OR REQUEST FOR ADDITIONAL INFORMATION ~

Date

Company Contact
Company Name
Company Address

Re: Request to be placed on the ODOT's Right-of-Way & Utilities Division, Branch's Approved Contractor List

Dear Mr., Mrs., Ms.:

The Right-of-Way & Utilities Division, _____ Branch is in receipt of your application to be added to our Prequalified Contractors= List. At this time the Department is unable to approve your application for the following reason(s):

Incomplete Questionnaire
Incomplete Documentation

Insufficient experience
Insufficient qualifications/credentials

[Use the following sentence **if** the receipt of additional information might make the contractor acceptable for approval. Also, add any additional thoughts regarding possibilities for the Contractor here.]

Please submit additional information in the areas marked for additional consideration.

Should you have any questions, feel free to contact me at (405) 521-_____ .

Sincerely,

Branch Manager

cc: file

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contractor's Service Evaluation – Personal Service Contracts	No: Revised: Page:	PRO 6.1-12 04/01/15 1 of 6
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Applies to:

Policy OP-PSC 6-3: Contractor's Service Evaluation - Personal Service Contracts

Contract Facilitator

1. At contract or task order close out, complete the Contractor's Service Evaluation form (see example in this Procedure) in accordance with the Evaluation Standards. To support the ratings given to the Contractor, all ratings except "Meets Standards" require comment and supporting written documentation. Upon completion, sign and forward to the Branch Manager.

NOTE:

Upon completion of the work for individual branch functions for turnkey contracts, each Branch shall prepare the evaluation and forward to the Turnkey Contract Facilitator.

Branch Managers

2. Review the Evaluation. If the Branch Manager is not in concurrence, the evaluation should be discussed with the Contract Facilitator. Upon concurrence, sign, and forward to the Assistant Chief, Right-of-Way & Utilities Division, for further processing.

NOTE:

Upon completion of all the individual Branch function evaluations, an evaluation of the Turnkey Project Manager shall be prepared by the Project Management Branch Manager.

NOTE:

A face-to-face meeting with the contractor to discuss the evaluation is required if the rating is less than "Meets Standards". Contact the contractor to advise them of the performance rating, set up a meeting at ODOT to discuss the evaluation with them, and forward a copy of the evaluation to them for review prior to the meeting. After the meeting, revisit the evaluation and make any changes resulting from the meeting. Sign the evaluation and forward to the Assistant Chief, Right-of-Way & Utilities Division, for further processing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contractor's Service Evaluation – Personal Service Contracts	No: Revised: Page:	PRO 6.1-12 04/01/15 2 of 6
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NOTE:

Any Service Provider may be removed from the approved Service Providers List at the discretion of the respective Branch Manager, Assistant Chief, Right-of-Way & Utilities Division, or Chief, Right-of-Way & Utilities Division provided just cause is shown. Reasons for removal may include but are not limited to:

- a. Disciplinary action by OREAB.
- b. Inability to complete assignments in a timely or satisfactory manner.
- c. Negatively impacting ODOT's ability to successfully negotiate a reasonable number of properties appraised.
- d. Violation of client (ODOT) confidentiality.
- e. Uncooperative behavior with fee or staff personnel.
- f. Unsatisfactory performance as noted on the evaluation.
- g. Just Cause.

Assistant Chief and Chief, Right-of-Way & Utilities Division

3. Review the Evaluation. If not in concurrence, the evaluation should be discussed with the Branch Manager. Upon concurrence, sign, and return to the Branch Manager.

NOTE:

Any Service Provider that is removed from the pre-qualified list may submit a written appeal to the Chief, Right-of-Way & Utilities Division within thirty (30) days of receipt of the evaluation or removal notice. Said written appeal should contain sufficient information with supporting documentation to support any consideration for reinstatement.

Branch Managers

4. Distribute copies of the Evaluation and supporting documentation as follows:
 - a. Office Manager (2 copies)
 - b. Branch Files

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contractor's Service Evaluation – Personal Service Contracts	No: Revised: Page:	PRO 6.1-12 04/01/15 3 of 6
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- c. Project Management Branch (Turnkey Projects only)
- d. Contractor
- e. Records Center

**RIGHT-OF-WAY & UTILITIES DIVISION
CONTRACTOR'S SERVICE EVALUATION**



Contractor _____
 Contract Number _____
 State Job Number _____ County _____
 Federal Project Number _____
 Project Manager _____
 Contract Facilitator _____

Right of Way & Utilities Division
 Oklahoma Dept. Of Transportation
 200 N.E. 21st Street
 Oklahoma City, OK 73105

Area	Exceeds Standards *	Meets Standards	Needs Improvement *	Does Not Meet Standards *	N/A	Comments
Overall Performance						
Compliance with Contract Scope of Services and R/W Policy and Procedures						
Timeliness of Service(s) Provided						
Problems, Revisions, and Corrections						
Cooperation with R/W Personnel and Public						
Status Reports (timely, detailed, supported)						
Documents, Proposals, and Claims submitted						
Identified Priorities Achieved						
Project Manager (knowledge, availability)						
ODOT Oversight						

* Any evaluation of Exceeds Standards, Needs Improvement, Does Not Meet Standards requires comments and supporting written documentation.

Completed this project satisfactorily - Y/N _____

If no, why _____

Approved for additional projects Y/N _____

If no, why _____

Recommended for removal from ODOT's Service Provider List Y/N _____

If yes, why _____

Recommendation by _____
 Branch Manager Date

Distribution: Contracting Officer (1 emailed Copy)
 Branch
 Project Management Branch (TK only)
 Contractor
 Records Center

Concurrence by _____
 Assistant Chief, Right-of-Way & Utilities Division Date

Concurrence by _____
 Chief, Right-of-Way & Utilities Division Date

**Oklahoma Department of Transportation
Right-of-Way & Utilities Division
Evaluation Standards**

Compliance with Contract Scope of Services and R/W Policy and Procedures				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Exceeds expectations and time frame for completing contract objectives; documentation was complete and correct with minimal error.	Completed work assignment with little to no instruction; knowledgeable in ODOT policy and procedures; complied with established instructions, specifications, policy, procedures, and in accordance with all applicable Federal and State laws; documentation is adequately prepared and submitted in a timely manner.	Frequently requires detailed instruction relating ODOT policy and procedures; some assignments are delayed; documentation is frequently incomplete or incorrect.	Continuously requires detailed instruction to complete work; unnecessary delays in completing assignments; fails to follow policy and procedures; has repeated errors in documentation.
Timeliness of Services(s) Provided				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Project completed and all work turned in before target dates, allowing for the R/W process to be advanced.	All work completed and turned in by target dates. Target dates requiring adjustments due to factors that should have been controlled by the Service Provider.	Work not completed and turned in by target dates due to factors that should have been controlled by the Service Provider. Additional time extensions were requested after target date for completion.	Work not completed and turned in by target dates due to factors that should have been controlled by the Service Provider. Additional time extensions not requested or Service Provider had to be prompted to request an extension.
Problems, Revisions, and Corrections				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Weights all relevant facts with exceptional care. Consistently finds the optimum solution to problems. Problems are routinely solved in a timely manner.	Able to make decisions and solve problems. Knows parameters in which a decision can be made. Takes all facts into consideration while using good judgment. Accepts responsibility for decisions made in area of authority.	Generally awaits guidance and direction regarding problems. Corrections are not made in a timely manner. Cooperation and communication is limited.	Exhibits a lack of confidence. Ineffective with routine problem solving and decision making causing confusion, loss of efficiency and possible project delays.
Cooperation with R/W Personnel and Public				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Positively represents ODOT. Consistently gives clear, concise instructions. Inquiries are handled with exceptional care. Responses are immediate. Problems along with suggestions for improvements are brought to ODOT's attention. Maintains required confidentiality	Demonstrates ability to communicate both verbally and in writing with ODOT, business contacts and the public. Gives clear concise instructions and responses. Inquiries are handled promptly and courteously. Maintains required confidentiality.	Communication skills are limited. Slow to respond to requests for assistance or information. Required confidentiality is occasionally violated.	Contact with ODOT or public is often rude or abrupt. Unresponsive to requests for assistance or information. Does not respond to inquiries in a timely manner. Required confidentiality is frequently violated.

Status Reports (timely, detailed, supported)				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Reports are always submitted on time with updated accurate information; contain detailed information of work completed and work to be done; include detailed explanation of complications and solution.	Reports are generally submitted on time with little to no errors; contain detailed information of work completed and work to be done; include detailed explanation of complications and solutions.	Reports are sometimes submitted late; lack enough detail for facilitator to determine the status; contain frequent errors; failed to use the standard form.	Reports are generally delivered late; contained little to no detail; contained many errors.
Documentation, Proposals and Claims Submitted (timely, supported)				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Documents, Proposal, and Claims are submitted with little to no errors. Documents and Claims are submitted in a manner which advances the project schedule.	Documents, Proposals, and Claims are submitted with few errors. Documents and Claims are submitted in a manner allowing appropriate processing time to avoid delays in project schedule. Contract close out documents are submitted promptly and completely.	Documents, Proposals, and Claims are submitted with frequent errors. Documents and Claims are not submitted in a manner which assures appropriate processing time to avoid delays in project schedule.	Documents, Proposals, and Claims are submitted with numerous errors. Untimely submission causes delays in project schedule.
Identified Priorities Achieved				
	Identified priorities were completed ahead of schedule.	Identified priorities were completed on schedule.	Identified Priorities were rarely completed on schedule.	Identified priorities were not completed on schedule.
Project Manager (knowledge, availability)				
	Exceeds Standards	Meets Standards	Needs Improvement	Does Not Meet Standards
	Project Manager is routinely available to ODOT and assigned service provider staff. Has full knowledge of the project and procedures allowing for innovative processes to expedite project or reduce costs.	Project Manager is regularly available to ODOT and assigned service provider staff. Has a working knowledge of the project and procedures allowing for anticipation and resolution of problems without ODOT direction.	Project Manager availability is sporadic or inconsistent. Has insufficient knowledge of the project or procedures to address problems without ODOT assistance. Fails to meet some target dates. Poor management results in project delays or increased project costs.	Not available to ODOT and assigned service provider staff. Does not have a working knowledge of project or procedures. Unable or unwilling to resolve problems. Lacks knowledge of all R/W functions and their interrelationship. Does not meet target dates which results in project delays.
ODOT Oversight				
	ODOT provided a minimal amount of administrative direction related to the service tasks.	ODOT had to provide more than a minimal amount (but still reasonable) administrative direction related to the service tasks.	ODOT had to provide an unreasonable amount of administrative direction related to the service tasks.	ODOT had to provide extensive administrative direction related to the service tasks.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Annual DBE Statistics Review, Title VI Reports, Annual Contract Statistics Review – Personal Services Contracts	No: PRO 6.1-13 Revised: 04/01/15 Page: 1 of 1
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Applies to:

Policy OP-PSC 6-1: Contract Administration - Personal Service Contracts

Office Manager

1. Maintain files of ODOT Title VI Monthly Reports.
2. Maintain files of ODOT DBE Monthly Reports of Service Providers.
3. Gather data from contracts and prepare various reports to use for a statistical analysis of our use of DBE service providers.
 - a. Prepare a report, by Branch and by Division, of total number of service providers, number of non-DBE service providers, and number of DBE service providers.
 - b. Prepare a report, by Branch and by Division, of total number of contracts, numbers of non-DBE contracts, and number of DBE contracts. This report shall also contain an analysis of the monetary distribution of contracts.
4. Schedule an annual DBE Statistics Review meeting each July to review the previous year's DBE contracting procedures. A final report shall be prepared by July 31st each year with distribution to the following:

Chief, Right-of-Way & Utilities Division
Assistant Chief, Right-of-Way & Utilities Division
Right-of-Way & Utilities Division Branches (ROW Y-drive under Overhead)
Regulatory Services
5. Submit a report to the Regulatory Services Division showing actual awards and actual payments. This report is to be submitted each April for the period October 1 thru March 31 and again in October for the period April 1 thru September 30.
6. Prepare a Contracting Statistics Review report showing a breakdown of contracts competitively bid, sole sourced or using a Professional Service selection process for the previous year. The report shall be submitted by July 31st each year.

VOLUME I

SECTION V

POSITION GUIDES

Each position guide is given a number which relates to a managerial, key staff, or supervisory position. There is a relationship between this number and the procedures numbering system. They both show the specific area of operational concern dealt with by the procedure or position guide in question.

PG 6.11-1	CHIEF, RIGHT-OF-WAY & UTILITIES DIVISION
PG 6.11-2	ASSISTANT CHIEF, RIGHT-OF-WAY & UTILITIES DIVISION
PG 6.112-1	MANAGER, APPRAISAL BRANCH
PG 6.112-2	SUPERVISOR, APPRAISAL BRANCH
PG 6.112-3	REVIEW APPRAISER, APPRAISAL BRANCH
PG 6.113-1	MANAGER, ACQUISITION BRANCH
PG 6.113-2	SUPERVISOR, ACQUISITION BRANCH
PG 6.114-1	MANAGER, MAPPING BRANCH
PG 6.114-2	SUPERVISOR, MAPPING BRANCH
PG 6.114-3	PLAN-IN-HAND REPRESENTATIVE, MAPPING AND UTILITIES
PG 6.115-1	MANAGER, UTILITIES BRANCH
PG 6.115-2	SUPERVISOR, UTILITIES BRANCH
PG 6.116-1	MANAGER, RELOCATION BRANCH
PG 6.116-2	SUPERVISOR, RELOCATION BRANCH
PG 6.117-1	MANAGER, OUTDOOR ADVERTISING CONTROL BRANCH
PG 6.117-2	SUPERVISOR, OUTDOOR ADVERTISING CONTROL BRANCH
PG 6.118-1	MANAGER, PROJECT MANAGEMENT BRANCH
PG 6.118-2	SUPERVISOR, PROJECT MANAGEMENT BRANCH

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Chief, Right-of-Way & Utilities Division

No: PG 6.11-1
Revised: 04/01/15
Page: 1 of 3

Function:

Under the guidance of the Director of Engineering within the limits of established policies and procedures, provides direction, guidance, and control to all of the Right-of-Way & Utilities Division, including the following programs:

Right-of-Way Program

1. Establishment of the right-of-way line
2. Title search
3. Preparation of right-of-way plans and instruments
4. Appraisal
5. Acquisition
6. Property management
7. Relocation of people and businesses
8. Relocation of public utilities

Beautification Program (Outdoor Advertising Control)

1. Regulation, Purchase or relocation of billboards and junkyards

Administrative Programs

1. Disposal of Surplus Property
2. Highway System Removals
3. Environmental Mitigation

Responsibility and Authority:

Activities

1. Participate, as a member of the staff of the Director of Engineering, in the formulation of objectives and policies.
2. Develop and establish procedures related to activities of the Right-of-Way & Utilities Division.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Chief, Right-of-Way & Utilities Division	No: Revised: Page:	PG 6.11-1 04/01/15 2 of 3
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3. Advise the Director of Engineering of all significant Right-of-Way & Utilities Division matters and any unusual developments in these activities.
4. Assure that there is adequate planning and scheduling of all projects assigned to the Right-of-Way & Utilities Division for processing and that all units within the division maintain adequate schedules for projects assigned to them.
5. Maintain adequate managerial controls to insure that all project work is performed in accordance with the governing regulations.
6. Provide direction to the Assistant Chief and Branch Managers to assure maximum coordination between functions and between units.
7. Establish performance standards for all activities of the Right-of-Way & Utilities Division; evaluate actual performance and take corrective action where necessary.
8. Coordinate his/her efforts with concerned State and Federal agencies and other Department units on Right-of-Way & Utilities Division matters.
9. Facilitate the work of the Right-of-Way & Utilities Division by providing equipment, supplies, supervision, and training.

Organization

1. Develop and maintain an effective and economical plan of organization for the Right-of-Way & Utilities Division.
2. Assure that the Right-of-Way & Utilities Division is adequately staffed and that the authority and responsibilities of all positions are clearly understood.

Personnel

1. Provide for the optimum utilization of personnel under his/her supervision and direction and for their training and development.
2. Continuously appraise the performance of employees under his/her direction.
3. Make recommendations concerning Right-of-Way & Utilities Division personnel.

Finance

1. Recommend an annual budget for the Right-of-Way & Utilities Division.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Chief, Right-of-Way & Utilities Division	No: Revised: Page:	PG 6.11-1 04/01/15 3 of 3
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2. Direct the fiscal management of the division in consonance with ODOT budgetary policies.
3. Administer fiscal procedures of the Right-of-Way & Utilities Division.

Relationships:

Director of Engineering

1. Accounts to the Director of Engineering for the proper interpretation and fulfillment of his/her function, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Director of Engineering and keeps him/her informed of all significant developments.

Chief, Legal & Business Services Division

1. Coordinates his/her efforts with those of the Chief, Legal & Business Services Division, to establish a positive working relationship and to achieve their common objectives.
2. Keeps the Chief, Legal & Business Services Division, currently informed of all significant and pertinent developments within his/her area of responsibility.

Federal Highway Administration

Coordinates his/her efforts in Right-of-Way & Utilities Division matters with the Federal Highway Administration to establish a proper working relationship.

Other Agencies and Organizations

Establishes and maintains relationships that are in the best interest of the Department.

General Public

Conducts Right-of-Way & Utilities Division activities with private individuals, groups, and business concerns in a manner conducive to maintaining an acceptable public image and in accordance with the best interest of the Department.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assistant Chief, Right-of-Way & Utilities Division	No: Revised: Page:	PG 6.11-2 04/01/15 1 of 2
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Function:

Within the limits of established policies and procedures and under the direction of the Chief, Right-of-Way & Utilities Division provides guidance and control of all right-of-way activities. Recommends to the Chief, Right-of-Way & Utilities Division programs and plans of an administrative nature and makes recommendations for the formulation of procedures related to the Right-of-Way & Utilities Division.

Responsibility and Authority:

Activities

1. Participates, as a member of the staff of the Chief, Right-of-Way & Utilities Division, in the formulation of Right-of-Way & Utilities Division objectives.
2. Develops and recommends policies and procedures related to activities of the Right-of-Way & Utilities Division.
3. Advises the Chief, Right-of-Way & Utilities Division in all technical and professional matters pertaining to the operation of the Right-of-Way & Utilities Division Branches.
4. Advises the Chief, Right-of-Way & Utilities Division of all significant Branch matters and keeps him/her informed of any unusual developments.
5. Assures that there is adequate planning and scheduling of all projects assigned to the Branches and that all units maintain adequate schedules for projects assigned to them. Maintains adequate managerial controls to assure that projects are processed in accordance with preconceived plans and schedules.
6. Works closely with the branch managers to assure maximum coordination between units.

Personnel

1. Subject to review and approval by the Chief, Right-of-Way & Utilities Division provides for the optimum utilization of Branch personnel and is responsible for the training and development of subordinate managers and supervisors.
2. Maintains a system of performance appraisal that will compare actual results obtained from his/her employees with results expected.
3. Makes periodic recommendations and reports concerning his/her personnel to the Chief, Right-of-Way & Utilities Division.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assistant Chief, Right-of-Way & Utilities Division	No: Revised: Page:	PG 6.11-2 04/01/15 2 of 2
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Finance

1. Assists in preparing an annual budget for the Right-of-Way & Utilities Division.
2. Directs the fiscal management of the Branches in consonance with the Right-of-Way & Utilities Division budgetary policies.

Relationships:

Chief, Right-of-Way & Utilities Division

1. Responsible to the Chief, Right-of-Way & Utilities Division for the proper interpretation and fulfillment of his/her function, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Chief, Right-of-Way & Utilities Division and keeps him/her informed of all significant developments.

Federal Highway Administration

Coordinates his/her efforts in all right-of-way matters with the Federal Highway Administration to maintain a proper working relationship.

Other Agencies and Organizations

Maintains relationships in a manner which will work toward the best interests of the Department.

General Public

Conducts Right-of-Way & Utilities Division business with private individuals and groups in a professional manner conducive to creating and maintaining an acceptable public image.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manager, Appraisal Branch

No: PG 6.112-1
Revised: 04/01/15
Page: 1 of 3

Function:

Within the limits of established policies and procedures and under the direction of the Assistant Chief, Right-of-Way & Utilities Division, develops and administers appraisal procedures, and directs appraisal activities; sees that appraisals are reviewed to determine fair market values for real property to be acquired for highway purposes.

Responsibility and Authority:

Activities

1. Participates as a member of the Right-of-Way & Utilities Division staff in the formulation of procedures related to the Right-of-Way & Utilities Division.
2. Develops and administers procedures related to appraisal and appraisal review activities, and the conduct of land economic studies.
3. Acts as technical and professional adviser to management on all matters relating to the appraisal of property and assessment of damages.
4. Manages the planning, scheduling, processing and control of all projects assigned to the Appraisal Branch.
5. Establishes and maintains performance standards for all activities performed by the Appraisal Branch or by fee service providers, evaluates actual performance, and takes any appropriate corrective action necessary.
6. Determines if there is a need to contract out services, and when such a need exists selects a pre-qualified service provider to employ utilizing the various personal services contract processes.

Organization

1. Develops and maintains an effective plan of organization for the Appraisal Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Appraisal Branch are clearly defined and understood.

Personnel

1. Determines appropriate staffing of the Appraisal Branch, assures optimum utilization of personnel assigned to the Branch and is responsible for the training and development of personnel assigned to the Branch.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Manager, Appraisal Branch	No: Revised: Page:	PG 6.112-1 04/01/15 2 of 3
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2. Recommends personnel actions affecting personnel assigned to the Appraisal Branch.
3. Interviews job applicants and makes recommendations to the Assistant Chief, Right- of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Appraisal Branch and recommends a budget.
2. Reviews and approves expense accounts of Appraisal Branch personnel.
3. Recommends contractual fees, and payment thereof, for services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division, and is accountable to him/her for the proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all major developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide all information and assistance in matters related to activities of the Appraisal Branch in connection with condemnation cases.

Right-of-Way & Utilities Division Branch Mangers

Coordinates the activities of the Appraisal Branch with those of other branches to achieve Division objectives.

Federal Highway Administration

Coordinates all activities related to appraisal with appropriate personnel of the Federal Highway Administration.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manager, Appraisal Branch

No: PG 6.112-1
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Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with other appropriate ODOT Divisions to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the appraisal field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interest of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Appraisal Branch

No: PG 6.112-2
Revised: 04/01/15
Page: 1 of 3

Function:

Within the limits of established policies and procedures and under the direction of the Manager, Appraisal Branch, provides guidance and control of all activities of the Appraisal Branch personnel assigned to his/her supervision.

Responsibility and Authority:

Activities

1. Participates as a member of the Appraisal Branch staff in the formulation of procedures relating to the Appraisal Branch.
2. In conjunction with the Manager, Appraisal Branch, develops and administers procedures relating to Appraisal Branch activities.
3. Advises the Manager, Appraisal Branch in technical matters pertaining to Appraisal activities.
4. Acts as advisor and guide to the Branch employees under his/her supervision.
5. Supervises the planning, scheduling, processing and control of all projects assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Appraisal Branch to assure maximum coordination within the Appraisal Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee appraisers as may be hired by the Division and assigned to his/her direction.
10. Develops, recommends and administers procedures related to Branch activities.
11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Supervisor, Appraisal Branch	No: Revised: Page:	PG 6.112-2 04/01/15 2 of 3
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2. Recommends to the Manager, Appraisal Branch personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Appraisal Branch in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Appraisal Branch

1. Reports to the Manager, Appraisal Branch and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Appraisal Branch and keeps him/her informed of all major developments.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Appraisal Branch.

Right-of-Way & Utilities Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Appraisal Branch objectives.
2. Keeps the Manager, Appraisal Branch and other employees currently informed on the progress of projects.

Other Agencies and Organizations

1. Keeps abreast of all developments in the appraisal field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Supervisor, Appraisal Branch	No: Revised: Page:	PG 6.112-2 04/01/15 3 of 3
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Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Review Appraiser, Appraisal Branch

No: PG 6.112-3
Revised: 04/01/15
Page: 1 of 2

Function:

Within the limits of established policies and procedures and under the direction of the Supervisor, Appraisal Branch provides guidance and control of appraisal review activities.

Responsibility and Authority:

Activities

1. Participates in meetings to assist in recommending and carrying out procedures.
2. Makes suggestions for additions and changes for procedures related to: the appraisal of properties for right-of-way acquisition, preparation of estimates, the review of appraisals and/or the conduct of severance studies, whichever phase is assigned to him/her.
3. Maintains adequate controls to insure that projects are processed in accordance with instructions.
4. Works closely with the Supervisor, Appraisal Branch and other Review Appraisers to assure maximum coordination within the Appraisal Branch.
5. Maintains performance standards for all activities of his/her assigned tasks and takes any corrective action necessary to correct deficiencies.
6. Carries out appraisals and/or reviews of complex projects and properties.
7. Arranges for adequate records and controls.
8. Evaluates the organization and functioning of his/her tasks and makes recommendations according to his/her evaluation.

Relationships:

Supervisor, Appraisal Branch

1. Reports to the Supervisor, Appraisal Branch and is accountable to him/her for proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Supervisor, Appraisal Branch and keeps him/her informed of all major developments.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Review Appraiser, Appraisal Branch

No: PG 6.112-3
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Right-of-Way Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Appraisal Branch objectives.
2. Keeps the Supervisor, Appraisal Branch and other employees currently informed on the progress of projects.

Other Agencies and Organizations

1. Keeps abreast of all developments in the appraisal field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manager, Acquisition Branch

No: PG 6.113-1
Revised: 04/01/15
Page: 1 of 3

Function:

Within the limits of established policies and procedures and under the direction of the Assistant Chief, Right-of-Way & Utilities Division, develops and administers procedures and directs activities of the Acquisition Branch.

Responsibility and Authority:

Activities

1. Participates as a member of the Right-of-Way & Utilities Division staff in the formulation of procedures relating to the Right-of-Way & Utilities Division.
2. Develops and administers procedures related to negotiation and acquisition activities, of regular ODOT projects and local government agency projects within Right-of-Way & Utilities Division. Provides oversight for the Certification Acceptance program as it relates to Right-of-Way & Utilities Division; and coordinates Certification Acceptance activities with other Branches, Local Government Division, local agencies, and the FHWA.
3. Acts as technical and professional adviser to management on all matters pertaining to the negotiation for and acquisition of property.
4. Manages the planning, scheduling, processing and control of all projects assigned to the Acquisition Branch.
5. Establishes and maintains performance standards for all activities performed by the Acquisition Branch or by fee service providers, evaluates actual performance and takes appropriate corrective action when necessary.
6. Determines if there is a need to contract out services, and when such a need exists selects a pre-qualified service provider to employ utilizing the various personal services contract processes.
7. Advises Local Government Division and/or Traffic Engineering Division of status of local agency or ODOT generated projects within Right-of-Way & Utilities Division and writes clearance letters when projects are complete.
8. Advises local public agencies and their engineering consultants of the status of projects within Right-of-Way & Utilities Division and of requirements necessary to receive County Bridge & Road Improvement Revolving Funds for right-of-way acquisition, fencing, and utility relocation.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Manager, Acquisition Branch	No: Revised: Page:	PG 6.113-1 04/01/15 2 of 3
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Organization

1. Develops and maintains an effective plan of organization for the Acquisition Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Acquisition are clearly defined and understood.

Personnel

1. Determines appropriate staffing of the Acquisition Branch, assures optimum utilization of personnel assigned to the Branch, and is responsible for the training and development of all personnel assigned to the Branch.
2. Recommends personnel actions affecting personnel assigned to the Acquisition Branch.
3. Interviews job applicants and makes recommendations to the Assistant Chief, Right-of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Acquisition Branch and recommends a budget.
2. Reviews and approves expense accounts of the Acquisition Branch personnel.
3. Recommends contractual fees, and payment thereof, for fee services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division and is accountable to him/her for the proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all major developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Acquisition Branch in connection with condemnation cases.

Right -of-Way Division Branch Managers

Coordinates the activities of the Acquisition Branch with those of other Branches to achieve Division objectives.

Federal Highway Administration

Coordinates all activities related to the acquisition of land with the appropriate personnel in the Federal Highway Administration.

Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with other appropriate ODOT Divisions to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the acquisition field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Acquisition Branch

No: PG 6.113-2
Revised: 04/01/15
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Function:

Within the limits of established policies and procedures and under the direction of the Manager, Acquisition Branch, provides guidance and control of all activities of the Acquisition Branch personnel assigned to his/her supervision.

Responsibility and Authority:

Activities

1. Participates as a member of the Acquisition Branch staff in the formulation of procedures relating to the Acquisition Branch.
2. In conjunction with the Manager, Acquisition Branch, develops and administers procedures related to the Acquisition Branch activities.
3. Advises the Manager, Acquisition Branch in technical matters pertaining to Acquisition Branch activities.
4. Acts as advisor and guide to the Branch employees under his/her direction.
5. Supervises the planning, scheduling, processing and control of all projects assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Acquisition Branch to assure maximum coordination within the Acquisition Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee service providers as may be hired by the Division and assigned to his/her direction.
10. Develops, recommends and administers procedures related to Branch activities.
11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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2. Recommends to the Manager, Acquisition Branch personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Acquisition Branch in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Acquisition Branch

1. Reports to the Manager, Acquisition Branch and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Acquisition Branch and keeps him/her informed of all major development.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Acquisition Branch in connection with condemnation cases.

Right-of-Way & Utilities Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship.
2. Keeps the Manager, Acquisition Branch and other employees currently informed on the progress of projects assigned to him/her.

Other Agencies and Organizations

1. Keeps abreast of all developments in the acquisition field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject:
Manager, Mapping Branch

No: PG 6.114-1
Revised: 04/01/15
Page: 1 of 3

Function:

Within the limits of established policies and procedures and under the direction of the Assistant Chief, Right-of-Way & Utilities Division, develops and administers procedures; directs the activities of the Mapping Branch; and is responsible for the following: performance of title investigations, computation of boundaries and areas, preparation of instruments, preparation of right-of-way plans for all projects assigned to the Right-of-Way & Utilities Division for processing, and related activities.

Responsibility and Authority:

Activities

1. Participates, as a member of the Right-of-Way & Utilities Division staff, in the formulation of procedures and objectives for the Right-of-Way & Utilities Division.
2. Develops and administers procedures related to the conduct of title investigation, computation of boundaries and areas, preparation of instruments, and the preparation of right-of-way plans for projects assigned for processing to the Branch.
3. Acts as technical and professional adviser to management on all matters relating to title investigation, computation of boundaries and areas, preparation of instruments, and preparation of right-of-way plans.
4. Manages the planning, scheduling, processing and control of all projects assigned to the Mapping Branch.
5. Establishes and maintains performance standards for all activities performed by the Mapping Branch or by fee service providers, evaluates actual performance, and takes any appropriate corrective action necessary.
6. Determines if there is a need to contract out services, and when such a need exists selects a pre-qualified service provider to employ utilizing the various personal services contract processes.

Organization

1. Develops and maintains an effective plan of organization for the Mapping Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Mapping Branch are clearly defined and understood.

POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Manager, Mapping Branch	No: Revised: Page:	PG 6.114-1 04/01/15 2 of 3
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Personnel

1. Determines appropriate staffing of the Mapping Branch, assures optimum utilization of personnel assigned to the Branch, and is responsible for the training and development of personnel assigned to the Branch.
2. Recommends personnel actions affecting personnel assigned to the Mapping Branch.
3. Interviews job applicants and makes recommendations to the Assistant Chief, Right-of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Mapping Branch and recommends a budget.
2. Reviews and approves expense accounts of the Mapping Branch personnel.
3. Recommends contractual fees, and payment thereof, for fee services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division and is accountable to him/her for the proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all significant developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

Legal & Business Services Division

Coordinates and cooperates with the Legal & Business Services Division to provide information and assistance in matters related to activities of the Mapping Branch in connection with condemnation cases.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manager, Mapping Branch

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Right-of-Way & Utilities Division Branch Managers

Coordinates the activities of the Mapping Branch with those of other branches to achieve Division objectives.

Federal Highway Administration

Coordinates activities of the Mapping Branch with appropriate personnel of the Federal Highway Administration.

Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with other appropriate ODOT Divisions to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the appraisal field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interest of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Mapping Branch

No: PG 6.114-2
Revised: 04/01/15
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Function:

Within the limits of established policies and procedures and under the direction of the Manager, Mapping Branch, provides guidance and control of all activities of the Mapping Branch personnel assigned to his/her supervision.

Responsibility and Authority:

Activities

1. Participates as a member of the Mapping Branch staff in the formulation of procedures relating to the Mapping Branch.
2. In conjunction with the Manager, Mapping Branch, develops and administers procedures relating to Mapping Branch activities.
3. Advises the Manager, Mapping Branch in technical matters pertaining to Mapping Branch activities.
4. Acts as advisor and guide to the Branch employees under his/her supervision.
5. Supervises the planning, scheduling, processing and control of all projects assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Mapping Branch to assure maximum coordination within the Mapping Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee service providers as may be hired by the Division and assigned to his/her direction.
10. Develops, recommends and administers procedures related to Branch activities.
11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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2. Recommends to the Manager, Mapping Branch personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Mapping Branch in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Mapping Branch

1. Reports to the Manager, Mapping Branch and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Mapping Branch and keeps him/her informed of all major developments.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Mapping Branch.

Right-of-Way & Utilities Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Mapping Branch objectives.
2. Keeps the Manager, Mapping Branch and other employees currently informed on the progress of projects.

Other Agencies and Organizations

1. Keeps abreast of all developments in the right-of-way engineering field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Plan-in-Hand Representative Mapping Branch and Utilities Branch	No: Revised: Page:	PG 6.114-3 04/01/15 1 of 1
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Function:

Within the limits of established policies and procedures and under the direction of the Manager, Mapping Branch and/or Utilities Branch, coordinates and represents the Right-of-Way & Utilities Division in the initial stages of Project Development.

Responsibility and Authority:

Activities

1. Participates in conferences and as a member of field inspection parties concerned with proposed highway projects. Prepares a report on all field meetings in which the Right-of-Way & Utilities Division participates.
2. Reports to Manager, Mapping Branch and/or Utilities Branch on any potential problems involving new projects.
3. Analyzes each project assigned to him/her to determine the effect of the new construction on all property owners and utility facilities involved. Based on this analysis, makes specific recommendations to other divisions concerning right-of-way lines, driveways, access roads, points of access, minor alignment changes, fencing, proximity issues, limits of no access, utility relocation needs, etc.
4. Upon receipt of plans showing the proposed right-of-way, compares those plans with the field meeting report prepared on the project. Differences between plans and report will be resolved with Design Division prior to distributing the plans.
5. Confirms Mapping Compliance and Utilities compliance prior to offers being presented to property owners.

Relationships:

Manager & Supervisor, Mapping Branch and/or Utilities Branch

Accounts to the Manager & Supervisor, Mapping Branch and/or Utilities Branch, for the proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.

Other Right-of-Way & Utilities Division Managers

Coordinates with Managers, as appropriate, prior to field inspections.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Manager, Utilities Branch	No: Revised: Page:	PG 6.115-1 04/01/15 1 of 3
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Function:

Within the limits of established policies and procedures and under the direction of the Assistant Chief, Right-of-Way & Utilities Division, develops and administers procedures and directs the activities of the Utilities Branch; is responsible for negotiating rearrangement of utility facilities to accommodate the construction and maintenance of highway improvement projects; and related activities.

Responsibility and Authority:

Activities

1. Participates as a member of the Right-of-Way & Utilities Division staff in the formulation of procedures and objectives for the Right-of-Way & Utilities Division.
2. Develops and administers procedures related to the rearrangement of utilities to accommodate highways and the conduct of related activities.
3. Acts as technical and professional advisor to Management on all matters relating to the rearrangement of utility facilities to accommodate construction and maintenance of highway improvements.
4. Manages the planning, scheduling, processing and control of all projects assigned to the Utilities Branch.
5. Establishes and maintains performance standards for all activities performed by the Utilities Branch or by fee service providers, evaluates actual performance and takes any appropriate corrective action necessary.
6. Determines if there is a need to contract out services, and when such a need exists selects a pre-qualified service provider to employ utilizing the various personal services contract processes.
7. Advises affected utility companies of the highway improvement projects and their effects on companies' utility facilities and coordinates the activities of the Utilities Branch with those of the companies to assure an effective and expedient rearrangement program.

Organization

1. Develops and maintains an effective plan of organization for the Utilities Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Utilities Branch are clearly defined and understood.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manager, Utilities Branch

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Personnel

1. Determines appropriate staffing of the Utilities Branch, assures optimum utilization of personnel assigned to the Branch, and is responsible for the training and development of personnel assigned to the Branch.
2. Recommends personnel actions affecting personnel assigned to the Utilities Branch.
3. Interviews job applicants and makes recommendations to the Assistant Chief, Right- of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Utilities Branch and recommends a budget.
2. Reviews and approves expense accounts of the Utilities staff.
3. Recommends contractual fees, and payment thereof, for services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division and is accountable to him/her for the proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all significant developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide all information and assistance required in matters related to activities of the Utilities Branch in connection with condemnation cases.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Right-of-Way & Utilities Division Branch Managers

Coordinates the activities of the Utilities Branch with those of other branches to achieve Division objectives.

Federal Highway Administration

Coordinates all activities related to utility rearrangements with appropriate personnel of the Federal Highway Administration.

Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with other appropriate ODOT Divisions to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments pertinent to utility relocation through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interest of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Utilities Branch

No: PG 6.115-2
Revised: 04/01/15
Page: 1 of 2

Function:

Within the limits of established policies and procedures and under the direction of the Manager, Utilities Branch, provides guidance and control of all activities of the Utilities Branch personnel assigned to his/her supervision.

Responsibility and Authority:

Activities

1. Participates as a member of the Utility Branch staff in the formulation of procedures relating to the Utility Branch.
2. In conjunction with the Manager, Utility Branch, develops and administers procedures related to the Utilities Branch.
3. Advises the Manager, Utility Branch in technical matters pertaining to Utility Branch activities.
4. Acts as advisor and guide to the Branch employees under his/her direction.
5. Supervises the planning, scheduling, processing and control of all projects assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Utilities Branch to assure maximum coordination within the Utilities Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee service providers as may be hired by the Division and assigned to his/her direction.
10. Develops, recommends and administers procedures related to Branch activities.
11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Supervisor, Utilities Branch	No: Revised: Page:	PG 6.115-2 04/01/15 2 of 2
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2. Recommends to the Manager, Utilities Branch personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Utilities Branch in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Utilities Branch

1. Reports to the Manager, Utilities Branch and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Utilities Branch and keeps him/her informed of all major developments.

Legal & Business Services Division

Coordinates and cooperates with the Legal & Business Services Division to provide information and assistance required in matters related to activities of the Utilities Branch in connection with condemnation cases.

Right-of-Way & Utilities Division Branches

Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Utility Branch objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the utility relocation field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Manager, Relocation Branch

No: PG 6.116-1
Revised: 04/01/15
Page: 1 of 3

Function:

Within the limits of established policies and procedures and under the direction of the Assistant Chief, Right-of-Way & Utilities Division, develops and administers procedures and directs activities of the Relocation Branch.

Responsibility and Authority:

Activities

1. Participates as a member of the Right-of-Way & Utilities Division staff in the formulation of procedures relating to the Right-of-Way & Utilities Division.
2. Develops and administers procedures related to relocation activities.
3. Acts as technical and professional adviser to management on all matters pertaining to the relocation program and right-of-way clearance.
4. Manages the planning, scheduling, processing and control of all projects assigned to the Relocation Branch.
5. Establishes and maintains performance standards for all activities of the Relocation Branch or by fee services providers, evaluates actual performance and takes appropriate corrective action when necessary.
6. Determines if there is a need to contract out services, and when such a need exists selects a pre-qualified service provider to employ utilizing the various personal services contract processes.

Organization

1. Develops and maintains an effective plan of organization for the Relocation Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Relocation Branch are clearly defined and understood.

Personnel

1. Determines appropriate staffing of the Relocation Branch, assures optimum utilization of personnel assigned to the Branch, and is responsible for the training and development of personnel assigned to the Branch.
2. Recommends personnel actions affecting personnel assigned to the Relocation Branch.

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Manager, Relocation Branch

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3. Interviews job applicants and makes recommendations to the Assistant Chief, Right-of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Relocation Branch and recommends a budget.
2. Reviews and approves expense accounts of Relocation Branch personnel.
3. Recommends contractual fees, and payment thereof, for services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division and is accountable to him/her for the proper interpretation and fulfillment of functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all major developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide all information and assistance in matters related to activities of Relocation Branch in connection with condemnation cases.

Right-of-Way & Utilities Division Branch Managers

Coordinates the activities of the Relocation Branch with those of other Branches to achieve Division objectives.

Federal Highway Administration

Coordinates all activities related to the relocation of people and businesses with the appropriate personnel in the Federal Highway Administration.

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RIGHT-OF-WAY & UTILITIES DIVISION**

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Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with other appropriate ODOT Divisions to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the appraisal field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interest of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

**POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Relocation Branch

No: PG 6.116-2
Revised: 04/01/15
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Function:

Within the limits of established policies and procedures and under the direction of the Manager, Relocation Branch, provides guidance and control of all activities of the Relocation Branch personnel assigned to his/her supervision.

Responsibility and Authority:

Activities

1. Participates as a member of the Relocation Branch staff in the formulation of procedures relating to the Relocation Branch.
2. In conjunction with the Manager, Relocation Branch, develops and administers procedures related to the Relocation Branch activities.
3. Advises the Manager, Relocation Branch in technical matters pertaining to Relocation activities.
4. Acts as advisor and guide to the Branch employees under his/her direction.
5. Supervises the planning, scheduling, processing and control of all projects assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Relocation Branch to assure maximum coordination within the Relocation Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee service providers as may be hired by the Division and assigned to his/her direction.
10. Develops, recommends and administers procedures related to Branch activities.
11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.

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RIGHT-OF-WAY & UTILITIES DIVISION**

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2. Recommends to the Manager, Relocation Branch personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Relocation Branch in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Relocation Branch

1. Reports to the Manager, Relocation Branch and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Relocation Branch and keeps him/her informed of all major developments.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Relocation Branch in connection with condemnation cases.

Right-of-Way & Utilities Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Relocation Branch objectives.
2. Keeps the Manager, Relocation Branch and other employees currently informed on the progress of projects.

Other Agencies and Organizations

1. Keeps abreast of all developments in the acquisition field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject:
Manager, Outdoor Advertising Control Branch

No: PG 6.117-1
Revised: 04/01/15
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Function:

Within the limits of established policies and procedures and under the direction of the Assistant Chief, Right-of-Way & Utilities Division, develops and administers procedures and directs activities of the Outdoor Advertising Control Branch.

Responsibility and Authority:

Activities

1. Participates as a member of the Right-of-Way & Utilities Division staff in the formulation of procedures relating to the Right-of-Way & Utilities Division.
2. Develops and administers procedures related to outdoor advertising control activities.
3. Acts as technical and professional adviser to management on all matters pertaining to the outdoor advertising control program and junkyard control program.
4. Manages the planning, scheduling, processing and control of all activities assigned to the Outdoor Advertising Control Branch.
5. Establishes and maintains performance standards for all activities of the Outdoor Advertising Control Branch or by fee services providers, evaluates actual performance and takes appropriate corrective action when necessary.
6. Determines if there is a need to contract out services, and when such a need exists selects a pre-qualified service provider to employ utilizing the various personal services contract processes.

Organization

1. Develops and maintains an effective plan of organization for the Outdoor Advertising Control Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Outdoor Advertising Control Branch are clearly defined and understood.

Personnel

1. Determines appropriate staffing of the Outdoor Advertising Control Branch, assures optimum utilization of personnel assigned to the Branch, and is responsible for the training and development of personnel assigned to the Branch.

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2. Recommends personnel actions affecting personnel assigned to the Outdoor Advertising Control Branch.
3. Interviews job applicants and makes recommendations to the Assistant Chief, Right-of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Outdoor Advertising Control Branch and recommends a budget.
2. Reviews and approves expense accounts of Outdoor Advertising Control Branch personnel.
3. Recommends contractual fees, and payment thereof, for services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division and is accountable to him/her for the proper interpretation and fulfillment of functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all major developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

General Counsel's Office

Coordinates and cooperates with the General Counsel's Office to provide all information and assistance in matters related to activities of the Outdoor Advertising Control Branch in connection with removal of signs.

Right-of-Way & Utilities Division Branch Managers

Coordinates the activities of the Outdoor Advertising Control Branch with those of other Branches to achieve Division objectives.

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RIGHT-OF-WAY & UTILITIES DIVISION**

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Manager, Outdoor Advertising Control Branch

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Federal Highway Administration

Coordinates all activities related to the outdoor advertising and junkyard control programs with the appropriate personnel in the Federal Highway Administration.

Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with other appropriate ODOT Divisions to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the outdoor advertising and junkyard control fields through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interest of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Outdoor Advertising Control Branch

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Function:

Within the limits of established policies and procedures and under the direction of the Manager, Outdoor Advertising Control, provides guidance and control of all activities of the Outdoor Advertising Control Branch personnel assigned to his/her supervision. Facilitates project activities within Right-of-Way & Utilities Division by coordinating projects with Mapping, Appraisal, Acquisition, Relocation, Project Management and Utilities Branches.

Responsibility and Authority:

Within the limits of established policies and procedures, he/she is responsible for and has authority to accomplish the duties set forth below.

Activities

1. Participates as a member of the Outdoor Advertising Control Branch staff in the formulation of procedures relating to the Outdoor Advertising Control Branch.
2. In conjunction with the Manager, Outdoor Advertising Control Branch, develops and administers procedures related to the Outdoor Advertising Control Branch activities.
3. Advises the Manager, Outdoor Advertising Control Branch, in technical matters pertaining to Outdoor Advertising Control Branch activities.
4. Acts as advisor and guide to the Branch employees under his/her supervision.
5. Supervises the planning, scheduling, processing and control of all activities assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Outdoor Advertising Control Branch to assure maximum coordination within the Outdoor Advertising Control Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee service providers as may be hired by the Division and assigned to his/her direction.

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10. Develops, recommends and administers procedures related to Branch activities.
11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.
2. Recommends to the Manager, Outdoor Advertising Control Branch, personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Outdoor Advertising Control Branch, in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Outdoor Advertising Control Branch

1. Reports to the Manager, Outdoor Advertising Control Branch, and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation, and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Outdoor Advertising Control Branch, and keeps him/her informed of all major developments.

General Counsel's Office

Coordinates and cooperates with the General Counsel's Office to provide information and assistance in matters related to activities of the Outdoor Advertising Control Branch in connection with required work or coordination of Right-of-Way & Utilities Division activities.

Right-of-Way Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Outdoor Advertising Control Branch objectives.
2. Keeps the Manager, Outdoor Advertising Control Branch and other employees currently informed on the progress of projects.

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Other Agencies and Organizations

1. Keeps abreast of all developments in the outdoor advertising and junkyard control fields through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

POSITION GUIDE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject:
Manager, Project Management Branch

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Function:

Within the limits of the established Department policies and procedures and under the direction of the Chief, Right-of-Way & Utilities Division, develops and administers project management procedures; facilitates project activities within Right-of-Way & Utilities Division by coordinating projects with Mapping, Appraisal, Acquisition, Relocation, and Utility Branches; and maintains status of all projects within the division for answering of inquiries by all potential project stakeholders.

Responsibility and Authority:

Activities

1. Participates, as a member of the Right-of-Way & Utilities Division staff, in the formulation of procedures related to the Right-of-Way & Utilities Division.
2. Develops, recommends and administers procedures related to project management.
3. Facilitates the planning, scheduling, processing and control of all project activities assigned to the Right-of-Way & Utilities Division.
4. Acts as technical and professional advisor to management on all matters pertaining to all projects handled within the Right-of-Way & Utilities Division.
5. Develops, recommends and administers procedures related to turnkey service provider contracts for Right-of-Way & Utilities Division. Facilitates monthly progress meetings with turnkey service providers.
6. Works closely with Right-of-Way & Utilities Division personnel assigned to projects, through their branch managers, to assure maximum coordination between units.
7. Establishes and maintains performance standards for all activities performed by the Project Management Branch, evaluates actual performance, and takes any appropriate corrective action necessary.

Organization

1. Develops and maintains an effective plan of organization for the Project Management Branch.
2. Assures that the responsibilities, duties and authority of all positions in the Project Management Branch are clearly defined and understood.

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Personnel

1. Determines appropriate staffing of the Project Management Branch, assures optimum utilization of personnel assigned to the Branch, and is responsible for the training and development of personnel assigned to the Branch.
2. Recommends personnel actions affecting personnel assigned to Project Management Branch.
3. Interviews job applicants and makes recommendations to the Chief, Right-of-Way & Utilities Division.

Finance

1. Determines the financial requirements of the Project Management Branch and recommends a budget.
2. Reviews and approves expense accounts of the Project Management Branch personnel.
3. Recommends contractual fees, and payment thereof, for fee services.

Relationships:

Assistant Chief, Right-of-Way & Utilities Division

1. Reports to the Assistant Chief, Right-of-Way & Utilities Division and is accountable to him/her for the proper interpretation and fulfillment of his/her functions, responsibilities, authority and relationships.
2. Reviews his/her major activities and plans with the Assistant Chief, Right-of-Way & Utilities Division and keeps him/her informed of all major developments.
3. Coordinates his/her efforts with the Assistant Chief, Right-of-Way & Utilities Division to establish a positive working relationship to achieve Right-of-Way & Utilities Division objectives.

Legal & Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Acquisition Branch in connection with condemnation cases.

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Right-of-Way & Utilities Division Branch Managers

1. Coordinates the activities of the Project Management Branch with those of other Branches to achieve Division objectives.
2. Coordinates the activities of personnel assigned to projects through their branch manager to achieve Department objectives.
3. Keeps the Right-of-Way & Utilities Division Branch Managers currently informed on all significant and pertinent developments affecting their areas of responsibility.

Federal Highway Administration

Coordinates all activities related to programming and certifying of projects with the appropriate personnel of the Federal Highway Administration.

Other ODOT Divisions

Coordinates efforts of the Right-of-Way & Utilities Division with the appropriate ODOT Division to achieve Department objectives.

Other Agencies and Organizations

1. Keeps abreast of all developments in the acquisition field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee service providers to ensure contract compliance and achievement of the Department's objectives.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Supervisor, Project Management Branch

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Function:

Within the limits of established policies and procedures and under the direction of the Manager, Project Management Branch, provides guidance and control of all activities of the Project Management Branch personnel assigned to his/her supervision. Facilitates project activities within Right-of-Way & Utilities Division by coordinating projects with Mapping, Appraisal, Acquisition, Relocation and Utilities Branches.

Responsibility and Authority:

Within the limits of established policies and procedures, he/she is responsible for and has authority to accomplish the duties set forth below.

Activities

1. Participates as a member of the Project Management Branch staff in the formulation of procedures relating to the Project Management Branch.
2. In conjunction with the Manager, Project Management Branch, develops and administers procedures related to the Project Management Branch activities.
3. Advises the Manager, Project Management Branch, in technical matters pertaining to Project Management Branch activities.
4. Acts as advisor and guide to the Branch employees under his/her supervision.
5. Supervises the planning, scheduling, processing and control of all projects assigned to personnel under his/her supervision.
6. Maintains the performance standards for all employee activities under his/her direction; evaluates actual performance and takes appropriate corrective action when necessary.
7. Works closely with the Manager, Project Management Branch to assure maximum coordination within the Project Management Branch.
8. Evaluates the organization and functioning of his/her section and makes recommendations according to his/her evaluation.
9. Instructs and supervises such fee service providers as may be hired by the Division and assigned to his/her direction.
10. Develops, recommends and administers procedures related to Branch activities.

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11. Facilitates monthly progress meetings with service providers.

Personnel

1. Assures optimum utilization of personnel assigned to him/her and is responsible for the training and development of his/her personnel.
2. Recommends to the Manager, Project Management Branch, personnel actions affecting those under his/her supervision.
3. Participates with the Manager, Project Management Branch, in interviews with applicants for employment and makes appropriate recommendations.
4. Assures that each employee under his/her supervision has a clear understanding of the position the employee holds and its functions and that the line of authority is clearly understood.

Relationships:

Manager, Project Management Branch

1. Reports to the Manager, Project Management Branch, and is accountable to him/her for proper accomplishment of functions, responsibilities, authority, relationships, interpretation, and fulfillment of his/her functions.
2. Reviews his/her major activities and plans with the Manager, Project Management Branch, and keeps him/her informed of all major developments.

Legal and Business Services Division

Coordinates and cooperates with the Legal and Business Services Division to provide information and assistance in matters related to activities of the Project Management Branch in connection with required work or coordination of Right-of-Way & Utilities Division activities.

Right-of-Way Division Branches

1. Coordinates his/her efforts with other Branches of the Right-of-Way & Utilities Division to establish a positive working relationship to achieve Project Management Branch objectives.
2. Keeps the Manager, Project Management Branch and other employees currently informed on the progress of projects.

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Other Agencies and Organizations

1. Keeps abreast of all developments in the acquisition field through membership and participation in appropriate professional organizations.
2. Establishes and maintains such other relationships as are in the best interests of the Department.

Service Providers

Coordinates efforts of the Right-of-Way & Utilities Division with those of the fee Service Providers to ensure contract compliance and achievement of the Department's objectives.

VOLUME I

SECTION VI

GLOSSARY

Abandonment

A method of disposing of right-of-way that has been determined to be no longer needed for construction or maintenance of a highway.

Abstract of Title

A condensed history of the title, consisting of a summary of the various links in the chain of title, together with a statement of all liens.

Access Control

1. Full - Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected frontage or local roads only and by prohibiting crossings at-grade or direct private driveway connections.
1. Partial - Partial control of access means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected frontage or local roads, there may be some crossings at-grade and some private driveway connections.
2. None - Right-of-way is purchased in a manner as to allow at-grade access to the transportation facility with the location of private and commercial driveways subject only to the geometrics necessary to provide for safe access.

Administrator

A person or corporation (may be one or more) appointed by the Court to manage, sell or distribute the property of a deceased person in such a manner as directed by the Court.

Adverse Possession

The open, visible, continuous and exclusive possession of realty, for a statutory period, with a claim of ownership, in which the premises are not held in subordination to any title or claim of others. (Oklahoma's statutory period is 15 years)

Affidavit

A voluntary written declaration affirmed upon oath before an authorized officer.

Agent

One who, under authority, acts in the behalf of another.

Appraisal

A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Appurtenance

That which is incident to a chief or principal thing.

Assessed Valuation

The value of a unit of real estate, as ascertained for purposes of taxation.

Assessment

A charge against real property, usually imposed by a unit of government.

Assignment

The method or instrument by which a right of interest is transferred.

At-Grade Intersection

An intersection where all roadways join or cross at the same level or elevation.

Back Slope

That portion of a roadway cross section in which cuts are beyond the side ditch and slopes upward to the natural ground elevation.

Bench Mark

A relatively permanent point of known or assumed elevation along the course of a survey line.

Benefits

1. General Benefits: In eminent domain takings, the benefits that accrue to the community at large, to the area adjacent to the improvements, or to other property situated near the property taken.
2. Special Benefits: Specific, i.e. not general, benefits that accrue to property remaining after a partial taking. In Oklahoma, Special Benefits may be considered to offset damages, but not the value of property taken.

Betterment

The amount charged to the utility company account for upgrading any utility facility being relocated.

Borrow-Pit

The sites where roadway borrows materials are obtained.

Box Culvert

Any waterway structure having vertical sidewalls with a span less than twenty feet.

Bridge

Any waterway structure having a span of twenty feet and greater.

Building Code

The regulations covering the construction of buildings within a municipality by ordinance or law.

Buyout Offer

The dollar amount offered the owner for the purchase of land and improvements, or land only.

Cathodic Protection

An electrical method of protecting underground pipeline facilities against corrosion.

Channel

A natural or artificial water course.

Channel Right-of-Way

A perpetual easement which allows permanent ingress or egress for the purpose of building and/or maintaining a natural or artificial water course.

Chattel

Any piece of property except real estate (personal property, such as household goods or removal fixtures).

Citation

The amount of right-of-way costs billed to the FHWA in which they refuse to participate.

Citizen

The term citizen for purposes of 49 CFR Part 24 includes both citizens of the United States and non-citizen nationals.

City Agreement

A contract between the Department and a city affected by a construction project. (This agreement is entitled "Right-of-Way, Public Utility and Encroachment Agreement.")

Claim

A document stating the claimant, the reasons for which compensation is claimed, and the amount of compensation claimed.

Clearance Letter

A letter to the Federal Highway Administration certifying that legal entry to the right-of-way has been obtained, and that all utilities have been relocated or rearranged.

Cloud of Title

An outstanding claim which, if valid, would affect title to a property, such as a judgment or dower interest.

Commission

The State Transportation Commission of the State of Oklahoma, as constituted by State Law to administer the affairs of the Department of Transportation, acting directly or through the State Transportation Director.

Comparable Replacement Dwelling

A dwelling which is decent, safe and sanitary, functionally equivalent to the displacement dwelling, adequate in size to accommodate the occupants, in an area not subject to unreasonable adverse environmental conditions, in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities and reasonably accessible to the person's place of employment, on a site that is typical in size for residential development with normal site improvements, including customary landscaping, and currently available to the displaced person on the private market.

Condemnation

The process by which property is acquired for highway purposes, or other public uses, through legal proceedings, under the power of eminent domain.

Conduit

Encasement provided for underground utility facilities within the highway right-of-way.

Contract for Deed

A contract for the purchase of real estate on an installment basis. Title does not actually pass until the contract is fulfilled.

Control of Access

The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

Full control of access means that the authority to control access is exercised to give preferences to through traffic by providing access connections with selected public roads only and prohibiting crossings at grade or direct private driveway connections.

Partial control of access means that the authority to control access is exercised to give preference to connections with selected public roads; there may be some crossings at grade and some private driveway connections.

Control Section Number

The number assigned to a given section of road for cost analysis.

Conveyance

A legal instrument transferring ownership of property.

Cost-to-Cure (Relocate)

Owner compensated to relocate item from right-of-way to remainder

Cost-to-Cure (Replace)

Owner compensated to construct new improvement on remainder. Purpose to avoid greater damages to remainder. ODOT contractor to remove old improvement, unless the owner is compensated to remove old improvement

Court Appointed Commissioners

A group of three individuals appointed by the court to determine the amount of the award to be deposited with the Office of the Court Clerk.

Cross Section Sheet

A sheet of a set of plans showing a cross view of the highway.

Decent, Safe & Sanitary

A dwelling which meets local housing and occupancy codes and must be structurally sound, weather tight, and in good repair; contain a safe electrical wiring system adequate for lighting and other devices; contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) except where local climatic conditions do not require such a system; be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person; there shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order

and properly connected to appropriate sources of water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator; contains unobstructed egress to safe, open space at ground level.

Dedication

Act of declaring or setting aside for a specific purpose.

Deed

A writing by which lands, tenements and hereditaments are transferred, which writing is signed, sealed and delivered by the grantor.

Department

The Department of Transportation of the State of Oklahoma authorized by Section 1 of Article XVI of the Constitution of the State of Oklahoma and vitalized by enactment of the Oklahoma Legislature.

Description

As pertains to land, the tracing as traversing of a course, laying out boundaries and location. Generally, descriptions may be classified as follows:

1. Rectangular or Government Survey description – usually applied to a subdivision of a section or a government lot, and generally referred to as a “Farm Land” description.
2. Lot and Block description – made in accordance with a plat or map. The area of the tract may be determined only by reference to the plat or map, which may or may not be recorded.
3. Metes and Bounds description – lays out the dimensions of length and breadth within either natural or artificial boundaries.
4. Description by Monument – in which a “landmark” is used for the purpose of indicating a boundary, and may include a metes and bounds description. A landmark may be either natural or artificial.

Detour

A temporary route for traffic during construction operations.

Devise

Act of disposing of property by will, the will itself, or a clause contained therein.

Director

The executive officer duly appointed and authorized by the State Transportation Commission to direct and control the Department of Transportation of the State of

Oklahoma.

Disclaimer

The disavowal, denial, or renunciation of an interest, right, or property imputed to a person or alleged to be his.

Displaced Person (also known as Displacee)

Any person who moves from the real property or moves his or her personal property from the real property.

Documentation

Written evidence of action taken.

Dower

The right which a wife has in her husband's estate at his death.

Duct

A single or multi-conduit system used by telephone companies to place their facility underground.

Due Diligence

The diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to completely discharge an obligation.

Dwelling Site

A land area that is typical in size for similar dwellings located in the same neighborhood or rural area. This will insure more accurate computations of replacement housing payments when a dwelling is located on a larger than normal site or when mixed use properties are involved.

Easement

The right or privilege which a person has in lands of another, such as a right-of-way.

Easement by Prescription

Establishment of a claim of title or privilege by use and enjoyment during a time fixed by law.

Eminent Domain

That superior dominion of the sovereign power over property within the state, which authorizes it to appropriate all or any part thereof to a necessary public use, fair compensation being made.

Encroachment

Any object which illegally intrudes onto right-of-way.

Encumbrance

A claim, lien, or liability attached to and binding upon real property such as a judgment, unpaid taxes, a right-of-way, etc.

Equity

The value of a property over and above the total of liens and encumbrances against it.

Escheat

The reversion of property to the state by failure of persons legally entitled to hold the same.

Escrow

A deed, bond, or other written engagement delivered to a third person, to be delivered by him to the grantee only upon the performance or fulfillment of a condition.

Estate

The extent of one's interest in or ownership of real or personal property.

Estate in Reversion

An estate which will return to the grantor at the termination of the grant. In a lease, the lessor has the estate in reversion when the lease is terminated.

Excess Land

Land purchased by the Department that exceeds the right-of-way limits established by the construction plans.

Execution

Act or mode of performing on an instrument. A writ by which an officer is empowered to carry a judgment into effect.

Executor

A person appointed by a testator to carry out the provisions of the will. Also, one who executes, as in the signing of an instrument.

Expired Service Life Credit

A credit due the Department representing the used portion of the existing utility facility being relocated.

Expressway

A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

Fee Simple

The largest estate or ownership in real property.

Fiber Optics

The optics of light transmission through very fine flexible glass rods by internal reflection

Fixture

A tangible thing, which previously was personal property, and which has been attached to or installed in land or structure thereon in such a way as to become a part of the real property.

Foreclosure

The legal process by which a mortgage, in case of default by the mortgagor, forces sale of the property mortgaged in order to recover his loan.

Freehold

An estate in fee simple or for life.

Freeway

An expressway with full control of access.

Frontage Road

A road constructed adjacent to, but separated from the highway and connected thereto at each end, for service to abutting property and for control of access.

Front Foot

A land measure being one foot in width, along the frontage of a property, generally a typical depth.

General Warranty

A covenant in a deed whereby a grantor agrees to protect the grantee against any loss or claim resulting from a cloud on title.

Grade

The profile of the center of a roadway or the ratio of rise or fall to its length, of the

several parts of the profile. To establish a profile by cuts and fills.

Grade Crossing

The intersection of a highway and a railroad at the same elevation.

Grade Separation

Any structure carrying highway traffic over or under another highway or street, or over or under the tracks of any railway.

Grantee

A person to whom real estate is conveyed; the buyer.

Grantor

A person who conveys real estate; the seller.

Guardian

A person or corporation lawfully invested with the power and charged with the duty of taking care of and managing the property and rights of another person.

Habendum Clause

The to have and to hold clause which defines or limits the quantity of the estate granted in the premises of the deed.

Hectare

The metric unit for measuring area: 1 acre = 0.4047 hectares.

Hereditaments

The largest classification of property. It includes land, tenements and incorporated property or anything which can pass in inheritance.

H-Frame

A two-pole structure used to support power lines.

Highway Separation

Any structure carrying highway traffic over or under another highway or street.

Homestead

The home and adjoining land occupied by a family. (Under Oklahoma law, a rural homestead may consist of not more than 160 acres in one or more parcels; an urban homestead may not be larger than one acre, with value not to exceed \$5,000.00.)

Household Income

Total gross income received for a 12 month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full time students under 18 years of age.

Improvement

Building or other structure or development located upon or attached to the land.

Incompetent

A person declared by the Court not to possess the ability to legally transact business for himself.

Initiation of Negotiation (ION)

The delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property.

Interchange

A grade separated intersection with one or more turning roadways for travel between intersection legs.

Intersection

The general area where two or more highways join or cross.

Intestate

The condition of one who dies without having made a will.

Joint Tenancy

Real estate held by two or more persons, with rights of survivorship.

Judgment

Act of determining what is conformable to law; also the decree or sentence of the court; the obligation created by the decision of the court; or the decree declaring a decision.

Just Compensation

The value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken. If only a part of a tract is taken, just compensation shall be ascertained by determining the difference between the fair market value of the whole tract immediately before the taking and the fair market value

of that portion left remaining immediately after the taking. (as defined in Oklahoma State Statutes Title 27, Section 16, (B).

Lease

A written document by which the owner of real estate grants the use of it to another person for a specified period of time in return for a stated rent.

Leasehold

An estate in realty held under a lease.

Legal Entry

A point in time when title to right-of-way has passed to the Department and the Department may enter onto the property.

Lessee

A tenant under a lease.

Lessor

One who grants a lease to another.

Lien

A legal claim upon property for the satisfaction of a debt. (Judgments, mortgages, taxes, etc.)

Life Estate

An estate held for life which, at the termination of the life of the holder, reverts to a predetermined recipient, not necessarily in direct line of natural inheritance.

Limits of No Access

The limits shown on the plans where the Department does not allow ingress and egress.

Linen

As pertains to drafting, a sketch or plan placed on coated linen material of transparent character for purposes of photo static reproduction.

Local Street or Local Road

A street or road used primarily for access to residence, business, or other abutting property.

Major Street or Major Highway

An arterial highway with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

Majority

At law, the status of being of full legal age. (A District Court has authority to confer upon minors the rights of majority, to implement conveyance of title to property by such minor.)

Marketable Title

A title which would normally be accepted by an informed buyer.

Market Value

The amount of money which a purchaser willing, but not obligated, to buy the property would pay to an owner willing, but not obligated, to sell the same, taking into consideration all uses which the property is adapted, and might in reason be applied, which appreciably affect the Fair Cash Market Value thereof.

Mechanic=s Lien

A lien created by statute which exists in favor of persons who have performed work or furnished materials in the erection of repairing of a building.

Median

The portion of a divided highway separating the traveled ways.

Meter

The metric unit for measuring length: 1 foot = 0.3048 meters.

Metric System

A decimal system of measures based on the meter as a unit of length and the kilogram as a unit of mass. Additional information is found in "Right of Way Specifications Manual and Associated Materials".

Metrication

Conversion to the metric system of weights and measures.

Minor

A person who has not reached the age of majority, or legally under age to transact business.

Misery

A status sheet listing under a project number the parcel numbers, names of owners, mortgages, subdivisions, sections, townships, ranges, and the amount of acreage taken from each tract on a given highway project.

Mobile Home

Includes manufactured homes and recreational vehicles used as residences.

Monuments

Permanent landmarks established for the purpose of indicating boundaries. They may be natural, as rivers, streams, marked trees, etc; or artificial, as stones or posts set in the ground.

Mortgagee

A person to whom property is conveyed as security against an obligation.

Mortgagor

An owner who conveys property as security toward the performance of an obligation.

Negotiation List

A listing showing the monies that Right-of-Way Agents are authorized to offer for properties being purchased by the Office of Preconstruction; sometimes referred to as "ANL".

Notice

As pertains to the intricacies of the buying and selling of real estate, there are these three prominent types of notice:

1. Actual Notice – Any information the prospective buyer receives that another party has, or claims to have, interest in the property. A party in possession could be expected to give notice of claim.
2. Constructive Notice – that notice disclosed by public records, i.e., the County Clerk's records, the County Treasurer's records, and those of the various Courts.
3. Presumptive Notice – That which results from information that would lead a prudent person to ascertain the existence of an outstanding claim, which might not be disclosed by search of public records.

Notice of Intent to Acquire (NOI)

As soon as feasible, each owner is due the courtesy of receiving a timely notice of the Agency's intent to acquire. This notice shall be in writing and that an administrative

record exists to attest to the delivery to the owner of the agency's interest in acquiring the real property. This notice shall include the basic protections as required by law.

Offer Letter

A letter signed by the Chief, Right-of-Way Division to the landowners, advising them of the amount the Department has established as the consideration due them for the purchase of their property.

Option

The right to choose. As pertains to real property transactions, the right, usually for a stated period of time only, to purchase or lease a property at a given price or under a given condition. An option is normally granted in exchange for a consideration.

Overpass

A structure carrying a road over a railroad or another highway.

Parallel Construction

The construction of a four-lane facility by constructing two new lanes parallel to two existing lanes.

Partnership

The relations existing between two or more competent persons who have contracted to join in business and share the profits. A partnership, as such, has no entity capable of holding the legal title to real estate in Oklahoma.

Patent

An instrument making conveyance of public lands.

Personal Property

Moveable items not permanently affixed to and a part of real estate.

Plan and Profile Sheet

A sheet of a set of plans: the upper part showing the horizontal view of the proposed highway improvement, the amount of right-of-way required, construction data, and location of improvements; the lower portion showing the side view, or profile, of the property at the centerline of the highway and the elevation of any service or frontage roads and ramps.

Plan-in-hand

A field inspection by various ODOT representatives to determine adequacy and accuracy of proposed plans along a given location. This is made prior to submission of "Final Right-of-Way Plans" to Right-of-Way Division.

Plans

The official approved drawings, or exact reproductions thereof, approved by the Engineer, which shows the location, character, dimensions and details of the roadway and its appurtenances, and any structures which are to be considered as a part of the contract, supplementary to these specifications.

Plat Book

A public record of various recorded plats in the municipality or county.

Plot Plan

A sketch showing owner's entire unit of property and all acreages needed to make an appraisal.

Plottage

The area of a plot of land. As an appraisal term, the increment in value of a plot of land created by assembling small ownerships into one ownership.

Project Agreement

An agreement entered into between the Department and a Local Public Agency, stating obligations of both parties.

Project Ledger

A ledger sheet containing pertinent functional, statistical, and financial data concerning a project.

Point of Curvature (P.C.)

The point where alignment changes from a straight line to a circular curve.

Point of Intersection (P.I.)

The point where two tangents or straight lines intersect.

Point of Tangency (P.T.)

The point where alignment changes from a circular curve to a straight line.

Property

Any subject (or object) of value that may lawfully be acquired and held; anything that may be owned.

Quitclaim Deed

A conveyance operating by way of release; that is intended to pass any title, interest, or

claim which the grantor may have in the premises, but not professing that such title is valid, nor containing any warranty or covenants of title.

Ramp

A connecting roadway between the intersecting highways at a highway separation or a road connecting the highway with other roads or entrances.

R.A.P.

The abbreviation associated with the Relocation Assistance Program.

Real Estate

Land and appurtenances, including structures affixed thereto.

Release of Easement

The relinquishment of some right or benefit to a person who has already some interest in the property, and such interest as qualifies him for receiving benefit so relinquished.

Remainder

The area of land an owner has after the Department has acquired the necessary right-of-way.

Remainder Estate

An estate in property created at the same time and by the same instrument as another estate, and limited to arise immediately upon the termination of the other estate.

Release of Lien

A discharge of property from obligation of mortgage, judgment, or claim.

Rent

Contract Rent is the agreed rent payable as set out in the contract.

Restriction

In a deed, a device for controlling the use of land.

Retention Offer

The dollar amount offered the owner for the purchase of land, with the owner salvaging the improvements.

Right of Access

The right of ingress to a highway from abutting land and egress from a highway to abutting land.

Right-of-Way

The right of passage over another's land; also, the land occupied by railroad tracks, public roads, and public utility facilities.

Rolling Stock

Personal property which is typically easily moved at will. Examples of rolling stock are:

- Operational vehicles, i.e., personal vehicles, delivery trucks, tractor trailer semi trucks, etc.
- Inventory which is moved inside at night, i.e. lawn mowers on display, bicycles, motorcycles, go-carts, items in front of a pawn shop, furniture in front of a furniture store, etc.
- Boats and trailers which are easily moved, which are not considered inventory at a sales lot.

Examples which are not considered rolling stock:

- Cars on display at a car lot. They are considered inventory.
- Mobile homes on display at a sales lot.
- Boats, trailers or recreational vehicles on display at a dealership.
- Non-operational vehicles which require towing to be moved, i.e., vehicles that do not run, old tractors which do not run, etc.
- Trailers which are not easily moved that require a specialized vehicle to move it and the owner does not own such a vehicle, i.e., an eighteen wheel trailer and the owner does not have the truck to pull it. He has to hire someone to move it, etc.

Rough

A description of land in the preliminary form from which a deed or an easement is prepared.

Special Warranty Deed

A deed wherein a grantor limits his liability to the grantee.

Split Property

The term used to indicate that the title to a portion of a property under negotiation has changed hands prior to the completion of the Department's negotiation.

State Licensed, State Certified Residential or State Certified General Real Estate Appraiser

A person who develops and communicates real estate appraisals and who holds a current valid certificate issued to such person for either general or residential real estate pursuant to provisions of the Oklahoma Certified Real Estate Appraisers Act.

Strip Map

A map in rough showing the location of a proposed highway improvement and the units of land being affected, usually on a reduced scale.

Subdivision

A tract of land divided into lots.

Survey

The process by which a parcel of land is measured and its area ascertained.

Take-Off

A colloquial term used to indicate a list of property ownerships; this information having been taken from public records.

Temporary Relocation

Any occupant of a dwelling that is not being acquired, but has to be relocated to another location on a temporary basis. Temporary relocation cannot exceed 12 months.

Temporary Right-of-Way

A temporary easement which allows temporary ingress or egress for the purpose of building the item specified. This easement is only valid for the duration of the construction period.

Tenancy in Common

A form of estate held by two or more persons, each of whom is considered as being possessed of the whole of an undivided part.

Tenant

A person who holds real estate under a lease; lessee.

Tenement

Everything of a permanent nature, whether corporeal or incorporeal, and includes land, building, etc.

Testate

The condition of one who dies has made a will.

Title

As pertains to land, evidence of ownership.

Title Sheet

The front sheet of a set of plans showing the project number, highway number, index of

sheets in the plans, drawing giving general location of the highway, and the mileage.

Toe of Slope

The point where the fill slope intersects the natural ground.

Top of Cut

The point where the back slope intersects the natural ground.

Traffic Bound Surface Course

A surface course composed of hard durable particles of sand, gravel, mine chats, crushed stone or disintegrated granite.

Transfer of Title

Conveyance of title from one to another. Following are methods by which title may be transferred:

1. By descent or operation of law
2. By will
3. By voluntary alienation
4. By involuntary alienation

Transparencies

Drawings placed on transparent paper for photo static reproduction.

Turnkey

A single contractor, firm or entity capable of immediately supplying, installing or purchasing the resources so that the new right-of-way required for a project is ready for occupation and use.

Typical Section Sheet

A plan sheet showing a cross section of grading and surfacing.

Underwriters

Local units of government who agree to share right-of-way and utility relocation costs with the Department.

Unlawful Occupant

A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under State law.

Utility Costs

For right-of-way relocation purposes, the expenses for electricity, gas, other heating and cooking fuels, water and sewer.

Utility Facility

All privately, publicly, or cooperatively owned facilities, such as telephone, electric, gas, oil, water and sanitary sewer lines.

Utility Relocation

The adjustment required of utilities facilities to accommodate highway construction.

U.S.T.

The abbreviation for Underground Storage Tank which is any one or combination of tanks, including underground piping connected thereto, that is used to contain an accumulation of regulated substances which are 10% or more beneath the surface of the ground.

Value

As it pertains to land, the present worth of future benefits arising out of ownership to typical users and investors.

Vendee

The purchaser of real estate.

Vendor

The seller of real estate.

Vents

Pressure relief pipes installed on conduits when an underground utility facility crosses a highway.

Waiver

The surrender of a claim, right of privilege.

Waiver Valuation

The valuation process used and the product produced when the Agency determines that an appraisal is not required.

Warrant

A check for payment of a fully processed claim.

Warranty Deed

One that contains a covenant that the grantor will protect the grantee against any claimant.

Wetlands

A lowland area, such as a marsh or swamp that is saturated with moisture, especially when thought of as the natural habitat of wildlife.

Zoning Ordinance

The exercise of certain police power in a municipality to regulate and control the character and use of property.



**RIGHT-OF-WAY & UTILITIES
DIVISION**

MANAGEMENT GUIDE SYSTEM

**VOLUME II
PROCEDURE MANUAL**

**STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION**

RIGHT-OF-WAY & UTILITIES DIVISION

MANAGEMENT GUIDE SYSTEM

VOLUME II

PROCEDURE MANUAL

MANAGEMENT GUIDE SYSTEM TABLE OF CONTENTS

Within the Right-of-Way & Utilities Division, there is a system of manuals known as the Management Guide System. This system was established to guide the Division in accomplishing its basic objectives. Contained in its two manuals, Policy and Procedure are individual sections, each designed to fulfill a specific need for information.

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 b. Right-of-Way & Utilities Division History
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Section V Position Guides
Section VI Glossary

Volume II

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	Section II	ACQ-PRO 6.113	Acquisition Branch Procedures
	Section III	MAP-PRO 6.114	Mapping Branch Procedures
	Section IV	UTL-PRO 6.115	Utilities Branch Procedures
	Section V	REL-PRO 6.116	Relocation Branch Procedures
	Section VI	OAC-PRO 6.117	Outdoor Advertising Control Procedures
	Section VII	PM-PRO 6.118	Project Management Branch Procedures

If the information you seek appears to be located in other than these volumes, please contact the Right-of-Way & Utilities Division for assistance.

VOLUME II

SECTION I

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APP-PRO 6.112-20	Appraisal Report - Valuation – Reconciliation
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**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Applies to:

Policy OP-APP 6-2: Appraisal

Manager, Appraisal Branch

1. Receives notification that the plans (R/W and/or construction) and “set-up” materials (a record of the title investigation, plot plans, misery or ownership list, and copies of the instruments to be used in acquiring the property interests, are available, from the Mapping Branch Manager.
 - a. Federal or State funding authorization must be verified upon receipt of the assignment and prior to contracting out of any work.
2. Assesses the assignment considering time constraints, the number and nature of appraisals, the abilities and availability of staff appraisers, and other considerations which impact the decision to appraise with staff personnel or contract the appraisal project or part of it with a fee appraiser.
 - a. If fee appraisal is approved, contracting is initiated in accordance with PRO 6.1-11.

The remainder of these instructions is designed for staff. They may be used, where appropriate, by the reviewer of fee appraisal projects.
3. Selects a Review Appraiser and one or more appraisers for the assignment.
4. Establishes intermediate target dates for completion of the appraisal and review functions within the established project schedule target date.
5. Effects entry of the project into the branch portion of the tracking system and/or other management reports currently required. These systems require periodic updating reflecting project status.
 - a. Maintains records and/or logs of work assignments in order to properly evaluate performance of personnel.
6. Provides reviewer with plans and target dates.
 - a. Provides the supervisor with plans and set-ups and advises him of any other personnel assigned to the project, target dates, and parcel assignments for the appraisers.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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NOTE:

Throughout the appraisal process, changes may be requested to correct errors or omissions. Since the spectrum of possibilities is such that covering the process in this procedure is not possible, the only formal requirement here is that these requests shall be directed to the Manager, Appraisal Branch in writing.

Facilitator/Reviewer

7. Analyzes the plans and set-ups and assembles any additional materials available which he/she feels would be helpful to the appraisers.

Facilitator

8. Transmits to the appraisers the plans, and other materials and information relevant to the assignment.
 - a. Instructs the assigned appraiser(s) that appraisals should not be prepared on any parcel where compensation will be \$10,000 or less, and which is clearly non-complicated.
 - b. Reports are prepared (regardless of anticipated compensation) for all properties owned by State and Federal government agencies, including Indian Tribal land.
 - c. Tours the project with the fee appraiser(s)

Consultant, Project Manager or Fee Review Appraiser

9. Provide the Project Facilitator with a status report on a weekly basis.
10. Will have a shared responsibility for all appraisal project functions.
11. Attend a monthly project status meeting to update appraisal status of projects. Any personnel that Project Facilitator deems necessary to enlighten Project Managers and Branch Managers, should attend the monthly meeting with the Project Facilitator.

Facilitator

12. Attend the required project initiation meeting with the other Right-of-Way & Utilities Division Branches and if determined, the Service Provider, to accomplish the goal of early project planning, i.e. coordinate with Relocation Branch on personal or realty valuation and disposition.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Fee Appraiser or Review Appraiser

13. Ensure that all paperwork submitted to ODOT Project Facilitator is correct.
 - a. When large volumes of paperwork are Appraiser or Review Appraiser or the person who is the lead agent on the specific function involved is available to check paperwork with ODOT personnel and make on the spot corrections whenever possible.
14. Submits all claims in a timely manner.

Facilitator

15. Forward all claims and invoices to Branch Manager or supervisor for final approval/disapproval upon completion of audit and reconciliation.

Manager, Appraisal Branch

16. Approves/disapprove claim form. If approved, signs and forwards claim, invoice and completion letter to the Chief, Right-of-Way & Utilities Division.

Review Appraiser, Appraisal Branch

17. When all appraisals have been reviewed and deemed satisfactory, the Reviewer Appraiser prepares an evaluation of the appraiser's performance.

Fee Review Appraiser & Project Facilitator

18. Prior to approval of claim and invoice for payment the project facilitator shall, provide a Contractor's Service Evaluation of the appraiser or review appraiser / service provider on the criteria as set forth in the contract scope of services.

Project Manager, Review Appraiser & Project Facilitator

19. Before transmitting parcels, check for accuracy and consistency utilizing the appropriate "Checklist"

Project Facilitator

20. Copies and distributes the evaluation form after approval from the Assistant Chief, Right-of-Way & Utilities Division and the Chief, Right-of-Way & Utilities Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Manager, Appraisal Branch

21. If a parcel whose compensation exceeds \$250,000, Manager of Appraisal Branch shall order a second appraisal be completed.
22. If a second appraisal is needed, this will be solicited from another appraiser or firm.

Chief of Right-of-Way

23. The Chief, Right-of-Way & Utilities Division may waive this second appraisal if he determines that the problem does not warrant a second appraisal. The following are considered as uncomplicated appraisal issues and should not require a second appraisal. The basic criteria is set out below:
 - a. The appraisal exceeds \$250,000 only because there is a total taking and there is nothing complex about the land and improvements taken.
 - b. The \$250,000 value is generated solely by the land value.
 - c. Damages are of a cost-to-cure nature only.
 - d. Cost-to-cure estimate(s) causes the compensation to exceed the \$250,000 limit.

Project Facilitator

Ensures project progression in order that completion dates are met.

Oklahoma Department of Transportation - Right-of-Way & Utilities Division

Appraisal Branch Room C4 Third Floor Office 521-2665 Fax 522-4220

November 27, 2013

To: Chad Parson, Acquisition Branch Manager

Thru: Gregg Lynn, Appraisal Branch Manager

From: XXXXXXX, Appraisal Branch Facilitator **Subject:** JP NO.: 24176(05)
County: Grant, **FAP No.:** SSP-127C(117), **Description:** HWY: SH-11,
 Bridge Job over Polecat Creek, Approx. 5.9 Miles east of US-81 Jct.

As a result of Project Initiation activities the Appraisal Branch has determined the needs for each parcel on the subject project as outlined in the table below.

PROJECT INITIATION - APPRAISAL				
PARCEL(s) NO.	ORDER OF DELIVERY	COMPLEXITY LEVEL	TYPE OF REPORT(S)	- FULL JUSTIFICATION (Provide all comments)
1, 1.1, 1.2, 1.3, 1.4	3rd	Level 3	Waiver	< \$10,000
2	3rd	Level 3	Waiver	< \$10,000
3.3.1	1st	Level 1	Appraisal	Tribal
4, 4.1 & 5, 5.1	2nd	Level 2	Appraisal	Land Size
6, 6.1	1st	Level 1	Appraisal & 2nd	House in take
7	2nd	Level 2	Appraisal	Proximity damages

Complexity Level 1 - Govt. entity, relocation, allottee or tribal, complex utilities,
 Complexity Level 2 - Severance/proximity damages, total or partial taking exceeding 10k
 Complexity Level 3 - Partial taking less than 10k

All ownerships are to be appraised based on complexity starting with the most complex Level 1 and proceeding to the least complex Level III.

cc: Robert Blackwell, Chief, Right-of-Way & Utilities Division
 Assistant Chief, Right-of-Way & Utilities Division
 Christa Sawyer, Project Management Branch Manager
 Diana Barlow, Relocation Branch Manager
 Utilities Branch Manager
 Appraisal Service Provider
 Review Appraisal Service Provider
 Project Correspondence File

Oklahoma Department of Transportation - Right-of-Way & Utilities Division

Appraisal Branch Room C4 Third Floor Office 521-2665 Fax 522-4220

Date:**To:** Chief, Right-of-Way & Utilities Division

Thru: Gregg Lynn, Appraisal Branch Manager

From: _____, Appraisal Branch Facilitator

Subject: County _____, HWY _____, Description _____
FAP No. _____, JP NO. _____**1. Verify that the Appraisal Packet contains the following:**

- Original and one (1) copy of Appraisal
- Original and three (3) copies of the Summary Statement of Just Compensation
- Original and one (1) copy of Master Comps
- A signed Disclaimer by the property owner is enclosed if there are tenant-owned improvements broken out on the Appraisal Review. The lone exception is that trade fixture (billboard) tenants do not require a signed Disclaimer from the property owner.
- A Summary Statement of Just Compensation sheet is attached for any tenant-owned improvements, if owner signed a Disclaimer.
- The names on the Takeoff, Appraisal and Appraisal Review all agree
- Acreage agrees on Plot Plan, Deed(s), Summary Statement of Just Compensation and Review Summary (If not, take corrective action)

2. Verify the following on each Appraisal Report:

- Is owner a State Official or ODOT Employee? If so, the Appraisal(s) & Appraisal Review shall be reviewed and compensation recommended by the Appraisal Branch Manager.
- Did the Appraiser coordinate with & accompany the Relocation Agent? If not, determine why & take corrective action?
- Notice of Interest included in Appraisal Report?
- Do the State Job No.'s and Project No.'s identify the appropriate project?
- Do the Project No.'s and Parcel No.'s on the instruments, plot plans, Appraisal Transmittal, Appraisal Review, Summary Statement of Just Compensation, etc. match
- The original Appraisal Report is stamped "Original" and is signed and dated by the Appraiser.
- For Appraisals exceeding \$250,000.00 there shall be two (2) Appraisal Reports unless the need for a second appraisal has been waived by the Chief or Assistant Chief, Right-of-Way & Utilities Division in writing. If the two (2) Appraisal Reports are significantly disparate in their recommendations of Just Compensation, then the Appraisal Branch Facilitator, Appraisal Reviewer, and the two (2) Appraisers shall work together & attempt to reconcile differences of opinion.

- Summary Statement of Just Compensation sheets are attached to Appraisals listing the amount of compensation, damages, & all items of compensation. Amounts shall match the amounts stated on the Appraisal Review.
- Are Cost-to-Cure determinations appropriately supported? Can a parking area be reconfigured, if so, how is it documented? Is the property still useable in the after condition, turning radii, traffic flow, ingress & egress?
- Have proximity damages been appropriately analyzed and, if supportable, valued? Have proximity damages to residential properties been minimized by plan revisions?

3. Verify the following on the Appraisal Review:

- The Review Appraiser has signed and dated the Review Appraisal.
- The Review Appraiser has clearly recommended the amount of just compensation and damages.
- If the Reviewed compensation differs (other than due to rounding) from that recommended by the Appraisal, compensation the reason(s) must be clearly stated.
- The Review Appraiser has stated a supportable Salvage Value for improvements when applicable. Salvage Value should be based on actual market considerations & conditions.
- The Review Appraiser has stated Residual/Excess Land Value for Uneconomic Reminders

4. Verify the following items of a general nature:

- Mathematical computations
- Review the description of the taking in the Appraisal Report to see if it matches, the Review Appraiser's Summary Sheet and the Summary Statement of Just Compensation
- Review the description of the remainder and effects of the taking including all fencing related items, is temporary fencing required for constructability, utility relocation, livestock, pets, etc. and, if so, addressed?
- Proper identification of realty, personal property, trade fixtures
- Proper use of - Acquired, Relocated, Replaced, Reconfigured

5. Appraisal Branch Facilitators Log

- Maintain your own running log of each project, check for good project balance, document land values on your working set of right-of-way plans

6. Appraisal Database

- Enter all required information in the Appraisal Database. Information includes, but is not limited to, the following; date of valuation, acreage, acreage of remainder, land values, highest & best use, zoning, etc.

7. Billboard Database

- Enter all required information into the Billboard Disposition Database

cc: Assistant Chief, R/W & Utilities Division
Parcel File

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Surplus Land Appraisals	No: Revised: Page:	APP-PRO 6.112-2 04/01/15 1 of 1
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Applies to:

Disposal of Excess Lands Policy for Facilities Management Division

Manager, Appraisal Branch

1. Assigns each surplus appraisal request to the staff member responsible for that geographic region of the State. Proper workload distribution must be taken into account when assigning these projects.
2. Maintains a database of all requests for Surplus Land Appraisals. Database shall include project location, assignment, target dates, and other information useful in determining project status.
3. All requests for surplus land appraisals shall be completed within 30 calendar days of the date of the transmittal request.

Appraiser

4. Values the property that is to be appraised.

Manager or Supervisor, Appraisal Branch

5. Reviews the appraisal for form and content. Initials and dates on the appraisal that it is approved.
6. Logs Information provided in the Appraisal report into the database.
7. Upon request provides a copy of the appraisal report to the Chief or Assistant Chief.
8. Copies of each surplus land appraisal shall be distributed as follows: original to Facilities Management Division, one copy to Appraisers file.
9. Notifies Operations Manager upon completion of work.
10. Reports status on surplus appraisals to Chief, Assistant Chief on a monthly basis.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal of Properties for ODOT Use	No: Revised: Page:	APP-PRO 6.112-3 04/01/15 1 of 1
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Applies to:

OP-APP 6-1 Appraisal

Appraiser / Review Appraiser

When ODOT is acquiring property for ODOT facility use, the appraiser and review appraiser shall follow the guidelines set out within ODOT policy and procedures. Particular attention should be paid to the following:

1. Expanded detail for deferred maintenance.
 - a. Structure deficiencies / inadequacies
 - b. Functionality of mechanical systems
 - c. Operation of utility systems
 - (1) Water
 - (2) Sewer
 - (3) Gas
 - (4) Electric
2. Expanded detail of any recent upgrades, repairs, or maintenance.
3. Expanded detail regarding past property use.
4. Expanded detail regarding possible contamination.
 - a. If it is known that contamination is present - appraise as though contaminated.
5. Expanded detail regarding functional utility.
 - a. A good comprehensive site plan and floor plan sketch is required.
6. Expanded detail regarding access issues.

Essentially the appraiser and to some extent the review appraiser are functioning as ODOT's eyes and ears on the ground regarding the property inspection. It is imperative that ODOT be provided with all potentially negative or positive information about the property, that any uninformed buyer would require in order to become informed.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Reconnaissance Reports / Environmental Documents	No: Revised: Page:	APP-PRO 6.112-4 04/01/15 1 of 2
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Reconnaissance Reports, National Environmental Policy Act (NEPA) Documents, and other environmental assessments, often contain valuable insight into the potential problems and pitfalls associated with upcoming projects.

Additionally these reports may provide good information about a project, its impacts and potential effects upon the surrounding area.

Potential problems can often times be identified in the early phases of a project. Once identified additional time frames may be allocated in the planning phases of the project.

Appraisal Branch Manager

1. Forwards all reconnaissance reports and other environmental assessments as they are distributed to the appropriate project facilitator.

Project Facilitator

1. Reviews all reconnaissance reports and other environmental assessments for anything that could potentially delay a project. Examples of common information often provided within these documents which often lead to potential delays are listed below:
 - a. Ownership information
 - (1) Tribal Properties
 - (2) Governmental properties
 - b. Environmental hazards.
 - c. Heavily impacted or adversely effected businesses.
2. In the event that the project facilitator finds anything which may potentially delay a project, the facilitator is to follow the steps listed below.
 - a. Print a copy of the report in which the potential delay is identified and place it in the project file.
 - b. Provide notification to the Appraisal Branch Manager of the potential delay, in writing, with the supporting documentation.
3. As needed provide the service providers with a copy of documents affecting the project.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Reconnaissance Reports / Environmental Documents	No: APP-PRO 6.112-4 Revised: 04/01/15 Page: 2 of 2
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Appraisal Branch Manager

1. Upon receipt of notification of potential delays, forwards the information to the Manager, Project Management Branch, and the Assistant Chief, Right of Way & Utilities Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Scoping and Preliminary Estimates	No: Revised: Page:	APP-PRO 6.112-5 04/01/15 1 of 3
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Applies to:

Policy OP-GA 6-25: Cost Estimates and Relocation Impact Analysis

Manager, Appraisal Branch

1. Upon receipt of request, assigns the estimate to Appraisal Branch staff to complete.

Project Facilitator

2. Visits the project site and gathers the following information for each alternate alignment by visual observation.
 - a. The number and type of improvements impacted. The estimate should also include obvious total take parcels.
 - b. The report should include an estimate of the number of appraisal and waiver ownerships.
 - c. Gather data including property values, and damages to remainder properties impacted by the project.

What is required

- (1) Calculate the estimated total of acreage in fee, permanent easement and temporary easement required for the estimate.
 - (2) Drive out the project area to determine the impact of the project on the surrounding properties.
 - (3) Gather data on recent land and improved sales/ values.
- d. Estimate costs to have appraisal work done by fee appraisers and review appraisers.
 - e. Include any special characteristics of appraisals involved and solutions developed to minimize adverse impacts.
 - f. Break out land values for different types of property and note any unusual or complicated parcels on the project.
 - g. If any environmental problems are observed, they should be brought to the attention of the Manager, Appraisal Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Scoping and Preliminary Estimates	No: Revised: Page:	APP-PRO 6.112-5 04/01/15 2 of 3
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- h. Detailed notes of the drive-out shall be part of the Appraisers notes and Central Files.
- i. Include in estimate a copy of any municipal regulations applicable to the project area.

What is the minimum required?

- (1) Minimum lot sizes
 - (2) Minimum set backs
3. Prepares the appropriate preliminary estimate for Manager, Appraisal Branch

Manager, Appraisal Branch

4. Checks preliminary estimates for completeness and transmits to the Project Management Branch Manager.

Oklahoma Department of Transportation - Right-of-Way & Utilities Division
 Appraisal Branch Room C4 Third Floor Office 521-2665 Fax 522-1858

Date _____

To: Manager, Project Management Branch

From: Manager, Appraisal Branch

Subject: **J/P NO.** _____ **County** _____, **FAP No.** _____,
HWY _____, **Description** _____

As requested, an analysis of the estimated right-of-way costs for the above project, completed on _____, 20____ the results are listed below.

Land to be Acquired (By Value)

(_____ acres/ SF @ \$ _____ per acre/ Sq. Ft.) _____

Easements to be Acquired

(_____ acres/ SF @ \$ _____ per acre/ Sq. Ft. X %) _____

Improvements to be Acquired

(Estimated) _____

Damages to Remainders

(Estimated) _____

Subtotal _____

Estimated Appraisal Service Provider Fees

Estimated Appraisal Fees

Estimated Review Appraiser Service Provider Fees

Subtotal _____

TOTAL _____

Approximately:

Appraisals 0
Waivers 0
Seconds 0
Owners 0

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Initiation / Drive out	No: Revised: Page:	APP-PRO 6.112-6 04/01/15 1 of 2
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Manager, Appraisal Branch

1. Selects one or more project facilitators for the assignment. These functions include completion of all pre-appraisal requirements
2. Establishes intermediate target dates for completion of the established project schedule target date.
3. Maintains records and/or logs of work assignments in order to properly evaluate performance of personnel.

Facilitator/Reviewer

4. Analyzes the plans and assembles any additional materials available which he/she feels would be helpful to the completion of the task.
5. The facilitator will drive the project for familiarity.
6. Determines which parcels will have a compensation of \$10,000 or less and are clearly simple and uncomplicated. (Waiver Valuation Parcels)
7. Determines which parcels will have a compensation of \$10,000 or greater or are complex in nature. (Appraised Parcels)
8. Determines those parcels that will exceed \$250,000. Informs the Manager, Appraisal Branch that a second appraisal is needed.
9. The facilitator/reviewer shall fill out a Project Initiation Form, see example in this procedure, stating which parcels are appraisals and which are waivers.
10. For those parcels which are concluded to be appraisals the facilitator will provide full justification
11. Effects entry of the project into the branch portion of the tracking system and/or other management reports currently required. These systems require periodic updating reflecting project status.

Oklahoma Department of Transportation - Right-of-Way & Utilities Division
 Appraisal Branch Room C4 Third Floor Office 521-2665 Fax 522-4220

November 27, 2013

To: Chad Parsons, Acquisition Branch Manager

Thru: Gregg Lynn, Appraisal Branch Manager

From: XXXXXXXX, Appraisal Branch Facilitator

Subject: **JP NO.:** 24176(05) **County:** Grant, **FAP No.:** SSP-127C(117),
Description: HWY: SH-11, Bridge Job over Polecat Creek, Approx. 5.9 Miles east of US-81 Jct.

As a result of Project Initiation activities the Appraisal Branch has determined the needs for each parcel on the subject project as outlined in the table below.

PROJECT INITIATION - APPRAISAL				
PARCEL(s) NO.	ORDER OF DELIVERY	COMPLEXITY LEVEL	TYPE OF REPORT(S)	- FULL JUSTIFICATION (Provide all comments)
1, 1.1, 1.2, 1.3, 1.4	3rd	Level 3	Waiver	< \$10,000
2	3rd	Level 3	Waiver	< \$10,000
3.3.1	1st	Level 1	Appraisal	Tribal
4, 4.1 & 5, 5.1	2nd	Level 2	Appraisal	Land Size
6, 6.1	1st	Level 1	Appraisal & 2nd	House in take
7	2nd	Level 2	Appraisal	Proximity damages

1st Order of Delivery - Govt. entity, relocation, allottee or tribal, complex utilities,
 2nd Order of Delivery - Severance/proximity damages, total or partial taking exceeding 10k
 3rd Order of Delivery 3 - Partial taking less than 10k

All ownerships are to be appraised based on complexity starting with the most complex Level 1 and proceeding to the least complex Level III.

cc: Kurt A. Harms, Chief, Right-of-Way & Utilities Division
 Kevin Stout, Assistant Chief, Right-of-Way & Utilities Division
 Christa Sawyer, Project Management Branch Manager
 Diana Barlow, Relocation Branch Manager
 Marvin Bright, Utilities Branch Manager
 Appraisal Service Provider
 Review Appraisal Service Provider
 Project Correspondence File

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Notice of Interest/General Information	No: Revised: Page:	APP-PRO 6.112-7 04/01/15 1 of 3
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Applies to:

49 CFR 24.102(b)

Manager, Appraisal Branch

1. Receives appraisal packet from Manager, Mapping Branch.
2. Assigns task to the proper Appraisal Branch project Facilitator

Project Facilitator, Appraisal Branch

3. Prior to sending out the Notice of Interest letters the sender shall verify that the Environmental / NEPA clearance has been obtained and that R/W funding has been authorized.
4. Assigns task to the proper project personnel who will be responsible for steps 4 – 7 below:
 - Projects where a Turnkey Service Provider is Utilized - the Project Manager if applicable
 - Projects where an Appraiser is directly assigned - the Appraiser
 - Waiver Valuation Projects - the Appraisal Branch Project Facilitator

Project Manager/ Fee Appraiser/Appraisal Branch Project Facilitator

5. Preparation of a Notice of Interest letter (see example in this procedure statement) will be created for all Appraised parcels and Waiver Valuation parcels.
6. Addresses obtained from the Assessors records and will be used for the delivery of the Notice of Interest letters.
7. All Notice of Interest letters should be mailed the same day by:
 - Regular parcel post mail
 - Certified mail with return receipt requested
8. A copy of each Notice of Interest letter and the return receipts are to be filed in the parcel file in Central Files.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Notice of Interest/General Information	No: Revised: Page:	APP-PRO 6.112-7 04/01/15 2 of 3
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9. Provide a report of the acceptance rate for Notice of Interest letter, as determined by the return of green cards, on a project specific basis to the Assistant Chief and Chief, Right-of-Way & Utilities Division.

NOTE:

- The Notice of Interest letter is not intended to eliminate the need for any other necessary Notices or Letters typically provided by the Service Provider.
- The Notice of Interest letters can be used to address both the Notice to Accompany and “Here We Come” notifications.
- The Notice of Interest letter serves to ensure that all affected property owners are provided a formal notice at approximately the same time.
- A copy of the Notice of Interest letter should be included in the addendum of the appraisal report

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Notice of Interest/General Information	No: Revised: Page:	APP-PRO 6.112-7 04/01/15 3 of 3
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NOTICE OF INTEREST

Date

Owner's Address

RE: (Project Description)

Dear

This letter is to notify you that the Oklahoma Department of Transportation (ODOT) is beginning the right-of-way phase on the above referenced project. Based on the design plan, it has been determined that property you may own or have an interest in will be affected by the new right-of-way requirements.

Staking of the new right-of-way requirements will begin in the next few weeks. Once the staking is completed, a valuation of the property will be prepared and an offer to purchase the property will be made.

You or your representative will be given the opportunity to accompany the appraiser that will establish the valuation of your property, if an appraisal is required.

Another representative of ODOT will be contacting you when more detailed information about the acquisition of your property interest is known. This individual will schedule an appointment with you to explain the Project and to discuss any offer to purchase property.

In the event you or your personal property will be displaced by the Project, a representative of the ODOT will be contacting you to schedule an appointment to review your specific relocation needs and to explain the relocation process.

If you have any questions please do not hesitate to call us at (See options below)

Waiver Parcels - Provide contact information for either the- Project Manager, or Acquisition Branch Facilitator

Appraised Parcels- Provide contact information for either the- Appraiser assigned, or Project Manager, or Appraisal Branch Facilitator

Sincerely yours;

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report – Cover Sheet	No: Revised: Page:	APP-PRO 6.112-8 04/01/15 1 of 3
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Applies to:

OP-APP 6-1 Appraisal

Review Appraiser/ Project Facilitator

1. Ensures compliance with this procedure statement

Appraiser

NOTE:

The following is intended to be used in conjunction with the form located on page 3 of this Procedure Statement.

2. Project Number – Typically expressed as the J/P #. This number can be found on the R/W Documents i.e. R/W Plans, deeds, plot plans, take off cover
3. Parcel Number(s) – Show all parcel numbers which effect the subject property i.e. parcel 1, 1.1, 1.2, 1.3, 1.4 Etc.
4. County – List all counties in which the subject property is located.
5. Property Owner – List the full name of the property owner(s) / Entity exactly as depicted on the most recent deed of conveyance.
 - a. Note: In the event that the name on the most recent deed of conveyance does not match what ODOT shows as the current ownership, submit a revision request to ODOT Appraisal Branch for review.
6. Property Owners Address – List the address that the property owner would prefer that all official communications be sent to.
7. Property Owners Phone Number – list the phone number that the property owner can be reached at for negotiation purposes
8. ODOT Employee – list whether or not the property owner(s) are ODOT employee(s) or ODOT officials in Accordance with ODOT policy statement OP-GA 6-20
 - a. If Yes – list the capacity and the location.
9. Tenant – List tenant(s) on the property regardless of whether or not there is any tenant owned property affected by the taking.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Appraisal Report – Cover Sheet

No: APP-PRO 6.112-8
Revised: 04/01/15
Page: 2 of 3

10. Tenant Address - List the address that the Tenant would prefer that all official communications be sent to.
11. Tenants Phone Number – list the phone number that the Tenant can be reached at.
12. Subject Property Address – List the 911 address for the subject property if available.
13. Legal Description – State the legal description for the subject property
 - a. If too lengthy identify the general property location followed by a reference to the attached deed.
14. Location of Property – Provide general directions to the subject property
15. Fill in appropriate boxes. All subject matter listed requires at least one box to be checked.
16. Zoning – List current zoning if applicable, if no city, county, state, or other municipal authority has enacted any zoning regulation(s) simply state such.
17. Present Usage - State the use that the subject property is currently being put to.
18. Highest and Best Use:
 - a. Vacant – List the highest and best use of the land as though vacant regardless of the current usage.
 - b. As Improved – State the highest and best use of the overall property as currently improved.
19. Provide a brief but detailed synopsis of the just compensation to be awarded to the property owner. If said synopsis exceeds the amount of room allotted on the front of the cover page refer to the summary page located within the report.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Appraisal Report – Cover Sheet

No: APP-PRO 6.112-8
Revised: 04/01/15
Page: 3 of 3

**SUMMARY
APPRAISAL REPORT**

**For
Oklahoma Department of Transportation**

PROJECT NO: 2 PARCEL NO: 3 COUNTY: 4
PROPERTY OWNER: 5
PROPERTY OWNERS ADDRESS: 6
PROPERTY OWNERS PHONE NO(S): 7
ODOT EMPLOYEE OR ODOT OFFICIAL: 8 IF YES WHERE: 8a
TENANT: 9
TENANT ADDRESS: 10
TENANT PHONE NO(S): 11
SUBJECT PROPERTY ADDRESS: 12
LEGAL DESCRIPTION: 13
LOCATION OF PROPERTY: 14

TENANT COMPENSATION INCLUDED IN REPORT: YES NO 15
DISCLAIMER: N/A ATTACHED: OWNER REFUSED: 15
PERSONAL PROPERTY INCLUDED IN COMPENSATION: YES NO 15

ZONING: 16 PRESENT USAGE: 17

HIGHEST AND BEST USE (Vacant): 18a As Improved 18b

RIGHTS APPRAISED: Fee less oil, gas, or other minerals, easements, and rights-of-way of record, surface rights only.

DATE OF VALUATION: _____ . Based on available information, but not limited to that set forth in this report, the compensation as detailed in the report is \$ _____ .

Summary of Compensation 19

Date of Signature

Appraisers Signature Block
Ok. Cert. License Number

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Delineation of Title / Ownership	No: Revised: Page:	APP-PRO 6.112-9 04/01/15 1 of 2
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Applies to:

The statutory basis for the following information is derived from 49 CFR24.103(a)(2)(i), USPAP Standards Rule 2-2(viii)

Review Appraiser / Project Facilitator

1. Ensures compliance with this Procedure Statement.

Appraiser

2. The appraiser is to list:
 - a. The last transaction of record.
 - b. A five (5) year sales history of the subject property.
 - c. If another party of interest is revealed during the title search i.e. a tenant, mortgage holder, lien holder, option holder, or a party to lis pendens or other recorded action that gives a color of title, that interest must be brought to the attention of ODOT.
3. Requirements for the verification of Title / Ownership:
 - a. The county records for the county, in which the subject property is located, shall be checked in person by the appraiser or their assistant.
 - (1) Online sales verification, or verification through a data source is not considered adequate.
 - b. Provide the requested information in the appraisal report along with a statement that the county records were checked and by whom.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Delineation of Title / Ownership	No: APP-PRO 6.112-9
	Revised: 04/01/15
	Page: 2 of 2

The following is an example format of what is required:

DELINEATION OF TITLE OR OWNERSHIP

FROM:

TO:

DATE: BOOK: PAGE: CONSIDERATION:

FROM:

TO:

DATE: BOOK: PAGE: CONSIDERATION:

The _____ County records were checked, in person, on _____ by
and no change of ownership was noted for the past five years unless noted, or was as shown
above.

Note:

In the event that there have been one or more sales of the subject property within 3 years of the effective date of the appraisal report the appraiser MUST analyze all subject sales in the development of the market value. (USPAP Standards Rule 1-5)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Owner Contact	No: Revised: Page:	APP-PRO 6.112-10 04/01/15 1 of 3
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Applies to:

OP- GA 6-13 Contact with property owners prior to determination of market value.

The statutory basis for the following Procedure Statement is derived from:

Oklahoma State Statute Title 27 Section 2, Subsection 13(2)

“Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property”

49 CFR 24.102(a)

“Before the initiation of negotiations the real property to be acquired shall be appraised.... and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property.”

Project Facilitator

1. Ensures Compliance with this Procedure Statement

Staff or Fee Appraiser

1. The appraiser(s) is required to contact the property owners and provide them or their designated representative with an opportunity to accompany the appraiser on the inspection of the property.
 - a. The appraiser is to accompany the property owner during the inspection of the property. While trainees or other appraisers may accompany during the inspection the approved ODOT appraiser that will be signing the appraisal report must perform this key function.
2. There shall be a section in each appraisal report dedicated solely to the owner contact.
3. Each dedicated owner contact section of the Appraisal report shall include the following information in detail:
 - a. A statement as to whether or not the property owner was given the opportunity to accompany the appraiser during the property inspection.
 - b. A statement as to whether or not the property owner accompanied the appraiser during the property inspection.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Owner Contact	No: Revised: Page:	APP-PRO 6.112-10 04/01/15 2 of 3
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- c. A statement as to whether or not a relocation agent accompanied the appraiser during the owner contact.
 - d. A section dedicated solely to the property owners concerns, issues, desires etc. in regard to the proposed R/W acquisition.
 - (1) The appraiser should be prepared to answer any questions the property owner may have about the project.
 - (2) The appraiser is cautioned never to discuss the values with the property owner.
 - (3) The appraiser should verify the ownership of the subject property with the property owner during contact.
 - (4) The appraiser shall, in detail, document the comments of the owner regarding the project or the individual property taking within the appraisal report.
 - (5) The appraiser should pass along any information regarding past property use.
 - e. A section in which the appraiser may express their concerns regarding the owner contact.
4. The appraiser is to make every attempt to contact the property owner, in order to provide the owner the opportunity to accompany the appraiser during the property inspection.
- a. All efforts at contacting the owner should be documented including the number of mailings and phone calls made.
 - (1) In the event that the property owner is difficult or impossible to reach, the appraiser at a minimum shall attempt to reach the owner:
 - (a) Three times by phone; and
 - (b) Once via mail

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Owner Contact	No: Revised: Page:	APP-PRO 6.112-10 04/01/15 3 of 3
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The following is an example format of what this Procedure Statement requires:

OWNER CONTACT

Was the property owner offered the opportunity to accompany appraiser on property inspection?

Yes: No:

Did the property owner accompany the appraiser during the property inspection?

Yes: No:

Did a Relocation Agent accompany appraiser on property inspection?

Yes: No:

If not explain why?

OWNERS COMMENTS REGARDING THE PROPOSED PROPERTY ACQUISITION:

*This section of the appraisal report is crucial to the acquisition process. Please be as detailed and thorough as possible regarding any and all of the property owners concerns. This allows the acquisition agent the opportunity to address the property owner's questions, concerns, or issues about the acquisition before the initial contact. **It cannot be stressed enough how important this segment of the appraisal report is to the acquisition process.***

APPRAISERS COMMENTS, REGARDING THE OWNER CONTACT: *This is the section of the report which enables the appraiser to pass along any comments, or perceptions about the contact with the property owner and address some of the property owners concerns. **It cannot be stressed enough how important this segment of the appraisal report is to the acquisition process.***

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Area / Neighborhood Data	No: Revised: Page:	APP-PRO 6.112-11 04/01/15 1 of 1
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Applies to:

OP-APP 6-1 Appraisal

Review Appraiser/ Project Facilitator

1. Ensures that the appraiser complies with the following procedure

Appraiser

2. The Master Addenda and or the appraisal report shall include a description of the larger neighborhood that the project is located in. The neighborhood description should include:
 - a. Define the boundaries of the neighborhood (it's geographic or economic land use pattern).
 - b. Describe the various land use types along the project and the surrounding neighborhood.
 - c. Describe applicable economic trends or factors affecting the project and neighborhood.
 - d. Provides information regarding availability of public utilities within the market area.
 - e. Detail any State, City or County zoning regulations affecting the project area.
 - (1) Summarize any municipal zoning regulations within the "area data" section of the Master Addenda.
 - (a) State in the individual appraisal report property specific regulations when the property is affected.
 - (2) Provide a written copy of any applicable zoning ordinances which might affect the project to ODOT.
 - f. Provide an analysis of typical set-backs within the project and neighborhood, if applicable. See Procedure Statement APP-PRO 6.112-39

Note: As a general rule ODOT is well aware of most of the factors affecting our economy here in Oklahoma. While items "a" and "b" are important to the report the primary emphasis should be placed on items "d" thru "f".

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Completion	No: Revised: Page:	ACQ-PRO 6.113-12 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch

1. Ensures that the Acquisition Branch records are completed.

Facilitator

2. Updates all acquisition records in Oracle I Tracking System. (Secured/Condemn, Dates in/out, Bluiie/Pinkie, Counters/Settlements.) .
3. When all parcel files are secured and transmitted though Mapping Branch for review and then to Legal and Business Services Division for payment, project is considered 100% complete.
4. If negotiations are unsuccessful, and parcel files are transmitted to Legal and Business Services Division, project is considered 99% complete until condemnation is complete.
5. Within ten (10) working days of project being closed, facilitator should complete Service Provider evaluation.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Scope of Work Statement	No: Revised: Page:	APP-PRO 6.112-13 04/01/15 1 of 4
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Applies to:

OP-APP 6-1 Appraisal

NOTE:

The intent is to create a Scope of work that will ultimately yield an appraisal report that is compliant with, 49 CFR 24.103 the requirements stated in the FHWA Scope of Work Guide, 49 CFR 24.2(a)(3), Advisory Opinion 22 of USPAP, 27 OS 2011, and ODOT R/W Division Policy and Procedures.

Review Appraiser/ Project Facilitator

Ensures compliance with this Procedure Statement

Appraiser

All appraisal reports shall have a section(s) devoted to the scope of work for the appraisal assignment, which are essentially a definition of the appraisal problem and a plan of how to resolve that problem. The first part of the following represents, the minimum required elements of the Scope of Work Statement.

1. Define the Appraisal Problem – State the complexity of the appraisal problem and the steps necessary to address them
2. State the client – The hiring authority and / or The Oklahoma Department of Transportation
3. State the intended user - The Oklahoma Department of Transportation, its Agents, Representative's, Successors and Assign's
4. Intended Use- For the purpose of determining the Fair Market Value of the subject property. More specifically "the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken."- 27 OS 2011
5. Type of Value - Fair Market Value
6. The definition of *market value* is used in all federally regulated transactions that exceed the minimum amount. This definition is mandated by Title XI of the financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989. The exact same definition was published in the Federal Register several times by differ federal agencies. Some printings are: *12 CFR Part 34.42(g)*, *55 Federal*

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Register 34696, August 24, 1990 as amended at 57 Federal Register 12202 April 9, 1992 and 59 Federal Register 29499 June 7, 1094

Federal agencies publishing the **exact same definition** include the

- Office of the Comptroller of the Currency (OCC) as part of 12 CFR 34, subpart C
- Federal Reserve Board (FRB) as 12 CFR 225, Subpart G
- Federal Deposit Insurance Corporation (FDIC) as 12 CFR 323.2 Definition(g) in the 55 Federal Register, 33,888 August 20, 1990, effective September 19, 1990
- Office of Thrift Supervision (OTS) as 12 CFR 564
- National Credit Union Administration (NCUA) as 12 CFR 772

The **exact same definition** was again published jointly by the OCC, OTS, FRS, and FDIC on page 61 of the *“Interagency Appraisal and Evaluation Guidelines”*. These guidelines were published in the federal Register on December 10, 2010 as Volume 55, page 77472. All of the above citations defined market value as:

“the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of the sale as of specific date and passing of title from seller to buyer under conditions whereby:

- *Buyer and seller are both typically motivated;*
- *Both parties are well informed or well advised and acting in what they consider their own best interests;*
- *A reasonable time is allowed for exposure in the open market;*
- *Payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and*
- *The price represents the normal consideration for property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale”*

Virtually the same definition is also cited in Advisory Opinion 30 of the 2012-2013 version of the Uniform Standards of Professional Appraisal Practice (USPAP) lines 124 to 138, Real Estate Valuation in Litigation 2nd edition by J. D. Eaton MAI, SRA, published 1995, and Federal Highway Administration guidance directives

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7. Define the Property Interest being Appraised –
 - a. Typically - Fee simple less oil, gas and other minerals, easements, and rights of way of record
 - b. Perpetual easements of a specific nature
 - c. Temporary easements of a specific nature
8. State the Effective Date of the Appraisal
9. State the Relevant Characteristics of the property –
 - a. Location
 - b. Zoning
 - c. Present use
 - d. Any observed encumbrances, etc.
10. State any Extraordinary Assumptions –
 - a. Assumes no contamination
 - b. Discounts any project influence
11. State any Hypothetical Conditions
12. Invoke the Jurisdictional Exception Rule –
 - a. State that it is ODOT policy (OP-APP 6-6) to appraise at the “Highest Supportable Value”
13. A Description of the Research Process for:
 - a. Highest and Best Use Analyzes
 - b. Market Approach to Value
 - (1) Comparable Sales Verification
 - c. Cost Approach to Value
 - d. Income Approach to Value

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Subject:
Appraisal Report - Scope of Work Statement

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14. Reconciliations of Values
15. A discussion of any recent listings, or prior sales within the last 5 years
16. The Elements of Compensation:
 - a. Land being Acquired
 - b. Improvements to be Acquired
 - c. Damages to the remainder
 - (1) Cost-to-Cure Damages
 - (2) Severance Damages
 - (3) Proximity Damages
 - (4) Change of Use
17. Include the Following:
 - a. Title Information
 - b. Property Sketch(s)
 - c. Photos
 - d. Location Maps
18. A Signed Certification

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Highest and Best Use - Analysis	No: Revised: Page:	APP-PRO 6.112-14 04/01/15 1 of 2
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Applies to:

OP-APP 6-1 Appraisal
OP-APP 6-18 Front Land, Back Land, Value Zone Concepts

Review Appraiser / Project Facilitator

Ensures Compliance with this Procedure Statement

Appraiser

One of the most critical and contentious sections of any appraisal report is the analysis and determination of highest and best use. The following guidelines will provide a procedural framework for the determination of the highest and best use of any appraised subject.

1. Apply and adequately analyze in detail the four recognized tests for determining the highest and best use of the subject as though vacant and as improved.
 - a. Physically possible
 - b. Financially feasible
 - c. Legally permitted
 - d. Maximally Profitable
2. The appraiser is tasked with the responsibility of not only determining and stating, the highest and best use of the subject property but also the optimal development size of the tract which will maximize the return to the owner.
3. As mandated by 49 CFR 24.103(b), "*Influence of the project on just compensation*. The appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner."
4. The appraiser must take the determination of the larger parcel into account in the highest and best use analysis – see procedure statement APP-PRO 6.112-15
5. In the event that the highest and best use of the land as though vacant is determined to be different from that of the highest and best use of the total property as improved the following guideline apply:

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Subject: Appraisal Report - Highest and Best Use - Analysis	No: Revised: Page:	APP-PRO 6.112-14 04/01/15 1 of 2
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- a. The land will always be valued consistent with its highest and best use as though vacant and available for development at that use.
 - b. The improved property will be valued on a whole to whole basis, consistent with the highest and best use of the total property as improved.
 - c. The resulting difference between the land valuation as vacant, and the total property valuation as improved, will be the contributory value, if any, of the improvements.
 - d. The appraiser shall comply with the following Oklahoma Uniform Jury Instructions:

“The fair market value of a property should be determined according to the highest and best use for which it is suitable, regardless of what it may have been used for in the past or what future use [Owner] may have intended for it”
6. Often times a property may have various zones with differing highest and best uses. The appraiser must consider this in the analysis as well as in the valuation.
- a. When differing highest and best use zones are encountered the appraiser shall address each highest and best use individually, rather than considering a blended usage.

(1) The comparable sales selection and resulting valuation should reflect

(a) Above
7. In the event that the highest and best use changes as a result of the taking, that change must be evaluated by the appraiser to determine any resulting effect on value.
8. Any and all highest and best use conclusions must be adequately explained and supported within the appraisal report

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Highest and Best Use— The Larger Parcel	No: Revised: Page:	APP-PRO 6.112-15 04/01/15 1 of 2
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Applies to:

OP-APP 6-1 Appraisal
OP-APP 6-18 Front Land, Back Land, Value Zone Concepts

Essential to the field of eminent domain appraising is the concept of the larger parcel. The larger parcel may be the entire property being appraised, may only be a portion of the property, or may be several related parcels.

The concept of the larger parcel is often times critical to the appraiser's conclusion of highest and best use.

The larger parcel is that property being appraised and must satisfy of the following requirements:

1. Unity of ownership. In making the determination of "...the larger parcel, it is recommended that the appraiser begin an analysis of the unity of ownership test with the premise that, in making the larger parcel determination, it is allowable to consider all lands that are under the beneficial control of a single individual or entity, even though title is not identical in all areas of the tract(s). – *Uniform Appraisal Standards for Federal Land Acquisitions*. This is an issue which may require a legal determination.
2. Unity of use. The larger parcel must be of the same use or an integrated usage. "It is generally not the presence or absence of an actual unity of use that is considered: Rather the unity of highest and best use is the controlling factor." *J. D. Eaton – Real Estate Valuation in Litigation*
3. Contiguity. The larger parcel is often times physically contiguous with the acquisition area. However, exceptions are common, depending upon the nature of the operation being performed on the non-contiguous sites. "Whether a real estate ownership constitutes a single larger parcel as distinguished from separate parcels is best reflected by the unity of use and does not preclude a reasonable separation. Such a separation does, however, require study. The appraiser must be able to answer yes to the question " Is it probable that the separated tracts would sell as an integrated entity, even with the separation" *J. D. Eaton – Real Estate Valuation in Litigation*

Once the larger parcel has been determined that part and only that part of the tract is subject to compensable damages and/or special benefits.

"This determination of the larger parcel eliminates the application of the backland theory..."

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- *J. D. Eaton's – Real Estate Valuation in Litigation.*

Thus the appraiser must strictly focus on the valuation problem that best suits the larger parcel in the determination of just compensation - any additional valuation(s) that may be required to determine the total property value are only utilized to satisfy mortgage lending requirements.

“The ultimate determination of the larger parcel must be made by the appraiser” - *J. D. Eaton's – Real Estate Valuation in Litigation.*

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

Each Appraisal must contain:

1. Identification of the larger parcel
2. The analysis that led to the larger parcel conclusion must be reported

The highest and best use of the larger parcel may be different in the before and after condition in a partial acquisition.

The appraiser's decision regarding the larger parcel can have a profound effect on the opinion of highest and best use as well as the methodology used and the assignment results. This is one of the most critical areas of the appraisal assignment it is also one of the areas which cause a disproportionately higher number of problems in eminent domain appraisal assignments.

For additional information regarding the larger parcel concept please see *J. D. Eaton's – Real Estate Valuation in Litigation. 2nd addition, page 80.*

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Valuation - Approaches to Market Value	No: APP-PRO 6.112-16 Revised: 04/01/15 Page: 1 of 2
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Applies to:

OP-APP 6-1

Reference

49 CFR 24.103(a)(2)

In estimating the fair market value of a piece of property, the appraiser should, use all three basic approaches to value.

The type of property to be appraised will govern the approach or approaches that should be relied upon.

The only approach to value that ODOT insists be included in every appraisal report is the Sales Comparison Approach to Value. Other approaches to value that may and/ or should be utilized, depends largely upon the type of property being appraised.

Every consideration is to be given by the appraiser to be at the top of the supportable market in determining the final value opinions. See policy statement OP APP 6-6

The most weight being given to / or the necessity for, any one approach depends on many things, some of which are:

1. Market trends at the time of valuation.
2. The amount and quality of available data.
3. The highest and best use of the property.
4. The amount of physical deterioration, and functional and economic obsolescence.
5. Should the appraiser choose not to utilize any of the approaches to value, the appraiser must state the reasoning as to why the approach to value was omitted.

The appraiser should document or explain the reasoning for the valuation and value conclusion in the evaluation section of the report.

Role of Project Influence Under Oklahoma Statutes 27 OS 27-13 2011 Part 3 and 49 CFR 24.103(b)

1. The public is aware of the project and the level of sales activity is affected
2. The value of recent sales in the area sharply increases or decreases

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Subject: Appraisal Report - Valuation - Approaches to Market Value	No: Revised: Page:	APP-PRO 6.112-16 04/01/15 2 of 2
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3. The subject shall not be penalized for the blight caused by the project or gain from the windfall created by the enhancement of the project.

**PROCEDURE STATEMENT
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Subject:	No:	APP-PRO 6.112-17
Appraisal Report - Valuation -	Revised:	04/01/15
Sales Comparison Approach A.K.A. Market Data Approach	Page:	1 of 4

Applies to:

OP-GA 6-1 Appraisal

The sales comparison approach is essential in almost every appraisal of real property. It is the method best understood by the public, including property owners, courts and jury's, and is almost always required in court testimony. The sales comparison approach is required in all appraisals for ODOT right of way acquisitions.

The strength in this approach lies in the selection of sales. Whether dealing with vacant land or an improved property, the fundamental criteria for comparable sale selection are competitive market identification and similarity of highest and best use. The question must be asked, "Is this sale a reasonable competitive alternative to the subject property?"

The sales comparison approach consists of a comparison of the property being appraised with other similar properties which have sold recently.

Every consideration is to be given by the appraiser to be at the top of the supportable market in determining the final value opinions.

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

1. The three most comparable sales are identified and discussed, describing the characteristics to be compared.
 - a. Three (3) is only the suggested minimum number of comparable sales needed to arrive at a credible valuation of the subject property. The appraiser should utilize as many comparable sales as are necessary to best arrive at the subject value.
 - b. The proper utilization of comparable sales information or market data is one of the most important tools in the appraisal field. In order to use this information the appraiser must make every reasonable effort to verify the sales data. The appraiser must have complete knowledge of all the facets of the comparable property, and must then use skill to insure the interpretation and adjustment of the information is reasonable and can be logically supported.
2. The majority of the sales used in the valuation process shall be verified by one or more of the following:

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Sales Comparison Approach A.K.A. Market Data Approach	Page:	2 of 4

- a. Grantor
 - b. Grantee
 - c. Party involved in the transaction
 - d. Signed copy of the assessors verification letter
 - e. MLS sold sheet
3. Those sales that lack verification should fall within the value parameters set forth by those sales that are verified if they are to be considered in the valuation process

Seldom are two properties identical and adjustments must be made for any differences which would be considered by potential purchasers. In making these adjustments, the appraiser must consider:

1. Real Property Rights Conveyed
2. Financing Terms
3. Conditions of Sale
 - a. Motivation for sale
4. Expenditures Made Immediately After Purchase
5. Market Conditions
 - a. Date of Sale
6. Location
 - a. Proximity of the comparable sale to the subject is often times a critical factor in the determination of comparable sales
7. Physical Characteristics
 - a. Land
 - (1) Land area
 - (2) Shape

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Subject:	No:	APP-PRO 6.112-17
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Sales Comparison Approach A.K.A. Market Data Approach	Page:	3 of 4

- (3) Amount of frontage
- (4) Corner influence
- (5) Depth
- (6) Utilities available
- (7) Etc.
- b. Improvements
 - (1) Age
 - (2) Size
 - (3) Type
 - (4) Quality
 - (5) Condition
 - (6) Amenities
 - (7) Functional utility
 - (8) Etc.
- 8. Economic Characteristics
- 9. Use (Zoning)
 - a. The appraiser is advised to only consider comparable sales that have the same, similar, or potential highest and best use as that of the subject
- 10. Non- Realty Components of Value

Each appraisal should include:

- 1. Comparison Grid
 - a. The grid shall provide space for subject property description and three (3) or more sales. Although there is no limit on the number of sales that may be used, it is preferable that at least three good comparable sales be utilized. If additional sales are desirable, other grid sheets can be added.

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Sales Comparison Approach A.K.A. Market Data Approach	Page:	4 of 4

2. Detailed explanation of each sale and adjustments used in arriving at value
 - a. No undocumented or unexplained adjustments to the indicated unit values should be made.

Valuation method

3. Improved properties should always be valued on a whole to whole basis.
4. Land should always be valued to its highest and best use as though vacant.
5. The resulting difference between the value of the improved property, valued on a whole to whole basis and value of the land valued at its highest and best use as though vacant, results in the contributory value, if any, of the improvements.

Note:

In the event that there have been one or more sales of the subject property within 3 years of the effective date of the appraisal report the appraiser **MUST** analyze all subject sales in the development of the market value. (USPAP Standards Rule 1-5)

Failure to comply with this procedure statement will result in the rejection of the report.

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Subject: Appraisal Report - Valuation - Cost Approach	No: Revised: Page:	APP-PRO 6.112-18 04/01/15 1 of 1
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Applies to:

OP-APP 6-1 Appraisal

The cost approach is most appropriate to use where the improvements are newly constructed and the cost associated with that construction is available and reliable, or where the improvement is new enough as to not have accrued significant depreciation.

The cost approach is particularly effective in the valuation of improvements where little or no market data is available or where a cost to cure measure is appropriate. Procedures for using the cost approach are stated below:

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Staff/Fee Appraiser

1. Builders cost or local cost estimates are always the preferred source of cost data.
2. Where the actual builder's cost or a professional or local contractor's estimate is being used, the cost source must be identified and a copy of the estimate included in the addenda section of the report.
3. The use of Marshall & Swift Valuation Services is permissible. When citing Marshall & Swift, the relied on Sections, Type of Construction, Pages and Dates must be sited in the valuation section of the appraisal report.
4. Replacement vs. Reproduction - Unless there is an underlying reason why a functional equivalent, cannot be utilized, the replacement cost shall be utilized rather than the reproduction cost.
5. All forms of obsolescence must be taken into account.
6. All forms of depreciation must be considered and explained.
7. Analysis must be shown.
8. Should the appraiser choose not to utilize this approach to value, the appraiser must state the reasoning as to why the approach to value was omitted.

**PROCEDURE STATEMENT
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Subject: Appraisal Report - Valuation – Income Approach	No: Revised: Page:	APP-PRO 6.112-19 04/01/15 1 of 2
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The income approach to value is most appropriate when the main function of the subject property is to generate an income stream to the owners.

In using the income approach the appraiser is concerned with the present worth of the future potential benefits to the property. This is generally measured by the net income the property will produce during its remaining useful life, if unaffected by adverse neighborhood influences.

Developing or identifying the capitalization rate is one of the most important steps in the income capitalization approach. Caution should be used in selecting the appropriate capitalization rate a slight variation of only one half of one per cent can make a difference of many thousands of dollars in the capitalized value of the income.

After comparison with similar investments, this net income is capitalized into a value estimate.

It is essential that net income or rent be distinguished from business income or profit.

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

The income data to be gathered and reported is:

1. The majority of the data used in the valuation process shall be verified by one or more of the following:
 - a. Grantor
 - b. Grantee
 - c. Accounting officer
 - d. Property Manager
 - e. Party involved in the transaction
 - f. Signed copy of the assessors verification letter
 - g. MLS sold sheet
2. That data that lacks verification should fall within the parameters set forth by those that are verified if they are to be considered in the valuation process

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Subject: Appraisal Report - Valuation – Income Approach	No: Revised: Page:	APP-PRO 6.112-19 04/01/15 2 of 2
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3. Rent schedules and the percentage of occupancy, as well as vacancy and collection losses for the subject property, and for comparable properties for the current year, and for several years in the past. This information provides gross rental data and the trend in rentals and occupancy.
4. Expense data such as taxes, insurance, and operating costs being paid by the subject property owner and by comparable properties. The trend in these expenses is also necessary.
5. Estimate the remaining useful economic life of the building to establish the probable duration of its income.
6. Select the appropriate capitalization rate and the applicable technique and method for processing net income.
7. Should the appraiser choose not to utilize this approach to value, the appraiser must state the reasoning as to why the approach to value was omitted.

The income approach is another avenue by which the appraiser can estimate value. It has its greatest usefulness in the valuation of investor-owned income-producing property, such as apartments, motels, and commercial buildings, since the average investor in such property purchases it in order to receive future benefits (income).

**PROCEDURE STATEMENT
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Subject: Appraisal Report - Valuation - Reconciliation	No: Revised: Page:	APP-PRO 6.112-20 04/01/15 1 of 1
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Review Appraiser / Project Facilitator

Ensures compliance with this Procedure Statement

Appraiser

In the event that the appraiser utilizes more than one approach in the valuation of all or an individual part of the subject property, the values must be reconciled to arrive at a useful value conclusion.

Every consideration is to be given by the appraiser to be at the top of the supportable market in determining the final value opinions.

1. A brief discussion of the strengths and merits of each approach to value the property must be included in the appraisal report.
 - a. All things being equal, preference should always be given to the sales comparison approach to value.

**PROCEDURE STATEMENT
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Subject: Appraisal Report - Valuation - Total Property Value – Prior to the Acquisition	No: APP-PRO 6.112-21 Revised: 04/01/15 Page: 1 of 1
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Applies to:

OP-APP 6-1 Appraisal

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

At the completion of the before valuation of the subject property, the appraiser must state the compilation of all elements of property value, which arrives at a value conclusion for the total property prior to the acquisition.

** At no point shall the appraiser utilize an average value, weighted average value, mean or mode as part of the value conclusion

Often times the acquisition of land from a property owner may change or dictate the need for a total acquisition of a property, other times in the negotiation process ODOT personnel may consider the possibility of a total acquisition of a property as part of a settlement agreement. In either instance the necessity of having a total property value conclusion located within the appraisal report is critical.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Appraisal Report - Description of the Part to be Acquired	No: APP-PRO 6.112-22 Revised: 04/01/15 Page: 1 of 1
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Applies to:

OP-APP 6-1 Appraisal

Review Appraiser/ Project Facilitator

1. Ensures compliance with this Procedure Statement

Appraiser

2. Describes the part of the property to be acquired in sufficient detail so as to allow the reader to have a comprehensive list of the items being affected by the proposed taking. The elements of the taking shall include, but are not limited to, the following.
 - a. Size, Shape or Configuration of the taking
 - b. List all improvements to be acquired by the taking regardless of value
 - (1) Special attention should be given to the location and effect of the proposed acquisition on the following:
 - (a) Location of the sanitary sewer system – et al
 - (b) Location and type of water source
 - (c) Location of any underground improvements i.e. private utilities, watering systems etc.
 - c. A breakout of tenant owned property.
 - d. A breakout of personal property vs. real property.
3. In the event that there are multiple parcels or sub – parcels involved in the taking on a property, the appraiser is instructed to describe each parcel or sub – parcel as set forth in item 2 above

**PROCEDURE STATEMENT
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Subject: Appraisal Report - Description of the Remainder Property	No: Revised: Page:	APP-PRO 6.112-23 04/01/15 1 of 2
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Applies to:

OP-APP 6-1 Appraisal

Review Appraiser / Project Facilitator

Ensures Compliance with this Procedure Statement

Appraiser

1. Describe the remainder property in regards to any significant changes of the subject property which may impact the function, use, utility or value of the remainder.
 - a. Describe any significant changes in the physical attributes of the land after the proposed acquisition. The description shall include, but is not limited to, the following:
 - (1) Size
 - (2) Shape
 - (3) Access

Describe any significant changes in the Physical attributes of the improvements after the proposed acquisition.

 - (1) Setback Distances
 - b. Describe any significant changes in the economic characteristics of the subject property, after the proposed acquisition.
 - (1) Development Potential
 - (2) Income Producing Potential
 - c. Describe any significant changes in the legal aspects of the subject property, after the proposed acquisition.
 - (1) Legal Access
 - (2) Legal Requirements
 - d. State the highest and best use of the subject property after the proposed acquisition as well as the function, use and utility of the remainder tract.

**PROCEDURE STATEMENT
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Subject: Appraisal Report - Effects of the Proposed Acquisition	No: Revised: Page:	APP-PRO 6.112-24 04/01/15 1 of 3
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One of the most critical sections of the appraisal report is the segment devoted to the effects of the proposed acquisition.

In this segment the appraiser, describes in detail, what has occurred as a result of the proposed acquisition. The elements and source of compensation is outlined, and damages are discussed. i.e. What is being acquired, in what manner is compensation derived, any damages or specific benefits to the remainder discussed, etc.

It is imperative that the appraiser clearly and concisely detail what is affected by the proposed acquisition and in what manner, regardless of value.

Compensation for tenant owned improvements and items of personal property should be listed separately

The effects of the proposed acquisition are to be listed, itemized and evaluated. Below are common examples that are to be addressed as necessary.

1. Items to be Acquired
 - a. Land
 - b. Improvements
 - (1) When the proposed taking touches a residential improvement then that residential improvement should be considered as acquired.
 - (2) Special attention should be given the following:
 - (a) Sanitary sewer system – et al
 - (b) Water well – if any
2. Cost to Cure Damages – See procedure statement APP-PRO 6.112-40
 - a. Items to be relocated
 - b. Items to be replaced
 - c. Items to be re-configured
 - (1) If the proposed taking touches an improvement that is non-residential in nature a cost-to-cure for re-configuration of that improvement shall be considered, provided that said reconfiguration is less than 50% of the improvement value.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Effects of the Proposed Acquisition	No: Revised: Page:	APP-PRO 6.112-24 04/01/15 2 of 3
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(2) If the cost of re-configuration exceeds 50% of the improvement value –said improvement should be considered as acquired.

3. Permanent Damages to the Remainder
 - a. Easements
 - b. Loss of Property Rights
 - c. Loss of Functional Utility
 - d. Proximity Damages – See procedure statement APP-PRO 6.112-41
 - e. Severance Damages - See procedure statement APP-PRO 6.112-42

The appraiser must also take into consideration other items such as:

4. Possible Changes in Highest and Best Use - See Procedure Statement APP-PRO 6.112-14 & 15
 - a. As Vacant
 - b. As improved
5. Uneconomic Remnants – See procedure statement APP-PRO 6.112-43 & 49
 - a. Uneconomic Remnants often result in the acquisition of the total property – In the event that this occurs, regardless of the appraiser’s recommendation, the property shall be appraised as it was originally depicted – in most cases as a partial acquisition.
6. Potential Total Acquisitions – See procedure statement APP-PRO 6.112-43 & 49
 - a. If the aggregate of all elements of compensation exceed 50% of the entire before subject value, a total acquisition of the subject shall be considered.
 - b. If the remainder property is in violation of any legal requirements, and no variances will be permitted, the property shall be considered for a total acquisition.
 - c. Regardless of the appraiser’s recommendation the property should always be appraised as set forth in the original appraisal assignment – in most cases as a partial acquisition.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Effects of the Proposed Acquisition	No: Revised: Page:	APP-PRO 6.112-24 04/01/15 3 of 3
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7. Special attention should be given to the location and effect of the proposed acquisition on the following:
 - a. Proximity of the new right of way to the existing improvements
 - b. Sanitary sewer system – et al
 - c. Water well – if any
8. When Improvement(s) are damaged 50% or greater from any combination of sources: - see APP-PRO 6.112-43
 - a. Proceed with the valuation of the improvement in order to acquire it.
9. Legal requirements of the subject property impacted by the proposed acquisition.
 - a. Discuss the impact of any legal violations created due to the proposed acquisition.
 - b. Discuss the possibility of any legal variances which may be permitted.
10. Income producing potential impacted by the proposed acquisition
 - a. Discuss the impact of the proposed acquisition on the properties ability to produce income and what that affect might entail.
11. Potential impacts to the function, flow, and use of a property due to the Proposed R/W Acquisition.

Not all effects of the proposed acquisition result in a decrease in remainder property values.

In all instances where there is any real or remote possibility that the proposed acquisition may impact the use, value or function of the remainder property the appraiser shall discuss the particular element in question, and provide reasoning and or the determination of the effect of the acquisition upon the remainder.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report – Summary	No: Revised Page:	APP-PRO 6.112-25 04/01/15 1 of 3
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This segment of the appraisal report is dedicated to the summation of all effects of the taking and the associated compensation, if any.

This section is separated into parts. The first part is an overall summation of the property values, part taken, and damages. The second part is a detailed summary of all effects of the taking and the associated compensation, if any.

Review Appraiser / Project Facilitator

Ensure compliance with this procedure statement

Appraiser

The appraiser shall display the results of the value finding conclusion in a manner similar to that detailed below.

Summation – Before and After Value

1. The appraiser is to list the total before property value
2. Subtract the value of the part taken
3. Subtract the permanent damages to the remainder
4. Add the value of any specific benefits
5. The resulting calculation arrives at the after value.

Summation – Compensation due the Property Owner

1. Calculate the following:
 - a. Add line item 2 above (the value of the part taken)
 - b. Calculate the difference between (the permanent damages to the remainder) and (value of any specific benefits). If the damages exceed the benefits - that amount is then added to the value of the part taken. If the benefits exceed the damages then add \$0 to the value of the part taken
 - c. Add any temporary damages
 - d. Add any curative measures

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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- e. The resulting calculation arrives at the total compensation due the property owner.

Itemized summary of the total compensation due the property owner

1. The appraiser is to provide a detailed, itemized list of all land and improvements located in or effected by the proposed R/W acquisition.
 - a. Itemization shall be by parcel number
 - b. Compensation shall be detailed
 - (1) State what the item is
 - (2) State what is being done with the item i.e. acquired relocated, replaced , re-configured
 - (3) State the quantity
 - (4) State the unit price
 - (5) The value calculation shall be shown
 - (6) Items of personal property or tenant owned shall be separated
 - (7) All Items affected by the proposed acquisition shall be listed by specific type and quantity, regardless of compensation and the valuation shall be addressed.
 - (a) It is not sufficient to state that man made improvements are included in the land value
 - (8) State and list separately all improvements which are receiving compensation and are located outside of the right of way necessary to build the project

The following is an example format which meets the above criteria:

Summary of the Proposed Acquisition

Before Value: (As Determined by the Appraisal Report)	\$ _____
Value of the Part Taken: (As Part of the Whole)	+/- \$ _____
Permanent Damages/ Benefits to the Remainder:	+/- \$ _____
After Value: (Prior to Temporary Damages and Curative Measures) =	\$ _____
Plus Temporary Damages	+ \$ _____
Plus Curative Measures	+ \$ _____
Total Compensation due the Property Owner	\$ _____

Itemized Compensation

Parcel 1 – Fee Taking

Land to be acquired

XXX Acres @ \$Y, YYY / Acre= \$ _____

Improvements to be acquired

Gravel Drive Material
 X,XXX Sq. Ft. @ \$Y.YY / Sq. Ft. = \$ _____

5 Strand Barb Wire Cross fencing
 XXX lf. @ \$Y.YY / lf= \$ _____

Permanent Damages to the Remainder

Proximity Damages to Residence
 X,XXX Sq. Ft. @ \$Y.YY / Sq. Ft. X ZZ% = \$ _____

Cost to Cure Damages

Relocate Cattle Guard (Per Bid) \$ _____
Subtotal \$ _____

Parcel 1.1 – Perpetual Utility Easement

Easements to be acquired

Perpetual Utility Easement
 X,XXX Sq. Ft. @ \$Y.YY/ Sq. Ft. = \$ _____

Cost to Cure Damages

Reconfigure Corrals (Per Bid) \$ _____
 Replace 5 strand Barb Wire Cross fencing
 XX lf @ Y.YY/ lf = \$ _____
Subtotal \$ _____

Parcel 1.2 – Temporary Construction Easement

Easements to be acquired

Temporary Construction Easement
 X, XXX Sq. Ft. @ \$Y.YY/ Sq. Ft. = \$ _____
Subtotal \$ _____

Total Compensation Due Property Owner \$ _____
Rounded to \$ _____

Tenant Owned Personal Property

Items to be acquired

Outdoor advertising Sign (Per Estimate) \$ _____

Total Compensation due the Tenant \$ _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Addendum	No: Revised: Page:	APP-PRO 6.112-26 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

Purpose:

The addendum / addenda of the appraisal report is a supplemental section in which supporting data to the report is located.

Review Appraiser / Project Facilitator

Ensures Compliance with this procedure statement

Appraiser

The following is a list of items to be found within the addenda section of the appraisal report.

1. Signed Certification (APP-PRO 6.112-27)
2. Photos of the subject property (Required) (APP-PRO 6.112-47)
3. Site plan of the subject property (Required) (APP-PRO 6.112-48)
4. Floor Plan of any improvements affected by the proposed R/W Taking(Required)
 - a. Floor plans may be located after the “Description of the Subject Before the Acquisition” or in the “Addenda” section of the appraisal report
5. Plot Plan of the subject property – Provided by ODOT (Required)
6. Pertinent Cost Estimates (Required) (APP-PRO 6.112-38)
7. FEMA Flood Map depicting the subject – If available (Required)
8. Disclaimer of Property Right(s) Interest– (Required) (APP-PRO 6.112-36)
 - a. If tenant owned improvements are located in or affected by the taking
 - b. If outdoor adverting Sign(s) are affected by the taking
9. Advertising Sign Disposition Form - If outdoor adverting Sign(s) are affected by the taking (Required) (APP-PRO 6.112-44)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report - Addendum	No: Revised: Page:	APP-PRO 6.112-26 04/01/15 2 of 2
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10. Copy of the Notice of Interest and all written responses or returned documentation from the property owner (Required) (APP-PRO 6.112-7)
11. Copy of all Deeds and/or Easements – Provided by ODOT, or otherwise found by the appraiser(Required)
12. Copy of the Delineation of Title – Provided by ODOT(Required)
13. Verification of Underground Storage Tanks – If affected by the taking (Required)(Attached)
14. Completed Improvement Survey Questionnaire (Required)(Attached)
15. Any other documents deemed pertinent by the appraiser

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report – Certificate of Appraiser	No: Revised: Page:	APP-PRO 6.112 -27 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

Each written real property appraisal report must contain a signed certification that is similar in content to the following form:

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or the specified) personal interest with respect to the parties involved.
- I have performed no (or the specified) services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Policies and Procedures as set forth by the Oklahoma Department of Transportation* and to the greatest extent possible the *Uniform Standards of Professional Appraisal Practice*.
- I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)
- No one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)

Date of Signing

Appraisers Signature

State Credential Number

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report – Certificate of Appraiser	No: APP-PRO 6.112 -27 Revised: 04/01/15 Page: 2 of 2
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ODOT Compliance Certification

I hereby certify:

That I have personally inspected the property herein appraised and that I have also made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed therein are based is correct, subject to the limiting conditions therein set forth.

That I understand that such appraisal is to be used in connection with the acquisition of right-of-way for a highway to be constructed by the State of Oklahoma with the assistance of federal-aid highway funds, or other federal funds. That such appraisal has been made in conformity with the appropriate state laws, regulations, policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of said State.

That neither my employment nor my compensation for making this appraisal and report are in any way contingent upon the values reported herein.

That I have no direct or indirect, present or contemplated future personal interest in such property, or in any way benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the Oklahoma Department of Transportation or officials of the Federal Highway Administration and I will not do so until due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That I have contacted the owner or his agent, or have made every reasonable effort to contact the owner or his agent, to give them the opportunity to accompany me on my inspection of the property.

That I have disregarded any increase or decrease in value prior to the date of valuation caused by this project, other than that due to physical deterioration with the reasonable control of the owners.

That my independent opinion of the fair market value of the part taken in relation to the whole property, taking into consideration damages and/or benefits, if any, to the remainder in accordance with Article 2, Section 24 of the Oklahoma Constitution, as of the _____ day of _____ 20__, is \$ _____ and that the conclusion was reached without collaboration as to value.

Date of Signature

Appraisers Name
Title
Certification Number

Project #
Parcel #

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Report -
Recommended Appraisal Format

No: APP-PRO 6.112-28
Revised: 04/01/15
Page: 1 of 15

Applies to:

OP-APP 6-1

The following is a recommended appraisal format.

While it is not possible to address every situation the vast majority of the time the following format will be sufficient.

The table of contents provides a recommended sequence of order.

While this format is recommended it is not mandated. The important thing for the appraiser to keep in mind when developing a format of their own is that the report must flow smoothly from one section to the next segment.

**SUMMARY
APPRAISAL REPORT**

**For
Oklahoma Department of Transportation**

PROJECT NO: _____ PARCEL NO: _____ COUNTY: _____

PROPERTY OWNER: _____

PROPERTY OWNERS ADDRESS: _____

PROPERTY OWNERS PHONE NO(S): _____

STATE EMPLOYEE OR ELECTED OFFICIAL: _____ IF YES WHERE: _____

TENANT: _____

TENANT ADDRESS: _____

TENANT PHONE NO(S): _____

SUBJECT PROPERTY ADDRESS: _____

LEGAL DESCRIPTION: _____

LOCATION OF PROPERTY: _____

TENANT COMPENSATION INCLUDED IN REPORT: YES NO

DISCLAIMER: N/A ATTACHED: OWNER REFUSED:

PERSONAL PROPERTY INCLUDED IN COMPENSATION: YES NO

ZONING: _____ PRESENT USE: _____

HIGHEST AND BEST USE: _____

RIGHTS APPRAISED: Fee less oil, gas, or other minerals, easements, and rights-of-way of record, surface rights only.

THE INTENDED USE OF THE APPRAISAL: To be used by ODOT for the possible sale of the subject property rights.

DATE OF VALUATION: _____. Based on available information, but not limited to that set forth in this report, the compensation as detailed in the report is \$ _____.

Summary of Compensation

Date of Signature

Appraisers Signature Block
Ok. Cert. License Number

(Optional)
Table of Contents

Cover Page (Required).....

Table of Contents (Optional).....

Delineation of Title (Required).....

Owner Contact (Required).....

Contingent and Limiting Conditions.....

Scope of Work Statement (Required).....

Area & Neighborhood Data (Required – May be in Master Addenda).....

Description of the Subject Prior to the Proposed Acquisition (Required).

Highest and Best Use Analysis (Required).....

Valuation Process (Required).....

Sales Comparison Approach to Value (Required).....

Cost Approach to Value (*If applicable*).....

Income Approach to Value (*If applicable*).....

Reconciliation of Value.....

Total Property Value.....

Description of the Part to be Acquired (Required).....

Description of the Remainder Property (Required).....

Effects of the Proposed Acquisition (Required).....

Typical Setbacks (*If applicable*).....

Cost to Cure Damages (*If applicable*).....

Proximity Damages (*If applicable*).....

Severance Damages (*If applicable*).....

Summary (Required).....

Addendum (Required).....

OWNER CONTACT

Was the property owner offered the opportunity to accompany appraiser on property inspection?

Yes: No:

Did the property owner accompany the appraiser during the property inspection?

Yes: No:

Did a Relocation Agent accompany appraiser on property inspection?

Yes: No:

If not explain why?

OWNERS COMMENTS REGARDING THE PROPOSED PROPERTY ACQUISITION: *This section of the appraisal report is crucial to the acquisition process. Please be as detailed and thorough as possible regarding any and all of the property owner's concerns. This allows the acquisition agent the opportunity to address the property owner's questions, concerns, or issues about the acquisition before the initial contact. **It cannot be stressed enough how important this segment of the appraisal report is to the acquisition process.***

APPRAISERS COMMENTS, REGARDING THE OWNER CONTACT: *this is the section of the report which enables the appraiser to pass along any comments, or perceptions about the contact with the property owner and address some of the property owner's concerns. **It cannot be stressed enough how important this segment of the appraisal report is to the acquisition process.***

SCOPE OF WORK STATEMENT

1. Define the Appraisal Problem – State the complexity of the appraisal problem and the steps necessary to address them
2. State the client – The hiring authority and / or The Oklahoma Department of Transportation.
3. State the intended user - The Oklahoma Department of Transportation, its Agents, Representative's, Successors and Assign's.
4. Intended Use- For the purpose of determining the Fair Market Value of the subject property. More specifically “the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken.”- Title 27 Oklahoma State Statutes
5. Type of Value - Fair Market Value
6. Fair Market Value Defined (For Purposes of ODOT Appraisal Reports) –

“The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

 - Buyer and seller are typically motivated;
 - Both parties are well informed or well advised, and acting in what they consider their best interests;
 - A reasonable time is allowed for exposure in the open market;
 - Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
 - The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.” Source: 2012-13 USPAP, Valuation in Litigation 2nd edition
 - The fair market value of a property should be determined according to the highest and best use for which it is suitable, regardless of what it may have been used for in the past or what future use [Owner] may have intended for it – Oklahoma Uniform Jury Instructions
7. Define the Property Interest being Appraised –
 - a. Typically - Fee simple less oil, gas and other minerals, easements, and rights of way of record
 - b. Perpetual easements of a specific nature
 - c. Temporary easements of a specific nature
8. State the Effective Date of the Appraisal.

AREA AND NIEGHBORHOOD DATA

Define the boundaries of the neighborhood (it's geographic or economic land use pattern).

Describe the various land use types along the project and the surrounding neighborhood.

Describe applicable economic factors effecting the project and neighborhood.

Describe in detail any trending factors effecting values in the area.

Provides information regarding availability of public utilities within the market area.

Detail any State, City or County zoning regulations affecting the project area.

Summarize any municipal zoning regulations within the "area data" section of the Master Addenda.

State property specific regulations within the individual appraisal report of the property affected.

Provide an analysis of typical set-backs within the project and neighborhood, if applicable.

Land

- a. Location
- b. Size
- c. Shape
- d. Topography
- e. Access
 - (1) Physical Access
 - (2) Legal Access
- f. Flood zone
- g. Current zoning
 - (1) Probability of Zoning Change – if appropriate
- h. Surrounding land uses
- i. Present land use
- j. Highest and Best Use
 - (1) As Vacant
 - (2) As improved
- k. Utilities available

Improvements

- l. Type
- m. Type of Construction
- n. Quality of Construction
- o. Size
- p. Age
- q. Condition
- r. Attributes / Characteristic's
- s. Amenities
- t. Setbacks

Site Improvements

- u. Type
- v. Condition

Tenant Owned Improvements

- w. Shall be listed separately
- x. Shall be subject to the same description guidelines stated above

Personal Property

- y. Shall be listed separately
- z. Shall adequately described

HIGHEST AND BEST USE ANALYSIS

1. Apply and adequately analyze the four recognized tests for determining the highest and best use of the subject as though vacant and as improved. Is it...
 - a. Physically possible
 - b. Financially feasible
 - c. Legally permitted
 - d. Maximally profitable
2. As mandated by 49 CFR 24.103(b), project influence will be identified and discounted from determining highest and best use. Project influence is any enhancement or diminution of value attributed to the subject caused by knowledge of the project.
3. The appraiser must take the determination of the larger parcel into account in the highest and best use
4. In the event that the highest and best use of the land as though vacant is determined to be different from that of the highest and best use of the total property as improved.
 - a. The land will always be valued consistent with its highest and best use as though vacant and available for development at that use
 - b. The improved property will be valued on a whole to whole basis, consistent with the highest and best use of the total property as improved
 - c. The resulting difference between the land valuation as vacant, and the total property valuation as improved, will be the contributory value, if any, of the improvements
5. Often times a property may have various zones with differing highest and best use. The appraiser must consider this in the analysis as well as the valuation
6. In the event that the highest and best use changes as a result of the taking, that change must be evaluated by the appraiser to determine any resulting effect on value

Valuation Process

1. State any Extraordinary Assumptions –
 - a. Assumes no contamination
 - b. Discounts any project influence
2. State any Hypothetical Conditions

3. A Description of the Research Process for:
 - a. Highest and Best Use Analyzes
 - b. Market Approach to Value
 - (1) Comparable Sales Verification
 - c. Cost Approach to Value – If relevant
 - d. Income Approach to Value – if relevant

The appraiser must consider:

1. Real Property Rights Conveyed
2. Financing Terms
3. Conditions of Sale
 - a. Motivation for sale
4. Expenditures Made Immediately After Purchase
5. Market Conditions
 - a. Date of sale
6. Location
 - a. Proximity of the comparable sale to the subject is often times a critical factor in the determination of comparable sales
7. Physical Characteristics
 - a. Land (Typically Valued Separately)
 - (1) Land area
 - (2) Shape
 - (3) Amount of frontage
 - (4) Corner influence
 - (5) Depth
 - (6) Utilities available
 - (7) Etc.
 - b. Improvements (Typically Valued Separately)
 - (1) Age
 - (2) Size
 - (3) Type
 - (4) Quality

- (5) Condition
- (6) Amenities
- (7) Functional utility
- (8) Etc.

8. Economic Characteristics

9. Use (Zoning)

- a. The appraiser is advised to only consider comparable sales that have the same, similar, or potential highest and best use as that of the subject

10. Non-Realty Components of Value

Each appraisal should include:

1. Comparison Grid

- a. The grid shall provide space for subject property description and three (3) or more sales. Although there is no limit on the number of sales that may be used, it is preferable that at least three good comparable sales be used. If additional sales are desirable, other grid sheets can be added

2. Detailed explanation of each sale and adjustments used in arriving at value.

- a. No undocumented adjustments to the indicated unit values should be made

Valuation method

- 3. Improved properties should always be valued on a whole to whole basis
- 4. Land should always be valued to its highest and best use as though vacant
- 5. The difference between the value of the improved property, valued on a whole to whole basis and the land valued at its highest and best use as though vacant, results in the contributory value of the improvements

Total Property Value

At the completion of the before valuation of the subject property, the appraiser must state the compilation of all elements of property value, which arrives at a value conclusion for the total property prior to the acquisition.

Description of the Part to be acquired

1. Describes the part of the property to be acquired in sufficient detail so as to allow the reader to have a comprehensive list of the items being affected by the proposed taking. The elements of the taking shall include, but are not limited to, the following.
 - a. Size, Shape or Configuration of the taking
 - b. List all improvements to be acquired or effected by the taking regardless of value.
 - (1) Special attention should be given to the location and effect of the proposed acquisition on the following:
 - (a) Proximity of the new right of way to the existing improvements
 - (b) Sanitary sewer system – et al
 - (c) Water well – if any
 - c. A breakout of tenant owned property, if necessary.
 - d. A breakout of personal property vs. real property, if necessary

Description of the Remainder Property

1. Describe the changes in the physical attributes of the land after the proposed acquisition. The description shall include, but is not limited to, the following:
 - a. Size
 - b. Shape
 - c. Access
 - (1) Physical Access
 - (2) Legal Access
2. Describe any changes in the physical attributes of the improvements after the proposed acquisition. The description should take into account , but is not limited to, the following:
 - a. Parking issues
 - b. Building Setbacks
 - c. Turning radiuses
3. State any changes in the economic characteristics of the subject property, after the proposed acquisition.
 - a. Highest and Best Use

4. State any changes in the legal aspects of the subject property, after the proposed acquisition.
 - a. Discuss the impacts of any governmental regulations upon the remainder property. Particular attention should be paid to:
 - (1) The effects of zoning regulations
 - (a) Minimum building setbacks
 - (b) Minimum lot sizes
 - (c) Parking requirements
 - (d) Landscape requirements
5. State any changes in the subject's ability to generate income, and the effects of the potential loss of income producing ability.

The effects of the proposed acquisition are to be listed, itemized and evaluated. Below are common examples that are to be addressed as necessary.

1. Items to be Acquired

- a. Land
- b. Improvements

- (1) When the proposed taking touches a residential improvement then that residential improvement should be considered as acquired.
- (2) Special attention should be given the following:
 - (a) Sanitary sewer system – et al
 - (b) Water well – if any

2. Cost to Cure Damages

- a. Items to be relocated
- b. Items to be replaced
- c. Items to be re-configured

- (1) If the proposed taking touches an improvement that is non-residential in nature a cost-to-cure for re-configuration of that improvement shall be considered provided that said reconfiguration is less than 50% of the improvement value.
- (2) If the cost of re-configuration exceeds 50% of the improvement value –said improvement should be considered as acquired.
- (3) Special attention should be given to the location and effect of the proposed acquisition on the following:

- (a) Proximity of the new right of way to the existing improvements
- (b) Sanitary sewer system – et al
- (c) Water well – if any

3. Permanent Damages to the Remainder

- a. Easements
- b. Loss of Functional Utility
- c. Proximity Damages Severance Damages

The appraiser must also take into consideration other items such as:

4. Possible Changes in Highest and Best Use

- a. As Vacant
- b. As improved

5. Uneconomic Remnants

- a. Uneconomic Remnants often result in the acquisition of the total property – In the event that this occurs, regardless of the appraisers recommendation, the property shall be appraised as it was originally depicted. – Typically as a partial acquisition.

6. Potential Total Acquisitions

- a. If the aggregate of all elements of compensation exceed 50% of the entire before subject value, a total acquisition of the subject shall be considered.
- b. If the remainder property is in violation of any legal requirements, and no variances will be permitted, the property shall be considered for a total taking
- c. Regardless of the appraisers recommendation the property shall always be appraised as set forth in the original appraisal assignment.

7. Improvement(s) damaged 50% or greater from any combination of sources:

- a. Proceed with the valuation of the improvement in order to acquire it.

8. Legal requirements of the subject property impacted by the proposed acquisition.

- a. Discuss the impact of any legal violations created due to the proposed acquisition.
- b. Discuss the possibility of any legal variances which may be permitted.

9. Income producing potential impacted by the proposed acquisition

- a. Discuss the impact of the proposed acquisition on the properties ability to produce income and what that affect might entail.

Not all effects of the proposed acquisition result in a decrease in remainder property values.

Summary of the Proposed Acquisition

Before Value: (As Determined by the Appraisal Report)	\$ _____
Value of the Part Taken: (As Part of the Whole)	+/- \$ _____
Permanent Damages/ Benefits to the Remainder:	+/- \$ _____
After Value: (Prior to Temporary Damages and Curative Measures) =	\$ _____
Plus Temporary Damages	+ \$ _____
Plus Curative Measures	+ \$ _____
Total Compensation due the Property Owner	\$ _____

Itemized Compensation

Parcel 1 – Fee Taking

Land to be Acquired

XXX Acres @ \$Y, YYY / Acre= \$ _____

Improvements to be Acquired

Gravel Drive Material
X,XXX Sq. Ft. @ \$Y.YY / Sq. Ft. = \$ _____

5 Strand Barb Wire Cross fencing
XXX lf. @ \$Y.YY / lf= \$ _____

Permanent Damages to the Remainder

Proximity Damages to Residence
X,XXX Sq. Ft. @ \$Y.YY / Sq. Ft. X ZZ% = \$ _____

Cost to Cure Damages

Relocate Cattle Guard (Per Bid) \$ _____
Subtotal \$ _____

Parcel 1.1 – Perpetual Utility Easement

Easements to be Acquired

Perpetual Utility Easement
X,XXX Sq. Ft. @ \$Y.YY/ Sq. Ft. = \$ _____

Cost to Cure Damages

Reconfigure Corrals (Per Bid) \$ _____
Replace 5 strand Barb Wire Cross fencing
XX lf @ Y.YY/ lf = \$ _____
Subtotal \$ _____

Parcel 1.2 – Temporary Construction Easement

Easements to be Acquired

Temporary Construction Easement
X, XXX Sq. Ft. @ \$Y.YY/ Sq. Ft. = \$ _____
Subtotal \$ _____

Total Compensation Due Property Owner \$ _____

Tenant Owned Personal Property

Items to be Acquired

Outdoor advertising Sign (Per Estimate) \$ _____
Total Compensation due the Tenant \$ _____

Addendum

The following is a list of items to be found within the addenda section of the appraisal report.

1. Signed Certification
2. Photos of the subject property (Required)
3. Site plan of the subject property (Required)
4. Floor Plan of any improvements affected by the proposed R/W Taking (Required)
5. Plot Plan of the subject property – Provided by ODOT (Required)
6. Pertinent Cost Estimates (Required)
7. FEMA Flood Map depicting the subject – If available (Required)
8. Disclaimer of Real Property – If tenant owned improvements are located in or affected by the taking (Required)
9. Verification of Underground Storage Tanks – In affected by the taking (Required)
10. Disclaimer of Signage – If outdoor adverting Sign(s) are affected by the taking (Required)
11. Advertising Sign Disposition Form - If outdoor adverting Sign(s) are affected by the taking (Required)
12. Any other documents deemed pertinent by the appraiser
13. Copy of the Notice of Interest and all written responses from the property owner (Required)
14. Copy of all Deeds and/or Easements – Provided by ODOT(Required)
15. Copy of the Delineation of Title – Provided by ODOT(Required)
16. Completed Improvement Survey Questionnaire (Required)
17. Completed Identification of Real / Personal Property (Required)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Master Addenda	No: Revised: Page:	APP-PRO 6.112-29 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

Often projects consist of large numbers of properties to be appraised. Given the number of similar properties to be appraised which would require a great deal of the same information it is common practice in eminent domain appraising that the appraiser employ the use of a Master Addenda a.k.a. Data Book.

The use of a Master Addenda can greatly reduce the amount of duplication of content within the appraisal report.

Should the appraiser decide to employ the use of master addenda instead of adding the data to each report. It is to be done with the understanding that the appraisal report is only complete when the information set forth in the master addenda is applied. In other words the appraisal report does not stand alone. Rather the appraisal report and the master addenda are linked in order to comprise a complete report.

Items that are specific to the appraisal report shall only be located within that particular appraisal report. At no time will information regarding damage studies be included within the master addenda. Rather they will be included as they apply within the individual appraisal report.

Appraiser

When an appraiser(s) decides to utilize a master addendum in order to reduce duplication of work, the following is a list of components often considered for inclusion in the master addenda.

1. APP-PRO 6.112-11 Appraisal Report - Area Neighborhood Data
2. APP-PRO 6.112-38 General - Cost Estimates
3. APP-PRO 6.112-35 General – Zoning Regulations
4. APP-PRO 6.112-31 Comparable Sales – Information
5. APP-PRO 6.112-33 Comparable Sales - Spread Sheet
6. APP-PRO 6.112-34 Comparable Sales - Location Map(s)
7. APP-PRO 6.112-39 General – Typical Setbacks

Other information relevant to the project may also be included within the master addenda. It is important to note that only information pertinent to the project in general need be included. All information specific to a parcel should be included within that parcels appraisal report.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Master Addenda	No: Revised: Page:	APP-PRO 6.112-29 04/01/15 2 of 2
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The minimum acceptable amount of sales verification is: The majority of the comparable sales should be verified, and those that lack verification should fall within the value parameters set forth by those sales that are verified if they are to be considered in the valuation process.

Review Appraiser

Responsible for review and recommendation of acceptance of the master addenda and the information set forth within it.

Project Facilitator

Responsible for acceptance of / and for ensuring that ODOT receives a copy of the master addenda for file.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Master Addenda - Cover Sheet	No: Revised: Page:	APP-PRO 6.112-30 04/01/15 1 of 2
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Review Appraiser / Project Facilitator

1. Ensures that this procedure is adhered to.

Appraiser

2. All Master Addendum's shall contain the following information on the Cover Sheet or Title Page:
 - a. State Job/Piece Number (the 5 digit J/P number plus a parenthesis number)
 - b. State, Federal or Interstate Highway Number
 - c. County or Counties of project location
 - d. A brief description of project and location , i.e. Bridge Replacement, SH-A bridge over B Creek
 - e. Location map of the project area
 - f. The names of the appraiser(s) compiling the addenda data
 - g. The date of the addenda

Note: On the following page is an example of what is expected.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Master Addenda - Cover Sheet

No: APP-PRO 6.112-30
Revised: 04/01/15
Page: 2 of 2



MASTER ADDENDUM

J/P 06374(59)

Interstate Highway 44
Tulsa County

I-44 Widening and Realignment,
Riverside Drive to Peoria Ave,
Tulsa Oklahoma



PREPARED BY:

John Doe

OREAB #00001CGA

200 NE 21st Street

Oklahoma City, Oklahoma 73105

(405)521-2665

COMPLETED IN

November 2012

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Comparable Sales - Information	No: Revised: Page:	APP-PRO 6.112-31 04/01/15 1 of 5
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Information pertinent to the comparable sales is typically located in one of two places.

1. The Master Addenda
2. The Individual Appraisal Report

The location of this information depends on whether or not a Master Addenda is utilized for the project.

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

1. Each comparable sale will have a comparable sale data sheet filled out which will include at a minimum the following information:
 - a. Date of sale
 - b. Buyer and seller
 - c. Recorded Book and Page from the County Recorder
 - d. Documentary Stamps
 - e. 911 Property address and / or legal description
 - f. Source of verification
 - g. Land description
 - (1) Location
 - (2) Land size
 - (3) Shape
 - (4) Access – both legal and physical
 - (5) Topography
 - (6) Present use
 - (7) Highest and best use
 - (8) Surrounding uses
 - (9) Intended use
 - (10) Zoning regulations
 - (11) Flood zone data
 - (12) Utilities available

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Comparable Sales - Information

No: APP-PRO 6.112-31
Revised: 04/01/15
Page: 2 of 5

h. Improvement description

- (1) Type
- (2) Size
- (3) Type of construction
- (4) Quality of construction
- (5) Condition
- (6) Year built
- (7) Amenities
- (8) Value adding fixtures
- (9) Set-back from roadway – R/W
- (10) Present use
- (11) Intended use

- i. Sales price and unit values for land and / or improvements and combined.
- j. State the financial terms or conditions that could affect the true cash equivalent sales price. (Note – only use the phrase “cash to seller” in those instances when it truly is a cash sale.) All transactions with seller financing must list the financing terms.
- k. Photo of sale – that best depicts the comparable sale.
- l. Attached recorded deed of the sale, including the legal description.

The following represent examples of comparable sales sheet formats

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Comparable Sales - Information

No: APP-PRO 6.112-31
Revised: 04/01/15
Page: 3 of 5

**MASTER COMPARABLE
(LAND)**

GRANTOR:	<hr/>	DATE:	<hr/>
GRANTEE:	<hr/>	VERIFIED BY:	<hr/>
INSTRUMENT:	R.S. <hr/>	ZONING:	<hr/>
BOOK:	PAGE: <hr/>	PRESENT USE:	<hr/>
CONSIDERATION:	<hr/>	INTENDED USE:	<hr/>
SURROUNDING USE	<hr/>	HIGHEST AND BEST USE:	<hr/>
LOCATION:	<hr/>		
LEGAL DESCRIPTION:	<hr/>		

LAND DESCRIPTION:

SIZE:	<hr/>	STREET:	<hr/>	TOPOGRAPHY:	<hr/>	
SHAPE:	<hr/>	UTILITIES:	<hr/>	FLOOD ZONE:	<hr/>	
LOCATION:	<hr/>	PARKING:	<hr/>	DRAINAGE:	<hr/>	
ACCESS:	<hr/>	FRONTAGE:	<hr/>	OTHER:	<hr/>	
IMPROVEMENTS:	<hr/>					
MATHEMATICAL ANALYSIS BY:	<hr/>				DATE:	<hr/>
LAND: (Rounded)	<hr/>	@	<hr/>	=	<hr/>	
IMPROVEMENTS:	<hr/>	@	<hr/>	=	<hr/>	
OTHER:	<hr/>	@	<hr/>	=	<hr/>	
TOTAL LAND:	<hr/>					
TERMS AND CONDITIONS OF SALE:	<hr/>					
APPRAISER COMMENTS:	<hr/>					
	<hr/>					

Photo of Comparable Sale

COMPARABLE SALE #

J/P #

COUNTY

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Comparable Sales - Information

No: APP-PRO 6.112-31
Revised: 04/01/15
Page: 4 of 5

MASTER COMPARABLE
(COMMERCIAL AND INDUSTRIAL)

GRANTOR: _____ ZONING: _____
 GRANTEE: _____ PRESENT USE: _____
 INSTRUMENT: _____ R.S. _____ HIGHEST AND BEST USE: _____
 BOOK: _____ PAGE: _____ DATE: _____
 CONSIDERATION: _____ VERIFIED BY: _____
 LOCATION: _____
 LEGAL DESCRIPTION: _____

TERMS AND CONDITIONS OF SALE: _____

LAND DESCRIPTION:

SIZE: _____	STREET: _____	TOPOGRAPHY: _____
SHAPE: _____	UTILITIES: _____	FLOOD ZONE: _____
LOCATION: _____	PARKING: _____	DRAINAGE: _____
ACCESS: _____	FRONTAGE: _____	OTHER: _____

IMPROVEMENTS DESCRIPTION:

TYPE: _____	CONSTRUCTION: _____	NO. OF BUILDINGS: _____
SIZE: _____	FLOORS: _____	O/H DOORS: _____
YEAR BUILT: _____	HEATING: _____	COOLING: _____
CONDITION: _____	QUALITY: _____	BUILDING DESIGN: _____
EXTERIOR: _____	RESTROOMS: _____	L/B RATIO: _____
STORIES: _____	LANDSCAPING: _____	NET LEASE AREA: _____
ROOF: _____	NEEDED REPAIRS: _____	AMENITIES: _____
FOUNDATION: _____	% OFFICE: _____	ATYPICAL FEATURES: _____

OTHER: _____

MATHEMATICAL ANALYSIS BY: _____ DATE: _____

LAND: (Rounded)	_____ @ _____	=	_____
IMPROVEMENTS:	_____ @ _____	=	_____
_OTHER:	_____ @ _____	=	_____

TOTAL LAND AND IMPROVEMENTS: _____

APPRAISER COMMENTS: _____

Photo of Subject

COMPARABLE SALE # _____
 J/P: _____
 COUNTY: _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Comparable Sales - Information

No: APP-PRO 6.112-31
Revised: 04/01/15
Page: 5 of 5

MASTER COMPARABLE

(RESIDENTIAL)

GRANTOR: _____ ZONING: _____

GRANTEE: _____ PRESENT USE: _____

INSTRUMENT: _____ R.S. _____ HIGHEST AND BEST USE: _____

BOOK: _____ PAGE: _____ DATE: _____

CONSIDERATION: _____ VERIFIED BY: _____

LOCATION: _____

LEGAL DESCRIPTION: _____

LAND DESCRIPTION: _____

SIZE: _____ NO. OF ROOMS: _____ NO. OF STORIES: _____

YEAR BUILT: _____ BEDROOMS: _____ BATHROOMS: _____

COND/QUAL: _____ HEATING: _____ COOLING: _____

EXTERIOR: _____ FOUNDATION: _____ GARAGE: _____

ROOF TYPE: _____ ROOF COVER: _____ PORCHES/PATIOS: _____

AMMENITIES: _____ OUTBUILDINGS: _____ SETBACK: _____

MATHEMATICAL ANALYSIS BY: _____ DATE: _____

LAND: (Rounded) _____ @ _____ = _____

IMPROVEMENTS: _____ @ _____ = _____

OTHER: _____ @ _____ = _____

TOTAL LAND AND IMPROVEMENTS: _____

TERMS AND CONDITIONS OF SALE: _____

APPRAISER COMMENTS: _____

Attach Photo Here

COMPARABLE SALE # _____

J/P # _____

COUNTY _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Comparable Sales - Verification	No: Revised: Page:	APP-PRO 6.112-32 04/01/15 1 of 2
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Reference:

49CFR24.103(a)(2)(iii) which requires the following:

“A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and a verification by a party involved in the transaction”

Uniform Act FAQ.

Is the requirement to verify property Sales information by a party involved in the transaction limited to the grantor or grantee?

“Sales verification is an essential part of the research underlying the data used to support an appraisal and the degree of inquiry should be commensurate with the scope of work of the appraisal assignment. Verification can be with any party involved in the transaction that has sufficient knowledge of the specific components of the sale to provide insight into the considerations and motivations that lead to the agreed upon sale price at the date of sale.

ODOT recognizes that sometimes it is not feasible or even possible to verify all of the sales submitted, the appraiser must attempt to verify all of the sales.

Review Appraiser / Project Facilitator

1. Ensures compliance with this procedure statement.

Appraiser

2. The majority of the sales used in both the Master Addenda and the Appraisal Report shall be verified by one or more of the following:
 - a. Grantor
 - b. Grantee
 - c. Party involved in the transaction
 - d. Signed copy of the assessors verification letter
 - e. MLS sold sheet
3. Those sales that lack verification must fall within the value parameters set forth by those sales that are verified if they are to be considered in the valuation process.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Comparable Sales - Verification	No: Revised: Page:	APP-PRO 6.112-32 04/01/15 2 of 2
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4. Elements of each sale to be verified:
 - a. Sales price
 - b. Real property rights conveyed
 - c. Highest and best use
 - d. Financing terms
 - e. Motivations of the buyers and sellers
 - f. Expenditures made immediately after the sale
 - g. Date of the property transaction
 - h. Sale concessions

5. Additional details the appraiser should also address during the verification process:
 - a. Physical condition
 - b. Functional utility
 - c. Use
 - d. Non- realty components of value

At least 50% of the sales included in either the master addenda or the appraisal report must be verified.

Those Sales that lack verification must detail the unsuccessful steps the appraiser went through in order to verify the sale.

When using non verified sales in the valuation process the non-verified sales must be bracketed by verified sales.

Documentary stamps are not adequate verification of the sale

Failure to comply with this procedure statement will result in the rejection of the Master Addenda or the appraisal report.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Comparable Sales - Spread Sheet	No: Revised: Page:	APP-PRO 6.112-33 04/01/15 1 of 2
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Review Appraiser / Project Facilitator

1. Ensures compliance with this procedure statement

Appraiser

1. The Master Addenda shall include a spreadsheet briefly describing all the comparable sales used for the project. There shall be separate spreadsheets for land sale and improved sales. The minimal information on the spreadsheet shall include:
 - a. The comparable sale number
 - b. The sales price
 - c. The sale date
 - d. The indicated unit value
 - e. The size of the sale for land and / or improvements
 - f. Highest and Best Use
 - g. Location
 - h. Proximity to Project
 - i. Other distinguishing features i.e. zoning, topography, access, year built, etc.

The following illustrates a typical example of this type of spread sheet. It should be noted that the amount of information needed varies from project to project depending on size, type of properties to be acquired, and complexity. Remember the intent of the spreadsheet is to illustrate the Comparable sales in sufficient detail to allow the reader at a glance to determine the comparability of the sales listed.

Land Sales Spreadsheet (Example)

Comp No.	Sales Price	Date of Sale	Land Size	Unit Price	H & B Use	Access	Location	Proximity to Project	Comments
LND-01	\$9,500	06/02	1.38 ac	\$6,884/ ac	Res.	Paved Rd.	W side of Hwy 18 at Hazel Del Rd.	4.5 Miles North	Residential home site just off Hwy 18 north of Shawnee
LND-02	\$12,000	5/01	2.06 ac	\$5,825/ ac	Res.	Paved Rd.	E side of Hwy 18 ¾ mi. N of Hwy 62	4.5 Miles South	This tract was sold to a church for expansion.
LND-03	\$10,000	12/01	2.25 ac	\$4,444/ ac	Res	Gravel Rd	S side of Rd. 1.5 mi. E Hwy 18 & .5 mi. N of Hwy 62	1.5 Miles Southeast	The buyer of this tract is a Church
LND-04	\$14,000	5/02	3.02 ac	\$4,635/ ac	Res.	Paved Highway	S side of Hwy 62 1 mi. W of Hwy 18	1.3 Miles Northwest	This tract was purchased for a residential home site

Residential Sales Spreadsheet (Example)

Comp No.	Sales Price	Date of Sale	Unit Price	Land Size	H & B Use	Imp. Size	Imp. Age	Room Count	Garage Space	Ext. Wall	Amenities	Prox. to Project	Location
HSE - 01	\$165,000	06/02	\$82.62/ sf	1.35 ac.	Res.	1,997 sf	1987	5-3-2	2 car	BV	Cent. H&A R&O, dish,	1.5 Miles East	NW / C Hwy 62 and S3380 Rd.
HSE - 02	\$195,000	03/02	\$91.54/ sf	2.25 ac	Res.	2,130 sf	1992	5-3-2.5	2 car	BV	Cent. H&A R&O, dish, FP, 600 sf SH. Met. Shop	2.5 Miles NE	N/S E 1030 Rd ¼ mi. east of S3380 Rd

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Comparable Sales – Location Map(s)	No: Revised: Page:	APP-PRO 6.112-34 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

The comparable data and its physical location in relation to the property(s) being appraised is a critical aspect of the appraisal problem. In most instances the closer the geographic location of the comparable to the subject the more comparable the data.

Each appraisal and master addenda must contain location maps depicting the location of the comparable sales in relation to the project or the subject property. This may require multiple maps. Below are the requirements for the location maps.

Master Addenda

Each master addendum shall contain one or more map overview(s) depicting the following:

1. Location of the project
2. Location of each comparable sale / data
 - a. Each location tag shall identify a corresponding comparable.

The overview map may have to encompass such a large area, that the location and names of specific features may be lost due to the broad scope of area covered on the map. In some instances it may even be necessary to use multiple overview maps in order to depict all of the comparable(s).

The appraiser should provide one or more overview map(s) depicting the project and all of the comparable sales as well as additional maps of sufficient detail to allow others to easily locate the comparable(s).

Appraisal Report

Each appraisal report shall contain one or more maps depicting the following information:

1. Location of the subject property
2. Location of the comparable
 - a. Each location tag shall identify a corresponding comparable,
 - b. Size of the comparable land,

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Comparable Sales – Location Map(s)	No: Revised: Page:	APP-PRO 6.112-34 04/01/15 2 of 2
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- c. Size of the Improvement (if any),
- d. Date of sale,
- e. Appropriate unit of measure price,
- f. Etc.

Each location map within the appraisal report shall be of sufficient detail to allow others to easily find and locate the comparable(s).

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General – Zoning Regulations	No: Revised: Page:	APP-PRO 6.112-35 04/01/15 1 of 3
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Highway projects in general and partial acquisitions specifically often have an effect on zoning ordinances or other governmental regulations.

In many cases a partial acquisition may have an adverse effect upon a property's ability to be in compliance with some or all of the laws, regulations or ordinances which apply to it.

The responses from the government entities who enact and enforce these laws, regulations and ordinances is often times varied.

In some instances the governing body may simply grant a legal non- conforming variance. In other instances the governing body may choose to enforce the ordinances. In most instances it is difficult to get the regulatory authority to provide a definitive answer as to what their position will be.

Review Appraiser

Ensures compliance with this procedure statement

Project Facilitator

Enters zoning data into electronic data base as new or updated requirements are obtained

Appraiser

Checks for any Local, City, County, or State regulations which may be applicable to the subject property, both as they would apply to the property prior to the acquisition, and as it would apply after the proposed acquisition.

1. Provides a copy of any applicable zoning ordinances which might affect the project to ODOT.
2. Master Addenda

A summation of the pertinent applicable zoning ordinances which apply to the project shall be included within the master addenda. Information to be included in the master addenda shall include but is not limited to the following:

- a. Building setbacks
- b. Minimum lot sizes
- c. Parking requirements

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General – Zoning Regulations	No: Revised: Page:	APP-PRO 6.112-35 04/01/15 2 of 3
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d. Landscaping requirements

3. Appraisal Report - Prior to the Acquisition

If the property to be appraised is not subject to any form of zoning regulations then the appraiser may simply state such within the description of the subject property prior to the proposed acquisition segment of the appraisal report.

In the event that the property to be appraised is subject to some form of zoning regulations the appraiser must state:

- a. The specific type of zoning
- b. State whether or not the subject is in compliance with the zoning regulations.
- c. The possibility of a zoning change, from any source – if said zoning change could have an effect upon the highest and best use of either the land as though vacant or the total property as currently improved

4. Appraisal Report - After the Proposed Acquisition

If the subject property is not adversely impacted by the effects of a partial acquisition in relation to any zoning ordinances, then the appraiser may simply state such within the effects of the proposed acquisition segment of the appraisal report.

The appraiser shall analyze any potential impacts of the proposed acquisition upon the subject property.

- a. If the current or proposed zoning is not affected by the proposed acquisition, the appraiser shall state such in the description of the remainder property, and the effects of the proposed acquisition segments of the appraisal report.
- b. If the current or proposed zoning is affected by the proposed acquisition the appraiser shall:
 - (1) State that the remainder property is in violation of whatever portion(s) of the zoning regulations that are applicable.
 - (2) State what those zoning requirements are.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General – Zoning Regulations	No: Revised: Page:	APP-PRO 6.112-35 04/01/15 3 of 3
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- (3) State whether or not there is a possibility that the subject property will be granted a legal variance(s)
- (4) Address the impact of the zoning violations upon the physical characteristics of the remainder property.
- (5) Address the impact of the zoning violations upon the value of the remainder property.
- (6) Provide recommendations / solutions as to possible remedies to the zoning violations.
- (7) If necessary recommends a total acquisition of the remainder tract.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General - Disclaiming Property Right(s) Interest	No: Revised: Page:	APP-PRO 6.112-36 04/01/15 1 of 2
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Procedure

In those instances where the landowner chooses to disclaim any interest in all or a portion of the property right(s), the appraiser must make every effort to obtain a signed Disclaimer of Property Right(s) Interest, or document why such disclaimer was not obtained.

This procedure applies to all types of property - real property, trade fixtures, personal property, furniture, fixtures, and equipment, etc.

Review Appraiser / Project Facilitator

Ensures compliance with this procedure Statement

Appraiser

In the event that a landowner chooses to waive any right, title or interest in all or a portion of the property, a signed disclaimer must be obtained by the appraiser. The signed disclaimer is to be filled out or obtained by the appraiser and must contain the following information:

- Project Number
- County
- Parcel Number
- Statement that the fee owner is disclaiming any right, title or interest, to the property
- Statement of who the property right interest is being disclaimed to
- Detailed list of what the fee owner is disclaiming an interest in
- Signature of the fee owner
- Signature of the witness or appraiser
- A copy of the signed disclaimer must be included in the addenda section of the appraisal report

In all instances when there are tenant owned improvements and the property owner refuses to sign the Disclaimer of Property Right(s) Interest form:

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General - Disclaiming Property Right(s) Interest	No:	APP-PRO 6.112-36
	Revised:	04/01/15
	Page:	2 of 2

- The appraiser must document said refusal within the owner contact section of the appraisal report
- State any given reasons as to why the property owner refused to sign the Disclaimer of Property right(s) Interest form

Below is an example of ODOT's accepted Disclaimer of Property Right(s) Interest Form:

Disclaimer of Property Right(s) Interest

Project Number: _____

County: _____

Parcel Number: _____

I, the undersigned, being the fee landowner, of the above described property do hereby waive any right title or interest, in and to the below described property. It is further understood that _____ will be made an offer of the fair market value for the property listed:

Type of Property to be Disclaimed	Description of the Property to be Disclaimed

Attested By

Property Owner

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General – Front Land, Back Land Concepts / Value Zones	No: APP-PRO 6.112-37 Revised: 04/01/15 Page: 1 of 1
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Applies to:

OP-APP 6-1
OP-APP 6-18

Many times the tract to be valued will have more than one highest and best use. This is common in many areas where property owners have held on to larger holdings rather than to have subdivided them as market demand would dictate.

In developing the value conclusion the appraiser should take into consideration that the highest and best use of the land may fall into various value zones / usages. And as such must be valued in that manner.

In the event that the appraiser finds themselves appraising a tract where the highest and best use analysis indicates more than one potential highest and best usage for the total tract the appraiser must address each value zone individually and separately

Whenever property is being acquired by a proposed R/W acquisition and is physically located within a specific use / value zone segment of a property the appraiser must value said land consistent with that particular usage. Avoiding the development of a composite value, to be applied to the entire overall tract.

Review Appraiser / Project Facilitator

Ensures that this procedure statement is complied with.

Appraiser

For those tracts which have more than one highest and best usage the appraiser must develop a highest and best use statement that reflects what those multiple usages are, and where they are located. To adequately do this the appraiser must provide:

1. Adequate analysis in the highest and best use statement to support the multiple usage highest and best use conclusion
2. A physical description of the size and location(s) of the various usage zones
3. A site map depicting a visual representation of the size and location of each usage / zone, relative to the proposed acquisition area
4. Comparable sales selection and the valuation of the proposed R/W acquisition must be consistent with the highest and best use analysis.

Failure to comply with this procedure statement will result in the rejection of the report.

**PROCEDURE STATEMENT
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Subject: General - Cost Estimates	No: Revised: Page:	APP-PRO 6.112-38 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

Review Appraiser/ Project Facilitator

1. Ensures compliance with this procedure statement

Appraiser

Cost data and other pertinent information are often found within the Appraisal Report or within the Master Addenda. Regardless of where it is located, the requirements are the same.

Cost data and information can come from numerous sources. The three most commonly utilized are the appraiser's judgment, local cost estimates, or national cost publications. The following guideline is intended to direct the appraiser as to the level of documentation necessary to complete the valuation.

2. Appraisers Judgment

For those items with a value of \$500 or less, the appraiser's estimate is adequate and the term "nominal" precedes the value.

3. Local Cost Estimates

For the propose of this procedure statement the term "local" is defined as the cost source being located within the county in which the project is located or an adjoining county.

In the event that a local cost source is not available for a specific item then the appraiser must obtain permission from ODOT Appraisal Branch Staff to broaden the search.

Where an item exceeds \$500 but not \$5,000, the source of value is merely named in the report.

- a. All cost data provided must list a cost source identified by name and a contact number
- b. Unit of Measure Cost Data
 - (1) Local Cost Estimates / National Cost Publications
In instances where the cost source provides a per unit of measure price, that unit price, may be utilized to compile the cost of the

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improvement in question to completion, regardless of compensation. This can replace the need to provide a written contractors cost estimate in some cases.

- (a) The appraiser is cautioned that on smaller, less costly improvements such as fencing etc., a minimum cost for the contractor to complete the job may apply.

Where a value exceeds \$5,000, a written estimate from the source is required.

- a. A detailed written bid on letterhead or other writing that identifies the cost provider must be included within the appraisal report

4. National Cost Publications

In the event that a local cost source is not readily available in a timely manner, the appraiser can and should utilize a national cost publication such as Marshall Valuation Services. If the appraiser is utilizing such a cost publication the appraiser must at a minimum provide the following:

- a. A verifiable source for the data must be provided:
If Marshall Valuation Service is utilized as the cost source. The type and classification of the improvement to be valued, the Section, Page, Date and Type of the cost data provided must be included.

5. ODOT Paying for Cost Estimates

- a. In the event that a fee is associated with the procuring of a cost estimate ODOT may elect to participate in the payment of that cost, the criteria used to be eligible for participation is:
 - (1) The item associated with the cost estimate must have been unforeseen by both ODOT personal and the appraiser prior to the start of the appraisal assignment.
 - (2) All pass thru cost must be pre- approved in writing by the Assistant Chief or Chief of R/W and Utilities Division prior to obtaining the cost estimate.

Failure to comply with this procedure statement will result in the rejection of the report.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: General – Typical Setbacks	No: Revised: Page:	APP-PRO 6.112-39 04/01/15 1 of 4
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Applies to:

OP-APP 6.1

Typical setbacks are a critical component in residential partial acquisition appraisals.

The most common application requiring the use of typical setbacks is in the determination of proximity damages to residential properties. Generally commercial, office or industrial properties do not incur proximity damages, rather they are affected by some form of violation setback regulations or a loss of function, use, or utility associated with the right of way acquisition. Therefore the primary focus of this procedure statement will be directed toward residential properties.

In some cases properties may be adversely affected by a partial acquisition of land, which in turn creates damages to the residential structure located on the remainder. This damage arises from the proximity of the new right of way to the structure, creating a scenario where the structure is now considered to have suffered a decrease or loss of value due to being too close to the right of way. The resulting damages are incurred because the public perception is that the property is now less desirable.

For the purpose of this procedure statement the term “typical setback” shall refer to the point at which proximity damages begins to occur. If the residence has less setback than typical-proximity damages will occur; greater than typical setback- no proximity damages occur due to the acquisition of R/W.

In order to determine whether or not a property may be affected by a loss in value due to a lack of adequate setback from the proposed right of way, first the appraiser must ascertain what the common or typical setbacks are for this age, style, size, quality and type of residence. This procedure statement is meant as a guideline for what is expected by ODOT to fulfill this requirement.

Review Appraiser/ Project Facilitator

Ensures compliance with this procedure statement

Appraiser

Regardless of whether or not the appraiser feels that the possibly of proximity damages will exist, the appraiser must at a minimum make a statement in the “Effects of the Proposed Acquisition” section of every residential appraisal report, addressing whether or not proximity damages have occurred.

The following is intended to provide guidance as to what is required.

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Residential structures located greater than 250' from the proposed new right of way.

1. State the setback of the residential structure prior to the proposed acquisition
2. State the setback of the residential structure after the proposed acquisition
3. Provide a simple statement of what typical setbacks are in the area, for the age, style, size, quality and type of residence
4. Provide a definitive statement as to whether or not the remaining structure(s) are damaged by the proximity of the proposed new right of way

Residential structures located less than 250' from the proposed new right of way

1. State the setback of the residential structure prior to the proposed acquisition
2. State the setback of the residential structure after the proposed acquisition
3. Provide an in-depth analysis of typical setbacks in the area, for the age, style, size, quality and type of residence
4. Provide a definitive statement as to whether or not the remaining structure(s) are damaged by the proximity of the proposed new right of way

The following is intended as an example of a typical setback statement. Depending upon the complexity of the project the appraiser may and should expand the analysis to adequately detail the specific appraisal problem in question.

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Typical Setback Analysis
(Template)

Prior to the proposed acquisition the subject residence was _____ feet from the current right of way line.

After the proposed acquisition the subject residence will be _____ feet from the proposed right of way line.

One of the primary concerns regarding the proposed right of way acquisition is that the primary residence located on the parcel could be adversely affected by the close proximity of the proposed right of way to the structure. Homes with less than normal setbacks often times bring less money in the market place than those with greater setbacks. In order to determine if this is likely to occur, the appraiser must first determine "What is the typical setback?" for this type of housing in the area.

In order to establish a minimum distance which a residential dwelling could set back from the current right of way line and still not suffer any loss of value due to the close proximity of the right of way line, the appraiser has analyzed setbacks of numerous properties in the subject market area. Observation of residential home sites located on the highway, on either side of the subject residence for a distance of approximately _____ miles, has led the appraiser to the following conclusions.

1. Older homes which were built during times of lower traffic volumes tend to set closer to the existing right of way.
2. As traffic volume increases, typical setback distances increase accordingly.
3. As the price range of the home increases, buyers typically become less tolerant of inconveniences such as noise, dust, fumes, safety concerns, etc., all of which are factors created by traffic and closer proximities to the roadway.

Based on an analysis of ____ residential home sites in the area, the appraiser has concluded the following:

1. Lower level housing, which for the purposes of this report has been identified as properties commonly constructed prior to _____, are generally of average to fair quality construction, and have sizes that range from _____ sq. ft. _____ Sq. ft., typically have setbacks of _____ feet to _____ feet from the right of way line.
2. Medium level housing being characterized as newer model homes usually built after _____ having in excess of _____ sq. ft. Typically these homes and have

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brick or stone veneers, are well maintained and are adequately landscaped. Typical setbacks for these types of residences, varies from ___feet to _____ feet from the right of way line.

The subject residence falls into the _____ level classification of housing listed above. Typical setbacks for homes in this category of housing, ranges from _____ feet to _____ feet.

After the proposed acquisition the subject residence will be approximately_____ feet from the nearest right of way. Based on the analysis above, the subject property (will or will not) suffer from proximity damages due to the proposed right of way acquisition.

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: General - Damages - Cost to Cure	No: Revised: Page:	APP-PRO 6.112-40 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

Cost to Cure damages is a form of damages frequently encountered in partial taking acquisitions.

Simply put, in some situations it is more cost effective to cure a situation rather than to incur the resulting permanent damage created by the taking.

Often times this measure of damages is utilized in an effort to put the property back to functionally whole.

Examples of Cost to Cure damages:

1. Replacement of landscaping
2. Relocation of ornamental gates
3. Replacement of a septic lateral field
4. Re-configuration of a parking area

The appraiser should be aware that the proposed cost can never exceed the amount which would be permanent damages, if the curative measure were not taken.

The proper terminology must be used in order to avoid confusion. The appraiser and review appraiser are advised to logically determine what is physically happening with the item in question in the determination of the proper terminology.

Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

1. Compensation for any item that will restore the subject to it's before taking function or utility is considered a cost-to-cure damages. Cost-to-cure damages will fall into any one of the three (3) following categories:
 - a. Relocate - The cost to physically remove an improvement from the acquired area and place it onto the subject remainder.
 - b. Replace - The cost to replace the improvement or its functional equivalent onto the subject remainder.

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- c. Re-configure - The cost to re-construct a set of improvements i.e. a parking lot or cattle pens that will allow the remainder to have the same utility as the subject before the taking.
 - (1) When an item is being reconfigured the estimate should reflect whether or not the contractor is utilizing new material, any of the existing materials, or a combination of the two.
 - (2) In the event that an item is being replaced the cost estimate shall include the cost of delivery as well as the cost installation.
 - (3) The appraisal shall include a sketch depicting the proposed location of any major reconfigured, relocated or replaced items or improvements – see procedure statement APP-PRO 6.112-48
 - (4) In the event that the appraiser is compensating the property owner to reconfigure a structural improvement the appraiser must consider not only the cost to reconfigure / replace that portion of the improvement which is affected. As well as the cost to refurbish/ reface that portion of the structure which is remaining, and the cost to remove any portion of the improvement remaining in the proposed right of way. All effort should be made to put the improvement back to functionally whole.
2. The appraiser shall determine when and where cost to cure damages should be applied and provide documentable support for the damages.
 - a. The proposed solution must be reasonable, cost effective, and represent a functional cure for the problem created by the acquisition of the proposed R/W.
3. In the event that the cost to cure is not cost effective, (i.e. it exceeds the contributory value), the appraiser must acquire the item at its contributory value.

**PROCEDURE STATEMENT
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Subject: General - Damages – Proximity Damages	No: Revised: Page:	APP-PRO 6.112-41 04/01/15 1 of 2
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Applies to:

OP-APP-6-1

When a taking comes in close proximity to a residential structure, the residence could likely suffer a monetary loss in its marketable value.

This loss in value is called proximity damages.

In order to determine if a residence may incur some amount of proximity damages, a typical set-back for the specific age, style, size, quality and type of residence must be established.

Typical set-backs are derived from observations of other residences of similar age, style, size quality and type, from the subject highway, nearby highways or paved thoroughfare in the project area.

In addition, the comparable sales data sheets should provide an observation for each residential sale of the distance from the residence to the nearest right of way or the roadway. Therefore, a typical set-back pattern could emerge from the comparable sales in the Master Addenda as well.

Once it has been determined that a residence has less than what is considered to be the typical set-back, proximity damages may be present, the measurement of those damages can be arrived at in several different ways. What follows are five (5) suggested proximity methods, stated in order of their preference for accuracy:

1. A Parcel specific damage study may be conducted using matched pair sale analysis's – Preferred Method

This method matches sales of residences with less than typical setbacks with sales of residences with normal or greater setbacks to determine the amount of damages, if any, that have been incurred in the market for those homes with less than typical setbacks.

2. A project wide damage study may be conducted addressing multiple proximity damages issues within one study.

This method relies on paired sales analysis over a broad area to determine damages, if any, due to loss of setback.

3. Valuing the subject with a second set of comparable sales that could indicate a different value...

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The theory is that the proximity of the new R/W line has rendered the subject, less desirable than other similar residences, therefore, a sale from a less desirable location or the sale of a slightly older residence may be equivalent in value to the subject property after the acquisition.

4. Using the same comparable sales that were utilized in valuing the subject prior to the taking, the appraiser can recalculate the adjustments to effectively “slide” down the range of the indicated values generated by the subject market.

For example, if the subject residence was valued at the top of the indicated market range of the comparable sales data, one can say that as a result of the proximity of the taking, the subject is now more similar to the comparable sales that represent something other than the top of the available market range.

Manufactured Housing Only

5. In limited situations, proximity damages can be measured by the total cost to move the residence, reset it and reconnect the utilities

Vs.

The amount of damages incurred by the R/W taking

Compensation being the lessor of the two

This measure of damages only applies to manufactured housing, and is primarily a cost-to-cure oriented solution

Utilizing the cost to move the residence can be limited by the lack of physical possibility to move the residence, or in some cases may exceed 50% of the total value of the improvements, making it necessary to acquire the residence

**PROCEDURE STATEMENT
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Subject: General - Damages – Severance Damage	No: Revised: Page:	APP-PRO 6.112-42 04/01/15 1 of 2
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Applies to:

OP-APP 6-1

Severance damages are the loss of value to the subject remainder which is created when divided into two or more remainder tracts as a result of the taking.

Depending on the scenario there are several ways / methods that are best suited for dealing with each individual situation. The following are some of the common approaches to issues which arise when severance is created.

1. Damages may be assessed based on market evidence.
 - a. Paired sales analysis of single site larger tracts vs. similar sized tracts which have two or more separate sites

Thus effectively measuring the market loss, in value, to the total remainder property
2. A severed tract may have a reduced or lesser highest and best use as a result of the acquisition.
 - a. Valuation based on the difference in value from the original highest and best use to the new highest and best use

Thus effectively measuring the market loss, in value, to the total remainder property
3. A cost-to-cure method can be utilized to replicate the amenities of the original subject onto all of the severed tract(s)
 - a. Valuation based on cost necessary to put the remainders back to functional whole

The intended outcome is to restore the same function, use and utility to the remainder properties. – this approach is particularly well suited for agricultural tracts
4. A severed tract could benefit from a more intensive highest and best use
 - a. First the appraiser must discuss / demonstrate any potential damages resulting from the severance

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No benefits can be considered to a severed tract until all the damages are assessed to the subject remainder at its present use

- b. Then the benefit of the more intensive use can be evaluated

Benefits must be based on market evidence. Typically benefits arise from a change in the intensity of use, which may be measured in the market place through paired sales analysis

- c. Once the damages to the remainder and the potential benefits have been assessed. The benefits can be used to offset the damages

- d. Benefits from an enhanced new use can only be used to offset the damages to the subject's present use. Benefits cannot be utilized to offset the cost of the acquisition

5. Under State Statute Title 27, Section 13(9), if a severed tract has little or no utility to the owner, as determined by the agency, an offer must be made to acquire the severed tract. In other words the severance of a part of the tract has resulted in all or some portion of the original property becoming an uneconomic remnant. – See Policy Statement OP-APP 6-12 & Procedure Statement APP PRO 6.112-43
6. If the aggregate of severance damages exceeds 50% of the total before value of the subject, or any severed part thereof, the tract shall be considered for a total taking

**PROCEDURE STATEMENT
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Subject: General – Acquiring or Damaging Remainers Located Outside of the Proposed R/W	No: Revised: Page:	APP-PRO 6.112-43 04/01/15 1 of 3
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Applies to:

49 CFR 24.102 (k) Uneconomic Remnants
Policy OP-APP 6-1: Appraisal
Policy OP-APP 6-12: Uneconomic Remnants
Policy OP-APP 6-20: Contaminated Properties

NOTE:

When a remainder or improvement located on the remainder property is damaged to the point of having little or no value (as determined by the department) that remainder, or improvement is acquired as an uneconomic remnant.

The appraiser and review appraiser should be aware that when dealing with improvements located outside of the necessary right of way, ODOT has options as to the best way to proceed. It is important that the appraiser and review appraiser clearly communicate their findings in the appraisal report and review.

The appraiser should keep in mind that input from the property owner may play a critical role in the internal decision making process as to how these parcels shall be handled. Good thorough, descriptive, comments in the owner contact section of the appraisal report are a must.

Appraiser

Acquiring Improvements Located Outside of the Proposed Acquisition Area

1. In the event that the proposed right of way acquisition has adversely effected improvements located outside of the acquisition area, to the extent that the remaining improvements have little or no value or utility to the owner (as determined by the department), or are damaged 50% or greater from any combination of sources. The appraiser shall:
 - a. Clearly state that the impacted improvements are located outside of the acquisition area in the “Effects of the Proposed Acquisition” portion of the appraisal report.
 - b. Make a statement in the “Effects of the Proposed Acquisition” portion of the appraisal report, that a temporary construction easement to remove the improvement(s) needs to be added to the plans.
 - c. Proceed with the valuation of the improvement in order to acquire it.

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2. When it becomes necessary to acquire improvements located outside of the right of way needed to build the project, the appraiser shall:
 - a. Provide the reasoning and effect on the improvements in the “Effects of the Proposed Acquisition” portion of the appraisal report.
 - b. Describe the item(s) as a separate line item, in the description of the Part to be Acquired section of the appraisal report.
 - c. List and value those improvements located outside of the necessary right of way, as a separate line item in the Summary Section of the appraisal report.

Acquiring Uneconomic Remainers

3. When a remainder is damaged to the point of having little or no value or utility to the owner (as determined by the department), or is damaged 50% or greater from any combination of sources. That remainder is acquired as an uneconomic remnant.
 - a. Proceed with the valuation of the remainder property in order to acquire it.
4. If an uneconomic remainder has any form of environmental hazard whether observed or suspected, the appraiser shall:
 - a. Proceed with the valuation of the remainder as if clean. See Policy Statement OP-APP 6-20
 - b. Clearly and prominently state that there are concerns of environmental hazard(s) located on the tract and at what location.
 - c. Contact ODOT Appraisal Branch Project Facilitator and inform them of any suspected contamination
 - d. Proceed with the valuation to acquire the uneconomic remainder.

Damaging Remainers 100%

5. If an otherwise uneconomic remainder is part of a governmental entity whose regulations forbid the taking of any more than what is necessary for the project, that remainder shall be damaged 100%.

Reasoning

- a. Allows compliance with other governmental regulations

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Subject: General – Acquiring or Damaging Remainers Located Outside of the Proposed R/W	No: APP-PRO 6.112-43 Revised: 04/01/15 Page: 3 of 3
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Review Appraiser:

6. In the event that the proposed right of way acquisition has adversely effected other improvements located outside of the acquisition area, to the extent that the remaining improvements have little or no value or utility. The review appraiser shall:
 - a. Clearly identify the effected improvements which are located outside of the necessary right of way, as a separate line item in the summary section of the appraisal review.
 - b. Provide a revision request asking to add a temporary construction easement to remove the improvement(s) to ODOT.
7. In the event that an uneconomic remainder has any form of environmental hazard whether observed or suspected, the appraiser shall:
 - a. Proceed with the review of the appraisal as if clean.
 - b. Clearly and prominently state that there are concerns of environmental hazard(s) located on the tract and at what location.
8. If an otherwise uneconomic remainder is part of a governmental entity whose regulations forbid the taking of any more than what is necessary for the project, that remainder shall be damaged 100% and stated as such in the appraisal review.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: General –Trade Fixtures (Billboard Signs & Communication Towers)	No: APP-PRO 6.112-44 Revised: 04/01/15 Page: 1 of 6
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Applies to:

23 CFR 750§D – Outdoor Advertising (Acquisition of Rights of Sign and Sign Owners)
Policy OP-GA 6-30: Outdoor Advertising Signs / Communication Towers-Trade Fixtures
Policy OP-APP 6-10: Trade Fixtures
Procedure APP-PRO 6.112-45 General - Personal Property

NOTE:

Outdoor Advertising Signs

Signs generally fall into one of two categories:

1. On premise signs - Those that advertise for the business interest upon which the sign is located. These signs are considered as real estate
2. Off premise signs – (Billboards) - Those signs that advertise for something not located upon the site in which the sign is located. These signs are considered to be trade fixtures and as such are personal property.

Since outdoor advertising signs fall into separate classifications each classification shall be handled separately.

The regulatory procedure for billboard valuation is set forth in 23 CFR 750 and the statutory authority for billboard relocation is 69 O.S. §1275.

Communication Towers

Potentially, there are three or more individual entities involved in a Communication Tower's site; the surface owner, the tower owner, and the entity (ies) leasing space on the tower.

If the Communication Tower's site is acquired, the surface owner has a compensable interest on the basis of the ground lease which will be included in the acquisition offer.

The Communication Tower's owner may be a public utility, a private utility, or privately held.

1. If the Communication Tower's owner is a public utility, then it shall be addressed as a utility relocation.
2. If the Communication Tower's owner is a private utility, then it shall be addressed as a utility relocation.

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Subject: General –Trade Fixtures (Billboard Signs & Communication Towers)	No: APP-PRO 6.112-44 Revised: 04/01/15 Page: 2 of 6
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3. If the Communication Tower's ownership is privately held, then they have a compensable interest in the Communication Tower, and other associated facilities by virtue of their ground lease with surface owner, and the facility should be acquired at the value of its cost new, less depreciation.

When it comes to Communication Towers the primary focus of this procedure statement shall be only on those Communication Towers which fall under category (C) above

The entities leasing space on the Communication Tower(s) are generally considered Public Utilities as they are generally entities such as Sprint, AT&T/SBC, Cricket, etc., and are addressed as Public Utilities since they meet the statutory definition of such.

Communication Towers are licensed and regulated by the Federal Communications Commission, and should be relocated, whenever possible, in accordance with the Federal Communications Act.

Manager, Appraisal Branch

1. Insures that appraisers and/or project managers accurately and appropriately comply with requirements of the Departments Policy and Procedures for acquiring or relocating trade fixtures (Signs & Communication Towers) in proposed new right-of-way on all projects.

Review Appraiser

2. Once the fair market value of the trade fixture(s) to be acquired and the cost to relocate has been determined, the review appraiser will make that value a separate item of compensation to the trade fixture company/tenant and set it forth in his/her review letter so that the Business Office can make a separate offer to the trade fixture company/tenant.
3. Insures that all trade fixture evaluations and detailed relocation costs, if appropriate, are included in parcel appraisal reports.
4. Checks to insure that photographs of trade fixture(s) are included in appraisal report and that the "Sign Disposition Form", or other appropriate valuation format, and Disclaimer of Property Right(s) Interest form is included in the appraisal. If owners refuse to sign the forms, that refusal should be noted in the appraisal.
5. Insures that the sign owner(s) or representative has been contacted by the appraiser and offer the opportunity to accompany the appraiser during the inspection.
6. Insures that compensation to the owner for the sign acquisition or relocation is properly supported.

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Subject: General –Trade Fixtures (Billboard Signs & Communication Towers)	No: APP-PRO 6.112-44 Revised: 04/01/15 Page: 3 of 6
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Appraiser

Both billboards and communication towers are considered as trade fixtures. The cost approach will be the primary approach used to value signs.

Off-premise Signs and Communication Towers

7. The fee owner is entitled to the rental income generated by the land lease. A copy of the lease should be obtained and added to the appraisal report.
8. Notes and photographs all trade fixtures on parcels appraised. Obtains registration number, where applicable, or notes lack of number. Determine trade fixture size, construction, age and condition.
9. Accurately plots location of trade fixture in relation to existing and proposed new right-of-way as part of the plot sketch of the property.
10. If encroaching on existing right-of-way, make note of such in appraisal report, disregards further action for acquisition or relocation.
11. Completes “Sign Disposition Form” for off premise signs follows a similar format for valuing communication towers, see example in this procedure.
12. Off-Premise Signs - Contacts ODOT Outdoor Advertising Control Branch to determine if the sign is located along a highway that requires permits and if so, whether the sign is in legal conformity with the permit’s requirements. If sign is encroaching or illegal, no value will be determined.
13. Obtains property owner’s signature on “Disclaimer of Property Right(s) Interest” form. If the property owner refuses to sign the disclaimer, notes the refusal in the appraisal.
14. Contacts trade fixture owner or owner’s representative and notify them of pending acquisition or relocation of trade fixture and provide them with the opportunity to accompany the appraiser on the inspection of the trade fixture.
15. Obtains new replacement cost and relocation cost from a contractor, independent of the billboard owner. The documentation for the replacement and relocation of the trade fixture should specifically contain the following information:

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Subject: General –Trade Fixtures (Billboard Signs & Communication Towers)	No: APP-PRO 6.112-44 Revised: 04/01/15 Page: 4 of 6
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- a. The reproduction cost new of a like in kind trade fixture including installation costs. Cost estimate should include:
 - (1) Detailed cost of the material features
 - (2) Cost of any electrical wiring and features, if applicable
 - (3) Cost of a new concrete foundation, or footing
 - (4) The cost to obtain State, Federal or local permits, if applicable
 - (5) The cost to obtain new ODOT permits, if applicable
 - (6) Cost of manpower and equipment to install
 - b. The cost to relocate the trade fixture should include:
 - (1) The cost to obtain State, Federal or local permits, if applicable
 - (2) The cost to obtain new ODOT permits, if applicable
 - (3) Cost of a new concrete foundation, or footing
 - (4) Cost of any necessary new material
 - (5) Cost to reconnect any electrical features if applicable
 - (6) Cost of manpower and equipment to relocate
16. Includes all forms, photos, sketches, and cost estimates in the appraisal report. These costs are separated as Tenant Compensation on appraisal report summary sheet and front page. The appraisal of the trade fixture value shall be a part of the main body of the parcel appraisal and not a separate appraisal report.
17. Appraiser shall check with the appropriate State federal or local government agency to determine if they have regulations regarding the specific type of trade fixture and whether the trade fixture is to be acquired/relocated are in conformity with local regulations.

On-Premise Signs

18. Inspect, measure and photograph sign during property inspection. Note location in relationship to existing and proposed new right-of-way.

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19. If sign is encroaching on existing right-of-way, no further action is required except noting such in the report's property description and sketch.
20. Determine sign size, construction, age, condition and depreciation.
21. Determine if sign can be relocated on parcel.
22. If necessary, obtain a cost estimate for relocation or replacement of sign.
23. If the cost to relocate or replace the sign is under \$500, a nominal estimate is acceptable. If the cost is over \$500 but less than \$5,000, a contractor's estimate must be obtained and quoted in the appraisal. If the cost is \$5,000 or more, the contractor's estimate must be in written form and contain the same elements in the estimate as set forth in Item#15 above.
24. Include separate compensation item in appraisal report summary for sign relocation or acquisition. This may not be applicable in total taking situations.
25. If sign is "on premise" but is tenant owned, obtain a "Disclaimer of Property Right(s) Interest" form from the property owner, see example in procedure APP-PRO 6.112-36. If the owner refuses to sign the disclaimer, note the refusal in the appraisal.

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ADVERTISING SIGN DISPOSITION FORM

PROJECT NO: _____ PARCEL NO: _____ DATE: _____

PROPERTY OWNER: _____

SIGN OWNER: _____ PERMIT NO: _____

SIGN DESCRIPTION

Type: _____ Poles (number & material): _____ Diameter: _____

Sign Height: _____ No. Sign Boards: _____ Single/Double Face: _____

Board Size: _____ Board Material: _____ Lighting: _____

Catwalk: _____ Special Features: _____

Other descriptive comments: _____

Appraiser estimate of condition and depreciation: _____

Is relocation on site possible: _____

Name, address, phone number of sign company/person providing cost estimate: _____

(Attach copy of estimate and photo of sign)

VALUATION OF SIGN

Cost to replace: \$ _____

Less Estimated Depreciated \$ _____

\$ _____

Depreciated Acquisition Value \$ _____

Estimated Cost to Relocate Existing Sign \$ _____

**PROCEDURE STATEMENT
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Subject: General – Personal Property	No: Revised: Page:	APP-PRO 6.112-45 04/01/15 1 of 3
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Terminology

The following are examples of items that are or can be considered as personal property which are often handled thru the appraisal process

Personal Property: Generally, all things which are not real property; things of a temporary or moveable nature.

Trade Fixtures: Articles of personal property annexed by a business tenant to real property, which are necessary to the carrying on of a trade and are removable by the tenant.

FF & E: Movable furniture, fixtures or other equipment that have no permanent connection to the structure of a building or utilities. Examples of FF&E include desks, chairs, computers, electronic equipment, tables, bookcases and partitions.

Manufactured Housing: (Commonly known as mobile homes in the United States) is a type of prefabricated housing that is largely assembled in factories and then transported to sites of use.

"Manufactured homes are built as dwelling units of at least 320 square feet in size with a permanent chassis to assure the initial and continued transportability of the home."

The requirement to have a wheeled chassis permanently attached differentiates "manufactured housing" from other types of prefabricated homes, such as modular homes.

Typically personal property is excluded from the majority of the appraisal reports. However there are a number of exceptions.

The appraiser is directed to contact the ODOT Project Facilitator or the ODOT Appraisal Branch Manager if an item is in question.

1. Primary Residences – Examples – The property owners primary residence regardless of classification type - Manufactured Housing, Portable Travel Trailers, etc. - Regardless of the type of property (Realty, Manufactured Housing or Personal Property) the appraiser is directed to:
 - a. Identify and list the property by type
 - b. Value it as though it were realty

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2. Trade Fixtures – Examples - Outdoor adverting signs - pursuant to 69 OS 2011 § 1208, business signage, display counters, store shelves, liquor bars, and machining equipment etc.

In the event that a trade fixture is not being handled by Relocation Personnel the appraiser shall:

- a. Identify and list the property by type
 - b. Whenever physically possible and financially feasible compensate the property owner to relocate
 - c. If an item cannot be relocated the condemning authority must compensate the owner for the acquisition of the item
 - d. State the owners wishes within the owner contact section of the appraisal report
3. FF & E – Examples - desks, chairs, beds, computers, electronic equipment, tables, bookcases and partitions.

In the event that the FF & E is not being handled by Relocation Personnel the appraiser shall:

- a. Identify and list the property by type
 - b. Obtain a detailed listing of all FF & E being considered from the relocation agent working with the parcel
 - c. Treat in a manner consistent with the common real estate practices for this type of property in the area
 - d. State the owners wishes within the owner contact section of the appraisal report
4. Personal Property – Examples – Hay Bales, Salt blocks, Water Troughs, Inventory, Equipment, Vehicles, etc.

The appraiser is advised that this segment of the procedure statement is only intended for minimal amounts / items to be handled thru the appraisal process. Compensation for personal property should be limited to less than \$1,000.00

- a. Identify and list the property by type

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- b. Compensate the property owner to relocate

Whenever possible personal property items should always be listed and valued separate from the reality.

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Subject: General - Rounding	No: Revised: Page:	APP-PRO 6.112-46 04/01/15 1 of 2
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Applies to:

OP-APP 6-1 Appraisal
OP-APP 6-4 Establishing Just Compensation

In order to assure consistency in the appraisal process the following guidelines regarding rounding within the appraisal and appraisal review are set forth. These guidelines are intended to apply only to the determination of just compensation.

Review Appraiser/ Project Facilitator

Ensures compliance with this procedure statement

Appraiser

1. At the conclusion of the determination of the total land value, the total improvement value, or the total property value, the appraiser may choose to round to a commonly recognized value break within the marketplace.
2. In the determination of just compensation the appraiser is cautioned only to round to the nearest dollar within the body of the appraisal report.
3. At the conclusion of the determination of compensation the appraiser may choose to round upwards to the nearest \$50 increment.

Review Appraiser

1. In the determination of just compensation the review appraiser is cautioned only to round to the nearest dollar within the body of the appraisal review.
2. At the conclusion of the determination of the total compensation due the land owner the review appraiser shall follow the guidelines set out below:
 - a. If the appraiser chose to arrive at a total compensation value which was not at a \$50 increment, the review appraiser shall round upward to the nearest \$50 increment, or other reasonable value amount, determined by the reviewer. Rounding is not to exceed 1% of the total compensation.
 - b. If the appraiser did round upward to the nearest \$50 increment the review appraiser may choose to stay at the appraised conclusion or round to a different figure while rounding not more than 1% of the total appraised compensation.

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- c. If the total reviewed compensation differs from that of the appraiser the review appraiser shall arrive at total property compensation expressed in \$50 increments. Rounding is not to exceed 1% of the total compensation
3. The review appraiser is advised never to round damages, other than to the nearest one dollar increment.

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Subject: General - Photographs	No: Revised: Page:	APP-PRO 6.112-47 04/01/15 1 of 2
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Subject Property - Appraisal Report

Each appraisal report will include digital color photographs of the following:

1. Front view of the subject property
2. A photograph taken along the length of the area to be acquired
3. Photograph and label all improvements located within the area to be acquired and on the remainder not being acquired, regardless of value
 - a. Attention should be paid to all items, regardless of value
4. Photographs depicting all structures located either within the area to be acquired or within 500' of the proposed new right of way
 - a. Photos of structures should depict at a minimum:
 - (1) Front and side views of the structure captured in a single photograph
 - (2) Rear and side views of the structure captured in a single photograph
 - (3) Structures which have the potential to incur damages or are being acquired, require interior photos of all significant rooms
5. Street view depicting the subject area or neighborhood
6. Aerial view of the subject property depicting property boundaries and the proposed acquisition
7. Each photograph shall be identified stating all relevant data, such as:
 - a. Description of the subject or view of the photo
 - b. Description of what type of compensation is to be awarded for the subject of the photo: I.e. – To be relocated, to be acquired, etc. (if any)
 - c. General Location / Stationing
 - d. All other relevant data

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Subject: General - Photographs	No: Revised: Page:	APP-PRO 6.112-47 04/01/15 2 of 2
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8. Photographs of the subject property may be placed after the "Description of the subject Property before the Acquisition" or in the "Addenda" section of the appraisal report
9. Photographs of the items and area to be acquired can be included after "The effects of the Proposed Acquisition" or in the "Addenda" section of the appraisal report

Comparable Sales

Each comparable sale shall have a color photograph that best depicts the property:

1. Smaller sales or improved sales shall have a photograph(s) depicting the following:
 - a. Front view of the property
 - b. Any other views necessary to adequately depict the relevant features of the sale
2. Larger tracts shall have a photograph that best depicts the property:
 - a. Horizontal / ground level photograph of the comparable
 - b. Aerial photograph of the comparable sale
 - c. Any other views necessary to adequately depict the relevant features of the sale
3. Photographs of the comparable sales should be included with the comparable sale information/ data

Note:

Good photographs and attention to detail are a must. Should a parcel be subject to condemnation proceedings the likelihood that the improvements or characteristics of the property will have changed or been removed prior to the condemnation trial, the only information available to depict that property as it was at the time of the acquisition may well be the verbiage in the appraisal report and the photos that the appraiser took.

Failure to comply with this procedure statement will result in the rejection of the report.

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Subject: General – Site Plan	No: Revised: Page:	APP-PRO 6.112-48 04/01/15 1 of 2
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Applies to:

OP-APP 6-1 Appraisal

Each appraisal report shall include a detailed site plan

Each site plan shall include the following:

1. A drawing depicting the perimeters and dimensions of the property
2. North Arrow
3. Location and distance to all significant improvements on the property prior to the proposed acquisition
 - a. Distance depicted is to the existing right of way
4. Location of roadways and access points
 - a. Provide the names of streets or roads abutting the property
5. The overlying proposed right of way acquisition including all easements
6. The approximate location of all items located within the take area(s)
7. The approximate location and distances to all items which might be affected by the proposed right of way acquisition, that are outside of the take area
 - a. The distance depicted is from the affected item to the proposed right of way
8. The site plan should be located after “The Effects of the Proposed Acquisition” or in the “Addenda” section of the appraisal report

Special attention should be paid to the following:

1. The site plan shall depict the location of any hard to see items
 - a. Septic systems
 - b. Water wells
 - c. Private utilities
 - d. Underground storage tanks

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Subject: General – Site Plan	No: Revised: Page:	APP-PRO 6.112-48 04/01/15 2 of 2
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e. Etc.

In the event that the proposed acquisition severs a property, has a significant impact on the remainder property, or cost to cure damages involve a replacement and/or reconfiguration of significant items (such as parking, complex corrals or holding pens, relocation of livestock water sources, etc.) the appraiser shall provide a detailed sketch of the remainder property after the acquisition which illustrates the proposed new property configuration and all improvements located on the remainder and said improvements proposed location(s).

Failure to provide a detailed site plan will result in the appraisal report being rejected.

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Subject: General – Total Acquisitions / Uneconomic Remainders	No: Revised: Page:	APP-PRO 6.112-49 04/01/15 1 of 3
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Reference:

49 CFR 24.102(k), 27 O. S. 2011 § 13(9)

Procedure

Uneconomic Remnant

Defined: The term uneconomic remnant means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the Agency has determined has little or no value or utility to the owner.

If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, an offer to acquire that remnant shall be made.

This procedure only applies to those properties which were considered to be functionally economic prior to the acquisition.

In the event that a property is considered to be an uneconomic remnant prior to the acquisition it is not the responsibility of the Department to acquire said remnant.

Total Acquisitions

Defined: The acquisition of the entire parcel of property by a governmental agency under the power of Eminent Domain

In the event that the **appraised** compensation from any source exceeds 50% of the total **appraised** property value, the property shall be recommended as a potential candidate to be acquired in total, regardless of its economic viability.

1. Appraised Value – for the purpose of this statement is defined as the value determined by the review appraiser prior to project balance

Project Facilitator

Ensures compliance with this procedure statement

Review Appraiser

Ensures the appraiser complies with this procedure statement

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Subject: General – Total Acquisitions / Uneconomic Remainders	No: Revised: Page:	APP-PRO 6.112-49 04/01/15 2 of 3
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Appraiser

1. Completes the appraisal of the property as a partial acquisition in accordance with the most current plans disregarding the possibility that all or a portion of the tract may be converted to a fee acquisition at a later date

Information to be included in appraisal report is as follows:

- a. Detailed accounting of the property owner's statements regarding the proposed acquisition and the effect upon the property in the owner contact segment of the appraisal report
- b. A well supported total property value before the proposed acquisition
- c. If necessary - recommends all or a portion of the property be acquired in fee along with the reason(s) supporting the recommendation in the Effects of the Proposed Acquisition segment of the appraisal report
- d. Completes the appraisal report as a partial acquisition

Review Appraiser

1. Evaluates the appraisal report and determines if there is a need to recommend the tract be considered for a total take, in accordance with this procedure statement
2. If all or a portion of the remainder property is to be considered for acquisition the review appraiser shall put together a packet which will include the following:
 - a. A detailed cover letter from the review appraiser recommending that all or a portion of the tract be acquired in fee and the reasoning behind the recommendation. The cover letter shall have signature blocks for the following:
 - (1) Review Appraiser
 - (2) Branch Manager of Right of Way Appraisal Branch
 - (3) Branch Manager of Right of Way Relocation Branch
 - (4) Chief of Right of Way and Utilities Division
 - b. A completed revision request, requesting that all or a portion of the tract be converted to a fee acquisition

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Subject: General – Total Acquisitions / Uneconomic Remainders	No: Revised: Page:	APP-PRO 6.112-49 04/01/15 3 of 3
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- c. Copy of the right of way plan sheet of the property in question
 - d. Copy of the plot plan for the property in question
 - e. Copy of the owners contact section detailing any statements from the property owner regarding the taking
3. Upon approval of the recommended total acquisition of all or a portion of the subject property the reviewer shall:
- a. Complete the review of the property reflecting the proposed changes in the acquisition
 - (1) In the event of a total acquisition of a property, the land value will be subject to project balance, regardless as to whether or not the final compensation exceeds the total property value

**PROCEDURE STATEMENT
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Subject: Valuation - Items Not Impacted by the Proposed Acquisition	No: Revised: Page:	APP-PRO 6.112-50 04/01/15 1 of 1
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Review Appraiser / Project Facilitator

Ensures compliance with this procedure statement

Appraiser

1. In those instances where the improvement clearly is not impacted by the proposed right of way acquisition the appraiser shall describe the improvement and state the method in which the information is gathered. The information shall be gathered in one of the following manners:
 - a. Actual physical inspection
 - b. Assessor's information
 - c. Multi listing service
 - d. Other electronic data source
2. For those improvements which clearly are not impacted by the proposed right of way acquisition the appraiser shall state a value of that improvement within the appraisal report. In the interest of time, for these items, the appraiser may choose an alternative method of valuation such as:
 - a. Assessor's Market Value
 - b. The appraisers knowledge and experience

For the purpose of this procedure statement the following clarification is offered:

"clearly is not impacted by the proposed right of way acquisition" – an item located further than three times the typical setback for that specific type of improvement.

"alternative method of valuation" – a method of stating value not based on one of the three recognized approaches to value.

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Subject: General - Nominal Compensation	No: Revised: Page:	APP-PRO 6.112-51 04/01/15 1 of 1
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Applies to:

OP-APP 6-1 Appraisal

Compensation for small value items can be estimated by the appraiser and review appraiser simply by stating that the item has a nominal value, and using their best judgment as to what that value is.

There is no documentation necessary for support of the valuation of nominal value items.

Nominal values are limited to a maximum amount of \$500

Project Facilitator

1. Ensures that nominal compensation is used appropriately, and that nominal compensation amounts do not exceed \$500, in both the appraisal and the appraisal review

Review Appraiser

1. Ensures that nominal compensation is used appropriately, and that nominal compensation amounts do not exceed \$500, in the appraisal report
2. Utilizes nominal valuations in accordance with this procedure statement

Appraiser

1. Utilizes nominal valuations in accordance with this procedure statement

**PROCEDURE STATEMENT
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Subject:
General - Salvage Valuation

No: APP-PRO 6.112-52
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Review Appraiser

1. Review the valuation established by the Appraiser for salvage value as outlined below:

Appraiser

2. Establish a salvage value for any major improvement that will be acquired as a result of a project.
3. The "touch-it-buy-it rule" is as follows:
 - a. Residential Improvements. If any part of the improvement is impacted by the proposed right-of-way, the improvement shall be acquired. Exceptions in this case will be allowed when the proposed right-of-way is only impacting a flower bed, porch, patio, overhang, or detached building that is attached by a common roof or covered breeze way, or other situations that may arise.
 - b. Non-Residential Improvements. If any part of the improvement is impacted by the proposed right-of-way, a thorough review and analysis of cost to cure or reconfigure measures shall be performed. If the estimated cost to take these curative measures would exceed 50% of the total before value of the improvement or if the methods necessary to reconfigure would be burdensome on the occupants, as determined by the Department, the improvement shall be acquired.
 - c. Mobile Homes. If any part of a mobile home is impacted by the proposed right-of-way, it shall be acquired. Exceptions in this case are when a mobile home is on a sales lot and are not occupied or fixed to the land.
4. Upon request the Appraiser shall provide a document, stating the salvage value of a specific parcel or ownership.
 - a. The salvage value for residential and non-residential improvements shall be the difference between the before value of the improvements and any cost-to-cure or reconfigure measures or 50%, whichever is greater.
 - b. The salvage value for mobile homes shall be the difference between the before value of the mobile home and the cost to move and re-set, within a reasonable distance, or 50% whichever is greater.
5. If an improvement being acquired is not completely within the proposed right-of-way or equipment for removal cannot stay within the proposed right-of-way, a

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General - Salvage Valuation

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revision request shall be prepared and sent to the Mapping Branch requesting a Temporary Construction Easement be added to the right-of-way plans that is sufficient in size to safely demolish and remove the entire improvement.

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Subject: General - Non-Compensable Items	No: Revised: Page:	APP-PRO 6.112-53 04/01/15 1 of 2
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Reference:

OP-GA 6-15

NOTE:

Highway projects can, and often do, have adverse effects on the surrounding properties. Many of these adverse effects are general in nature and common to all properties along a project, while not being specific to a particular ownership. Case law has, over time, determined that several of these adverse effects are not compensable to a particular ownership.

Review Appraiser

1. The Review Appraiser will check the appraisal to ensure that there are no non-compensable items included in the compensation due the property owner.

Project Facilitator

2. The Project Facilitator will check that the just compensation from the Review Appraiser does not include non-compensable items.

Supervisor

3. The Supervisor, Appraisal Branch will resolve any disputes on what items are included on the non-compensable list.

Staff or Fee Appraiser

4. Shall not provide damages / compensation for the following items.
 - a. Loss of business
 - b. Loss of goodwill
 - c. Interruption of business
 - d. Inability to locate an equivalent substitute property
 - e. Change in the amount or flow of traffic
 - f. Noise or fumes from traffic
 - g. Diversion of traffic

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- h. Loss or diminution of parking area on public right-of-way
- i. Inconvenience or annoyance
- j. Remote or speculative damages
- k. Any injury suffered in common with the community and not peculiar to the subject property
- l. Personal Property*

NOTE:

There can be no damages to the remainder without a physical taking of property, or the taking of a property right.

*Typically ODOT does not compensate for personal property however there are understandably some notable exceptions. If an item of personal property is in question please consult with the Appraisal Branch project facilitator, or the Appraisal Branch supervisor. If compensation for an item of personal property is warranted please refer to Procedure Statement APP-PRO 6.112-45 General - Personal Property and Procedure Statement APP-PRO 6.112-44 General - Trade Fixtures - Billboards and Communication Towers. This statement does not pertain to items of personal property which it is necessary to relocate outside of the take area.

**PROCEDURE STATEMENT
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Subject: General - Encroachments	No: Revised: Page:	APP-PRO 6.112-54 04/01/15 1 of 2
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Reference:

69 O. S. 2011- 1208
APP-PRO 6.112-53 General - Non - Compensable Items

Procedure

Any improvement that lies within the present right-of-way is considered to be an encroachment. Encroachments are considered to be non-compensable in all cases.

Definition:

For the purposes of this procedure statement the term Present Right of Way is defined as rights of way currently owned or occupied by ODOT as well as dedicated or platted city streets.

Facilitator/Staff Appraiser

1. If during the preliminary estimate process an encroachment is encountered:
 - a. The left/right station offset and station number should be notated as part of the estimate
 - b. The encroachment should be listed and described as part of the estimate

Staff/Fee Appraiser

2. If an encroachment lies entirely within the present right-of-way the appraiser shall:
 - a. State such in the report
 - b. Provide a value of the encroachment – but do not compensate for it
 - c. Include the encroachment among the subject photos
 - d. Depict the encroachment on the site sketch
3. If an encroachment is only partially within the present right-of-way, that improvement needs to be valued. Compensation will be based only on that portion that is not encroaching on the Present Right-of-Way.
4. If an encroachment is either entirely or partially located on unopened statutory right-of-way, that improvement will be valued and compensated for at full value. The land within the statutory right of way will not be valued or compensated for.

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Subject: General - Encroachments	No: Revised: Page:	APP-PRO 6.112-54 04/01/15 2 of 2
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5. If the appraiser has any questions or concerns as to the best / most cost efficient way to proceed, the appraiser is directed to contact the Review Appraiser for assistance in the matter.

Review Appraiser/Project Facilitator

6. If the Review Appraiser has any questions or concerns as to the best / most cost efficient way to proceed, the review appraiser is directed to contact the Appraisal Branch Manager for assistance in the matter.

Appraisal Branch Manager

7. The Manager of the Appraisal Branch has the authority to assess compensation for those items which are either totally or partially encroaching, on present right of way.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:	No:	APP-PRO 6.112-55
General – US Dept. of Interior, Office of the Special -	Revised:	04/01/15
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Appraiser

1. If the ownership of the parcel or parcels to be appraised is Indian trust or restricted fee land administered by Bureau of Indian Affairs (BIA) and held in trust by the United States Government, the appraiser shall contact the Office of the Special Trustee for American Indians (OST), Office of Appraisal Services (OAS).

The BIA will require the Oklahoma Department of Transportation (ODOT) to first submit a copy of the signed Right-of-Way Application to the BIA servicing Agency. ODOT will provide the appraiser of record a center-line certified survey of the easement and any temporary construction easement surveys (TCE), Title Status Report (TSR), and a draft or final copy of the right of way easement agreement/application. These documents should be provided to the appraiser of record along with information on where to send a sample Statement of Work (SOW) for the appraisal.

2. Prior to starting the appraisal work the appraiser of record will contact OST/OAS to arrange a pre-appraisal conference. The purpose of the conference will be to obtain information needed to achieve a clear and mutual understanding of the specifications for the development and reporting of appraisal contained in the Statement of Work (SOW), and identify and resolve potential problems. The ODOT appraiser may be provided a copy of any document(s) not previously available.
3. The appraiser engaged by ODOT should prepare an executive summary report of the pre-appraisal conference to memorialize all information and guidance provided to the appraiser.
4. Based on the identification of the problem to be solved; the appraiser shall determine and perform the Scope of Work necessary to develop credible assignment results and disclose the Scope of Work in the report.
5. The appraiser shall identify the BIA, OST and ODOT as co-clients, and BIA, OST and ODOT as intended users.
6. The appraiser shall determine the estimate market value of the right of way easement to serve as the general basis of just compensation by one of the following methods:
 - Taking plus Damages Rule: This method will be used in instances wherein there are no damages to the remainder property.
 - Before and After Rule: This method must be used when there are potential severance damages and/or special benefits to the remainder property.

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Appraisal reports for a partial taking should always discuss the effect of the taking on the remainder, whether or not damages are assigned. The discussion should cover use, operation, acreage, and values-in both the before and after condition in sufficient detail to support the conclusion reached as to possible damages and/or special benefits.

The valuation rule to be used by the appraiser will be confirmed during the pre-appraisal conference/meeting. The appraiser must be aware that the regulations (25 CFR Part 169) permit consideration of damages to the remainder only and any special benefits are not to be considered in the analysis.

7. It is imperative that the appraiser contact the OST/OAS Regional Supervisory Appraiser when he/she encounters a question or problem about the specifications or discovers property characteristics or terms of the right of way easement that may affect the appraisal assignment results.
8. The appraiser, upon completion of the appraisal report, shall deliver the report to ODOT. ODOT will then forward to OST/OAS one original appraisal report for review and approval and a copy of the review report prepared by ODOT of the same appraisal report. Upon approval of the appraisal report by OST/OAS, the ODOT appraiser will provide two original appraisal reports to OST/OAS.

Note:

All fencing will be replaced by ODOT – No Exceptions

Review Appraiser/Project Facilitator

9. The Reviewer/Project Facilitator will check any appraisal with an Indian trust or restricted fee ownership to insure that the proper contact and cooperation with the BIA and OAS has been followed by the appraiser. If not, the appraiser will be directed to make contact with both and include the results of that contact in the Scope of Work section of the appraisal report as well as make any necessary revisions to the appraisal in conformance with the agreed to supplemental specifications.

Review Appraiser

10. OAS will conduct a technical review of the ODOT appraisal in compliance with appraisal standards and industry-recognized methodology identified in the Statement of Work provided to the appraiser. The ODOT review appraiser will still need to conduct a field review of the appraisal report to be in compliance with 49 CFR 24.104. All the comparable sales and the subject properties will still need to be inspected. The reviewer will still need to account for overlooked items and make any

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balancing adjustments needed to make an offer consistent within the requirements of the Uniform Act. The ODOT appraisal review report, along with the subject appraisal report, will be forwarded to OST/OAS.

Project Facilitator

11. Shall complete the check-list and process the Indian trust or restricted fee parcel through the Business Office, the same as any normal parcel. The Appraisal Branch facilitator shall monitor the review process of the appraisal through OST/OAS to determine if OST/OAS can meet their procedural 90 day turn-around/completion goal for an appraisal review.

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Reference:

49 CFR 24.104

The following is a list of responsibilities that the review appraiser is responsible for:

Plans

1. Checks both right of way and construction plans for consistency.
2. Ensures that all fencing and drives throughout the project are accurately depicted and listed on the plan sheets.
3. If any discrepancies are found in items 1 & 2 above submits a revision request to ODOT thru the Appraisal Branch Facilitator for the project.
4. Reviews plans and provides input to the Appraiser Branch facilitator for areas where the R/W might be changed or modified in order to reduce the impact of the R/W acquisition to the properties affected.

Coordination with the Appraiser / Project Facilitator / Project Manager

1. The review appraiser is expected to coordinate with the appraiser/ project facilitator regarding:
 - a. Which parcels are to be appraised on the project
 - b. Which parcels shall be considered as waivers
2. Throughout the appraisal and appraisal review process the review appraiser is expected to provide:
 - a. Guidance and mentoring to the appraiser.
 - b. Work with the appraiser regarding any errors, omissions or corrections that need to be added or revised within the appraisal report.
 - c. Keep an open line of communication with the:
 - (1) ODOT Appraisal Branch facilitator
 - (2) Project Manager

Master Addenda

1. Reviews the Master Addenda and checks for compliance with the following:

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- a. ODOT Policy and Procedures
2. Ensures that each comparable sale is accompanied by the appropriate corresponding instrument of conveyance including the legal description
3. Checks for sales verification in accordance with Procedure Statement APP-PRO 6.112-32
4. Ensures that the written description and photo of the sale matches with the property described in the legal description of the sale.
5. Ensures the information set forth for any cost to cure measures complies with APP-PRO 6.112-38 and APP-PRO 6.112-40.
6. Field reviews all sales and listings listed in the Master Addenda and checks for accuracy of the location, description, features, improvements and relevancy of the market data gathered for the project.

Appraisal Review

1. Checks each appraisal report for compliance with the following:
 - a. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)
 - b. 49 CFR 24.103
 - c. ODOT Policy and Procedures
 - d. USPAP
 - e. 25 CFR 169 – When applicable
2. Reviews each appraisal for the following:
 - a. Checks the documents provided for consistency.
 - (1) Acreage displayed on the Plot plan matches the deed(s), and the acreage reported within the appraisal report
 - (2) Owners name on the title report, and the appraisal and review match the last deed of conveyance.
 - b. Examines the contents of each report and forms a opinion as to its adequacy and appropriateness of:

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- (1) Quality of content relevance
 - (2) Accuracy of data and reporting
 - (3) Adequacy of supporting documentation
 - c. Determines whether or not the scope of work decision is adequate and appropriate and represents:
 - (1) Sound appraisal reporting
 - (2) Proper analysis of relevant market data
 - (3) Compliance of generally accepted appraisal principals
 - (4) Logical value conclusion
 - d. Determines whether or not the appraiser has arrived at the correct implementation and understanding of methods and techniques necessary to ensure and produce a credible value conclusion.
 - e. Ensures that the appraiser has committed no substantial errors or omissions within the appraisal report.
 - (1) Particularly those which would have an impact on the value conclusion
 - f. Errors / omissions / corrections
 - (1) Provides guidance to the appraiser in order to correct any substantial errors committed within the report
 - (2) Corrects minor errors or omissions
 - (3) If the problem cannot be easily resolved the review may present his or her logic in the review or seek another appraisal report
 - g. Ensures that a credible and reasonable value conclusion has been reached
3. Inspects the Subject Property
- a. Ensures all items in the area to be acquired are listed within the "Description of the Part to be Acquired" segment of the appraisal report depicted in the site plan, and shown in the photographs

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b. Verifying or noting any need for revision(s)

(1) If a need for revisions should be necessary the review appraiser shall fill out a revision request with attached supporting documentation and provide to the Appraisal Branch facilitator for the project

4. Prioritize the review of residential appraisal reports

Appraisal Acceptance

Preamble: Under 49 CFR 24.104(a) the review appraiser has the option of one of three required actions in reporting the review:

“A qualified review appraiser (see § 24.103(d)(1) and appendix A, § 24.104) shall examine the presentation and analysis of market information in all appraisals to assure that they meet the definition of appraisal found in 49 CFR 24.2(a)(3), appraisal requirements found in 49 CFR 24.103 and other applicable requirements, including, to the extent appropriate, the UASFLA, and support The appraiser’s opinion of value. The level of review analysis depends on the complexity of the appraisal problem.

As needed, the review appraiser shall, prior to acceptance, seek necessary corrections or revisions. The review appraiser shall identify each appraisal report as:

recommended (as the basis for the establishment of the amount believed to be just compensation),

accepted (meets all requirements, but not selected as recommended or approved),

or not accepted.”

1. Provides a completed appraisal review in accordance with procedure statement APP-PRO 6.112-60
2. Provides a completed Summary Statement of Just Compensation in accordance with procedure statement APP-PRO 6.112-61

Project Balance

Completes project balance in accordance with procedure statement APP-PRO 6.112-58

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Revisions

1. The review appraiser is expected to provide revision requests to the Appraisal Branch facilitators as needed and in a timely manner.
2. Typical revision requests include the following:
 - a. Fencing and drive changes
 - b. Potential design changes to lessen the impact of the proposed R/W acquisition
 - c. Total take requests for all properties (APP-PRO 6.112-43 & APP-PRO-49)
 - (1) Deemed to be uneconomic remnants
 - (2) All properties where compensation exceeds 50% of the total property value
 - (3) Total acquisition requests will consist of:
 - (a) Letter explaining reasoning and conclusions as to why the property be made a total take. Each letter shall have signature areas for the review appraiser, the Branch Manager of Relocation Branch, the Appraisal Branch project facilitator, the Appraisal Branch Manager, and the Chief of R/W
 - (b) A completed revision request
 - (c) A copy of the plot plan
 - (d) A copy of the R/W plan sheet
 - (e) A copy of the owner contact portion of the appraisal report
 - (f) Any other supporting documentation
 - d. Ownership changes
 - (1) Must be accompanied by supporting documentation

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Corrections

1. During the development of the appraisal and review the review appraiser is expected to work with the appraiser in the development of a credible appraisal.
 - a. While at no time dictating to the appraiser how the property is to be appraised or what value conclusion to arrive at
2. After the completion of the appraisal review, the review appraiser is expected to work with the appraisal branch staff and provide corrections as necessary in order to provide a credible appraisal and review in accordance with ODOT policy and Procedures.
3. During the acquisition phase of the project the review appraiser is expected to coordinate with the acquisition personnel in order to:
 - a. Correct any overlooked items (Pinkies)
 - b. Evaluate any counter offers, which may include review of any data provided by the property owners which might reflect a different value

On - Going Responsibilities

1. The review appraiser is expected to attend the project closeout meeting.
 - a. Provide any input or corrections as needed as a result of the project closeout meeting
2. Provide a recommendation of the performance evaluation of the appraiser at the completion of the project
3. Provide status reports
4. Check your work for errors!

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review - Review Appraiser Disagrees with the Appraised Value	No: Revised: Page:	APP-PRO 6.112-57 04/01/15 1 of 2
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Reference:

49 CFR 24.102 (j)
49 CFR 24.104(a)

Thru the normal course of business it is inevitable that at some point the review appraiser will disagree with the value as set forth in the appraisal report.

In completing the appraisal review the review appraiser has the option of one of three required actions in reporting the review:

1. Concludes that the appraisal is acceptable as is or after minor corrections and endorses the appraiser's opinion of value. The same as recommending the appraisal under 49 CFR 24.104(a).
 - a. In the above scenario the review appraiser must work with the appraiser in order to obtain any corrections or additions necessary to for a satisfactory appraisal report, and a reasonable recommendation of compensation

OR

2. Concludes another value based on the reviewers additional analysis of the problem. The logic and supporting data for the reviewer's value must be explained and shall be in accordance with USPAP Standard 3-5(h)(i). Thus complying with all requirements under 49 CFR 24.104(a)(b).
 - a. In changing the value from that set forth in the appraisal report - for any purpose other than project balance - the review appraiser must:
 - (1) Provide reasoning as to why the reviewer is rejecting the value as set forth in the appraisal report.
 - (2) The reviewer must present the reasoning and logic behind the change in value – this may include the presentation of additional information or comparable data. The resulting conclusion is a satisfactory recommendation of compensation.
 - (3) In this instance the appraiser will be paid for the appraisal report.

OR

3. Appraisal is not accepted, reviewer requests another appraisal report, including the reasoning for non-acceptance. The same as the not accept option under 49 CFR 24.104(a).

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Subject: Appraisal Review - Review Appraiser Disagrees with the Appraised Value	No: APP-PRO 6.112-57 Revised: 04/01/15 Page: 2 of 2
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- a. If the appraisal report is unacceptable the reviewer shall make every attempt to reconcile with the appraiser to resolve the issues.
- b. As a last resort the review appraiser is to set up a meeting with the appraiser and the Appraisal Branch Manager in order to see if a resolution is possible.
- c. If all attempts fail, the review appraiser is to reject the appraisal report and request a separate appraisal report.

Note:

49 CFR 24 102(j) "Before requiring the owner to surrender possession of the real property, the Agency shall pay the agreed purchase price to the owner, or in the case of a condemnation, deposit with the court, for the benefit of the owner, **an amount not less than the Agency's approved appraisal** of the fair market value of such property, or the court award of compensation in the condemnation proceeding for the property."

Thus it is imperative that if it is necessary to lower the appraised value the review appraiser must first reject the value conclusion set forth in the appraisal report.

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The Review Appraiser shall be responsible for balancing all the appraisals that are part of the project. Under 49 CFR 24.104(a) and Section C-5 of the USFLA yellow book, the review appraiser has the authority to balance values between appraisal reports on a project to produce a consistent project value.

The ODOT policy will be to balance multiple appraisal reports along a project and among different appraisers to the highest consistent and supportable value, including total takes. - See APP-PRO 6.112-49

Consistency in land values for similar parcels must be maintained in order to assure fair and equal treatment for all parcel owners. Consequently, the reviewing appraiser should determine that the land value being recommended for any one parcel is consistent with values previously recommended for similar parcels, not only on the subject project, but also on adjoining projects.

Appraiser / Review Appraiser

In an effort to establish a project balance at the earliest possible time, the review appraiser is advised to work with the appraiser early in the process in order to effectively develop a project balance solution. (The review appraiser is cautioned not to dictate or unduly influence values in any way.) - See 49 CFR 24.102(2)

Appraiser

Provided that the appraiser has done a creditable job in their “Highest and Best Use of the Land as Though Vacant” analysis segment of the appraisal process, “value zones” will likely begin to emerge that will indicate what the resulting project balance values will be for various zones of the project.

It is common for a project to have multiple “value zones”. These “value zones” are the result of varying economic factors which effect property values. Typically the market will dictate the proper values, the appraiser will report this, and the project balance will reflect it.

Review Appraiser

Once the review appraiser feels that they have a reasonably good grasp of the projected values for a project they may begin the balancing process.

This is accomplished by the establishment of “corridor” balancing, the location where logical breaks or changes in value should occur and the establishment of land values for each of the “Value Zones”

Once the various “value zones” and the corresponding appropriate land values have been established the appraiser shall submit to the ODOT Appraisal Branch Facilitator one set of plans marked with a preliminary plan for project wide balancing of land values.

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Facilitator

If the balancing plan is reasonable and acceptable the ODOT facilitator shall approve the preliminary plan. If for any reason the facilitator cannot approve the balancing plan the facilitator shall work with the review appraiser to develop a suitable solution.

Review Appraiser

The review appraiser shall then proceed with the review and submission of the appraisal reports.

Facilitator

Prior to the project closeout the facilitator shall prepare a set of R/W plans depicting (on a parcel by parcel basis) the appraised values and the project balanced values. These plans are to be presented to the Chief of R/W & Utilities Division or his designate prior to the closeout meeting.

Additional Guidance

Project balancing can occur at various stages in the span of a project

- a. On projects where property values are consistent or homogenous the reviewer should balance the project values based on information located within the master addenda, and before the appraisals are completed.
- b. On projects which are more complex or where property values may vary the review appraiser should wait until some of the appraisals are completed before starting project balance.

Communication with the appraiser(s) is extremely helpful in determining project balance early in the project

Until the completion of the project the land value balancing plan is strictly preliminary, if at any time new information is presented the balancing plan may change.

Project balance is obtained based on the majority of the anticipated appraised values indicating an appropriate balance solution.

If there is a need to adjust the appraised value upward, in order to obtain project balance, the review appraiser simply needs to state that the value is being changed “for the purpose of project balance” then raise the value to the proper balance amount.

The review appraiser should keep in mind that once a value conclusion has been accepted it cannot be lowered for any reason. - See 49 CFR 24.102(j)

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If the review appraiser disagrees with the appraised value the review appraiser shall reject the value conclusion and provide an analysis for their own value conclusion. - See procedure statement APP-PRO 6.112-57

Constantly looming project deadlines and pressing time schedules are a fact of life within the course of an project. The early establishment of project balance is critical to effectively meeting these deadlines.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Revision Requests	No: Revised: Page:	APP-PRO 6.112-59 04/01/15 1 of 3
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The timely completion and submission of revision requests is a critical function. Revision requests create delays in the completion of projects, often resulting in missed letting dates. It is imperative that the Department receive revision requests as early in the project as possible to allow time for completion.

Revision requests cover a wide variety of subjects below are some criteria for the documentation needed to complete these revision requests.

Acquisition of Property Outside of the Proposed Right of Way

Reference:

OP-APP 6-12 Uneconomic Remnants
APP-PRO 6.112-49 General - Total Takes / Uneconomic Remainders

Total take requests for all properties deemed to be uneconomic remnants, including all properties where compensation exceeds 50% of the total property value.

Total take requests will consist of:

1. A Letter explaining reasoning and conclusions as to why the property is made a total take. Each letter shall have signature areas for the review appraiser, the Branch Manager of Relocation Branch, the Appraisal Branch project facilitator, the Appraisal Branch Manager, and the Chief of R/W
2. A completed revision request
3. A copy of the plot plan
4. A copy of the R/W plan sheet
5. A copy of the owner contact portion of the appraisal report
6. Any other supporting documentation

Change in Ownership

Changes in ownership are most often discovered by the appraiser who passes the information on to the project manager, who in turn submits the revision request to ODOT. The review appraiser shall verify that this has been completed. If it has not been completed the review appraiser is to complete the task as follows. Note: In the event that there is no project manager, the review appraiser acts as the project manager.

1. A completed revision request, stating that there has been a change in ownership which differs from what is shown by ODOT – Even if it's just a spelling error.

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2. Supporting documentation consisting of the chain of title documents updating the ownership from what ODOT had previously shown to the current property owner.

Temporary construction easements to remove improvements

When an improvement is being acquired and all or a portion of that improvement is located outside of the existing R/W, the revision request should include:

1. A completed revision request which requests a temporary construction easement to remove the improvements.
2. A copy of the construction or R/W plans with a drawing depicting the limits or boundaries of the proposed easement.

Driveway modifications or changes

All driveway modifications, changes, or placements should include:

1. A completed revision request stating what is occurring to the drive
2. A copy of the construction or R/W plans with a drawing depicting the proposed change.

All revision requests shall include the following:

1. All relevant fields of the request form filled out
2. An accurate and concise discretion of the proposed change
3. Parcel number and stationing
4. The requesting parties initials

All revision requests shall be submitted to ODOT upon the discovery of the need for revision.

All revision requests shall be attached to the appropriate appraisal report(s) with notations as to the date submitted.

Both the review appraiser and the project manager are tasked with the responsibility for the completion and submission of the revision requests. Often times there are confusion as to who has completed and submitted the revision request. Many times this delays the submission resulting in unnecessary delays in the project. Good communication is the key to successful completion of this task. Both the review appraiser and the project manager must maintain communications not only between themselves but also with the ODOT project facilitators in order to avoid problems in this area. **Attached is a copy of the revision request form**

Oklahoma Department of Transportation, Right-of-Way & Utilities Division

Mapping Branch Room B-4 Third Floor Office 405-521-2655 Fax 405-522-4228

ONE CHANGE PER REQUEST

DATE: _____
 NAME: _____
 BRANCH/COMPANY: _____
 PHONE NO: _____
 COUNTY: _____
 JOB PIECE NO: _____
 PROJECT NO: _____

	PARCEL NUMBER	DRIVE WIDTH	SURFACE TYPE (MATERIAL)	CL STATION Left/Right	CL STATION Left/Right
ADD DRIVE					
MOVE DRIVE					
DELETE DRIVE					
MODIFY DRIVE					
ADD FENCE					
REMOVE FENCE					
MODIFY FENCE					

OWNERSHIP CHANGE (attach supporting paperwork)

TOTAL TAKE PARCEL NO. (requires prior approval of Chief)

OTHER: (attach drawing, sketch and/or supporting paperwork if necessary)

**Fencing and ownership requests require Chief or Assistant Chief and requesting branch initials only.
 Initials from Project Management Branch are required if project is turnkey.**

REVISIONS APPROVED BY:			FOR MAPPING BRANCH ONLY
Branch	Initial	Date	Date Sent to Roadway Design Division:
Chief or Assistant Chief			
Project Management			Date Received from Roadway Design Division:
Acquisition			
Appraisal			Roadway Design Engineering Manager:
Relocation			
Utilities			

Miscellaneous Notes: _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Review Document	No: Revised: Page:	APP-PRO 6.112-60 04/01/15 1 of 7
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Attached is a copy of the standard ODOT appraisal review format used by the review appraiser to submit his findings. The format when completed is believed to be USPAP compliant.

An additional document to the appraisal review is the "Summary of Just Compensation" Which is covered in APP-PRO 6.112-61

Review Appraiser

1. Complete the appraisal review form in its entirety
2. If any questions arise regarding what to fill in on the top half of page 1 of the review please refer to APP-PRO 6.112-8 (2 thru 15)
3. Easement Values – See OP-APP 6-21 Easement Valuation
4. Express all temporary easements in the following manner:
 - a. Land Size x Land Value x 10% - Rental Rate x Times the Number of Years to be occupied (Typically 2 years)

Example:

Temporary Construction Easement
 $0.50 \text{ acres} \times \$1,000/\text{Acre} \times 10\% \times 2 \text{ Years} = \100

5. With the exception of Perpetual Flowage Easements all permanent easements are expressed in the following manner:
 - a. Land Size x Land Value x Percentage of Damages

Example:

Perpetual Utility Easement
 $0.50 \text{ acres} \times \$1,000/\text{Acre} \times 75\% = \375

6. Perpetual Flowage Easements are Market Driven (Flood Prone vs. Non-Flood Prone) and can be expressed in the following manner:
 - a. Perpetual Flowage Easement
 $1.50 \text{ Acres} \times (\$3,500 \text{ per acre (Non- Flood)} - \$3,000 \text{ per acre (flood)}) = \750
7. Express proximity and severance damages as a percentage of the total property value

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Review Document	No: Revised: Page:	APP-PRO 6.112-60 04/01/15 2 of 7
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a. Example:

Proximity Damages to Residence
1,000 Sq. Ft. x \$75.00 per Sq. Ft. x 10% Damages = \$7,500

Or

\$75,000 X 10% Proximity Damages = \$7,500

Severance damages shall be expressed in a similar manner

8. The FMV portion of the form represents the total compensation due the property owner from all sources
9. The DAMAGES portion of the form represents the cumulative damages from all sources both temporary and permanent. The review appraiser is advised never to round damages, other than to the nearest one dollar increment.
10. If at any point the review appraiser's compensation differs from that of the appraiser the review appraiser must state so and explain within the body of the review.
11. Value changes due to project balance can simply be stated as such
12. Rounding of Values – See APP-PRO 6.112-46 General – Rounding
13. The most important part of properly filling out the appraisal review is to be certain to clearly, concisely, and completely express your thoughts and the basis for your conclusions in writing within the appraisal review.
14. Complete the reviewers checklist
15. The above represents a small portion of the appraisal review; the remainder of the review format is fairly straight forward, if any questions arise as to how to fill out any of the remainder of the form contact the project facilitator or the Appraisal Branch Manager.

Attached is the standard ODOT Appraisal Review format

APPRAISAL REVIEW
FOR
STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

PROJECT NO: _____ PARCEL NO: _____ COUNTY: _____
PROPERTY OWNER: _____
PROPERTY OWNERS ADDRESS: _____
PROPERTY OWNERS PHONE NO(S): _____
ODOT EMPLOYEE OR ODOT OFFICIAL: _____ IF YES WHERE: _____
TENANT: _____
TENANT ADDRESS: _____
TENANT PHONE NO(S): _____
SUBJECT PROPERTY ADDRESS: _____
LEGAL DESCRIPTION: _____
LOCATION OF PROPERTY: _____

TENANT COMPENSATION INCLUDED IN REPORT: YES NO
DISCLAIMER: N/A ATTACHED: OWNER REFUSED:
PERSONAL PROPERTY INCLUDED IN COMPENSATION: YES NO

I have personally inspected the above-captioned parcel(s) on _____, I certify that my determination has been reached independently based on appraisals and other factual data without collaboration or direction; that I understand that this determination is to be used in connection with a Federal-aid highway project; no items compensable under State law but not eligible for Federal reimbursement are included in my estimate of compensation; and that I will not reveal the findings and results of the appraisal or the review to anyone other than the proper officials of the Oklahoma Department of Transportation or officials of the Federal Highway Administration until authorized by State officials to do so, or until required to do so by due process of law, or until released from this obligation by having publicly testified as to such findings.

Expand Review as Necessary to Adequately Complete

FMV \$
DAMAGES \$

IN WITNESS WHEREOF, the said _____ has hereunto set his hand.

Review Appraisers Name
Reviewer Appraisers Title
State Certification Number

Appraisal Review Summary

<i>J/P#:</i>	<i>Parcel #:</i>	<i>County:</i>
<i>Subject Property Location</i>		
<i>Property Type</i>		
<i>Reviewer's Client</i>	<i>This appraisal review service was engaged by the Oklahoma Department of Transportation</i>	
<i>Intended Users Of Review Report</i>	<i>Oklahoma Department of Transportation, it's agents and Assign's</i>	
<i>Intended Use Of Review Report</i>	<i>Assist the client in determining just compensation</i>	
<i>Purpose of the Review Report</i>	<i>The purpose of this review is to develop an opinion as to the completeness of the appraisal report under review and determine the adequacy and relevance of the data involved.</i>	
<i>Preparer Of Appraisal - Company</i>		
<i>Preparer Of Appraisal - Person</i>		
<i>Type Of Appraisal Reviewed</i>		
<i>Type Of Appraisal Report Reviewed</i>		
<i>Property Interest Appraised</i>		
<i>Appraisal's Effective Value Date</i>		
<i>Date Of Appraisal Report</i>		
<i>Date Of Review Report</i>		
<i>Effective Date of Review Report</i>		
<i>Identify any Hypothetical Conditions or Extraordinary Assumptions.</i>		
Scope of Work for this Review Report		
<i>USPAP Version Used During Review</i>		
<i>Type Of Review Process</i>	<i>Technical and Administrative</i>	
<i>Observation Of Subject Property</i>		
<i>Verification Of Comparable Sale Information</i>		
<i>Research For Other Or Better Comparable Sales</i>		
<i>Other</i>		
<i>Jurisdictional Exception Rule</i>	<p><i>This review has been prepared in accordance with guidelines provided by the Oklahoma Department of Transportation. Some of those requirements conflict with USPAP such as the requirement to be at the highest supportable value, and the balancing of project values.</i></p> <p><i>In accordance with the Jurisdictional Exception Rule "when following regulatory guidelines that conflict with USPAP, there is no violation."</i></p>	

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of work under review and no personal interest with respect to the parties involved.
- I have performed no (or the specified) other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- My analyses, opinions, and conclusions were developed, and this review report was prepared, in conformity with the Oklahoma Department of Transportation Guidelines and to the extent possible to the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the subject of the work under review. Which includes but is not limited to; an inspection of the subject of work to be reviewed and the market comparables utilized in the rendering of the value conclusion. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the subject of the work under review.)
- No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification. (If there are exceptions, the name of each individual(s) providing appraisal, appraisal review, or appraisal consulting assistance must be stated.)

Signature

State Credential Number

Date of Review Report

Reviewers Checklist

J/P #: _____
Parcel # _____
County _____

1. Cover Page - completed in accordance with APP-PRO 6.112-8

- a. All categories adequately filled out
Yes___ No___ N/A___
- b. Owners name match the deed of conveyance
Yes___ No___

2. Table of Contents (Optional)

Omitted___ Adequate___ Inadequate___

3. Delineation of Title - completed in accordance with APP-PRO 6.112-9

Yes___ No___ N/A___

4. Owner Contact - completed in accordance with APP-PRO 6.112-10

Yes___ No___ N/A___

5. Area / Neighborhood Data - completed in accordance with APP-PRO 6.112-11

Omitted___ Adequate___ Inadequate___

6. Description of the Subject Before - completed in accordance with APP-PRO 6.112-12

- a. Physical Features
Omitted___ Adequate___ Inadequate___
- b. Present Use
Omitted___ Adequate___ Inadequate___
- c. Zoning - completed in accordance with APP-PRO 6.112-35
 - i. Description
Omitted___ Adequate___ Inadequate___
 - ii. Rezone Probability
Omitted___ Adequate___ Inadequate___
 - iii. Land Use Regulations
Omitted___ Adequate___ Inadequate___
- d. Improvements
Omitted___ Adequate___ Inadequate___ N/A___
- e. Site Improvements
Omitted___ Adequate___ Inadequate___ N/A___
- f. Tenant Owned Improvements
Omitted___ Adequate___ Inadequate___ N/A___
- g. Personal Property / Trade Fixtures
Omitted___ Adequate___ Inadequate___ N/A___

7. Scope of Work Statement - completed in accordance with APP-PRO 6.112-13

Omitted___ Adequate___ Inadequate___

8. Highest and Best Use Analysis - completed in accordance with APP-PRO 6.112-14 & 15

- a. Vacant
Omitted___ Adequate___ Inadequate___
- b. Improved
Omitted___ Adequate___ Inadequate___
- c. Larger Parcel Considered
Omitted___ Adequate___ Inadequate___

9. Land Value

- a. Comparable Sales - *completed in accordance with APP-PRO 6.112-31 & 32*
 Adequate_____ Inadequate____
- b. Analysis - *completed in accordance with APP-PRO 6.112-18*
 Omitted_____ Adequate_____ Inadequate____
- c. Value Conclusion - *completed in accordance with APP-PRO 6.112-17 & 20*
 Omitted_____ Adequate_____ Inadequate____

10. Improvement Value

- a. Comparable Sales - *completed in accordance with APP-PRO 6.112-31 & 32*
 Adequate_____ Inadequate____
- b. Analysis - *completed in accordance with APP-PRO 6.112-17, 18 & 19*
 Omitted_____ Adequate_____ Inadequate____
- c. Value Conclusion - *completed in accordance with APP-PRO 6.112-17, 18, 19 & 20*
 Omitted_____ Adequate_____ Inadequate____

11. Total Before Value - *completed in accordance with APP-PRO 6.112-21*

Omitted_____ Adequate_____ Inadequate____

12. Description of the Part to be Acquired - *completed in accordance with APP-PRO 6.112-22*

Omitted_____ Adequate_____ Inadequate____

13. Typical Setbacks - *completed in accordance with APP-PRO 6.112-39*

Omitted_____ Adequate_____ Inadequate____ N/A____

14. Damages to the Remainder - *completed in accordance with APP-PRO 6.112-40 – 42*

- a. Cost to Cure
 Omitted_____ Adequate_____ Inadequate____ N/A____
- b. Proximity Damages
 Omitted_____ Adequate_____ Inadequate____ N/A____
- c. Severance Damages
 Omitted_____ Adequate_____ Inadequate____ N/A____

15. Description of the Remainder - *completed in accordance with APP-PRO 6.112-23*

Omitted_____ Adequate_____ Inadequate____

16. Effect of the Proposed Acquisition - *completed in accordance with APP-PRO 6.112-24*

Omitted_____ Adequate_____ Inadequate____

17. Summary - *completed in accordance with APP-PRO 6.112-25*

Omitted_____ Adequate_____ Inadequate____

18. Addendum - *completed in accordance with APP-PRO 6.112-26*

Omitted_____ Adequate_____ Inadequate____

19. Photographs - *completed in accordance with APP-PRO 6.112-47*

Omitted_____ Adequate_____ Inadequate____

20. Site Plan - *completed in accordance with APP-PRO 6.112-48*

Omitted_____ Adequate_____ Inadequate____

21. Does the Appraisal Report Comply to ODOT Guidelines

Yes____ No____ N/A____

22. Does the Appraisal Report Comply to USPAP

Yes____ No____ N/A____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Summary of Just Compensation	No: Revised: Page:	APP-PRO 6.112-61 04/01/15 1 of 5
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Reference:

49 CFR 24.102(d)(e)

“Before the initiation of negotiations, the Agency shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property.

Summary statement. Along with the initial written purchase offer, the owner shall be given a written statement of the basis for the offer of just compensation, which shall include:

1. A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property shall be separately stated.
2. A description and location identification of the real property and the interest in the real property to be acquired.
3. An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are included as part of the offer of just compensation. Where appropriate, the statement shall identify any other separately held ownership interest in the property, e.g., a tenant-owned improvement, and indicate that such interest is not covered by this offer. “

The above regulations provide the basis for and the basic framework of the “Summary Statement of Just Compensation”.

Procedure

The following guidelines are intended to provide a consistent basis for the completion of the form.

Important factors to keep in mind are:

1. The Summary Statement of Just Compensation is used by more than just the property owner. It is also used by the relocation personal for the establishment of items to be removed in the demolition contracts as well as others.
2. The property owners are not likely to be familiar with Real Estate Appraisal or with Right of Way projects. The more descriptive the explanation of what is considered as the basis for compensation the better. *Recommendation - write the Summary Statement of Just Compensation in such a way that an uninformed layperson can clearly understand it.*

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Summary of Just Compensation	No: Revised: Page:	APP-PRO 6.112-61 04/01/15 2 of 5
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3. Each Summary Statement of Just Compensation is intended to address only one ownership position.
4. In the event that the land owner has not signed a disclaimer of property rights statement the review appraiser is to “lump” all of the compensation together in the review and the Summary Statement of Just Compensation while stating that there is a tenant or other ownership interest. – The offer will then be presented to all ownership interests.
 - a. In nearly all instances if a disclaimer of property rights was not signed initially it will likely be signed after the presentation of the offer. When this occurs the review appraiser will be asked to provide separate Summary Statements of Just Compensation” to address the separate ownership interests, as a suggestion, it will be easier and quicker for the review appraiser to have addressed this possibility during the initial review rather than having to revisit the appraisal report.
5. All items affected by the proposed acquisition in any way, regardless of value, must be addressed within the Summary Statement of Just Compensation.

The following is offered to assist the review appraiser in the completion of the summary of just compensation form. Each number corresponds with the same number on the form located on the following Page 4 of 4 of this procedure statement.

1. Indicates this Summary Statement of Just Compensation is intended to address the landowner’s interest. A simple “X” will suffice.
 - a. In the event that the Summary Statement of Just Compensation is addressing an easement owner’s interest – indicate such on the statement.
2. Indicates this Summary Statement of Just Compensation is intended to address the tenant owned improvements, in most cases a simple “X” will suffice, in the case of multiple tenants list the name of the tenant owner for whom this Summary Statement of Just Compensation is intended to address.
3. The state Job Piece No. Example 24841(05)
4. The parcel number(s) assigned the subject property – if more than one number is assigned to a property owner list all of the assigned numbers.
5. List the county in which the subject property is located
6. List the federal R/W No. assigned to the project Example STPY-141C(233)RW

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Summary of Just Compensation	No: Revised: Page:	APP-PRO 6.112-61 04/01/15 3 of 5
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7. State the recommended just compensation due the property owner (Fair Market Value Plus Damages to the Remainder)
8. State the amount of damages from all sources, including cost to cure damages.
 - a. Damages are what they are - Do not round the amount of damages!
9. List all improvements being acquired regardless of value. Be very descriptive and specific.
 - a. This includes the acquisition of the original item(s) which are being compensated to be replaced
10. List all items that are considered as damages including cost to cure measures. Typical statements include the following:
 - a. Property owner compensated for proximity damages to residence
 - b. Property owner compensated for loss of value due to severance damages
 - c. Property compensated to relocate the following items:
 - d. Property owner compensated to replace the following items:
 - e. Etc.
11. Mark with "X" if subject perimeter fencing is not being replaced.
12. Mark with "X" if the state is to replace standard fencing
13. Mark with "X" if the property owner is compensated to replace fencing
 - a. Anytime that the property owner is being paid to replace fencing along the proposed R/W, the property owner needs to be compensated to replace all the necessary R/W fencing, – In other words never create a situation where the state is replacing part of the fencing and the property owner is replacing part of the fencing.
14. This portion of the Summary Statement of Just Compensation is provided to inform the property owner of how much land is being acquired and for what purpose.
 - a. The form should be adjusted as necessary to fit each acquisition
 - b. Area being displayed should match that of review document

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Appraisal Review – Summary of Just Compensation	No: Revised: Page:	APP-PRO 6.112-61 04/01/15 4 of 5
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- (1) If compensation is depicted in dollars per Sq. Ft. on review letter then area listed on SS of JC should also be in per Sq. Ft.

15. Provide comments for clarification or expansion.

SUMMARY STATEMENT OF JUST COMPENSATION

OWNER_____

JOB PIECE NO. _____

TENANT _____

PARCEL NO. _____

COUNTY: _____

FEDERAL R/W NO: _____

Fair Market Value offer of Parcel(s) to be purchased \$_____ OF which \$_____ is damages.

Document(s) detailing the location of the parcel(s) and the interest(s) to be purchased in land is attached.

The following buildings/improvements which are located on the parcel(s) to be purchased include:

Any and all items considered to be fixtures located in the buildings/improvements are to be purchased unless otherwise noted on this statement.

DO NOT HESITATE TO CONTACT YOUR ACQUISITION AGENT AND / OR RELOCATION AGENT, IN THE EVENT YOU MAY NEED ANY CLARIFICATION AS TO WHAT IS AND IS NOT SPECIFICALLY BEING PURCHASED.

The following items are considered as damages and include:

FENCING (New Right-of-Way Only)

No Fence _____

Acquiring Agency to Construct _____

Owner Compensated to Replace _____

LAND

Agency to Acquire ____Acres New Permanent Right of Way.

Agency to Acquire ____Acres New Perpetual _____ Easement.

Agency to Acquire ____Acres New Temporary _____ Easement.

Remarks: _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Program Deletions	No: Revised: Page:	APP-PRO 6.112- 62 04/01/15 1 of 1
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Periodically sections of the highway system are abandoned, requiring an estimated historical cost of that section of the highway system be removed. These estimated costs are strictly a bookkeeping function.

Historical cost are always best measured by a historical appraisal of each property that was acquired, however in the interest of time and other workload functions this is rarely if ever possible. The following is set forth as a guideline for those instances where an actual appraisal is not practical:

1. Estimate the following:
 - a. The amount of right of way in the corridor to be abandoned.
 - (1) Old records, plans, or aerial photography is helpful in estimating this amount.
 - b. The year within which the right of way was acquired.
 - (1) Archived highway maps are helpful is determining when the right of way was acquired.
 - c. The highest and best use of the land at the time of acquisition – historical improvements are to be ignored.
 - d. The current value of similar lands in the area.
2. Calculate the estimated current cost of the right of way corridor.
3. Apply a historical cost calculator to the current cost of the right of way corridor.

VOLUME II

SECTION II

ACQUISITION BRANCH INDEX OF PROCEDURES

ACQ-PRO 6.113-1	PROJECT INITIATION (OFFICE)
ACQ-PRO 6.113-2	PROJECT INITIATION (FIELD)
ACQ-PRO 6.113-3	WAIVER VALUATION
ACQ-PRO 6.113-4	CONTACTS WITH PROPERTY OWNERS
ACQ-PRO 6.113-5	SUPERVISORY CONTROL OF PROJECT
ACQ-PRO 6.113-6	NEGOTIATOR'S REPORT
ACQ-PRO 6.113-7	PROCESSING PROJECT DOCUMENTS THROUGH ACQUISITION OFFICE
ACQ-PRO 6.113-8	ACQUISITION OF FEDERALLY OWNED LANDS
ACQ-PRO 6.113-9	NEGOTIATIONS FOR LAND OWNED BY THE STATE OF OKLAHOMA
ACQ-PRO 6.113-10	NEGOTIATIONS FOR REAL PROPERTY OWNED BY OKLAHOMA DEPARTMENT OF TRANSPORTATION EMPLOYEES AND PUBLIC OFFICIALS
ACQ-PRO 6.113-11	CLOSE OUT MEETING FOR PROJECTS
ACQ-PRO 6.113-12	PROJECT COMPLETION
ACQ-PRO 6.113-13	SUMMARY OF ACQUISITION
ACQ-PRO 6.113-14	PROCESSING LOCAL PUBLIC AGENCY (LPA) PROJECTS
ACQ-PRO 6.113-15	PROJECT AGREEMENTS FOR LOCAL PUBLIC AGENCY (LPA) PROJECTS
ACQ-PRO 6.113-16	BLANK
ACQ-PRO 6.113-17	CLEARANCE ON LOCAL PUBLIC AGENCY (LPA) PROJECTS
ACQ-PRO 6.113-18	CERTIFICATION ACCEPTANCE (CA) ON LOCAL PUBLIC AGENCY (LPA) PROJECTS
ACQ-PRO 6.113-19	PROCESSING LOCAL PUBLIC AGENCY (LPA) CIRB PROJECTS WITH STATE PARTICIPATION IN R/W
ACQ-PRO 6.113-20	PROCESSING LOCAL PUBLIC AGENCY PROJECTS (LPA) WITH FEDERAL PARTICIPATION IN RIGHT-OF-WAY
ACQ-PRO 6.113-21	COLLECTION OF DEMOGRAPHIC INFORMATION

ACQ-PRO 6.113-22

NEGOTIATED AMOUNT ADJUSTMENT FOR ITEMS NOT
CONSIDERED IN THE APPRAISAL (PINKIE)

ACQ-PRO 6.113-23

ADMINISTRATIVE SETTLEMENTS (BLUIE)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Initiation (Office)	No: Revised: Page:	ACQ-PRO 6.113-1 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch

1. Receives notice from Mapping Branch that the project is complete and all plans/documents have been placed in the Y: Drive. The initial distribution of the plans and/or instruments will be done electronically only.

Facilitator

2. Receives project notification from Mapping Branch. Creates Branch file and notifies Mapping Branch if any of the above items are not included.
3. Receives a negotiation packet from Business Office. Checks packet to see that the following items are included:
 - a. A copy of the appraisal of each parcel including the title search.
 - b. Two copies of the fully executed Authorized Negotiation List which sets out the parcel number, name of the owner, and amounts to be offered to each owner.
 - c. Written offer to the owner, a Property Rights Brochure and a RAP Brochure, if required.
 - d. Tenant letter giving 90 day notice to vacate the property, Property Rights Brochure and RAP Brochure, when applicable.
4. Places one copy of the Ownership List (Misery) and one copy of the Authorized Negotiation List in the Branch project file.
5. Notifies Business Office if any of the above items are in error or not included.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Initiation (Field)	No: Revised: Page:	ACQ-PRO 6.113-2 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Negotiator

1. Receives project via email from the Facilitator and reviews construction and right-of-way plans as well as right-of-way documents for accuracy and correctness. Notifies Facilitator if any documents are in error or were not included.
2. Conducts field review of the project.
 - a. Makes a physical inspection of the entire project. Acquisition Branch facilitator should attend, if possible.
 - b. Makes a physical inspection of each separate parcel, checking for possible missed items, fencing, and driveways that are not compensated for or shown on the plans.
 - c. Makes an investigation of the County records to check ownership, back assessments, and any other special assessments or other encumbrances on each parcel (mortgages, liens, judgments, weed abatement, etc.).
 - d. Initiates contacts with property owners, see ACQ-PRO 6.113-4.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Waiver Valuation	No: Revised: Page:	ACQ-PRO 6.113-3 04/01/15 1 of 4
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Manager, Acquisition Branch

1. Receives notification from Appraisal Branch of the parcels initially selected by Appraisal Branch to be waiver valuation parcels as determined by limitations and restrictions set forth in APP-PRO 6.112-6.

Facilitator

2. Receives waiver valuation parcels from Manager and reviews construction and right-of-way plans as well as right-of-way documents prior to delivery to Service Provider.

Negotiator

3. Makes a physical inspection of each separate parcel on which a waiver valuation is to be utilized.
4. Utilizes the Master Addenda previously prepared by the Appraisal Branch for parcels on the project and confirms with the relevant current market data of comparable sales of similar properties. If there is no Master Addenda, the agent must use a minimum of three (3) comparable sales from similar properties to determine the value of the parcel(s). Copies of the comparable sales must be provided whether or not there is a Master Addenda.
5. If, after examining the pertinent Market Data and/or meeting with the owners, the Acquisition Agent determines that compensation could exceed \$10,000.00, the parcel is returned to Appraisal Branch for handling in accordance with APP-PRO 6.112-4 or APP-PRO 6.112-5.
6. Calculates the Fair Market Value (FMV) of the part taken and any minor cost to cure damages. Those amounts are to be used to complete the waiver valuation, (R/W Acq. Form 160), and the front of the Agent's Report, R/W Acq. Form 289). Also, a Waiver Valuation Worksheet Form (R/W Acq. Form 165) shall be completed that will support the amount shown on the waiver valuation and the offer letter. The waiver valuation form must be approved in writing by the Service Provider Project Manager, Acquisition Branch Manager and the Chief, Right-of-Way & Utilities Division prior to initiation of negotiations "ION".
7. Waiver Valuations prepared for PRPROPERTY OWNERS must be a minimum nominal offer of \$500.00.
8. Waiver Valuations prepared for TENANTS must be a minimum nominal offer of \$100.00.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Waiver Valuation	No: ACQ-PRO 6.113-3
	Revised: 04/01/15
	Page: 2 of 4

9. Prepares offer letter utilizing the information documented on the Waiver Valuation Form.
10. Prepares R/W App 129 (Summary Statement of Just Compensation) which includes:
 - a. Job Piece Number
Parcel Number
County
 - b. Owner/Tenant (Identify any separately held ownership interest)
 - c. Fair Market Value of parcels to be purchased, including amount of damages, if any.
 - d. Building/Improvements to be purchased
 - e. List of items considered as damages (cost to cure)
 - f. Fencing(must list the type of existing fencing)
 - g. Remarks
11. Attaches a document detailing the location of the parcels and the interests to be purchased to the Form 104. (Generally referred to as a plot plan)
12. On all waiver valuations that include improvements to be acquired or paid to relocate the agent must include color pictures of said improvements. And including photos of all existing right-of-way fencing.
13. Proceeds to initiate owner contact and delivers the written offer letter, property rights brochure, summary statement of just compensation and the plot plan.
14. Submits two (2) copies of the Offer Letter (R/W Acq. Forms 80, 81, 85, or 89) and the Summary Statement of Just Compensation (R/W App Form 129), to the Acquisition Branch within seven (7) calendar days of the date of offer.

Facilitator

Distributes one copy of the offer letter to Relocation Branch and one copy to Central Files.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Waiver Valuation

No: ACQ-PRO 6.113-3
Revised: 04/01/15
Page: 3 of 4

WAIVER VALUATION FORM

DATE: _____ JOB PIECE NO. _____
COUNTY: _____ PARCEL NO. _____

The following property involves compensation of \$10,000.00 or less and, as such is not required to be appraised. The following information is submitted for your use. (Summary Statement of Just Compensation form attached.)

OWNER(S): _____

OWNER(S) ADDRESS: _____

TENANT: _____

COMPENSATION: _____ DAMAGES: _____ SALVAGE: _____

IMPROVEMENTS: _____

DAMAGES: _____

COMMENTS: _____

TOTAL \$

I hereby certify that I have no direct, present or contemplated future personal interest in such property, or in any way benefit from the acquisition of such property being valued.

Evaluator: _____ **Date:** _____

Recommend Approval of Above Amounts:

Manager, Acquisition Branch **Date** **Amount**

Above Amounts Approved:

Chief, Right-of-Way Division **Date** **Amount**

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Waiver Valuation

No: ACQ-PRO 6.113-3
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WAIVER VALUATION WORKSHEET

OWNER(S) _____ _____ ADDRESS _____ _____	JOB PIECE # _____ PROJECT _____ COUNTY _____ PARCEL _____
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Description:

Parcel	Type of Acquisition	Size of Acq.	Value	%	Compensation
	Permanent R/W Taking	Acre @	\$0.00		\$0.00
	Perpetual Utility Easement (C-T-C)	Acre @		@ 75%	\$0.00
	Temp. Detour Easement (C-T-C)	Acre @		@ 20%	\$0.00
	Temp. Construction Easement (C-T-C)	Acre @		@ 20%	\$0.00
Damages					
			@	\$0.00 ea.	\$0.00
Improvements Acquired:					
			@	\$0.00	\$0.00
			@	\$0.00	\$0.00
	Project Balance Adjustment	\$3,620.00 per acre			
		Acre @		\$0.00	\$0.00

Comments:

	Land	\$0.00
	Project Balance Adjustment	\$0.00
	Damages	\$0.00
	Improvements	\$0.00
R/W ACQ Form 165 Rev. 3/2011	TOTAL OFFER	\$0.00
	rd. to	\$0.00

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contacts with Property Owners	No: Revised: Page:	ACQ-PRO 6.113-4 04/01/15 1 of 5
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Negotiator

1. Contacts the owner of record or their designated representative for the property to be acquired, explains the necessity of the required right-of-way, and explains the Property Rights Brochure on a personal face to face basis when possible.

All State resident property owners or representatives should be personally (face-to-face) contacted. When reasonable efforts to do this have failed, or when the owners specifically request otherwise, certified mail may be used and the Agent's report must be properly documented. Owner contact should consist of the following items:

- a. Affirms with the property owner(s): the property location, the ownership of record, mortgages, liens, tenants, correct address and tax ID/social security numbers, etc.
- b. Shows both the construction and right-of-way plans and explains in detail the amount of right-of-way needed, the conveying instruments/applications, the effect of damages (drives, fencing, cattle guards), if any, to be sustained to the remaining property.
- c. Explains the appraisal process and uneconomic remnants, if applicable.
- d. Presents the written offer letter on first contact with owner. This date represents the Initiation of Negotiation "ION". Signs and dates offer letter which includes the attached Property Rights Brochure, Summary Statement, Consent of Right of Entry, and if applicable, the RAP Brochure, presents it to owner and returns 2 signed copies to Branch within seven (7) calendar days of the date of offer. Briefly explains the Relocation Assistance Program provided by the Department if the owner(s) is being displaced and advises owner that a Relocation Agent will contact them to explain entire program.
- e. Presents the property owner with R/W ACQ Form 230 – Hazardous Disclosure. The property owner must disclose any knowledge of the presence of a known hazardous substance existing, manufactured or stored at the subject location currently or in the past. (Ex. Lead Base Paint, Asbestos, and Black Mold)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Contacts with Property Owners	No: Revised: Page:	ACQ-PRO 6.113-4 04/01/15 2 of 5
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- f. Explains the procedure to be followed in claiming incidental expenses. Prepayment penalty on mortgage, abstract fees (when required), probate and expenses (court expenses only), court expenses of granting majority rights to a minor, court expenses when court approval of documents is necessary, fees for executing lien waiver on mortgage, and any other reasonable and necessary incidental expenses incurred as a result of the transfer of property title to the State as determined by ODOT. These reasonable and necessary incidental expenses will be paid by the State upon the presentation of the paid receipts by the property owner with prior approval by ODOT.
- g. Explains to the owner that personal property will not be purchased.
- h. If specifically requested by the owner(s) or their designated representatives, provides copies of available plan sheets and/or appraisal reports used to determine the owners fair market value offer. These requests must be documented on the R/W ACQ Form 289.

Each and every plan sheet to be released in this manner shall be stamped "Preliminary, Subject to Revision" and dated with a current release date. Each and every appraisal report released in this manner shall be stamped "For Right-of-Way Negotiation Purposes Only" prior to release. (It is the intent of this procedure to release when requested plan sheets and appraisal reports to only those parties who have a direct compensable interest in and to the specific property to be acquired).

- 2. If fee owner disclaims any interest in improvements to tenants having a written or long-term lease, the negotiator presents the 90-day written notice with offer to the tenant with attached Property Rights Brochure and RAP Brochure and explains the Department's program, if applicable, within ten (10) working days after the first contact with the owner.
- 3. Secures any required releases from the tenants, through the fee owner. If a tenant release cannot be obtained, negotiator must inform the property owner that it is the standard practice of the Oklahoma Department of Transportation to secure or condemn all interest in the property.
- 4. If there are mortgages, liens or other encumbrances against the property the property owner will be presented with Form 300 Mortgage Information Form. The negotiator explains that the claim will include both the owner and mortgagee. Negotiator shall inform property owner why this is done. On certain mortgages such as the Commissioners of the Land Office, Federal Land Bank or the Veterans Administration, special procedures may apply and the negotiator shall make the necessary contacts to ascertain what will be required.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Contacts with Property Owners

No: ACQ-PRO 6.113-4
Revised: 04/01/15
Page: 3 of 5

5. Makes a minimum of three separate contacts with the property owner or their designated representative, two of which should be in person (face-to-face) and one contact with tenant. The negotiator shall allow a reasonable time, a minimum 30 days, before making a recommendation for condemnation. Never uses condemnation as a threat.

In an attempt to resolve any negotiation issues and prior to submitting any parcel for condemnation, the Service Provider must make a final “face-to-face” contact with the property owner or their designee.

6. All acquisitions should be allowed minimum of 30 days to negotiate and all acquisitions are negotiated in good faith. If the owner accepts the State's offer, the negotiator has the property owner properly execute all necessary documents such as Deeds, Claims, Legal Entry, etc. If the property owner does not accept the State's offer, the negotiator will continue to negotiate in good faith to try and reach an agreed upon settlement. If no agreement is reached the parcel is process for condemnation.
7. If considered reasonable, proper and in the public's best interest, recommends an Administrative Settlement, R/W ACQ Form 10 (Blueie), and submits this recommendation to the Facilitator.
8. Performs final title search and subsequently turns in to the Acquisition Branch Facilitator all required, properly executed documents with Right-of-Way Agent Report, R/W ACQ Form 289, which has been updated in a timely manner after each contact with the owner.

Note: At this time the negotiator is fully responsible for any change or update in the title of the original ownership information that was provided.

9. Turns in accurate and completed Parcel File Packet for review within 15 calendar days after deed is signed. Facilitator forwards completed file to the Branch Supervisor for processing through the Business Office for secured parcels or to the Legal Division for condemnation.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Contacts with Property Owners

No: ACQ-PRO 6.113-4
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Page: 4 of 5

J/P NO: _____
COUNTY: _____
PARCEL: _____

HAZARDOUS MATERIALS DISCLOSURE

PROPERTY OWNER INFORMATION				
PROPERTY OWNER ADDRESS				
HAZARDOUS MATERIALS				
Knowledge of the presence of a known hazardous substance existing, manufactured or stored at the subject location currently or in the past.				
1. Are you aware of the presence of Lead Base Paint?		YES	NO	UNKNOWN
2. Are you aware of the presence of Asbestos?		YES	NO	UNKNOWN
3. Are you aware of the presence of Black Mold?		YES	NO	UNKNOWN
4. Are you aware of the presence of Radon Gas?		YES	NO	UNKNOWN
5. Are you aware of existence of prior manufacturing of methamphetamine?		YES	NO	UNKNOWN
6. Are you aware of any underground storage tanks on the property?		YES	NO	UNKNOWN
7. Are you aware of any Carcinogenic Materials on the property?		YES	NO	UNKNOWN
8. Are you aware of the existence of any hazardous materials and other conditions having an environmental impact?		YES	NO	UNKNOWN
9. Are you aware of any condition on the property that would impair the health or safety of others?		YES	NO	UNKNOWN

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Contacts with Property Owners

No: ACQ-PRO 6.113-4
Revised: 04/01/15
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OKLAHOMA DEPARTMENT OF TRANSPORTATION

Mortgage Information Form
Right-of-Way & Utilities Division

The Oklahoma Department of Transportation requires the following information for all owners of real property to be acquired for Federal and federally-assisted projects. The form must be signed to be valid. This form should not be used for any other purpose.

MORTGAGE INFORMATION (First Mortgage)

Please be advised I/we have a mortgage upon real property to be acquired. Below is the most current information regarding said mortgage.

Mortgage Loan Financial Institution: _____
 Loan Account Number: _____ Phone Number: _____

Payments are made to: _____

My/Our Mortgage is: Current Past Due In Default In Foreclosure

MORTGAGE INFORMATION (Second Mortgage)

Please be advised I/we have a mortgage upon real property to be acquired. Below is the most current information regarding said mortgage.

Mortgage Loan Financial Institution: _____
 Loan Account Number: _____ Phone Number: _____

Payments are made to: _____

My/Our Mortgage is: Current Past Due In Default In Foreclosure

AUTHORIZATION TO RELEASE MORTGAGE INFORMATION

Please consider this my/our authorization for my financial institution to release details and information of the above listed mortgage(s) to the following entity and their Right-of-Way Contractor for said project:

Oklahoma Department of Transportation
 200 N.E. 21st Street
 Oklahoma City, OK 73105-3204

Print Name of Owner _____	Print Name of Owner _____	Date _____
Address _____		
Signature _____	Signature _____	
Social Security _____		
Loan Number _____		

ACKNOWLEDGEMENT (Partial Acquisition)

I/We acknowledge that it is my/our responsibility to continue making all mortgage and insurance payments on said property for a partial acquisition.

Signature _____	Signature _____	Date _____
-----------------	-----------------	------------

ACKNOWLEDGEMENT (Total Acquisition)

I/We acknowledge that it is my/our responsibility to continue making all mortgage and insurance payments on said property for a total acquisition until all payments have been made to me/us and/or said financial institution(s).

Signature _____	Signature _____	Date _____
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"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Supervisory Control of Project	No: Revised: Page:	ACQ-PRO 6.113-5 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch

1. Assigns project to Facilitator per state division assignments. Proper workload distribution must be taken into account.

Supervisor/Facilitator

2. After the Negotiator has begun making contacts with owners, makes periodic reviews to maintain supervisory control of the project from date of assignment until negotiations are completed.
3. Assists the negotiator with any negotiation problems and with complex negotiations.
4. Cooperates with other Branches of the Right-of-Way & Utilities Division to solve problems arising during negotiations.
5. Upon completion of negotiations, inquires of Manager, Acquisition Branch as to final approval for payment or recommendation for condemnation.
6. Conducts on the job training of negotiators to improve their ability, knowledge and technique in negotiating with property owners.
7. Periodically works with administrative personnel in the Right-of-Way & Utilities Division for the purpose of discussing general and individual problems and guiding the negotiators in methods and procedures of right-of-way acquisition.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiator's Report	No: Revised: Page:	ACQ-PRO 6.113-6 04/01/15 1 of 5
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Negotiator

1. Prepares Negotiator's Report, R/W Acq. Form 289 which includes the following information:
 - a. Property location from Plot Plan
 - b. Parcel number, state job piece number, federal aid project numbers for right-of-way and construction, and county in which parcel is located.
 - c. Name, address and phone number(s) of fee owner(s), Social security number/or tax I.D. number, name and title of corporation officer if condemned. Service Provider is required to turn in Articles of Incorporation.
 - d. If ownership has changed, provide a revision request to the appropriate branch, advising of the ownership change. Along with the request, provide all instruments of record that changes the ownership and included an updated Title Investigation Report (R/W Form 6). A Revision Request (R/W Map-04 form) must be submitted to the appropriate Branch within five (5) days of ownership change being discovered. If owner is deceased and estate is being settled, show: probated, not probated or pending in court.
 - e. Mortgages: Name and addresses of mortgage holders, book and page, date if changed, taxes, assessments and judgments. Name, address, phone number and title of service agent if parcel is to be condemned. If mortgage has changed or missed. A revision request to add/change must be submitted to the appropriate branch to along with the supporting documents. Always show "none" if no mortgage on property.
 - f. Tenants: Name and addresses, leasehold interest, indicating type, terms, and date of lease, book and page, are necessary. If month to month lease, a tenant release (R/W Acq. Form 201) is not necessary. Always show "none" if no tenant. If improvements owned by tenant are being purchased, the "Tenant Release & Purchase of Tenant Improvements" document (R/W Acq. Form 210) is required.
 - g. Date tenant was given 90-day written notice with attached Property Rights Brochure and RAP Brochure, when applicable.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Negotiator's Report

No: ACQ-PRO 6.113-6
Revised: 04/01/15
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- h. Complete breakdown of offer. Show supplemental housing payment if applicable.
- i. Revised offer (if applicable).
- j. Date owner was given the offer in writing, Property Rights Brochure and RAP Brochure, when applicable.
- k. Date owner was given revised offer in writing, when applicable.
- l. Written report of each contact must be very detailed and contain the following:
 - (1) Dates
 - (2) Places of contact
 - (3) Names of People present
 - (4) Offers made
 - (5) Counteroffer
 - (6) Time spent reviewing the plans.
 - (7) Time spent reviewing appraisals.
 - (8) Time spent preparing waiver valuations
 - (9) **All contacts with property owners must include the time spent with the property owner on that specific date or contact.**
 - (10) All contacts with Acquisition Branch project facilitator must include time spent on that specific date or contact.
 - (11) All contacts with Department Employees must include time spent on that specific date or contact.
 - (12) All contacts with Project Manager must include time spent on that specific date or contact.
 - (13) Reasons settlement could not be reached, if condemned, or indicates parcel secured.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiator's Report	No: Revised: Page:	ACQ-PRO 6.113-6 04/01/15 3 of 5
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- (14) Any additional information that might have a bearing on the settlement or condemnation. i.e., questions, answers, decisions or issues.
 - (15) At the end of R/W Acq. Form 289 log, the amount of time spent with the property owner(s) shall be totaled.
2. Signs and dates certification along with the Project Manager at the top of the back page of R/W Form 289 after conducting a final title search of the appropriate county records.
 3. Prepares and notarizes all related negotiated documents and claims.
 4. Turns in completed parcels to appropriate branch.

Facilitator

5. Receives parcels and logs into tracking system. Reviews packet accordingly to ACQ-PRO 6.113-7
6. Forwards completed parcel packets to Acquisition Branch supervisor for review.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Negotiator's Report

No: ACQ-PRO 6.113-6
Revised: 04/01/15
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RIGHT-OF-WAY AGENT'S REPORT

Property Location: _____ **Parcel No.** _____
 _____ **Job Piece No.** _____
 _____ **R/W Project No.** _____
 _____ **County** _____
 _____ **Section** T R _____

SECURED

If estate, indicate status: Probated Not Probated Pending in Court
FEE OWNERS (S) _____ ADDRESS/TELEPHONE NUMBER _____

TAX ID SS# _____ **LEGAL ENTRY LETTER SECURED** N/A
MORTGAGES: (including taxes, assessments and judgements) _____ (DATE) _____
 NONE

TENANT (including type, terms, and date of lease) _____ **NOT SECURED** N/A
 None

THE TENANT WAS GIVEN A PROPERTY RIGHTS BROCHURE: YES NO N/A
 THE TENANT WAS GIVEN THE RAP BROCHURE & 90 DAYS WRITTEN NOTICE TO VACATE: YES NO N/A

<u>AUTHORIZED NEGOTIATION AMOUNT</u>		<u>OFFER</u>	<u>REVISED OFFER</u>	<u>SETTLEMENT OFFER</u>
Original	Revised			
Permanent R/W _____ Acres	_____ Acres			
Pcl 3 _____ Acres	_____ Acres			
Perpetual R/W _____ Acres	_____ Acres			
Pcl 3.1 _____ Acres	_____ Acres			
Temporary R/W _____ Acres	_____ Acres			
Pcl 3.2 _____ Acres	_____ Acres			

RIGHT-OF-WAY FENCE:
 ODOT To Replace Owner Paid to Replace
 Controlled Access No Fence
 Temp. Fencing

CROSS FENCE IMPROVEMENTS _____

DAMAGES _____

BUY OUT OFFER TOTAL: \$ \$ \$

Supplemental Housing Payment \$ N/A

I certify that all secured agreements, if any, including deeds, easements, claims, or correspondence, embody all considerations agreed upon. The agreement was reached without coercion; promises, other than those shown in the

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Project Documents Through Acquisition Office	No: ACQ-PRO 6.113-7 Revised: 04/01/15 Page: 1 of 2
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch/Supervisor

1. Receives all documents on parcels from Negotiator and gives them to the Branch Facilitator for review and processing.

Facilitator

2. Logs all information from parcel files into Oracle Tracking System. Checks the documents and Agent's Report, R/W Acq. Form 289, on secured parcels, as they are received, for the following:
 - a. Accuracy (mathematics)
 - b. Preparation (right-of-way forms)
 - c. Documentation (supporting instruments)
 - d. **Completeness (Including all discussions, questions, answers and decisions involving the negotiation process)**
 - e. Proper execution of all documents and conveyances. In cases of complex chains of title, negotiator shall provide a flow of title to assist in review.
 - f. If there are mistakes or omissions, returns to Negotiator for corrections and/or further documentation. All secured parcel files returned to the negotiator for corrections shall be returned to the branch within five (5) working days, unless written permission is given by facilitator for a longer period of time.
3. Checks the documents and Agent's Report, R/W Acq. Form 289, on parcels recommended for condemnation, as they are received, for the following:
 - a. Accuracy (mathematics).
 - b. Preparation (right-of-way forms).
 - c. Documentation (supporting instruments). In cases of property owners or heirs that could not be found, negotiator is to explain what was done to find the missing interest. i.e., internet searches, talking to neighbors, etc.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Project Documents Through Acquisition Office	No: ACQ-PRO 6.113-7 Revised: 04/01/15 Page: 2 of 2
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- d. **Completeness (Including all discussions, questions, answers and decisions involving the negotiation process)**
- e. If there are mistakes or omissions, returns to Negotiator for corrections and/or further documentation. All condemned parcel files returned to the negotiator for corrections should be returned to the Branch within three (3) working days, unless written permission is given by facilitator.
- f. If applicable, notes Supervisor's signature on back of Agents Report (R/W Acq. Form 289).
- g. For condemned parcels, call property owners to verify names and addresses and initials that information is correct.

Manager, Acquisition Branch/Supervisor

- 4. Reviews all proposed condemnation cases with Chief, Right-of-Way & Utilities Division; Chief, Legal Division; Right-of-Way Agent and other personnel as deemed necessary.
- 5. Reviews all papers, signs appropriate documents, and then forwards all papers through Mapping Branch to Manager, Business Office for payment or to Legal and Business Services Division for condemnation processing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Acquisition of Federally Owned Lands	No: Revised: Page:	ACQ-PRO 6.113-8 04/01/15 1 of 2
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch

1. Reviews negotiation packet of parcels owned by agencies of the Federal Government and forwards to negotiator.

Negotiator

2. Initiates negotiations directly with the appropriate agency when the lands are owned by agencies of the Federal Government.
3. Submits appropriate application to the Federal Agency (Letter of Intent) which includes the following information and materials:
 - a. A statement of the purpose for which the lands will be used.
 - b. The estate or interest in the land required by the Department.
 - c. The Federal Aid project number.
 - d. The name of the Federal Agency exercising jurisdiction over the land and the identity of the installation or activity in possession of the land.
 - e. A commitment to construct the highway on or to remove materials from the lands to be transferred within a period of not more than 10 years following the transfer of the lands to the State.
 - f. A map showing the survey of the lands to be acquired.
 - g. A legal description of the land required.
 - h. Provides the Department's Environmental Document which includes a Statement of Compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4332, et seq.), the Historical Preservation Act (16 U.S.C. 470(f)) and with provision for Preservation of Parklands (49 U.S.C. 1653(f)), if applicable.
4. Maintains contact with the Federal Agency and furnishes additional material if required.
5. Negotiates for Restricted and /or Trust Indian land in the following manner:

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Acquisition of Federally Owned Lands	No: Revised: Page:	ACQ-PRO 6.113-8 04/01/15 2 of 2
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- a. Contacts proper Bureau of Indian Affairs (BIA) office personnel to determine agencies process.
- b. Presents Notice of Intent to Acquire, NOI, written offer and application to BIA or appropriate authority.
- c. Provide BIA with 2 originals of the appraisal along with 1 copy of the Environmental Report.
- d. Handles all other aspects of negotiation with the Bureau of Indian Affairs personnel. Including obtaining "Owners Consent to Survey" and "Owners Consent to Easement".
- e. Secures the Grant of right-of-way from Bureau of Indian Affairs personnel, submits the Granting form, claim, tenant release (if applicable), and R/W Acq. Form 289 agents report to supervisor. If unable to secure parcel(s), submits R/W Acq. Form 289 recommending condemnation.

Facilitator

6. Receives either Grant for right-of-way and claim or letter refusing the State's offer from the Bureau of Indian Affairs.

Supervisor, Acquisition Branch

7. Attached Grant for right-of-way, claim, and tenant's release to R/W Acq. Form 289 and forwards to Business Office for payment, if negotiations are successful or forwards to Legal & Business Services Division for condemnation if negotiations are unsuccessful.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiations for Land Owned by the State of Oklahoma	No: Revised: Page:	ACQ-PRO 6.113-9 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch

1. Reviews negotiation packet of parcels owned in fee by the State of Oklahoma and forwards to Supervisor/Negotiator.

Negotiator

2. Consults with the State Agency who owns the property and confirms information about the tenant and the tenant's interest in the property and confirms the following information:
 - a. Terms of lease.
 - b. Ownership of any improvements and fences.
3. Contacts tenant and secure Tenant's Release. Makes settlement for crop damages, fences, improvements or any other items which they own and which are compensable. Turns in secured instruments with R/W Acq. Form 289 through Supervisor to Manager, Acquisition Branch or informs Manager, Acquisition Branch if tenant cannot be secured with R/W Acq. Form 289.
4. Presents the State's offer, legal description and sketch of parcel to appropriate agency together with other instruments that may be required. Makes sure that compensation paid to the tenant is deducted from offer as set out in appraisal or otherwise noted.
5. If unable to secure both the owner and tenant, explains that it is the policy of the Oklahoma Department of Transportation that both the fee owner and all leasehold interests must be secured or it will be necessary that all interests be condemned. Approval of the Chief, Right-of-Way & Utilities Division is required to deviate from this procedure.
6. Continues correspondence, as necessary, to answer inquiries from the agency, furnish additional items as requested or send a follow-up letter requesting executed documents.
7. Processes parcel in accordance with procedure "Processing Project Documents through Acquisition Office, ACQ-PRO 6.113-6."

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiations for Real Property Owned by Oklahoma Department of Transportation Employees and Public Officials	No: ACQ-PRO 6.113-10 Revised: 04/01/15 Page: 1 of 3
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Applies to:

Policy OP-ACQ 6-2: Negotiation

NOTE:

No real property shall be purchased by the Department from a member of the Commission, the Director or other employee of the Department, or from any corporation in which such person or a member of his immediate family is an officer or agent and/or owns five percent (5%) or more of the stocks or shares actually issued by such corporation, or from any person who within eighteen (18) months prior to such purchase held such position with the Commission or the Department, unless his interest in such property shall be openly disclosed upon the public records of the Commission, and such property is acquired either by condemnation proceedings or the price to be paid for such property is approved in writing by the Director and the Chairman of the Commission; and provided further that such person shall not have participated in such acquisition for and in behalf of the Department or the Commission. (As defined in the Oklahoma Administrative Code (OAC) Title 730:1-3-8, Section C)

Manager, Acquisition Branch

1. Receives negotiation packet of parcels owned by the aforementioned individuals.

Facilitator

2. Notifies Negotiator of these parcels when negotiation packet is transmitted.

NOTE:

The Negotiator must also check other parcels for land owners who may fall under this classification.

Negotiator

3. Contacts owner and proceeds with negotiations.

NOTE:

Waiver Valuations must be approved by Appraisal Branch Manager.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiations for Real Property Owned by Oklahoma Department of Transportation Employees and Public Officials	No: ACQ-PRO 6.113-10 Revised: 04/01/15 Page: 2 of 3
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- a. Assists owner in executing all necessary instruments of conveyance, notifying the owner that it is subject to approval.
- b. If the property owner does not accept the State's offer, the negotiator will negotiate in good faith. All acquisitions should be allowed a minimum of 30 days to negotiate.
- c. Forwards executed instruments and completed R/W Acq. Form 289 through Facilitator.

Manager, Acquisition Branch/Facilitator

4. Notifies Chief, Right-of-Way & Utilities Division of such parcels and includes with this notification a draft of a letter for each owner of this type from the Chief, Right-of-Way & Utilities Division to the Director, which contains the following:
 - a. An explanation of Right-of-Way & Utilities Division policy.
 - b. A short explanation of the extra precautions taken to avoid unfair criticism of the method used to determine the price paid for the parcel(s) in question.
 - c. The basic facts about the parcel(s) and a brief history of contact with the owner – ODOT's initial offer, dates, amount of land taken, access rights, etc.
 - d. A statement similar to, "Both we and the owner(s) believe the State's offer represents fair market value and request your written approval in compliance with Department policy."
 - e. If request is approved by the Director, forwards letter to the Chairman of the Oklahoma Transportation Commission for written approval or disapproval.

NOTE:

The Transportation Commission letter is to be approved in accordance with the following provisions from Policy OP-GA 6-20, ACQUISITION OF REAL PROPERTY FROM DEPARTMENT EMPLOYEES AND PUBLIC OFFICIALS.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiations for Real Property Owned by Oklahoma Department of Transportation Employees and Public Officials	No: ACQ-PRO 6.113-10 Revised: 04/01/15 Page: 3 of 3
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Manager, Acquisition Branch

5. Receives proper authorization to proceed with parcel and processes parcel in accordance with procedure "Processing Project Documents through Acquisition Office, ACQ-PRO 6.113-7."

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Close Out Meeting for Projects	No: Revised: Page:	ACQ-PRO 6.113-11 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Facilitator

1. Review project with Manager/Supervisor and determine whether a closeout meeting is necessary.
2. If determined to be necessary, schedule project closeout meeting. Scheduling should consist of the following:
 - a. At least three weeks prior to Acquisition Branches target date, check with the Chief, Right-of-Way or Designee for time availability of date selected.
 - b. Prepare agenda and send notice to all Right-of-Way & Utilities Division employees, Chief, Legal and Business Services Division, FHWA, Service Providers and Project Management Division, prior to meeting.

NOTE: Service Provider to work with Facilitator to decide if there is a need to schedule earlier.

3. Assemble and bring to close out meeting the following information:
 - a. Agenda
 - b. Sign in Sheet
 - c. Plans (for Operations Manager , Branch Manager, Supervisor & Facilitator)

Negotiator

4. Bring to Closeout Meeting multiple copies of the most current status reports with offers, counteroffers and other necessary information pertinent to the meeting. Delivers to Acquisition Branch Facilitator the front of Acq Form 289 for all unsecured parcels for distribution of Advance Condemn Notice.

Facilitator

5. During closeout meeting, documents decisions and comments made. Prepares and sends out to all participants a report documenting all decisions made for each unsecured parcel.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Completion	No: Revised: Page:	ACQ-PRO 6.113-12 04/01/15 1 of 1
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Manager, Acquisition Branch

1. Ensures that the Acquisition Branch records are completed.

Facilitator

2. Updates all acquisition records in Oracle I Tracking System. (Secured/Condemn, Dates in/out, Bluiie/Pinkie, Counters/Settlements.) .
3. When all parcel files are secured and transmitted though Mapping Branch for review and then to Legal and Business Services Division for payment, project is considered 100% complete.
4. If negotiations are unsuccessful, and parcel files are transmitted to Legal and Business Services Division, project is considered 99% complete until condemnation is complete.
5. Within ten (10) working days of project being closed, facilitator should complete Service Provider evaluation.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Summary of Acquisition	No: Revised: Page:	ACQ-PRO 6.113-13 4/1/15 1 of 2
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Applies to:

Policy OP-ACQ 6-2: Negotiation

Negotiator

1. Prepares a Summary of Acquisition, R/W ACQ Form 220 which includes the following information:
 - a. Parcel Number, State Job Piece Number, and County in which the parcel is located.
 - b. Project Description
 - c. Indicate "BUYER" and "SELLER". The Department will always be referred to as the "BUYER"
 - d. Must give a detailed description of the agreed parcel transaction. Examples Below
 - (1) Total Agreed Compensation
 - (2) What does the BUYER receive
 - (3) What does the SELLER receive
 - (4) Financial Transaction
 - (5) Retaining any Salvage
 - (6) Allowing additional time to remain on property
 - (7) Exchanging Warrant for Original Instruments
 - (8) Land Exchanges
 - (9) Drives
2. Signs and Dates Summary of Acquisition and also has the property owner execute the document.
3. Includes executed Summary of Acquisition in secured parcel packet to be submitted to ODOT.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Summary of Acquisition

No: ACQ-PRO 6.113-13
Revised: 4/1/15
Page: 2 of 2



SUMMARY OF ACQUISITION

JOB PIECE: _____, COUNTY _____, PARCEL(S) _____

PROPERTY LOCATION: Section _____, Township _____, Range _____, _____ County

BUYER: Oklahoma Department of Transportation, ODOT

SELLER: PROPERTY OWNER(S), NAME AND ADDRESS:

ASSIGNMENT: _____

MORTGAGES AND LIENS: _____

IMPROVEMENTS: _____

DAMAGES: _____

PROPERTY OWNER(S) / SELLER(S) WILL EXECUTE AND SUBMIT TO THE BUYER, ODOT, THE FOLLOWING DOCUMENTS:

_____ for parcel _____ for _____
_____ for parcel _____ for _____
_____ for parcel _____ for _____
_____ for parcel _____ for _____
_____ for parcel _____ for _____

ACQUISITION AMOUNT FOR LAND, IMPROVEMENTS AND DAMAGES: _____

BUYER AND SELLER AGREE:

UPON RECEIPT OF SIGNED DOCUMENTS, BUYER, ODOT, WILL PREPARE THE FOLLOWING:

State Warrant in the amount of _____ to _____
State Warrant in the amount of _____ to _____
State Warrant in the amount of _____ to _____
State Warrant in the amount of _____ to _____

PROPERTY OWNER / SELLER

DATE

PROPERTY OWNER / SELLER

DATE

ODOT ACQUISITION AGENT

DATE

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) Projects	No: Revised: Page:	ACQ-PRO 6.113-14 04/01/15 1 of 4
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Applies to:

Policy OP-GA 6-18: Projects of Local Public Agencies (LPA)

Manager, Acquisition Branch

1. Receives two (2) sets of half size plans with one (1) half size set of cross-sections, all conveyance instruments, project agreement and transmittal.

LPA Coordinator

2. Stamp the project transmittal in with date received. Check for Environmental Clearance (red tape) date supplied from Environmental Programs Division if applicable. **If there is no red tape date on transmittal check with branch manager before processing, return to Division submitting project.** Check Project and Job Piece numbers for accuracy.
3. Establish Branch file and post to LPA database:
 - (1) Date plans received and agreement type
 - (2) Red tape date, number of parcels, Engineering firm, County Commissioner
 - (3) Project Status, and comment as activities are completed.
4. Prepares packet for delivery to LPA, packet contains the following:
 - a. Deeds
 - b. Right-of-Way and/or Construction plans
 - c. LPA (CD), containing LPA R/W documents, including all acquisition forms, and instructions pertaining to acquisition procedures.
5. Deliver or mail packet to LPA. If delivery is by mail, send to Board of County Commissioners/City Hall in care of the appropriate County Commissioner/City Official. Offer any assistance they require in right-of-way process.

Explain the following required steps that must be followed:

- a. Title Information and Certificate of Search
- b. Provide Notice of Interest letter to all affected property owners.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) Projects	No: Revised: Page:	ACQ-PRO 6.113-14 04/01/15 2 of 4
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- c. Provide and explain the Property Rights Brochure to all affected property owners.
 - d. Donation Certificate.
 - e. Appraisal/Waiver process.
 - f. Summary Statement of Just Compensation
 - g. Written offers. This is considered the Initiation of Negotiations "ION". The acquiring agency should provide a minimum of 30 days to allow owners time to consider the offer.
 - h. Agent's discussion log contains the following:
 - (1) Places of contact and the names of everyone present
 - (2) Offer made
 - (3) Counteroffers if applicable
 - (4) Reasons settlement could not be reached, if condemned, or indicates parcel secured
 - (5) Any additional information that might have a bearing on the settlement or condemnation. i.e. questions, answers, decisions or issues.
 - i. Proof of Payment for each parcel acquired
 - j. Utility and Encroachment Affidavit
 - k. Relocation assistance information if applicable
 - l. Unattainable Lien Waiver/Partial Lien Release
 - m. Local Public Agency is required to maintain adequate project files
9. Offers assistance in any phase of right-of-way work
10. Review of Secured Acquisition Packet (items that will be needed to clear the project):
- a. Review misery to determine appropriate parcel documents

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) Projects	No: Revised: Page:	ACQ-PRO 6.113-14 04/01/15 3 of 4
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- b. Verify title certification is complete
 - c. Notice of Interest letter
 - d. Donation Certificate in file for donated parcels
 - e. Review waiver valuation or appraisal and appraisal review for determination of value. If waiver valuation is utilized, comparable sales must be attached to support the value.
 - f. Summary of Just Compensation, approved by appropriate official
 - g. Verify that the Offer Amount is not less than the Summary Statement of Just Compensation, the amount indicated through the valuation process.
 - h. Obtain one of the following as proof of payment :
 - (1) Copy of Check endorsed by the property owner
 - (2) Receipt from property owner
 - (3) Signed certified mail receipt, green card
 - i. Discussion log documenting the dates and interaction between acquiring agent and property owner. Must use ODOT form 289.
 - j. Unattainable Lien Waiver may be substituted for a partial lien release for purchase values of \$10,000 or less
 - k. Partial Lien Release from the mortgage company shall be provided from the acquiring agency for purchase values of more than \$10,000
 - l. Utility and Encroachment Affidavit shall be provided by the agency stating the status of utilities and encroachments.
11. Requests copies of executed papers or other documents reflecting legal entry through condemnation proceedings, as soon as they are available.
12. Makes periodic file reviews, and/or spot-checks, during the acquisition process to offer advice or assistance and learns of progress made. This will allow time to correct any deficiencies noted.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) Projects	No: ACQ-PRO 6.113-14
	Revised: 04/01/15
	Page: 4 of 4

14. Once legal entry to all parcels is obtained and all documentation has been approved, provide a project clearance letter (LP-1) to the appropriate ODOT division; stating all R/W is acquired and the date utility adjustments will be completed.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements for Local Public Agency (LPA) Projects	No: ACQ-PRO 6.113-15 Revised: 04/01/15 Page: 1 of 2
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Applies to:

Policy:

OP-GA 6-18: Projects of Local Public Agencies (LPA)

OP-GA 6-9: Project Agreements

LPA Coordinator

1. Determine the type of Agreement required by reviewing Local Public Agency(s), LPA, involved. Types of Agreements are as follows:

City Nothing LPA Agreement

- Projects submitted to Right-of-Way & Utilities Division within a City's Corporate Limits with no City involvement.

City LPA Agreement

- Projects submitted to Right-of-Way & Utilities Division within a City's Corporate Limits.

2. Prepare four (4) copies of the Right-of-Way, Public Utility and Encroachment Agreement with applicable project numbers and description for Local Public Agency(s) involved.
 - a. Four (4) copies are to be mailed with the project packet to the LPA
3. Upon receipt of executed Agreement from LPA, transmit to Legal and Business Services Division, and Chief of Right of Way Division for signature.

Chief, Legal & Business & Business Services Division

4. Sign Agreements as to form and legality and return to Acquisition Branch.

LPA Coordinator

5. Transmits Agreements to Chief, Right-of-Way & Utilities Division for signature.

Chief, Right-of-Way & Utilities Division

6. Sign all Agreements, for the Director, and return to Acquisition Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements for Local Public Agency (LPA) Projects	No: ACQ-PRO 6.113-15 Revised: 04/01/15 Page: 2 of 2
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LPA Coordinator

7. Verify all necessary signatures have been obtained. Prepare cover letter to the LPA and distribute as follows:
 - a. One (1) copy to the Local Agency with a copy of the cover letter
 - b. One (1) copy to the Field Division with a copy of the cover letter
 - c. Two (2) copies to the Central Files with a copy of the cover letter
8. Post Agreements received and date signed to LPA database.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Clearance on Local Public Agency (LPA) Projects	No: Revised: Page:	ACQ-PRO 6.113-17 04/01/15 1 of 1
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Applies to:

Policy OP-GA 6-18: Projects of Local Public Agencies (LPA)

LPA Coordinator

1. Verify Acquisition, and Relocation activities have been completed and the project agreements have been executed.
2. Prepare a clearance memo (LP-1) and transmit to the appropriate Division. Send a copy of clearance memo to the Local Agency, Field Division and Records Center.
3. **NO VERBAL CLEARANCES!!!** All projects must have cleared Mapping, Acquisition, Relocation and Utilities prior to being cleared by the Right-of-Way Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Certification Acceptance (CA) on Local Public Agency (LPA) Projects	No: ACQ-PRO 6.113-18 Revised: 04/01/15 Page: 1 of 1
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Applies to:

Policy OP-GA 6-18: Projects of Local Public Agencies (LPA)

NOTE:

There currently is no Certification Acceptance Program in Oklahoma. Should it be delegated by ODOT to a Local Agency in the future, it would be administered through the Oklahoma Certification Acceptance Manual – Chapter 25 upon FHWA prior review and approval of the chapter at that time.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) CIRB Projects with State Participation in R/W	No: ACQ-PRO 6.113-19 Revised: 04/01/15 Page: 1 of 5
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Applies to:

Policy OP-GA 6-18: Projects of Local Public Agencies (LPA)

Manager, Acquisition Branch/Supervisor

1. Receives one (1) set of full size plans, two (2) sets of half size plans with one (1) half size set of cross-sections, all conveyance instruments and transmittal.

LPA Coordinator

2. Stamp the project transmittal in with date received. Check for Environmental Clearance (red tape) date supplied from Environmental Programs Division if applicable. **If there is no red tape date on transmittal, return to Division submitting project.** Check Project and Job Piece numbers in IMS for accuracy.
3. Distribution:
 - a. Acquisition Branch File – Copy of transmittal, one (1) set of full size plans, one (1) set of half size plans with cross sections and conveyance instruments
4. Establish Branch file and Post LPA database:
 - (1) Date plans received and agreement type
 - (2) Red tape date, number of parcels, Engineering firm, County Commissioner
 - (3) Status as project activities are completed.
5. Prepares packet for delivery to LPA, packet contains the following:
 - a. Deeds
 - b. Right-of-Way and/or Construction plans
 - c. Four copies of the Right-of-Way, Public Utility and Encroachment Agreement
 - d. LPA (CD) containing LPA R/W documents, including all acquisition forms, and instructions pertaining to acquisition procedures.
 - e. Memo and hard copy of Acquisition Process Flow Chart.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) CIRB Projects with State Participation in R/W	No: ACQ-PRO 6.113-19 Revised: 04/01/15 Page: 2 of 5
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6. Procurement Process

- a. Inform and advise County of correct procurement process to assure an understanding of applicable Oklahoma Statutes, 49 CFR Sec. 18.36 and 23 CFR Sec. 172 for Counties requesting CIRB(285) funds for various Right-of-Way activities. This may include Right-of Way Title, Acquisition, Staking, Appraisal, Appraisal Review and Relocation functions.
- b. Verify compliance with applicable Oklahoma Statutes, 49 CFR Sec. 18.36 and 23 CFR Sec. 172. As part of this process reviews procurement process documentation for completeness and compliance with regulations.
- c. Reviews proposed fee schedule and staffing plan from selected service provider and solicits review/approval from the appropriate Branches.
- d. Upon Approval of process issues notification to County.
- e. Maintains appropriate correspondence and records supporting procurement process.

7. Administrative Settlements

- a. Receives counteroffer with supporting documentation from County.
- b. Solicits approval from Acquisition Branch Manager
- c. If approved by Acquisition Branch Manager then solicit approval from Chief and/or Assistant Chief of Right-of-Way and Utilities Division
- d. If Approval is denied by the Department then the County has the option of approving the settlement by utilizing County funds

8. Deliver or mail packet to LPA. If delivery is by mail, send to Board of County Commissioners/City Hall in care of the appropriate County Commissioner/City Official. Offer any assistance they require in right-of-way process. **Explain the following required steps that must be followed.**

- a. Title Information and Certificate of Search
- b. Provide Notice of Interest letter to all affected property owners.
- c. Provide and explain the Property Rights Brochure and explanation to all affected property owners.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) CIRB Projects with State Participation in R/W	No: ACQ-PRO 6.113-19 Revised: 04/01/15 Page: 3 of 5
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- d. Donation Certificate.
 - e. Appraisal/Waiver process.
 - f. Summary Statement of Just Compensation
 - g. Written offers. This is considered the Initiation of Negotiations "ION" and should provide a minimum of 30 days to allow owners time to consider the offer.
 - h. Agent's discussion log must be very detailed and contain the following:
 - (1) Places and Dates of all contact and the names of everyone present
 - (2) Offer made
 - (3) Counteroffers if applicable
 - (4) Reasons settlement could not be reached, if condemned, or indicates parcel secured
 - (5) Any additional information that might have a bearing on the settlement or condemnation. i.e. questions, answers, decisions or issues.
 - i. Proof of Payment for each parcel acquired
 - j. Utility and Encroachment Affidavit
 - k. Relocation assistance information if applicable.
 - l. Unattainable Lien Waiver/ Partial Lien Release
 - m. Local Public Agency is required to maintain adequate project files
10. Offers assistance in any phase of right-of-way work.
11. Closeout Meeting
- (1) Review project and determine whether a closeout meeting will be necessary.
 - (2) If determined to be necessary, schedule a project closeout meeting. Scheduling should consist of the following:

PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Processing Local Public Agency (LPA) CIRB Projects with State Participation in R/W	No: ACQ-PRO 6.113-19 Revised: 04/01/15 Page: 4 of 5
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(a.) Should be scheduled three weeks prior to completion of the process.

(b.) Notify appropriate county personnel. R/W Division, FHWA and Service Providers prior to meeting.

a. Facilitator

(1) Agenda

(2) Sign in Sheet

(3) Plans (for Chief and/or Assistant Chief, Branch Manager, & Facilitator)

(4) During closeout meeting, documents decisions and comments made. Prepares and sends out all participants a report documenting all decisions made for each unsecured parcels.

c. LPA/Service Provider

Bring to Closeout Meeting current status report with offers, counteroffers and other necessary information pertinent to the meeting.

12. Review of Secured Acquisition Packet (items that will be needed to clear the project):

a. Review misery to determine appropriate parcel documents

b. Verify title certification is completed

c. Notice of Interest Letter

d. Donation Certificate in file for donated parcels

e. Review waiver valuation or appraisal and appraisal review for determination of value. Waiver Valuation is to include all comparables used to support the land value.

f. Summary of Just Compensation by the appropriate official

g. Verify that the Offer Amount is not less than the approved amount indicated through the valuation process

h. Obtain one of the following as proof of payment :

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency (LPA) CIRB Projects with State Participation in R/W	No: ACQ-PRO 6.113-19 Revised: 04/01/15 Page: 5 of 5
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- (1) Copy of Check endorsed by the property owner
 - (2) Receipt from property owner
 - (3) Signed certified mail receipt, green card
- i. Discussion log documenting the dates and interaction between acquiring agent and property owner. Must use ODOT form 289
 - j. Unattainable Lien Waiver may be substituted for a partial lien release for purchase values of \$10,000 or less
 - k. Partial Lien Release from the mortgage company shall be provided from the acquiring agency for purchase values of more than \$10,000
 - l. Utility and Encroachment Affidavit shall be provided by the agency stating the status of utilities and encroachments.
13. Makes periodic file reviews, and/or spot-checks, during the acquisition process to offer advice or assistance and learns of progress made. This will allow time to correct any deficiencies noted.
14. Once legal entry to all parcels is obtained and all documentation has been approved, provide a project clearance letter (LP-1) to the appropriate ODOT division; stating all R/W is acquired and the date utility adjustments will be completed.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency Projects (LPA) with Federal Participation in Right-of-Way	No: ACQ-PRO 6.113-20 Revised: 04/01/15 Page: 1 of 5
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Applies to:

Policy OP-GA 6-18: Projects of Local Public Agencies (LPA)

Manager, Acquisition Branch/Supervisor

1. Receives one (1) sets of full size plans, two (2) sets of half size plans with one (1) half size set of cross-sections, all conveyance instruments and transmittal.

LPA Coordinator

2. Stamp the project transmittal in with date received. Check for Environmental Clearance date supplied from Environmental Programs Division if applicable. **If there is no Environmental Clearance date on the transmittal, check with manager prior to returning to Division submitting project.** Check Project and Job Piece numbers for accuracy.
3. Distribution:
 - a. Acquisition Branch File – Copy of transmittal, one (1) set of half size plans with cross sections and conveyance instruments
4. Establish Branch file and Post to LPA database:
 - (1) Date plans received and agreement type
 - (2) Environmental Clearance date, number of parcels, Engineering firm, County Commissioner
 - (3) Status as project activities are completed, ex. date, engineering, parcels cleared. Once project activities are 100% completed remove function from the bottom of screen.
5. Prepares packet for delivery to LPA, packet contains the following:
 - a. Deeds
 - b. Right-of-Way and/or Construction plans
 - c. Four copies of the Right-of-Way, Public Utility and Encroachment Agreement, for city projects only.
 - d. LPA (CD), containing all R/W documents, including all acquisition forms, and instructions pertaining to acquisition procedures.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency Projects (LPA) with Federal Participation in Right-of-Way	No: ACQ-PRO 6.113-20 Revised: 04/01/15 Page: 2 of 5
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6. Procurement Process

- a. Inform and advise LPA of correct procurement process to assure an understanding of applicable Oklahoma Statutes, 49 CFR Sec. 18.36 and 23 CFR Sec. 172 for Counties requesting CIRB(285) funds for various Right-of-Way activities. This may include Right-of Way Title, Acquisition, Staking, Appraisal, Appraisal Review, and Relocation Functions.
- b. Verify compliance with applicable Oklahoma Statutes, 49 CFR Sec. 18.36 and 23 CFR Sec. 172. As part of this process reviews procurement process documentation for completeness and compliance with regulations.
- c. LPA shall procure service provider from the ODOT approved list.
- d. Reviews proposed fee schedule from selected service provider and solicits review/approval from the appropriate Branches.
- e. Upon Approval of process issues notification to LPA.
- f. Maintains appropriate correspondence and records supporting procurement process.

7. Administrative Settlements

- a. Receives counteroffer with supporting documentation from LPA.
- b. Solicits approval from Acquisition Branch Manager
- c. If approved by Acquisition Branch Manager then solicit approval from Chief and/or Assistant Chief of Right-of-Way and Utilities Division
- d. If Approval is denied by the Department then the LPA has the option of approving the settlement by utilizing LPA funds

8. Deliver or mail packet to LPA. If delivery is by mail, send to Board of County Commissioners/City Hall in care of the appropriate County Commissioner/City Official. Offer any assistance they require in right-of-way process. **Explain the following required steps.**

- a. Title Information and Certificate of Search
- b. Provide Notice of Interest to all affected property owners

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency Projects (LPA) with Federal Participation in Right-of-Way	No: ACQ-PRO 6.113-20 Revised: 04/01/15 Page: 3 of 5
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- c. Provide Property Rights Brochure and explanation to all affected property owners.
 - d. Donation Certificate
 - e. Appraisal/Waiver Valuation process
 - f. Summary Statement of Just Compensation
 - g. Written offers. This is considered the Initiation of Negotiations "ION" and should provide a minimum of 30 days to allow owners time to consider the offer.
 - h. Agent's discussion log contains the following:
 - (1) Places of contact and the names of everyone present
 - (2) Offer made
 - (3) Counteroffers if applicable
 - (4) Reasons settlement could not be reached, if condemned, or indicates parcel secured
 - (5) Any additional information that might have a bearing on the settlement or condemnation. i.e. questions, answers, decisions or issues.
 - i. Proof of Payment for each parcel acquired
 - j. Utility and Encroachment Affidavit
 - k. Relocation assistance information if applicable.
 - l. Unattainable Lien Waiver/ Partial Lien Release
 - m. Local Public Agency is required to maintain all project files.
10. Offers assistance in any phase of right-of-way work.
11. Closeout Meeting
- a. Local Government Division

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency Projects (LPA) with Federal Participation in Right-of-Way	No: ACQ-PRO 6.113-20 Revised: 04/01/15 Page: 4 of 5
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- (1) Review project and determine whether a closeout meeting will be necessary.
- (2) If determined to be necessary schedule a project closeout meeting. Scheduling should consist of the following:
 - (a.) Should be scheduled three weeks prior to completion of the process.
 - (b.) Notify appropriate R/W Division personnel, Chief and/or Assistant Chief, FHWA and Service Providers prior to meeting.

b. Facilitator

- (1) Agenda
- (2) Sign in Sheet
- (3) Plans (for Chief and/or Assistant Chief, Branch Manager, & Facilitator)
- (4) During closeout meeting, documents decisions and comments made. Prepares and sends out all participants a report documenting all decisions made for each unsecured parcels.

c. LPA/Service Provider

Bring to Closeout Meeting current status report with offers, counteroffers and other necessary information pertinent to the meeting

12. Review of Secured Acquisition Packet:

- a. Review misery to determine appropriate parcel documents
- b. Verify title certification is completed
- c. Notice of Interest Letter
- d. Donation Certificate in file for donated parcels
- e. Review waiver valuation or appraisal and appraisal review for determination of value. Waiver Valuation is to include all comparables used to support the land value.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Local Public Agency Projects (LPA) with Federal Participation in Right-of-Way	No: ACQ-PRO 6.113-20 Revised: 04/01/15 Page: 5 of 5
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- f. Determine Just Compensation
 - g. Verify that the Offer Amount is not less than the amount indicated through the valuation process.
 - h. Obtain one of the following as proof of payment :
 - (1) Cancelled Check endorsed by the property owner
 - (2) Endorsed Receipt from property owner
 - (3) Signed certified mail receipt, green card
 - i. Discussion log documenting the dates and interaction between acquiring agent and property owner. Must use ODOT form 289.
 - j. Unattainable Lien Waiver may be substituted for a partial lien release for purchase values of \$10,000 or less.
 - k. Partial Lien Release from the mortgage company shall be provided from the acquiring agency for purchase values of more than \$10,000.
 - l. Utility and Encroachment Affidavit shall be provided by the agency stating the status of utilities and encroachments.
13. Makes periodic file reviews, and/or spot-checks, during the acquisition process to offer advice or assistance and learns of progress made. This will allow time to correct any deficiencies noted.
14. Once legal entry to all parcels is obtained and all documentation has been approved, provide a project clearance letter (LP-1) to the appropriate ODOT division; stating all R/W is acquired and the date utility adjustments will be completed.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Collection of Demographics Information	No: ACQ-PRO 6.113-21
	Revised: 04/01/15
	Page: 1 of 2

Applies to:

Policy OP-GA 6-2 Non-Discrimination Policy

Reference:

23 CFR § 200.9(b)(4) Federal Title VI policy states: Develop procedures for the collection of statistical data (race, color, religion, sex and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.

Manager, Acquisition Branch

1. Directs Agent to present Form 1805 to the Property Owner.

Negotiator

2. Presents Form 1805 and self-addressed stamped envelope to property owner for completion.
3. Property Owner is to send completed forms to: Title VI Coordinator, Civil Rights Division, 200 NE 21st Street, Room 1C5, Oklahoma City, OK 73105

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Negotiated Amount Adjustment for Items not Considered in the Appraisal (Pinkie)	No: ACQ-PRO 6.113-22 Revised: 04/01/15 Page: 1 of 2
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Applies to:

Policy OP-ACQ 6-2 Negotiation and OP-APP 6-1

Negotiator

1. During negotiations watches for item(s) overlooked in the valuation process and provides a detailed listing on the Negotiated Amount Adjustment for Items not Considered in the Appraisal, R/W ACQ Form 70 (Pinkie), regardless whether parcel is appraised or a waiver valuation. All pertinent information should be attached including pictures that clearly identify the improvement and any estimates that may be necessary to support the increase in value. R/W ACQ Form 70 (Pinkie) should also be used to reduce the original offer should an item be found not to exist or if compensation for the item is removed from the original offer.

If the parcel is an appraised parcel, the negotiator shall submit the form and all additional information to the Review Appraiser or in the case of a waiver valuation a county/city official for approval or disapproval. Approval is required **prior** to making a revised offer to the property owner.

Negotiator

2. Receives R/W ACQ Form 70 (Pinkie) authorizing the agent to increase or decrease the original offer. Takes the originally prepared offer letter, lines through the original amount shown, writes the new amount authorized from the approved pinkie and initials and dates the changes. Explains the revised offer to the property owner.

All forms, both original and revised should be then contained within the secured or unsecured packet submitted to the Department for review.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Negotiated Amount Adjustment for Items not
Considered in the Appraisal (Pinkie)

No: ACQ-PRO 6.113-22
Revised: 04/01/15
Page: 2 of 2

**NEGOTIATED AMOUNT ADJUSTMENT FOR ITEMS
NOT CONSIDERED IN THE APPRAISAL**

Fee Owner (s): _____

JP No. _____

Project No. _____

County _____

Parcel No. _____

Date: _____

The following matters are respectfully submitted for consideration:

Recommend Approval: _____
Right-of-Way Agent

_____ Date

Recommend Approval: _____
Right-of-Way Project Manager

_____ Date

In my opinion, the value of the following listed item(s) is as follows:

Recommend approval of amount set out below: _____
Review Appraiser

_____ Date

Authorized negotiation amount

\$

Addition or deletion

\$

Revised negotiation amount

\$

Approved by:

LPA Official

Date

Amount

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Administrative Settlements (Bluie)	No: Revised: Page:	ACQ-PRO 6.113-23 04/01/15 1 of 2
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Applies to:

Policy OP-ACQ 6-2 Negotiation

Negotiator

1. If, while negotiating in good faith, the property owner does not accept the State's offer, the negotiator should ask the property owner to provide a counteroffer. The negotiator shall ask the property owner to provide any and all documentation that may support their counteroffer so that it can be provided to the Department for review.

If a counteroffer is provided, negotiator shall submit the amount and any documentation provided that supports the amount to the Acquisition Branch Facilitator for review.

Facilitator

2. Verifies information on R/W ACQ Form 10 (Bluie) and transmits to Supervisor or Manager, Acquisition Branch for approval or disapproval. If approved, forwards the approval to the negotiator for authorization to increase the compensation in an attempt to settle the parcel. Approval is required **prior** to making a settlement offer with the property owner.

Manager/Supervisor

3. Receives R/W ACQ Form 10 (Bluie), approves or disapproves request. If request is approved, forwards the form to the Relocation Branch Manager to determine what effect, if any, the proposed increase would have on the Replacement Housing Payment. When returned from Relocation Branch to Acquisition Branch, will forward to the Chief, or Assistant Chief, Right-of-Way and Utilities Division for subsequent final approval or disapproval.

Negotiator

4. Receives R/W ACQ Form 10 (Bluie) authorizing the agent to present a settlement offer to the property owner in order to avoid litigation. Explains the settlement offer to the property owner. Approving ODOT Representative must be listed on the back of the Agents Report (R/W Form 289)

All forms, both original and revised should be then contained within the secured or unsecured packet submitted to the Department for review.

VOLUME II

SECTION III

MAPPING BRANCH INDEX OF PROCEDURES

MAP-PRO 6.114-1	TITLE INVESTIGATION
MAP-PRO 6.114-2	VERIFICATION OF PRESENT RIGHT-OF-WAY
MAP-PRO 6.114-3	PROJECT FIELD INSPECTION (PLAN-IN-HAND)
MAP-PRO 6.114-4	PROJECT FIELD INSPECTION REPORT
MAP-PRO 6.114-5	RECEIPT AND DISTRIBUTION OF CONSTRUCTION PLANS
MAP-PRO 6.114-6	PROJECT COMPUTATIONS
MAP-PRO 6.114-7	PROJECT DRAFTING
MAP-PRO 6.114-8	INSTRUMENT PREPARATION
MAP-PRO 6.114-9	PLOT PLANS
MAP-PRO 6.114-10	MISERY
MAP-PRO 6.114-11	ASSEMBLY AND DISTRIBUTION OF PROJECT PAPERS
MAP-PRO 6.114-12	PLANS REVISIONS
MAP-PRO 6.114-13	ORDERING REPRODUCTION OF PROJECT PLANS
MAP-PRO 6.114-14	PREPARATION OF CONDEMNATION PAPERS
MAP-PRO 6.114-15	VERIFICATION OF PARCELS
MAP-PRO 6.114-16	DISPOSAL OF EXCESS LANDS VIA HIGHWAY REMOVAL
MAP-PRO 6.114-17	RIGHT-OF-WAY DEED FORMS
MAP-PRO 6.114-18	ACCESS CONTROL

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Title Investigation	No: Revised: Page:	MAP-PRO 6.114-1 04/01/15 1 of 7
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Applies to:

Policy OP-MAP 6-1: Title Investigation

Manager, Mapping Branch

1. Receives all requests for title investigation. All requests originating outside the Right-of-Way & Utilities Division must be approved by the Assistant Chief, Right-of-Way & Utilities Division prior to performing the work.
2. Reviews each request to assure that sufficient information is given to complete a title investigation.
3. Assigns a Title Investigator to perform the work, reviews the request with them and sets priority if more than one project is involved.

Title Investigation shall be performed by a bonded abstracting company; by a Department employee; or a Department pre-approved title investigator; or local public agency official. The title investigator is responsible for ensuring good title and determining whether 100% warranted and vested interest has been discovered and established for each ownership.

Note: Do Not Assume the County Assessor's maps or rolls are correct. A full and complete research shall be conducted on each ownership for right-of-way acquisition.

Title Investigator

4. Checks files in Mapping Branch and/or Records Center for any previous investigations that would possibly satisfy the request or be helpful in expediting the current request.
5. Secures the following from public records or other sources, if necessary:

Research shall be performed at the County Courthouse, County Clerk's Office, Court Clerk's Office, Federal Courthouse, Oklahoma Transportation Authority (OTA), Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Commissioners of the Land (CLO), U.S. Army Corp. of Engineers, City offices, County offices or any other entity as necessary.

- a. The current owner's name(s) as they appear on the deed
- b. Property description as written on deed

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Title Investigation	No: Revised: Page:	MAP-PRO 6.114-1 04/01/15 2 of 7
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- c. Book and page of the recorded deed or deeds
- d. Date deed executed and filed
- e. Type of deed
- f. Consideration listed on deed
- g. Monetary value of revenue stamps
- h. Mortgages (description, amount, and signature pages), leases and recording data for each. (If there are not existing mortgages and/or leases, state this on the Title Investigator's report.
- i. All Public, Private Easements, Lis Pendens, Access Easements and their recording data. If ODOT's project impairs the ability of the holder of an easement to function, there may be a compensable interest.

Oil & Gas Easements are not needed

This compensable interest must be identified and the owner should be placed on the misery in order to acquire the interest.
- j. Past owner for at least the 5-year period immediately preceding the title search or if beyond 5 years, until good title is found.

NOTE:

Good title, for ODOT purposes, is generally defined as warranted and defensible title. Quit Claim Deeds and other non-warranted deeds are not considered good title. If good title cannot be identified, the use of an approved title attorney, abstracting company or other well qualified individual may be utilized and must be approved by the Manager, Mapping Branch prior to obtaining services.

- a. Sufficient data to determine the contiguous unit of each ownership
- b. Copies of all documents (deeds, easements, mortgage, plats, dedications, etc.)
- c. Copies of County Assessor's records of mailing addresses and owners

Each of the items listed above will be recorded on the Title Investigator's report, Form MAP-06. See sample copies in this procedure. Copies of these reports are subsequently placed in appraisal reports by appraisers.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Title Investigation	No: Revised: Page:	MAP-PRO 6.114-1 04/01/15 3 of 7
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6. If property ownership is suspected to be BIA, either Tribal Trust or allotted land:
 - a. Prepare a request to the BIA for a Title Status Report (including addresses). See sample letter. **(Figure 6.114-1-2 & 6.114-1-3)**
 - b. Deliver request to the appropriate BIA office and monitor progress
7. Initials and dates each Title Investigator's report
8. Smaller tracts of land, otherwise known as less-outs, are conveyed out of a larger tract of land. Less-outs are not necessarily in the proposed right-of-way. Copies of the conveying instruments for less-outs must include complete title information for a tract of land and shall be included in the Title Investigation Report.
9. Submits completed Title Investigator's reports **(Figure 6.114-1-1)** to Manager, Mapping Branch.
 - The investigation shall be summarized into a Title Investigation Report on each entity or ownership. The Title Investigation Report shall set out all recorded transfers of surface ownership of property during a period of not less than five years immediately preceding the date of investigation or until good title. The Title Investigation Report shall indicate whether 100% warranted and vested interest has been discovered and established for each ownership.
 - The title investigator furnishes copies of liens, mortgages, easements, judgments, lis pendens, tax liens, platted areas, maps defining incorporated city limits, or City ordinances defining same, etc. The title investigator shall research County, City and surface private easements. Abandoned street easements and plat vacations require documentation from the appropriate District Court. Quitclaim deeds alone are not considered a good title.
 - Instruments of conveyance and any additional instruments for back-up on the parcel shall be filed in chronological order from most recent on top to oldest on bottom.
 - Title Investigation Reports shall not be more than four (4) months old upon submittal to Right-of-Way & Utilities Division, unless previously approved, in writing, by the Manager, Mapping Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Title Investigation	No: Revised: Page:	MAP-PRO 6.114-1 04/01/15 4 of 7
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10. Request for changes of ownership.

- Any change in ownership and/or mortgage should be sent back to Mapping Branch along with a Revision request for the processing of the revision. If the change of ownership/mortgage happened prior to the date of the signed RWForm6 from the Mapping service provider is responsible for going back to the courthouse and/or prepare the corrected R/W Form 6 if updated title/mortgage has been provided. However if the change is after the date of the title search, then the Right-of-Way Service Provider whether Acquisition or Appraisal shall prepare a new R/W Form 6. Filling out only that part of the new information and forwarding it along with the request to Mapping Branch.
- Upon receipt of a corrected Form6 and/or request to change ownership the CADD Specialist will forward the request to the original preparer of the title report.

TITLE INVESTIGATION REPORT

TAKE OFF NO. _____ JOB PIECE NO. _____ PARCEL NO. _____

Lot(s) _____ Block(s) _____

Subdivision _____ To _____

Section _____ Township _____ Range _____ County _____

Owner _____

Address _____

Book _____ Page _____ Inst. _____ Dated _____ Filed _____

From _____

Book _____ Page _____ Inst. _____ Dated _____ Filed _____

From _____

Book _____ Page _____ Inst. _____ Dated _____ Filed _____

From _____

Book _____ Page _____ Inst. _____ Dated _____ Filed _____

From _____

Book _____ Page _____ Inst. _____ Dated _____ Filed _____

From _____

Book _____ Page _____ Inst. _____ Dated _____ Filed _____

From _____

Mortgage:

Bk. _____ Pg. _____ Dated _____ Filed _____ Amt. \$ _____

Other _____

Bk. _____ Pg. _____ Dated _____ Filed _____ Amt. \$ _____

Other _____

Bk. _____ Pg. _____ Dated _____ Filed _____ Amt. \$ _____

Other _____

Bk. _____ Pg. _____ Dated _____ Filed _____ Amt. \$ _____

Additional Comments see Attached Page(s) YES NO

This investigation covers ownership of the above property for the past five years or until good title is found. On the date shown below, I certify that I have made a diligent search of the county courthouse stated above for public records in regards to verifying and / or updating ownership of the above parcel.

Signature _____ Date _____ Mapping _____

Signature _____ Date _____ Appraisal _____

Signature _____ Date _____ Acquisition (Prior to owner contact.) _____

Signature _____ Date _____ Acquisition (Prior to document execution) _____



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

May 5, 2014

Ms. Robin Phillips, Superintendent (Nikki)
Anadarko Agency
P.O. Box 309, Bureau of Indian Affairs
Anadarko, OK 73005
405.247.6677

RE: TITLE STATUS REPORT

Grading, Drainage and Surfacing
JP 24094(05) STPY-108B(166)
Caddo County
Reconstruction on existing alignment from 5.65 Miles West of US Highway 62, extending
East to US Highway 62

Dear Ms. Phillips:

The Oklahoma Department of Transportation pursuant to the PUBLIC LAW 106-462-NOV.7, 2000 (e) Land Ownership Information, Indian Land Consolidation Act is giving written notice for the names and mailing addresses of the Indian owners of trust or restricted lands, also any information on the location of the parcels and the percentages of undivided interest owned by each individual.

CADDO COUNTY

SEC 14, T7N, R12W – NE¼ (James Tsalote)
SEC 24, T7N, R12W – NE¼ (Odlepoyodle)
SEC 24, T7N, R12W – SE¼ (Mary Bolo)
SEC 30, T7N, R11W – N1/2 NW¼ (Lilly Chaniko)
SEC 29, T7N, R11W – SE¼ (Paddlety)
SEC 32, T7N, R11W – NW¼ (James Paddlety)
SEC 32, T7N, R11W – NE¼ (Onequodle)
SEC 28, T7N, R11W – SE1/2 SW¼ (Katie Keahbone)
SEC 33, T7N, R11W – NE¼ (George Tsalote)

Please call my office at your earliest convenience so that I may discuss this with you, I can be reached at (405) 521-2655 or by e-mail at kmartin@odot.org.

Sincerely,

Keith Martin
Manager, R/W Mapping Branch

cc: File

"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

May 5, 2014

Donnie Smith, Reality Director
Absentee Shawnee Tribe
2025 S. Gordon Cooper
Shawnee, OK 74801

RE: **TITLE STATUS REPORT**

Bridges and Approaches
JP 06346(04) BRFY-014B(347)RW
Cleveland and Pottawatomie Counties
SH 9 Pecan Creek just West of the Cleveland/Potawatomie County Line

Dear Mr. Smith:

The Oklahoma Department of Transportation pursuant to the PUBLIC LAW 106-462-NOV.7, 2000 (e) Land Ownership Information, Indian Land Consolidation Act is giving written notice for the names and mailing addresses of the Indian owners of trust or restricted lands, also any information on the location of the parcel and the percentage of undivided interest owned by each individual.

CLEVELAND COUNTY

SEC 24, T9N, R1E – NE¼ (Antonio L. Duran Et Al)

SEC 13, T9N, R1E – E1/2 SE¼ (John Blanchard)

POTTAWATOMIE COUNTY

SEC 18, T9N, R2E – GOV'T LOTS 3-4 (John Blanchard)

Please call my office at your earliest convenience so that I may discuss this with you, I can be reached at (405) 521-2655 or by e-mail at kmartin@odot.org.

Sincerely,

Keith Martin
Manager, R/W Mapping Branch

KM:ak

“The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma.”

AN EQUAL OPPORTUNITY EMPLOYER

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Verification of Present Right-of-Way	No: Revised: Page:	MAP-PRO 6.114-2 04/01/15 1 of 4
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Applies to:

Policy OP-MAP 6-2: Right-Of-Way Plans and Related Materials

Manager, Mapping Branch

1. Receives all requests for verification of present right-of-way. Requests will be logged in and assigned to Branch personnel for handling.

The term 'Right-of-Way' identifies land(s) or any interest in land(s) acquired for the purpose of a right to pass over property. The path or thoroughfare on which such passage is made includes any strip, piece or parcel of land where facilities such as highways, railroads or utility facilities are built.

CADD Specialist/Service Provider

2. Any individual preparing the right-of-way plans and instruments is responsible to thoroughly research and ensure that all existing right-of-way and existing access control is correctly depicted on the proposed construction plans by Design Division and subsequently, correctly shown on the new right-of-way plan sheets and accurately stated in the instruments of conveyance.

NOTE: Do Not Assume that the proposed construction plans by Design Division, previous right-of-way plans, electronic survey files and electronic design files are accurately depicted. It is the responsibility of the individual(s) preparing the right-of-way plans to notify the Manager, Mapping Branch of any discrepancies found after researching and affirming all existing right-of-way and all access control.

3. Checks to assure adequate information is on the plans or other materials furnished to determine present right-of-way.

Locate all legally recorded instruments and documents containing present right-of-way and compare them against existing right-of-way plans and proposed construction plans by Design Division.

Present right-of-way can customarily be verified internally at ODOT via a search of the ledger books, right-of-way plans, construction plans, Records Center, Reproduction Branch and/or various other areas within the Department. When research is necessary, a service provider may seek the assistance of a Right-of-Way & Utilities Division employee, to help with the search.

At various times a search of ODOT records may not provide conclusive results. A continued and expanded search may be necessary. These searches will be conducted at the appropriate County Clerk=s office, Court Clerk=s office, Federal

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Verification of Present Right-of-Way	No: Revised: Page:	MAP-PRO 6.114-2 04/01/15 2 of 4
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Courthouse, Oklahoma Transportation Authority (OTA), Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Commissioners of the Land (CLO), Corp. of Engineers, City offices, County offices, or any other entity as may be convenient or necessary.

The Service Provider shall research and verify all present right-of-way. If present right-of-way cannot be located on legally recorded instruments, then the Service Provider submits a written statement detailing the area of concern and method of determination to the Manager, Mapping Branch.

4. Checks the appropriate county map to assure that the section, township and range listed in the request corresponds to a road location.
5. Obtains deed files from Record Center for each project on the list.
 - a. If a project crosses a turnpike, it may be necessary to get copies of plan sheets and deeds from the Oklahoma Turnpike Authority.
 - b. It may also be necessary to obtain copies of plats and deeds from ODOT's Survey Division or the appropriate county courthouse.
 - c. If relevant documents defining present right-of-way are found outside of the Department and are not on file at the Department, copies shall be made and provided to the Manager, Mapping Branch.
6. Plots the present right-of-way and places dimensions on plan sheets or other material furnished by the requester.
7. If unable to plot deeds on provided plans, secures a copy of the existing project to assist in plotting the deeds.
8. Assembles all materials requested, prepares transmittal to requester for the signature of the Manager, Mapping Branch.
9. Each of the following types of present right-of-way are unique in and of themselves. However, they shall all be termed and denoted as present right-of-way on all right-of-way documents.
10. Federal Acts define section line right-of-way. Nonetheless, the widths of the total section line right-of-way vary throughout the State. **(See Fig. 1-1)** Therefore, it is necessary to ensure that the section line right-of-way width is correct.
11. A dedicated right-of-way is established by an Original Townsite plat or subdivisions thereto. Right-of-Way may also include Planned Unit Developments,

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Verification of Present Right-of-Way	No: Revised: Page:	MAP-PRO 6.114-2 04/01/15 3 of 4
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customarily dedicated for public use, as approved by a government entity. Right-of-Way for public use includes road easements, utility easements, drainage easements and various other permanent or perpetual easements.

12. Right-of-Way previously acquired and filed in the County Clerk's Office and is an infinite right of title. Examples are as follows:
 - Warranty Deed
 - Dedication Deed
 - In some cases Quitclaim Deed
 - In some cases Condemnation

13. The term 'easements' refers to right-of-way previously acquired and filed at the County Clerk's office, allowing the right to use the property for a limited and specific purpose. Examples are as follows:
 - Highway Easement
 - Utility Easement
 - Perpetual Easement
 - Channel Change Easement
 - In some cases Condemnation

Note:

Temporary Easements shall not be considered as present right-of-way.

14. Occupied right-of-way, otherwise known as prescription or adverse possession, is present right-of-way which is physically established but undocumented. Oklahoma law states that prescription or adverse possession can occur after 15 consecutive years of uninterrupted, open, and notorious use.

15. The term 'condemnation' refers to present right-of-way acquired by the Eminent Domain process, either by Fee Simple or by Easement. The Court Clerk's office or the County Clerk's office record condemnation documents.

NOTE: Temporary Easements expire upon completion of the construction project for which they were acquired and shall not be considered as present right-of-way.

Manager, Mapping Branch

16. Reviews materials with CADD Specialist for completeness prior to distribution.

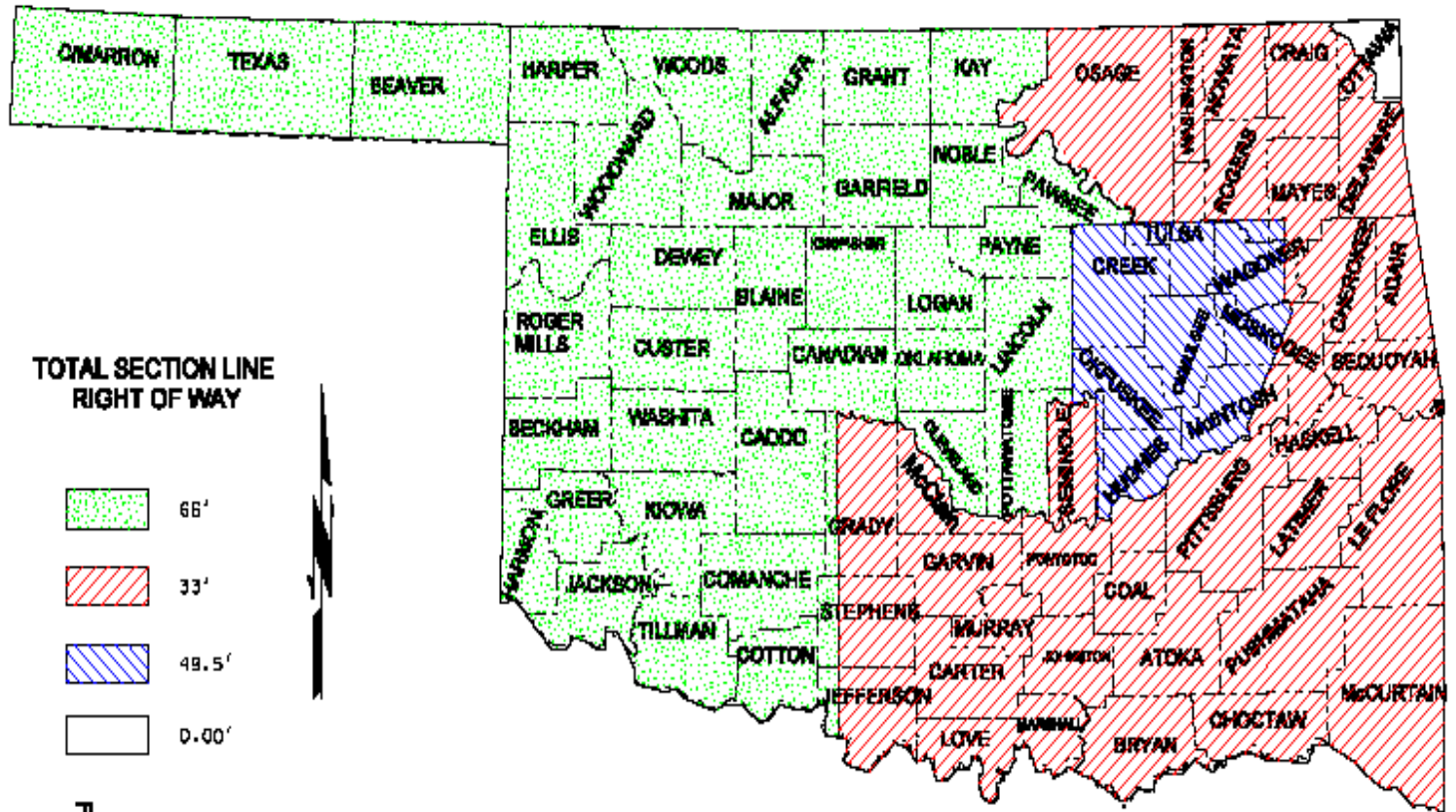


Fig. 1-1

SECTION LINE RIGHT OF WAY MAP

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection (Plan-in-Hand)	No: Revised: Page:	MAP-PRO 6.114-3 04/01/15 1 of 3
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Applies to:

Policy OP-MAP 6-1: Project Field Inspection (Plan-in-Hand)

Manager, Mapping Branch

1. Receives letter or email requesting available dates for the field inspection from Project Management Division.
2. Receives plans and letter or email that establishes date of the field inspection from Project Management Division Project Coordinator.
3. Transmits the plans and letter or email to the Right-of-Way & Utilities Division Plan-in-Hand Representative to represent the Right-of-Way & Utilities Division regarding right-of-way, utility and relocation matters.

Right-of-Way Plan-in-Hand Representative – In-house or Consultant

Note: Role is to ensure all buildings, structures, fencing, drives, ponds, signs, encroachments, etc. are addressed during the Plan-in-Hand process.

4. Receives aerial photo print of project area from Survey Division thru Project Management Division when appropriate.
5. Studies plans and aerial photo, noting problem areas to be resolved during the field inspection.
6. Ensures sufficient right-of-way has been established and verifies existing right-of-way from past plans and deeds.
7. Does drive-out of project with right-of-way checklist. **(See Fig. 6.114-3-1)**
8. Using the construction plans and/or survey data sheets and visual inspection of properties, fence lines, driveways, section, and quarter section lines, provide an estimated ownership count and parcel count.
9. Meets at the designated location with the participants of the field inspection party, obtains the name of each and who they represent. Participates in the field inspection as an official representative of the Right-of-Way & Utilities Division. Coordinates participation with the Utilities Branch representatives.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection (Plan-in-Hand)	No: Revised: Page:	MAP-PRO 6.114-3 04/01/15 2 of 3
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10. Studies each proposed land service facility designed for restoration of access to and within an ownership severed by the proposed highway and makes comments or recommendations on the appropriateness of each. Ensure all property owners have adequate room and access for ingress and egress to public highway from remaining land.
11. Notes the approximate location and type of additional improvements or compensable items not shown on the plans. Notes potential uneconomic remnants when possible.
12. Verifies approximate location and types of existing fence, drives, encroachments and access control.
13. Prepares a comprehensive report of conclusions from the field inspection and meeting. Report must be completed within two weeks of plan-in-hand unless otherwise stated. **(For example See Fig. 6.114-4-1)**

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Project Field Inspection (Plan-in-Hand)

No: MAP-PRO 6.114-3
Revised: 04/01/15
Page: 3 of 3

Construction Plan Check List

- Check Section Numbers on Project Map
- Check Township Numbers on Project Map
- Check Range Numbers on Project Map
- Check Section Line Road Numbers on Project Map
- Check to make sure Bridges are labeled on Project Map
- Check for North Arrow on Project Map
- Check to make sure Highways are labeled on Project Map
- Check to ensure correct County on Location Map
- Check to verify Project Job Number
- Check to verify Highway Number
- Check to verify County Name
- Check to verify all Plan Stationing
- Check to verify all Profile Stationing
- Check to verify all Matchline Stationing
- Check to ensure all Township, Section, and Ranges are correct on all Plan and Profile Sheets
- Check to verify Section Lines on all Plan and Profile Sheets
- Check to verify North Arrow on all Plan and Profile Sheets
- Check to verify the Begin & End of all Incidental Stationing with Arrows
- Check to verify the Begin & End of all Project Stationing with Arrows
- Check to verify all Exceptions
- Check to verify all alignments are labeled in Plan and Profile Sheets
- Check Top of Cut
- Check Toe of Slope
- Check for Present Right of Way labels
- Check for Proposed Right of Way labels
- Check for Right of Way Fence, Notes, Corner Posts, Pluses, and Distances are all labeled
- Check to verify Drives and Drive Notes are consistent with what is located in the field
- Check all Temporary and Permanent New Construction is labeled
- Check all Mainline and Detour Pavements Edges are labeled
- Check Removal of Pavements

Employee _____ Date _____

Supervisor/Mgr. _____ Date _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection Report	No: Revised: Page:	MAP-PRO 6.114-4 04/01/15 1 of 6
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Applies to:

Policy OP-MAP 6-4: Project Field Inspection (Plan-in-Hand)

Right-of-Way Plan-in-Hand Representative – In-house or Consultant

1. Prepares a written report (**See Fig. 6.114-4-1**) thru the Manager, Mapping Branch to Project Management Division's Project Manager within two weeks after completing the field inspection. The report must contain the following information:
 - a. Type of inspection and purpose
 - b. Participants
 - c. Location of inspection
 - d. Type of access control, existing and proposed
 - e. Approximate parcel count
 - f. Inform of any encroachments and improvements impacted by the project
 - g. Items requiring special attention (list by station)
 - (1) Drives that will not be replaced by the Department's contractor
 - (2) All fencing that will not be replaced by the Department's contractor
 - (3) Ponds that will be disturbed by construction
 - (4) Ponds that will be saved by the construction of a replacement dike
 - (5) Right-of-way reduced and slopes steepened to miss improvements
 - (6) Ensure all tapers are 10:1 slope or 150' taper
 - (7) Identify all billboards and outdoor advertising signs and try to avoid.
 - h. Requests to Right-of-Way & Utilities Division
 - i. Conclusions

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection Report	No: Revised: Page:	MAP-PRO 6.114-4 04/01/15 2 of 6
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2. Sends a copy of the report to each of the following where applicable:
 - a. Field Division
 - b. Design Division Project Engineer
 - c. Chief, Right-of-Way & Utilities Division
 - d. Assistant Chief, Right-of-Way & Utilities Division
 - e. Project Management Branch, Branch Manager
 - f. Central files

**Oklahoma Department of Transportation
Right-of-Way & Utilities Division**

Mapping Branch Room B4 Third Floor Office 521-2655 Fax 522-4228

October 1, 2014

TO: Project Management Division VI

FROM: Keith Martin, Manager; Mapping Branch

**SUBJECT: Job Piece No. 24064(04)Const.(05)R/W
Project No. SSP-102B(106)SS
Alfalfa, County US-64**

1. PROJECT LOCATION AND DESCRIPTION:
US-64 from 9.0 miles East of the Woods Co. line extending East 4.6 miles.
2. TYPE OF INSPECTION, DATE, PURPOSE AND LET DATE:
Right of Way and Utility Meeting that was held on 09/17/2013 in the Right of Way Conference Room located on the 3rd Floor of the ODOT Central Office Building.
3. PARTICIPANTS:
Justin Mullins R/W Mapping 521-2655
4. DESCRIPTION OF TERRAIN:
GRADE, DRAINING, BRIDGE & SURFACE, from what is shown on the plans there will be right of way purchased.
5. RELOCATION ASSISTANCE PROGRAM ITEMS:

<u>Station (+/-)</u>	<u>Location</u>	<u>Description</u>
1282+76	Rt.	Metal Barn
1300+82	Lt.	Wood Shed
1353+20	Rt.	Metal Bldg.
6. PARCEL STATEMENTS AND RECOMMENDATIONS:
34 Parcels +/- Including temporary. No actual ownership was given for this count.
7. REQUEST FROM RIGHT OF WAY/UTILITY DIVISION:

Title Sheet

 - Show correct SWO number in information block.

Plan Sheet 100

 - Reduce R/W if possible from sta. 1274+00 Rt. to 1276+50 Rt. (may use a Utility Easement).
(Fig. 6.114-4-1)

Plan Sheet 101

- Remove Temp R/W at approx. sta. 1283+00 Rt.

Plan Sheet 102

- Remove Temp R/W at approx. sta. 1300+50 Lt.

Plan Sheet 103

- Add replacement fencing from approx. sta. 1310+15 Rt. to 1312+63 Rt.

Plan Sheet 102

- Remove Temp R/W at approx. sta. 1353+50 Rt.
- Move R/W breaks of 1349+40.54 to 1349+40 even, also from 1350+65.54 to 1350+65 even.

Global Revisions

- Provide alignment info in a digital format w/ digital design plans at r/w submission.
- Ensure all digital files and corresponding references files are located and referenced to the correct true plane coordinates and scale.

General Requirements:

1. Section and 1/4 section corners shall be depicted and noted on the plans in two directions with angles, bearings and dimensions to each corner from the centerline of survey and/or construction reference line with the proper P.O.T., P.O.S.T., or P.O.C., stationing.
2. All proposed right-of-way lines; present right-of-way lines, channel right-of-way lines, section line right-of-way lines and utility easements shall be depicted by appropriate symbols and noted correctly. All temporary right-of-way shall be noted in accordance with intended use. Temporary right-of-way shall not be used in fill areas.
3. Pluses shall be noted at all breaks, jogs or angles in the right-of-way line and correct dimensions shown from the centerline of survey to the proposed right-of-way line and present right-of-way line. Show the jog station to the nearest whole number (Show +70.00 Not +70.45). Also, sheets without breaks, jogs, or angles in the right-of-way line, must be dimensioned at the beginning and end of each sheet. **If and when the proposed right-of-way line intersects the section line or present right-of-way, only show the dimension not the plus. If and when the proposed right-of-way line tapering back to present right-of-way, only show the station not the dimension.**

(Fig. 6.114-4-1)

4. **Existing fencing shall be depicted on all sheets by proper symbol and labeled with type of fence. Any fencing that is not a standard fence type will be a replacement cost for Right-of-Way and Utilities Division to handle, and should not be shown on the Construction Plans.....i.e. 3-BW is not a standard and should not be shown as being replaced with 5-BW, 36" Woven Wire with 3-BW is a standard fence and should be replace with 36" Woven wire with 3-BW and not as 5-BW.**
5. All existing drives shall be replaced with at least like kind materials and size unless otherwise noted.
6. Are all proposed toes, drainage structures, shaping and driveways within the proposed right-of-way?
7. Verify that drives extend through the utility easements.
8. Directional (North) arrow, centerline bearing, section, township and range shall be plainly depicted on each plan sheet.
9. All public and privately owned utilities, such as pipelines, gas lines, water mains and service lines, underground cables, power lines, and telephone lines should be clearly, depicted on the plans sheets by proper symbol, showing location, size, kind and ownership with name and address of owner. Elevations shall be shown on the top of all water meter boxes, manholes, valve boxes, and underground utilities within the proposed construction.
10. All drainage structures and special ditches shall be plainly depicted on the plans in both plan and profile view including channel and temporary right-of-way. Complete and detailed X-sections shall be depicted in areas of existing utility facilities.
11. The limits of controlled access, both existing and proposed shall be clearly depicted on plan sheets where access is being controlled.
12. All curve data for present and proposed alignments shall be depicted on appropriate plan sheets.
13. All topography (improvements) up to 200 feet beyond the proposed right-of-way lines shall be depicted on all plan sheets. In addition, any other topography that might affect the acquisition of right-of-way shall be depicted. All topography shall have pluses and dimensions from the centerline of survey and/or construction reference line. Also Label all creeks, river, etc. though out the job.
14. All underground storage tanks within proposed right-of-way shall be depicted on plan sheets.

(Fig. 6.114-4-1)

15. All platted subdivision lines, block lines, block angles, distances to block corners, distances from points on centerline of streets to street intersections and distances to subdivision corners shall be depicted on the plans (show addition name, block numbers, lots, dimensions, street name etc.).
16. Railroad bearings, right-of-way lines, curve data, section line ties, etc., should be shown when railroad parallels highway or when a right-of-way take is needed from railroad.
17. Bearings and distances should not be shown on property lines.
18. Label all alignments, C/L of Survey, CRL, C/L of Detour, C/L of Ramp, etc.
19. Design plans should adhere to the standard practice of using a slanted font for existing items and straight font for new construction.
20. R/W and /or utility easement accommodate the existing utilities? If not, a utility easement will be needed.
21. Will there be any detours? (Scab on recommended) If yes, then where?
22. If sanitary sewer is not depicted on the plans, make note in report of possible septic lateral line conflicts.
23. Verify that the breaks between the TOC/TOS are defined on all plan sheets.
24. A printed date shown on each sheet or a revised date when appropriate.
25. Provide Survey Data Sheets and alignment info in a digital format w/ digital DGN and PDF design plans with the R/W submission.

KM;jm

cc: Field Division VI
Roadway Design Division
Utilities Branch
Project Management Branch
Chief, Right-of-Way & Utilities Division
Assistant Chief, Right-of-Way & Utilities Division
Central Files

(Fig. 6.114-4-1)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Receipt and Distribution of Construction Plans	No: Revised: Page:	MAP-PRO 6.114-5 04/01/15 1 of 1
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Applies to:

Policy OP-MAP 6-2: Right-Of-Way Plans and Related Materials

Manager, Mapping Branch

1. Receives construction plans transmittal letter from Design Division through Project Management Branch, Right-of-Way & Utilities Division.
2. Checks the transmittal letter for the following:
 - a. Letting Date
 - b. Right-of-Way job and piece numbers
 - c. Any special instructions from the Manager, Project Management Branch.
 - d. Status of Environmental Clearance
3. Reviews project for the purpose of estimating time required to complete project.
4. Logs project and target date into oracle database and Current Projects Approach database.
5. Places a copy of Design Division's Transmittal letter in Mapping Branch project file.
6. Assigns project to supervisor for production of right-of-way plans, plot plans and legal conveyance if worked in-house.
7. Obtain title information to furnish to CADD Specialist.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Computations	No: Revised: Page:	MAP-PRO 6.114-6 04/01/15 1 of 12
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Applies to:

Policy OP-MAP 6-3: Property Descriptions

CADD Specialist

1. Receives construction plans and title information from Manager, Mapping Branch.
2. Checks with Survey and/or Design Division for COGO and topo files, to assist in the preparation of right-of-way plans.
3. Transfers ownership and present right-of-way information to the construction plans.
4. Reads each title investigation report to assure an affected ownership has not been overlooked and determines the contiguous holdings of each ownership.
5. Uses a COGO program to compute acreage, distance and bearings to write legal descriptions and to produce topo drawing files for use in producing the right-of-way plans.
6. When purchasing right-of-way parcels, the Oklahoma Department of Transportation (ODOT) uses a digital plot plan with Northing and Easting coordinates to calculate acreage and square footage.
7. The digital plot plan provides the most precise information, which is compiled into a computer generated report. ODOT refers to this computer generated report as a 'computation.'

Presentation of Computations

8. Each computation is presented in book form. Numbers for each parcel are identified and indexed, providing easy reference between the legal description and the right-of-way plans for each parcel.
9. Closure computations shall be made for all permanent right-of-way (r/w), perpetual r/w, temporary r/w, present r/w, total property within the quarter section, remainders of severed properties and excess land. Each closure is included in the computation for submittal to the Department.

Contents of Computations

10. For each contiguous parcel segment, computations shall include:

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- Point Numbers (A unique numeric identifier for each x, y coordinate value)
 - X, Y Coordinate Values (minimum 4 decimal places)
 - Bearings (minimum 2 decimal places)
 - Distances (minimum 2 decimal places)
 - Curve Data (Back Tangent Bearing, Forward Tangent Bearing, Chord Bearing, Chord Length, Radius, Arc Length, Delta)
 - Acreage (minimum 2 decimal places)
 - Square Footage (minimum 4 decimal places)
 - Alignment Computations (For COGO description of alignment, a listing of point numbers, and x,y coordinate values, [\(See Fig. 6.114-6-1 thru Fig. 6.114-6-4\)](#))
11. A legal description for a right-of-way acquisition includes either a gross description or a net description.
12. When the landowner's legal description includes existing right-of-way, then a gross description shall be written. For each gross description, ensure the computation includes the right-of-way take area, any present right-of-way, and any section line right-of-way. Gross descriptions are preferred and shall be used when possible.
13. If the land owner's legal description lessens out the existing right-of-way, then a net description shall be written. If existing right-of-way was purchased on highway easement a gross description shall be written. For each net description, ensure the computation includes only the right-of-way take area. Do not include any present right-of-way or any section line right-of-way. Net descriptions shall be used on all Bureau of Indian Affairs (BIA) lands. [\(See Fig. 6.114-6-3\)](#)
14. Any permanent right-of-way taking that lies within a government lot or river lot shall use the acreage from the original government survey.
15. The term a present right-of-way out-of-take refers to any present right-of-way in an ownership, excluding any proposed right-of-way taking and excluding section line right-of-way. Descriptions for each present right-of-way out-of-take must include a computation. [\(See Fig. 6.114-6-4\)](#)
16. Computations for total properties must not exceed a section of land (before gross), unless the acreage for the total property can be determined from the ownership of record. Computations for total properties should use the acreage given in an ownership. Otherwise, determine the acreage by aliquot. (i.e. NE₃ = 160.00 acres) If an aliquot describes the ownership of record, then use the acreage for the tract of land.

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Examples: NW₃–160.00AC NE₃ NE₃–40.00 AC S_{1/2} S_{1/2} SW₃ SW₃–10.00 AC

Computations for total properties should use the acreage given in an ownership. Otherwise, determine the acreage by aliquot. (i.e. NE₃ = 160.00 acres)

17. At times, a right-of-way taking severs the original ownership into two or more tracts on each side of the right-of-way taking. In such instances, remainders of severed properties shall be computed to the nearest one-hundredth of an acre and include section line right-of-way outside of the take area. Any remainder shown shall refer only to the acres remaining in the ownership in which the Δ take@ occurs. ([See Fig. 6.114-6-5 and Fig. 6.114-6-6](#))

- **Do Not** compute remainders for parcels that do not contain permanent right-of-way taking.
- **Do Not** compute remainders for parcels belonging to railroads, United States of America (USA), or the Bureau of Indian Affairs (BIA).

18. Seek assistance of Appraisal Branch in determination of uneconomic remainders of land and illustrate on plans.

19. Upon Appraisal Branch recommendation and the Chief, Right-of-Way & Utilities Division approval, uneconomic remainders or total takes will be computed with a COGO based program, but legal description(s) will be written as previously purchased.

20. Legal descriptions that include excess land shall only be prepared after receiving written approval from the Manager, Mapping Branch. Once approval is granted, a separate computation and legal description of the excess land must be prepared on plain bond paper, and the excess land and the acreage will be shown on the right-of-way plans, ownership sheet, plot plan, and misery report.

21. Purchase and sale of unneeded parcels (Title 69 O.S. 2011 § 1207)

Whenever a part of a parcel of land is to be taken for State highway purposes and the remainder is to be left in such shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the Department may acquire by condemnation or as otherwise provided by law the whole parcel and may sell the remainder or may exchange the same for other property needed for State highway purposes. The Department shall also have authority to acquire lands or interests therein to be used as passageways between tracts of land severed by limited access highways and to convey the same to the owners whose land is so severed.

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22. APP-6-5, OPP-6-6 Uneconomic Remnants and other Remainders

If the acquisition of only part of the property would leave its owner with an uneconomic remnant, an offer to acquire that remnant shall be made. For purposes of this policy, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property which has little or no value or utility to the owner as determined by the Department and as provided by 49 CFR Section 24.102(k).

The acquiring agency may also acquire remainders that are not uneconomic remnants, in order to avoid claims of severance or damage in litigation.

Manager, Appraisal Branch, is responsible for making the preliminary evaluation and recommendation to purchase an uneconomic remnant. The Chief, Right-of-Way & Utilities Division shall approve the purchase of all uneconomic remnants.

23. If the final computations are challenged, the individual preparer is responsible for providing information to settle the dispute.

Manager, Mapping Branch

24. Assigns another CADD Specialist to check legal description, plot plans, title information, computations and right-of-way plans for accuracy and completeness. Initials each rough form to show checking is completed.

CADD Specialist (Reviewer)

25. Returns all checked materials to CADD Specialist and discusses any discrepancies.

Government Lots and River Lots

26. Any permanent right-of-way taking that lies within a government lot or river lot shall use the acreage from the original government survey.

PRESENT RIGHT-OF-WAY

27. The term present right-of-way out-of-take refers to any present right-of-way in an ownership, excluding any proposed right-of-way taking and excluding section line right-of-way. Descriptions for each present right-of-way out-of-take must include a computation.

TOTAL PROPERTY

28. Computations for total properties must not exceed a section of land (before

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gross), unless the acreage for the total property can be determined from the ownership of record.

29. Computations for total properties should use the acreage given in an ownership. Otherwise, determine the acreage by aliquot. (i.e. NE₃ = 160.00 acres.)
30. If an aliquot describes the ownership of record, then use the acreage for the tract of land.

Examples:

NW₃ - 160.00 Ac.

NE₃ NE₃ - 40.00 Ac.

S₂ S₂ SW₃ SW₃ - 10.00 Ac.

31. Computations for total properties should use the acreage given in an ownership. Otherwise, determine the acreage by aliquot. (i.e. NE₃ = 160.00 acres.)

REMAINDERS

32. At times, a right-of-way taking severs the original ownership into two or more tracts on each side of the right-of-way taking. In such instances, remainders of severed properties shall be computed to the nearest one-hundredth of an acre and include section line right-of-way outside of the take area. Any remainder shown shall refer only to the acres remaining in the ownership in which the take occurs. **(Fig. 6.114-6-5 & Fig. 6.114-6-6)**

Do Not compute remainders for parcels that do not contain permanent right-of-way taking.

Do Not compute remainders for parcels belonging to railroads, United States of America (USA), or the Bureau of Indian Affairs (BIA).

EXCESS LAND

Excess Land Approval

33. Legal descriptions that include excess land shall only be prepared after receiving written approval from the Manager, Engineering Branch. Once approval is granted, a separate computation and legal description of the excess land must be prepared on plain bond paper.

**PROCEDURE STATEMENT
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Purchase and sale of unneeded parcels (Title 69 O.S. 2011 § 1207)

34. Whenever a part of a parcel of land is to be taken for State highway purposes and the remainder is to be left in such shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the Department may acquire by condemnation or as otherwise provided by law the whole parcel and may sell the remainder or may exchange the same for other property needed for State highway purposes. The Department shall also have authority to acquire lands or interests therein to be used as passageways between tracts of land severed by limited access highways and to convey the same to the owners whose land is so severed.

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INTERGRAPH INSURV OUTPUT FILE

@File Openeddesc align 1

```

PI      24 2831277.4532  649641.4160      613+03.2380
PI      23 2830739.8736  650455.8549      622+79.0979
PC      10012 2830478.9636  650851.1425      627+52.7289
                                         N 33°25'37.6435" W

```

Radial direction from PC to CC is N 56°34'22.3565" E

```

CC      10014 2833666.8518  652955.3334
      Radius      3819.7186      Degree      1°30'00.0000"
      Length      2089.5106      Delta      31°20'33.5755"R
      Tangent      1071.6124      Back      N 33°25'37.6435" W
      External      147.4723      Ahead      N 2°05'04.0680" W
      Long Chord      2063.5548      N 17°45'20.8558" W
      Mid. Ord.      141.9903

```

```

PI      10016 2829888.6382  651745.4965
PT      10013 2829849.6607  652816.3998      648+42.2395
                                         N 2°05'04.0680" W

```

Radial direction from CC to PT is S 87°54'55.9320" W

```

PI      18 2829709.1509  656676.8941      687+05.2900

```

exit

Fig. 6.114-6-1

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INTERGRAPH INSURV OUTPUT FILE

@File Openeddesc align 2

```

PI      101 2825969.9826  655608.4091  740+89.4660

PC      100 2826069.9496  655610.9778  741+89.4660
      N 88°31'41.0398" E

      Radial direction from PC to CC is N 1°28'18.9602" W

CC      102 2825971.8315  659429.4361

      Radius      3819.7187  Degree      1°29'59.9999"
      Length      1399.9940  Delta      20°59'59.6743"L
      Tangent      707.9399  Back      N 88°31'41.0398" E
      External     65.0503  Ahead     N 67°31'41.3655" E
      Long Chord   1392.1710  N 78°01'41.2026" E
      Mid. Ord.    63.9610

PI      104 2826777.6559  655629.1628

PT      98 2827431.8401  655899.7582  755+89.4600
      N 67°31'41.3655" E

      Radial direction from CC to PT is S 22°28'18.6345" E

PC      10082 2828663.3999  656409.1792  769+22.2200
      N 67°31'40.9230" E

      Radial direction from PC to CC is S 22°28'19.0770" E

CC      10084 2830123.4161  652879.5045

      Radius      3819.7187  Degree      1°29'59.9999"
      Length      1122.2223  Delta      16°50'00.0026"L
      Tangent      565.1824  Back      N 67°31'40.9230" E
      External     41.5870  Ahead     N 84°21'40.9256" E
      Long Chord   1118.1905  N 75°56'40.9254" E
      Mid. Ord.    41.1391

PI      10086 2829185.6661  656625.2096

PT      10083 2829748.1138  656680.7410  780+44.4423
      N 84°21'40.9256" E

      Radial direction from CC to PT is N 5°38'19.0744" W

PI      95 2831037.2740  656808.0221  793+39.8706

exit

```

Fig. 6-114-6-2

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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area dir * par 30
(476 473 474 247 c106641 246 245 c10654r 198 200 476)

Point	Coordinates	Direction	Distance
476	747079.1183 580364.7532	S 40°11'10.5777" E	837.3909'
473	747619.4654 579725.0279	S 40°09'50.6286" E	519.3235'
474	747954.4179 579328.1605	S 87°30'35.7583" E	237.6451'
247	748191.8386 579317.8357	S 49°20'08.4803" W	5829.5780'
CC 10664	743769.8683 575519.1309		
		Delta	1°49'41.6374"
		Arc Length	186.0141'
		Long Chord	186.0062'
			N 41°34'42.3384" W
		N 47°30'26.8429" E	5829.5780'
246	748068.3965 579456.9773	N 42°29'33.1855" W	383.5606'
245	747809.3035 579739.8015	N 47°30'26.8378" E	5629.5780'
CC 10654	751960.3586 583542.5492		
		Delta	2°18'22.5610"
		Arc Length	226.6015'
		Long Chord	226.5862'
			N 41°20'21.9255" W
		S 49°48'49.3988" W	5629.5780'
198	747659.6392 579909.9247	N 40°11'10.5990" W	883.2876'
200	747089.6760 580584.7128	S 2°44'52.7651" W	220.2128'
476	747079.1183 580364.7532		

Figure (476 473 474 247 c106641 246 245 c10654r 198 200 476) AREA = 235054.6
061 SQ.FEET 5.3961 ACRES

inv dir (187 476)

From	To	Direction	Distance	Slope Dist.	Elev. Diff.
187	476	N 2°44'52.8077" E	997.5958	997.5958	0.0000

Fig. 6.114-6-3

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Project Computations

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area dir * par 30 pres
(476 473 474 247 c106641 248 243 477 480 253 225 234 200 476)

Point	Coordinates	Direction	Distance
476	747079.1183 580364.7532	S 40°11'10.5777" E	837.3909'
473	747619.4654 579725.0279	S 40°09'50.6286" E	519.3235'
474	747954.4179 579328.1605	S 87°30'35.7583" E	237.6451'
247	748191.8386 579317.8357	S 49°20'08.4803" W	5829.5780'
CC	10664 743769.8683 575519.1309		
		Delta	0°26'46.4287"
		Arc Length	45.4018'
		Long Chord	45.4017'
			N 40°53'14.7340" W
		N 48°53'22.0516" E	5829.5780'
248	748162.1197 579352.1593	N 87°30'35.8000" W	66.9062'
243	748095.2767 579355.0661	N 40°09'50.5659" W	30.7300'
477	748075.4565 579378.5500	N 44°34'16.9026" W	325.2979'
480	747847.1634 579610.2847	N 40°09'50.6614" W	234.5859'
253	747695.8605 579789.5554	N 40°11'10.6135" W	896.4278'
225	747117.4183 580474.3819	N 2°44'52.8000" E	73.4043'
234	747120.9375 580547.7018	N 40°11'10.5990" W	48.4468'
200	747089.6760 580584.7128	S 2°44'52.7651" W	220.2128'
476	747079.1183 580364.7532		

Figure (476 473 474 247 c106641 248 243 477 480 253 225 234 200 476) AREA =
155954.3179 SQ.FEET 3.5802 ACRES

Fig. 6.114-6-4

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area dir * par 30 rem south
(187 213 212 216 187)

Point	Coordinates	Direction	Distance
187	747031.2903 579368.3045	S 87°30'35.8000" E	720.0454'
213	747750.6558 579337.0215	N 40°09'50.6160" W	381.0862'
212	747504.8634 579628.2478	N 40°11'10.5995" W	676.1506'
216	747068.5605 580144.7934	S 2°44'52.8000" W	777.3828'
187	747031.2903 579368.3045		
Figure (187 213 212 216 187) AREA = 279922.5929 SQ.FEET			6.4261 ACRES

Fig. 6.114-6-5

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area dir * par 30 rr less out
(216 212 213 474 473 476 216)

Point	Coordinates	Direction	Distance
216	747068.5605 580144.7934	S 40°11'10.5995" E	676.1506'
212	747504.8634 579628.2478	S 40°09'50.6160" E	381.0862'
213	747750.6558 579337.0215	S 87°30'35.8485" E	203.9547'
474	747954.4179 579328.1605	N 40°09'50.6286" W	519.3235'
473	747619.4654 579725.0279	N 40°11'10.5777" W	837.3909'
476	747079.1183 580364.7532	S 2°44'52.8349" W	220.2130'
216	747068.5605 580144.7934		

Figure (216 212 213 474 473 476 216) AREA = 181046.3676 SQ.FEET 4.1563
ACRES

Fig. 6.114-6-6

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Applies to:

Policy OP-MAP 6-2: Right-of-Way Plans and Related Materials

CADD Specialist

1. Receives construction plans and target date for completing final Right-of-Way plans from Branch Manager or Branch Supervisor.
2. Right-of-Way plans are a separate entity, complete and independent of any other plans. In order to fulfill this designated function, the information contained in the Right-of-Way plans shall be limited.
3. The size, form and arrangement of the Right-of-Way plans shall conform to the general requirements for construction plans. Right-of-Way plans must be sufficient for core functions of Right-of-Way acquisition.
4. ODOT controls the finished product rather than the method. The service provider is advised to contact the Right-of-Way & Utilities Division and obtain approval on any questionable method or material prior to its use on the plans.
5. The Right of Way & Utilities Division requires plan sheets to be in compliance with the standards listed on the following pages.
6. The Division retains the right to reject any plans that are not in compliance with the Mapping Branch Procedures in this manual. Furthermore, the Division retains the right to reject any plans that would make poor reproductions due to poor quality. Overly congested sheets may be rejected by the Department and shall be corrected or redrawn by the service providers at no additional expense to the Department. Decisions to reject plans are at the sole discretion of the Right-of-Way & Utilities Division.
7. The Right-of-Way plans shall be on standard size 24" x 36" sheets. Right-of-Way plans shall be sequenced and numbered, including a title sheet, plan sheet(s) and ownership schedule sheet(s). **(See Fig. 6.114-7-1a thru 6.114-7-1c, these figures are not examples of sheet sequencing)**
8. The title sheet is the first sheet of a complete set of Right-of-Way plans. It contains basic, but valuable information related to the entire project. An electronic file with a prototype of the basic title sheet will be provided to the person(s) preparing the Right-of-Way plans. The Right-of-Way title sheet border dimensions shall be 24 inches in height and 36 inches in width. These border dimensions are standard for all of the sheets in a complete set of Right-of-Way plans. An easy to read location map shall be placed in the center of the title

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sheet. This key map can usually be copied from the construction plan's title sheet. Many of the items listed in this section are provided on the electronic file.

9. The Right-of-Way legend, located in the lower left corner, answers many potential questions about the depicted line styles, line weights, and symbols on the Right-of-Way plan sheets. The items listed below are required as part of a completed Right-of-Way title sheet.
 - Example: The beginning of the Right-of-Way take area may begin at station 100+00, but the first legal description of the project may begin at a section corner (station 95+00). The beginning of the project is then the station of the section corner, not the station where the Right-of-Way take area begins. The same principle shall be used for the ending station of the project.
 - The location map shall contain a north arrow, sections, townships, ranges, highways, highway numbers, creeks, towns, cities, railroads, and any other relevant information. Contour lines shall not be part of the location map or any other part of the Right-of-Way plans.
 - The beginning station and ending station define the limits of the Right-of-Way project. The length of the entire Right-of-Way project shall appear below the location map.
 - Any service provider, who has contracted with the Department to prepare the plans, shall print their name and/or logo in the lower right hand corner of the title sheet. The Department requests the address and telephone number of the service provider for contact purposes, but this information is not required for the title sheet.
 - Right-of-Way, Mapping Branch personnel shall provide the Right-of-Way project number, which usually ends with an "RW." The title sheet shall list the project number and job piece number, correlating with the Right-of-Way project number and the Right-of-Way job piece number.
 - The job piece numbers assigned by the Department and the reference job piece numbers shall be located in the upper left area of the title sheet. The Department provides the Survey Work Order (SWO) number. Occasionally, funding changes during a project cause the project number to change.
 - The upper center of the Right-of-Way title sheet shall depict "STATE OF OKLAHOMA," DEPARTMENT OF TRANSPORTATION," "RIGHT-OF-WAY PLANS," to include the job piece number, Federal Right-of-Way project number, highway number, and County. This information shall be in Arial font, in accordance with this manual as well as the example title sheet.

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- The title sheet shall have a fencing note in the upper left area which states:
 - “NOTE: SEE CONSTRUCTION PLANS FOR PROPOSED R/W FENCING.”
 - The title sheet shall have a staking note in the upper left area which states:
 - “NOTE: THESE R/W PLANS ARE FOR APPRAISAL AND ACQUISITION PURPOSES ONLY. USE CONSTRUCTION PLANS FOR STAKING OR SURVEYING R/W.”
 - In the lower right corner of the title sheet, a block stating “PRINED DATE,” “J/P,” “COUNTY,” “PROJECT,” and “SHEET” shall be depicted. **(See Fig. 6.114-7-1a)**
 - In the upper right hand corner of the title sheet, a block shall depict the index of sheets. Adjacent and below this block, the person(s) name/company shall be printed who computed and drafted the project. **(See Fig. 6.114-7-1a)**
 - The right hand side of the Title Sheet shall depict a county location map with the subject County shaded. **(See Fig. 6.114-7-1a)**
10. The Right-of-Way plans shall contain, but are not limited to: current topography, design configuration of the proposed roadway, all proposed Right-of-Way lines and existing right of way lines, existing and proposed access control; the widths to be acquired and Right-of-Way ties (station and dimension) to the centerline of survey. Right-of-Way plans containing contour lines shall not be accepted.
 11. The Right-of-Way plans for rural areas shall be drawn 1"-100' scale, using section lines and 1/4 sections as the beginning and ending of each sheet. **(See Fig. 6.114-7-1b)**
 12. Consecutive sheets shall be drawn with a match line so one sheet can be referenced to the next by showing the next even station beyond the section or 1/4 section line at the end of each sheet, by extending the center line past the P.O.T. or P.O.C. **(See Fig. 6.114-7-1d thru 6.114-7-1e)**
 13. Note: In general, the North arrow on the Right-of-Way plans should be oriented with the North arrow on the Construction plans.
 14. The Right-of-Way plans for urban areas shall be drawn 1"=50' scale. Urban areas shall be divided into lots and blocks.

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15. Like the rural method, plan sheets in urban areas depict beginning and ending stations, alternating between the section line and quarter section lines, sixteenth section lines, or block lines. [\(See Fig. 6.114-7-1f\)](#)
16. Each plan sheet and each inset must depict the scale used. Insets shall be provided when necessary to show details, using an appropriate scale. Special scales may be utilized with prior written approval from the Manager of Mapping Branch, ODOT. The scale shall be located in approximately the same position on all plan sheets.
17. Each ownership from which land is acquired (permanently or otherwise) shall be assigned at least one parcel number.
18. If an ownership consists of two or more tracts of land within a single quarter section, then said tracts shall have the same parcel number, as written in the description. If an ownership extends into two or more quarter sections, it shall have two or more parcel numbers assigned to it.
19. At least one parcel number shall be assigned to each ownership from which land is acquired (permanently or otherwise). The parcel number shall refer to only one ownership within the same quarter section. A parcel number shall not refer to a tract of land larger than a single block. If an ownership consists of two or more blocks in which the acquisition occurs, a different parcel number shall be assigned to each block. If an ownership consists of two or more tracts of land within a single block, then said tracts shall have the same parcel number and be written as in the description.
20. Each parcel shall have one whole number assigned to it. The whole number shall refer to the permanent acquisition, if any. If, for example, the parcel has a permanent acquisition, a temporary construction easement, and a perpetual channel easement, the numbers shall be assigned as follows:

Permanent Right-of-Way	13
Perpetual Right-of-Way	13.1
Temporary Right-of-Way	13.2

21. If a parcel does not have any permanent right-of-way but consists of one or more temporary and/or perpetual easements, one type shall carry the whole number and the rest shall have a suffix. For example:

Perpetual Right-of-Way	12
Temporary Construction	12.1
Temporary Drive	12.2

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22. The parcel number shall be placed outside the depiction of the area to be acquired and the number shall be located to allow ready association of the number and the area to which it refers. (See Fig. 6.114-7-1b)
23. The proper depiction of an interchange for Right-of-Way plan purposes shall be shown up to the section line at the end of one sheet and the remainder of the interchange shall be shown at the beginning of the next plan sheet. If this is not possible, an additional sheet shall depict the interchange only, and placed in the plans where the interchange occurs (not as the last sheet unless the project terminates at the interchange). The proposed road network shall be shown on the sheet or sheets containing the interchange. All Right-of-Way lines shall be tied from the major center lines only. (See Fig. 6.114-7-1g thru 6.114-7-1j)
24. Each plan sheet shall plainly depict the directional (North) arrow, the Highway number on the Center Line, as well as the section, township and range.
25. All platted subdivision lines, block lines, distances to block corners, distances from points on centerline of streets to street intersections and distances to subdivision corners shall be depicted on the plans. All addition names, block numbers, lot numbers, lot dimensions, street names, etc. Alley widths, street widths shall be shown, city limit lines (From a current city limits map, signed and dated by the city officials shall be accurately drawn using the correct line style or symbol.
26. Section and $\frac{1}{4}$ section corners shall be depicted. All section and $\frac{1}{4}$ section lines shall be labeled and have the bearing of the line along it. Whenever the centerline crosses a section line or $\frac{1}{4}$ section line the P.O.T. or P.O.C. station shall be shown along the section line or $\frac{1}{4}$ section line.
27. All line work (line style and line weight) shall be in compliance with (See Fig. 6.114-7-6 and Fig. 6.114-9-1) of this manual.
28. Property lines for each unit of ownership shall be labeled and drawn as shown in the Line Style guides in this procedure. (See Fig. 6.114-9-1) Property lines take precedence over all other lines. If you have a present Right-of-Way line, and it is also a property line, the weight and style must be shown as a property line, and labeled PRES. R/W & PROP. LINE.
29. All temporary and perpetual right of way easement lines shall be shown and labeled with the type of easement.

Examples of Labels:

Temporary Drive	Temporary Channel
Temporary Construction	Utility Easement
Temporary Detour	Channel Change Easement

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30. Temporary R/W for the removal of improvements shall be added to the Right-of-Way plans and are not shown on the construction plans. Temporary R/W shall not be used in fill areas.
31. All present Right-of-Way, including section line right of way lying within the limits of the project, shall be shown and labeled as "PRES. R/W". Widths of all present Right-of-Way shall be shown on the plans near the beginning and end of every sheet.
32. All proposed Right-of-Way lines will be shown and labeled as "R/W".
33. All proposed Right-of-Way lines shall be tied to the centerline at right angles, or radial when appropriate. Legal plats and land survey shall be used to accurately establish right of way ties. Right-of-Way lines shall then be tied to property corners and section corners.
34. All changes in direction of a right of way line shall be located by a plus and offset at every R/W corner.
35. The centerline of survey and all "stub" or intersecting lines of survey from which any proposed Right-of-Way line is located shall be stationing and defined by bearings. All equation stations and normal stationing will be shown.
36. Right-of-way lines that curve shall indicate the radius and length of curve. Leaders toward the curve center shall depict the Point of Curvature (P.C.) and Point of Tangency (P.T.) of each curve, including labels. The centerline of survey shall be labeled as "centerline of survey" and labeled with the highway number.
37. On projects where rights of access have been or are to be acquired, the plan sheets shall clearly depict access control lines and points of access, matching those on the construction plans.
38. Termination of access control and/or change of access control shall have an appropriate tie, coinciding with the prepared legal conveyance.
39. On projects with previously acquired access rights or newly acquired access rights, the existing limits of access shall be labeled as "PROPOSED LIMITS OF NO ACCESS." (See Fig. 6.114-7-1b and Fig. 6.114-7-1g thru 7-1h)
40. All lettering shall be in compliance with Figure 6.114-7-6. (See Fig. 6.114-7-6)
41. All dimensions shall be rounded to the nearest one hundredth of a foot. Digits of 5 or greater are rounded up; digits of 4 or less are rounded down.

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42. All bearings shall be rounded to the nearest second. Digits of 5 or greater are rounded up; digits of 4 or less are rounded down.
43. All bearings along subdivision lines, lot lines, block lines, property lines, section lines, 1/4 section lines, center lines, and present Right-of-Way lines shall be clearly annotated.
44. When projects are located within city limits show both acreage and square footage in the legal descriptions qualifying clause. Only show acres in the legal descriptions qualifying clause for the excess land areas when there is a total take.
45. Acres shall be rounded to the nearest one hundredth. Square footage shall be rounded to the nearest foot. Digits of 5 or greater are rounded up; digits of 4 or less are rounded down. The smallest unit for any acreage shall be 0.01 acre.
46. Example: When sq. ft. of excess land is a small number i.e., 12 sq. ft shall be represented as 0.01 AC.
47. The net area of permanent Right-of-Way to be acquired from each parcel shall be patterned. The pattern shall be removed from all dimensions, bearings, and parcel numbers to improve readability.
48. Patterns shall be alternated so that adjacent parcels do not have similar patterns. An open or widely spaced pattern without a striking contrast to adjacent patterns is not acceptable.
49. All patterns shall be part of the electronic file plan sheet. For examples of patterning for the Department's Micro station cell library ([See Fig. 6.114-9-2](#))
50. Curve data shall not be shown on Right-of-Way plan sheets. For parcels that contain a curve, annotate the radius and length.
51. Each plan sheet shall plainly depict the directional (North) arrow. ([See Fig. 6.114-7-1b thru 6.114-7-1j](#))
52. Each plan sheet shall plainly depict the section, township, and range in compliance with ([See Fig. 6.114-7-1d thru 6.114-7-1j](#)).
53. The Highway Number or Street Name shall be plainly labeled on the Center Line in compliance with ([See Fig. 6.114-7-1d thru 6.114-7-1j](#)).
54. Right-of-Way plan sheets shall depict all underground storage tanks (USTs) within the proposed right of way by pluses and offset distance from centerline.

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55. Right-of-Way plan sheets shall clearly depict all drainage structures passing under the main roadway, frontage roads, access ramps, etc., or intersecting roadways. This excludes side drains under private driveways. A note stating the type of proposed structure, inside dimensions, and length shall be placed on the Right-of-Way plans, as shown on the construction plans.
56. All existing improvements or structures within and approximately 200 feet beyond the proposed Right-of-Way lines shall be depicted on all Right-of-Way and Construction plan sheets and labeled appropriately. In addition, any other improvements that might affect the acquisition of Right-of-Way shall be shown. All improvements shall be stationed and dimensioned from the same centerline that the Right-of-Way is tied to.
57. Right-of-Way plan sheets shall depict existing fencing by proper symbol or line style. Replacement or new fence shown on the construction plans shall not be shown on the Right-of-Way plans, unless it is access control fencing.
58. Right-of-Way plan sheets shall depict the layouts of all proposed roadways, interchanges, separation lanes and driving surfaces to be constructed or improved.
59. These layouts shall be patterned, using a fine-grained dot that does not obscure underlying details or dimensions.
60. Frontage, local and public roads must be shown and properly labeled, reference to [\(See Fig. 6.114-7-3 thru 6.114-7-5\)](#).
61. Right-of-Way plan sheets shall accurately depict the proposed top of cut or toe of slope lines as established on the construction plans and labeled at the beginning and end of each sheet. All top of cut or toe of slope lines shall comply with the line styles as established by this manual.
62. Right-of-Way plan sheets shall include descriptions and dimensions for structures designed for drainage, but enlarged for special purposes.
63. Right-of-Way plan sheets may include a description and dimensions for any structures designed for a specific purpose. Before depicting a proposed cattle pass, machinery pass or other similar structures, obtain written approval from the Chief, Right-of-Way & Utilities Division.
64. Existing deeds and easements shall be thoroughly researched for qualifying clauses relating to cattle passes, machinery passes or other special structures. Identification of special structures shall be brought to the attention of the Manager, Mapping Branch.

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65. The total property inset represents the total amount of property owned by one particular land owner within one section of land. The Right-of-Way plan sheets and plot plans shall use total property insets only when the total property of a land owner cannot be shown on the Right-of-Way plan sheet or on the bottom half of the plot plan.
66. Total property insets must be neat, clear, and legible. These guidelines and examples will help when creating total property insets. [\(See Fig. 6.114-7-2\)](#)

The north arrow shall always be pointing up as you look at the plan sheet.

All total property insets shall represent one square mile and be 3.3 square inches, with a corresponding scale of 1 inch equals 1600 feet (1"=1600').

Topographic survey information shall not be shown.

The appropriate highway or Interstate number shall be placed within its own vicinity.

If possible, the total property inset should be placed in the vicinity of the parcel that it represents on the Right-of-Way plan sheet.

If the total property of an owner continues into an adjacent section, slightly extend the property lines outside of the shown section [\(See Fig. 6.114-7-2\)](#).

The pattern of the total property inset shall match the pattern for the corresponding parcel(s) on the plan sheet. All patterns shall be of a sand, stipple, or random dot pattern [\(See Fig. 6.114-7-1b\)](#). The density of any patterning shall not be too light or too dark. To pattern a shape and then scale it up or down several times is not acceptable.

If necessary, insert an exact copy of a particular total property inset on more than one sheet.

All text on the total property inset shall be 0.10 inch Arial. Parcel numbers shall be 0.14 inch Arial.

67. The last sheet of a complete set of Right-of-Way plans is the ownership sheet.
68. For each parcel of land on the Right-of-Way plan sheets, the ownership block consists of rows and columns. The rows depict individual information concerning each parcel. The columns provide information concerning the parcel, owner, permanent take, excess land, perpetual easement, temporary easement, remaining in quarter, and sheet number.

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69. Alternate methods of representing ownership and parcel information must receive written approval from the Manager of Mapping Branch.
70. When creating an ownership sheet, refer to **(See Fig. 6.114-7-1c)** and follow these guidelines.
- Each and every parcel number (including temporary and perpetual) shall be shown in the first column under the heading of “PARCEL”. If a permanent parcel (for example parcel 8) with a perpetual channel easement (parcel 8.1) and a temporary easement (parcel 8.2) adjacent to it has the same owner, then all three parcels shall be shown on the same row. If two permanent parcels (for example parcel 9 and parcel 10) are owned by the same owner, there shall be a separate entry for each parcel.
 - In the second column heading of “OWNER”, the name shall match that shown on the original deed or easement of record.
 - The third column is reserved for PERMANENT TAKE area. A PERMANENT TAKE area consists of the actual area to be acquired from the land owner. A TOTAL TAKE area consists of an entire piece of property to be acquired.
 - The fourth column is designated for the area of EXCESS LAND. The excess land is the area of land that has been acquired outside of the proposed right of way line.
 - In the fifth and sixth columns of the ownership block, the amount of land to be acquired for any PERPETUAL or TEMPORARY EASEMENT shall be shown. This acreage shall match the corresponding instruments.
 - The seventh column of the ownership block represents “REMAINING IN QUARTER” This is the amount of land owned by one particular owner in one particular quarter section of land, minus the proposed right of way area and the present right of way area. In cases when the owner owns property on both sides of the highway the remaining area north and south or east and west of the highway shall be shown.
 - The eighth column of the ownership sheet is reserved for the sheet number. This number represents the sheet number in the plans where the corresponding parcel number can be located. This is very convenient when trying to locate a particular parcel number inside a large set of Right-of-Way plans.
 - All of the informational text of the ownership sheet shall be Arial font. The header of the ownership block (NAME, OWNER, PERMANENT TAKE...etc) shall be Arial bold font. **(SEE Fig. 6.114-7-1c)**

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- The upper right side of the ownership sheet shall depict all revisions and dates of revisions.
- Units of measure for land area shall be shown as follows: AC = acres, SF = square feet. If the Right-of-Way take area is in a residential or commercial area, both acres (AC) and square feet (SF) shall be shown. All of the information on the ownership sheet shall accurately reflect other Right-of-Way documents such as plot plans, legal descriptions, and deeds.

71. Do's and Don'ts of Right-of-Way Plan Preparation

- a. Show all existing fencing
- b. Show offsets & pluses on proposed R/W
- c. Show offsets only on existing R/W
- d. Show all improvements and label within 200' of proposed r/w with offsets & pluses when provided by survey.
- e. Show and label all drainage structures that crosses the C.L. of survey and CRL.
- f. Show city limits and corporate boundaries when scope of project are within these areas.
- g. Show all Government and River lots that effect r/w taking and property.
- h. Show and label bearings and dimensions on all lines that are relevant to take areas.
- i. Show scale and reference note that shows ownership sheet number.
- j. Show controlled access fencing symbols
- k. If project has controlled access, show note on title sheet as partially controlled or fully controlled facility. See example for labeling.
- l. Show any existing roadway and utility easements that abut new take areas that may be used as such.
- m. Show all creeks, rivers and ponds and also label.
- n. Show all revisions (notes) in upper right hand corner of corresponding plan sheet.

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- o. Show and label bearings and dimensions on all lines involving take areas.
- p. Do not show utilities lines and poles.
- q. Do not show proposed (new) Right-of-Way fencing.
- r. Do not show property outside of section on plans and insets.
- s. Do not show any two abutting properties with same zip tone pattern.
- t. Do not show Federal Project Numbers on R/W plans sheets, only show on title Sheet

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-LETTERING GUIDE FOR TITLE SHEET

All fonts shall be **Arial**
All text in decimal inches, as listed

Item	Lettering Guide Height & Width
Access Clause	0.240
Bearing Clause	0.100
Credit Block	0.100
County	0.240
Highway Number	0.240
Index of Sheets	0.120
Project and Sheet No. (Lower right corner)	0.120
Printed Date (Lower right corner)	0.120
Project Length (Arial Bold)	0.240
Heading (STATE OF OKLAHOMA)	0.240
Heading (DEPARTMENT OF TRANSPORTATION)	0.240
Title (RIGHT-OF-WAY PLANS) (Arial Bold)	0.500
Job Number (JOB NO. 13406(05)) (Arial Bold)	0.500
Project Number (FEDERAL AID PROJ. NO. BRF-044B (296)RW)	0.240
Heading (REFERENCE NUMBER)	0.120
Reference Numbers: Construction, Utility, SWO	0.100
Scale	0.100
Township and Range	0.200
Section Numbers	0.100
Begin and End Stations (Arial Bold)	0.200
Town, City Name, Creeks, Rivers, Railroads	0.100
County Name on Location Map	0.175
Equation & Exception Stations	0.200

FIGURE 6.114-7-6

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-LETTERING GUIDE FOR PLAN SHEET

Item	Illustration Line Width	Lettering Guide Height & Width
1. Addition or Subdivision		0.175
a. Block line (Label only when two Blocks abut each other)	1	
b. Block Number		0.175
c. Lot Dimension		0.080
d. Lot Line	0	
e. Lot Number		0.120
f. Street Name		0.120
2. Sheet Boundary and Revision Line	4	
3. Center Line (Access, Frontage Roads, etc.)	2 1	0.140 0.140
a. Bearing		0.140
b. Beginning and Ending Stations		0.240
c. Highway Number		0.140
d. Stationing "Tics"	1	0.100
4. City Limits		0.175
5. County Line		0.175
6. Creeks, Rivers, Lakes, and Ponds	0	0.175
a. Drainage Structure (Existing)	0	0.100
b. Drainage Structures (Proposed) (Label major drainage structures that cross centerline only)	1	0.100
7. Date & Revision Label (Upper Right Corner)		0.175
a. Date & Revision Notes		0.100
8. North Arrow (Max. of 3 ½" in length)		

FIGURE 6.114-7-6

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9. Improvements within 200' of Proposed R/W 0 (italics)	0	0.080 - 0.100
a. Stations & Offsets on Improvements		0.100
10. Insets (Total Ownership)		
a. North Arrow (Max. of 1:¾ in length)		
b. Scale	0	0.100
c. Section, Township & Range Identification		0.100
11. Inset (Detail) See Block Line, Lot Line, R/W Line, etc.		
12. Lanes (Existing)	0	
13. Limits of Access	1	
a. Leader line	1	
b. Text		0.140
14. Ownership Block or Sheet	0	0.100
a. Data (Names, Acreage, Square Feet)		0.100
15. Parcel Number	1	0.140
16. Present R/W (italics)	1	0.100
a. Section Line R/W (Label as Pres. R/W)	1	0.100
17. Project & Sheet Number	1	0.100
a. Date Printed		0.120
18. Property Line	4	0.100
19. Proposed R/W Lines	3	0.120
a. Bearings		0.100
b. Channel	2	0.120
c. Dimensions		0.100

FIGURE 6.114-7-6

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d.	R/W marker □	3/64"	
e.	Stationing (Plus and Offset)	2	0.100
f.	Temporary	1	0.120
20.	R/W Fence		
	a. Control of Access	1	
	b. Existing Fence	0	
21.	Scale	0	0.120
22.	Section Line (See Example for Line Styles)	2	0.100
	a. 1/4 Section Line	1	0.100
	b. 1/16 Section Line	0	0.100
	c. 1/64 Section Line	0	0.100
23.	Section, Township & Range Identification (On Plan Sheet)		0.200
24.	State Line (If applicable)		0.175
25.	Stationing Numbers for Center Line		0.240
	a. Point of Curvature (P.C.)		0.100
	b. Point of Intersection (P.I.)		0.100
	c. Point on Curve (P.O.C.)		0.100
	d. Point on Sub-Tangent(P.O.S.T.)		0.100
	e. Point on Tangent (P.O.T.)		0.100
	f. Point of Tangency (P.T.)		0.100
26.	Toe of Slope or Top of Cut	1	0.100

FIGURE 6.114-7-6

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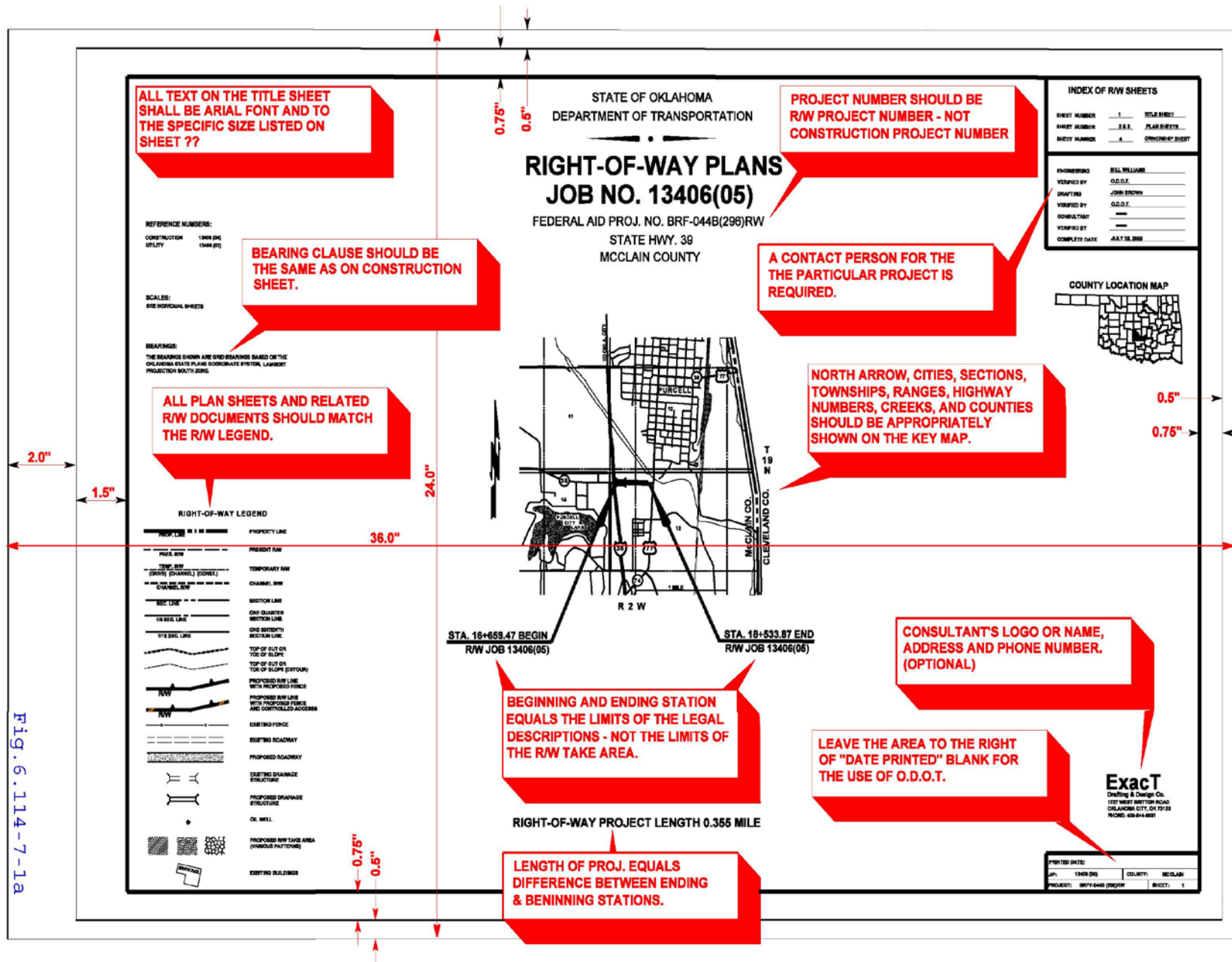
- 72. Informs Supervisor that the plans are complete and ready to be checked.
- 73. Makes copies of Right-of-Way plan sheets, plot plans and associated materials for checking.

Supervisor, Mapping Branch

- 74. Assigns CADD Specialist not previously associated with project, to check that the plans have been prepared in accordance with current Policy & Procedures as laid out in this section.

CADD Specialist (Reviewer)

- 75. Instructs CADD Specialist/Consultant to make the necessary corrections or additions, if any.



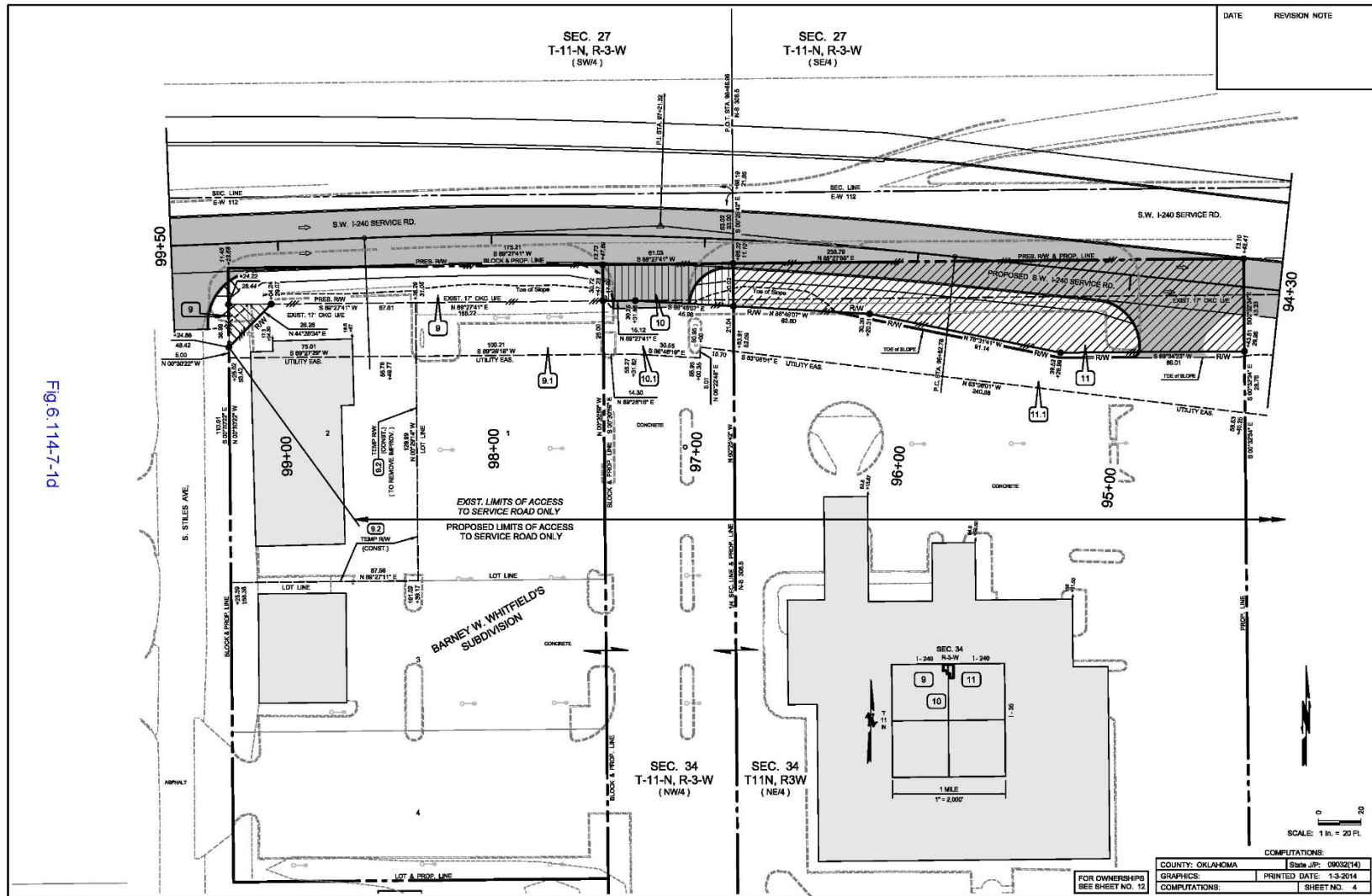


Fig 6.114-7-1d

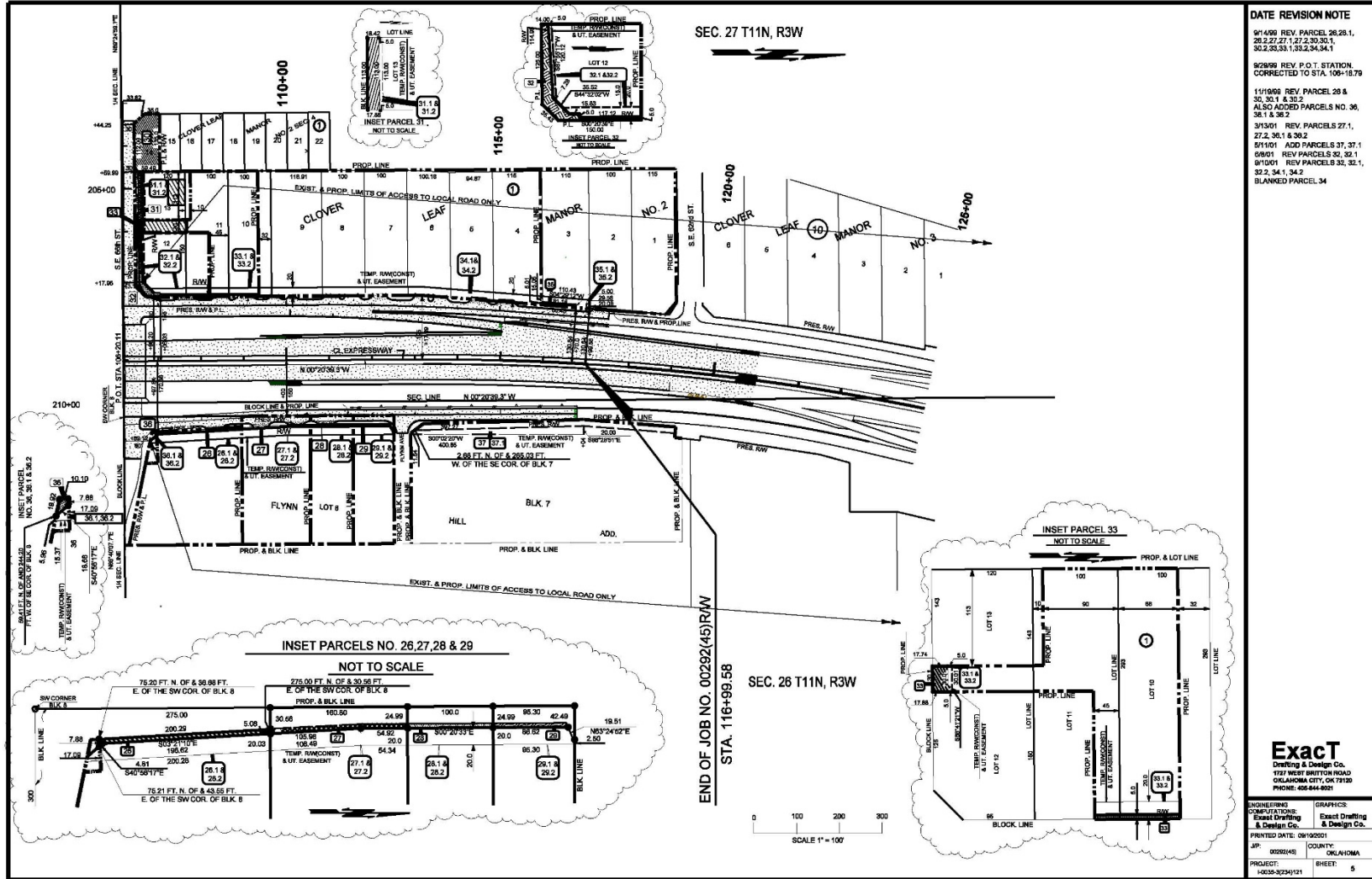
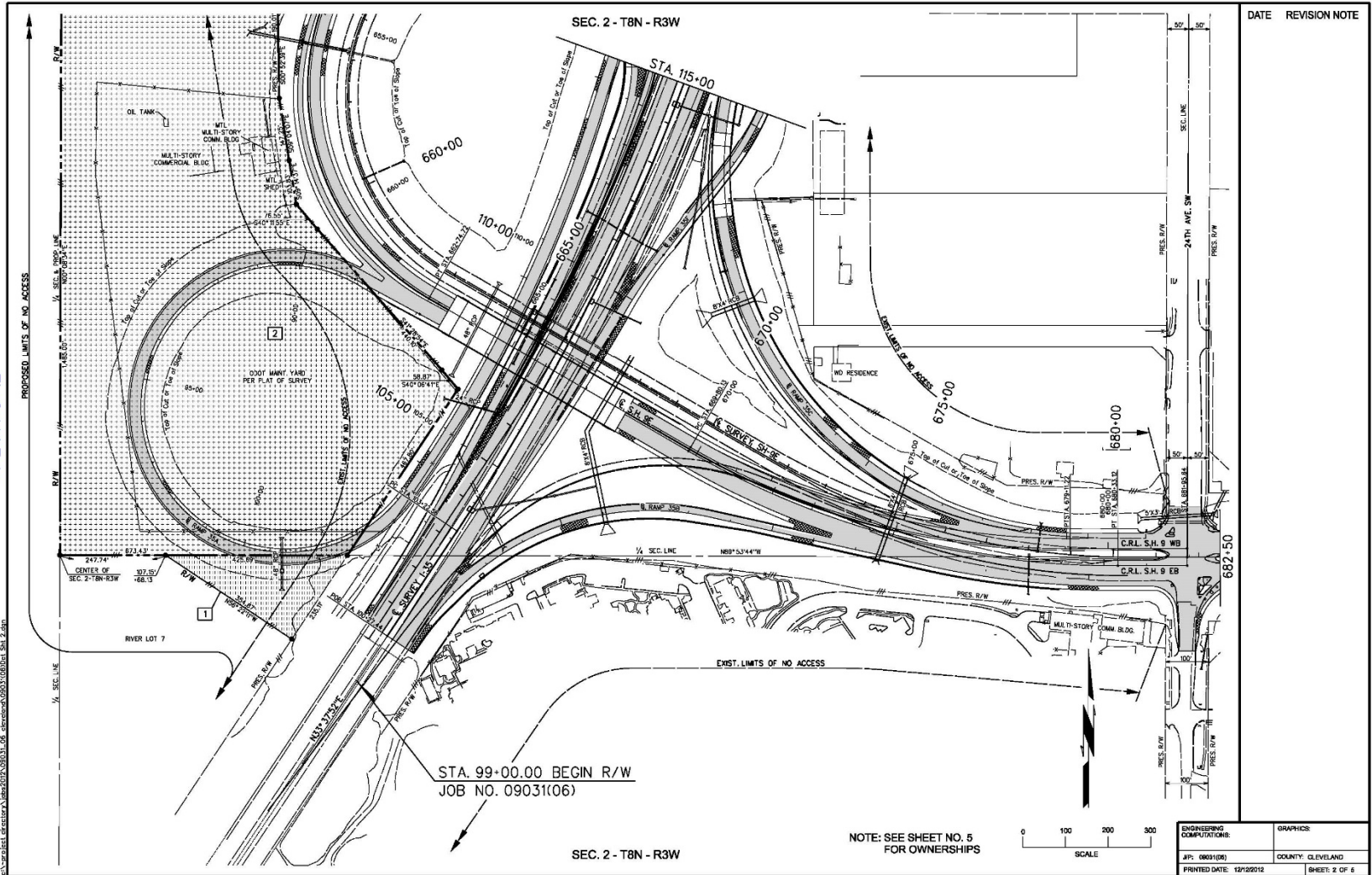


Fig 6.114-7-11

Fig 6.114-7-19

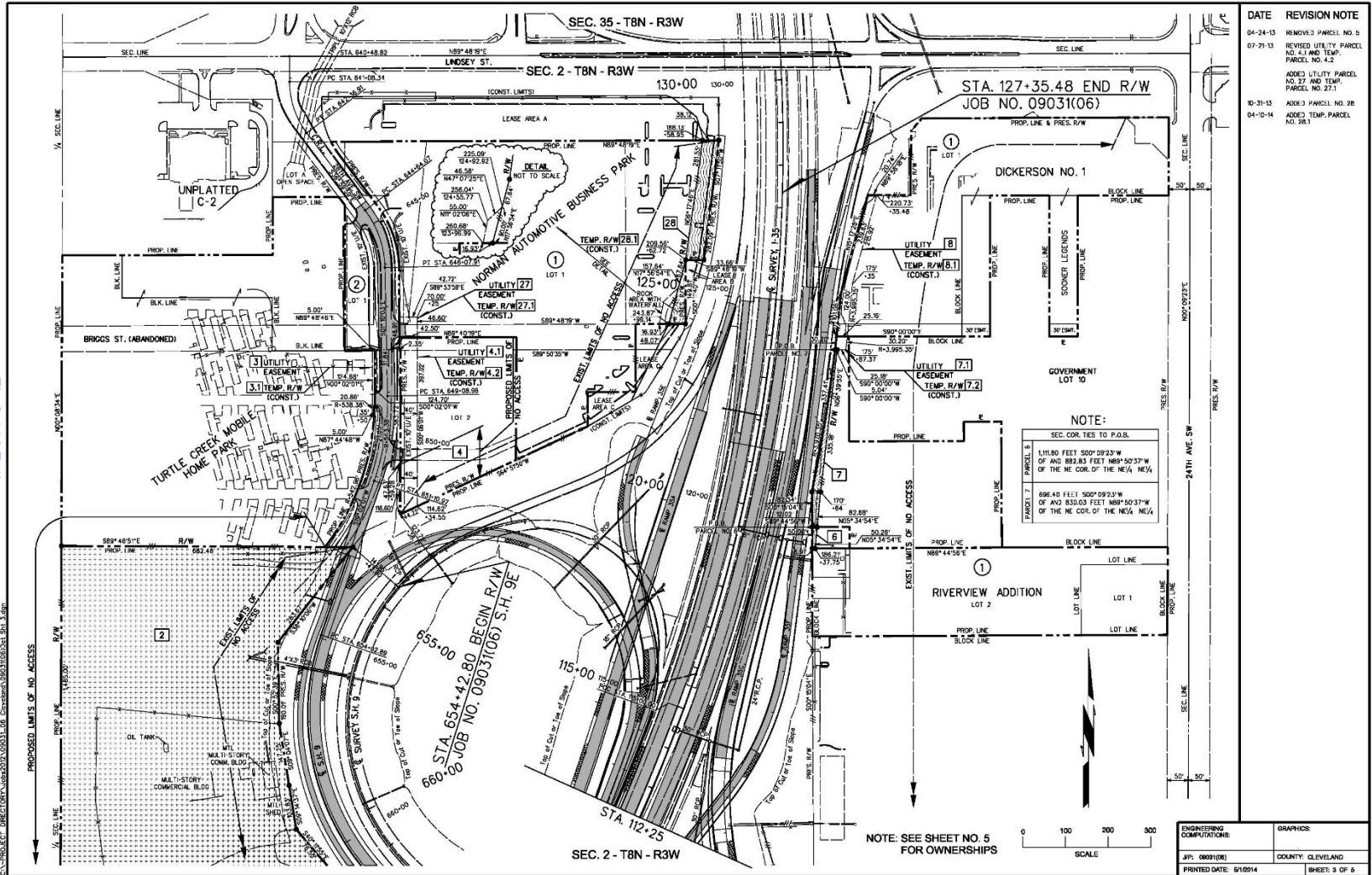


DATE REVISION NOTE

NOTE: SEE SHEET NO. 5 FOR OWNERSHIPS

ENGINEERING COMPUTATIONS:	GRAPHICS:
J.P. 0803(08)	COUNTY: CLEVELAND
PRINTED DATE: 12/12/2012	SHEET: 2 OF 6

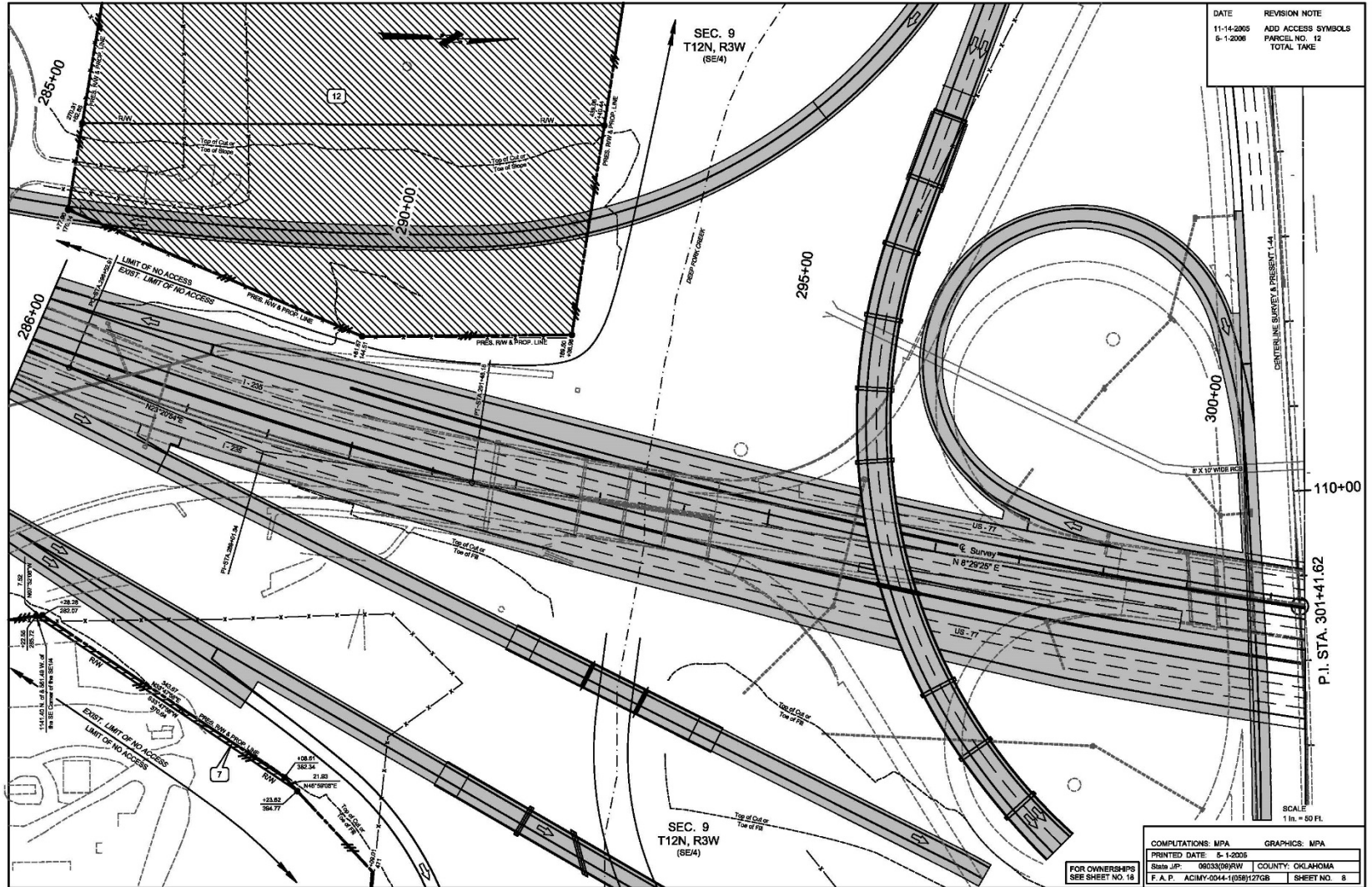
Fig. 6.114-7-1h



DATE	REVISION NOTE
04-24-13	REMOVED PARCEL NO. 9
07-21-13	REVISED UTILITY PARCEL NO. 4.1 AND TEMP. PARCEL NO. 4.2
	ADDED UTILITY PARCEL NO. 27 AND TEMP. PARCEL NO. 27.1
10-31-13	ADDED PARCEL NO. 28
04-10-14	ADDED TEMP. PARCEL NO. 28.1

NOTE:
 SEC. COR. TIES TO P.O.B.
 PARCEL 6
 1718.00 FEET S00°22'23"W
 OF AND 882.83 FEET N89°50'37"W
 OF THE NE COR. OF THE NE 1/4 NE 1/4
 PARCEL 7
 686.45 FEET S80°58'23"W
 OF AND 830.03 FEET N89°50'37"W
 OF THE NE COR. OF THE NE 1/4 NE 1/4

ENGINEERING COMPUTATIONS:	GRAPHICS:
J.P. 0803(06)	COUNTY: CLEVELAND
PRINTED DATE: 01/02/14	SHEET: 3 OF 6

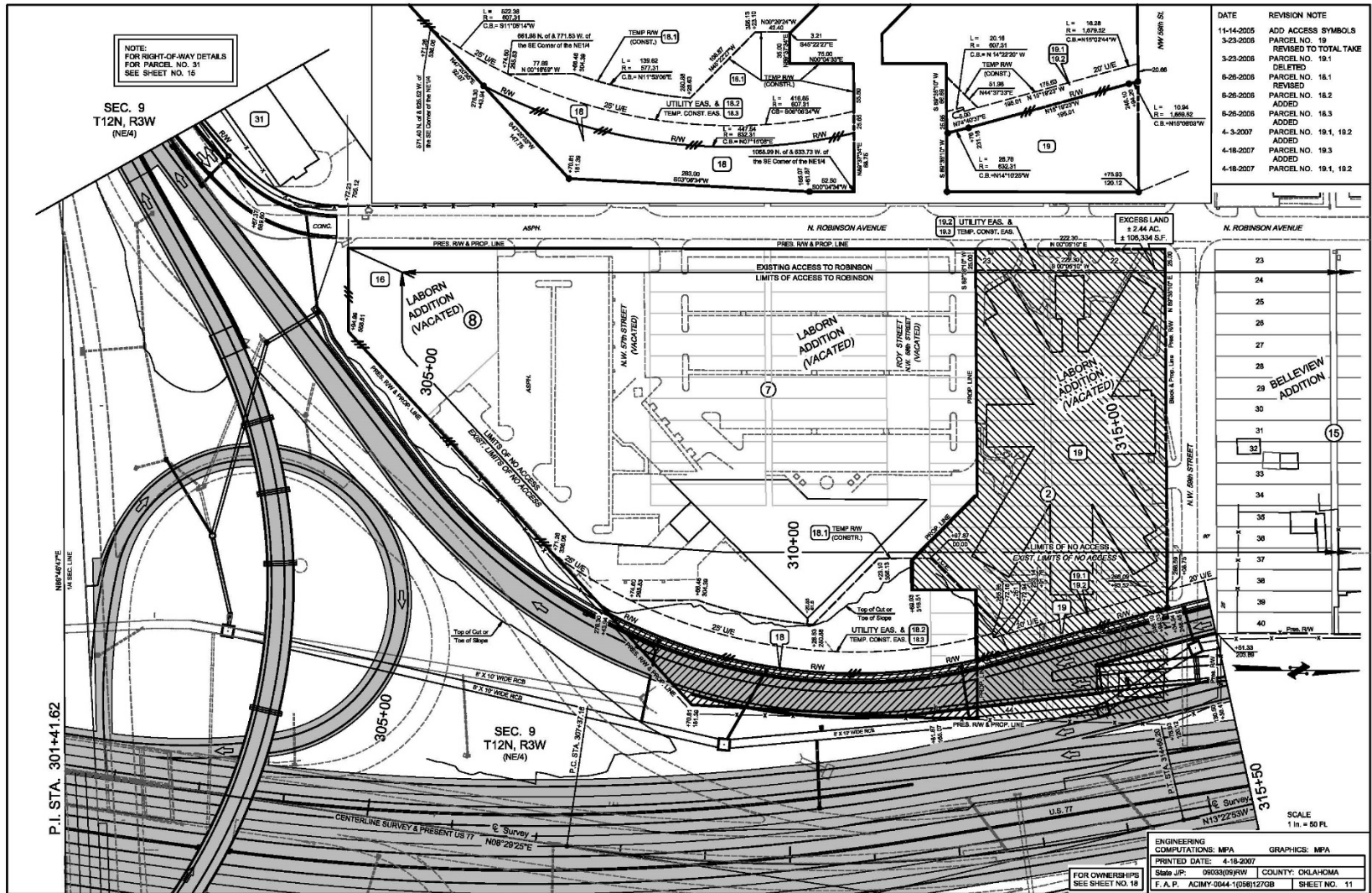


DATE	REVISION NOTE
11-14-2005	ADD ACCESS SYMBOLS
5-1-2008	PARCEL NO. 12 TOTAL TAKE

COMPUTATIONS: MPA		GRAPHICS: MPA	
PRINTED DATE: 5-1-2005			
State J/P:	06033(06)RW	COUNTY:	OKLAHOMA
F. A. P.	ACIMY-0044-1(058)127GB	SHEET NO.	8

FOR OWNERSHIPS
SEE SHEET NO. 18

Fig. 6.114-7-11



NOTE:
FOR RIGHT-OF-WAY DETAILS
FOR PARCEL NO. 31
SEE SHEET NO. 16

SEC. 9
T12N, R3W
(NE4)

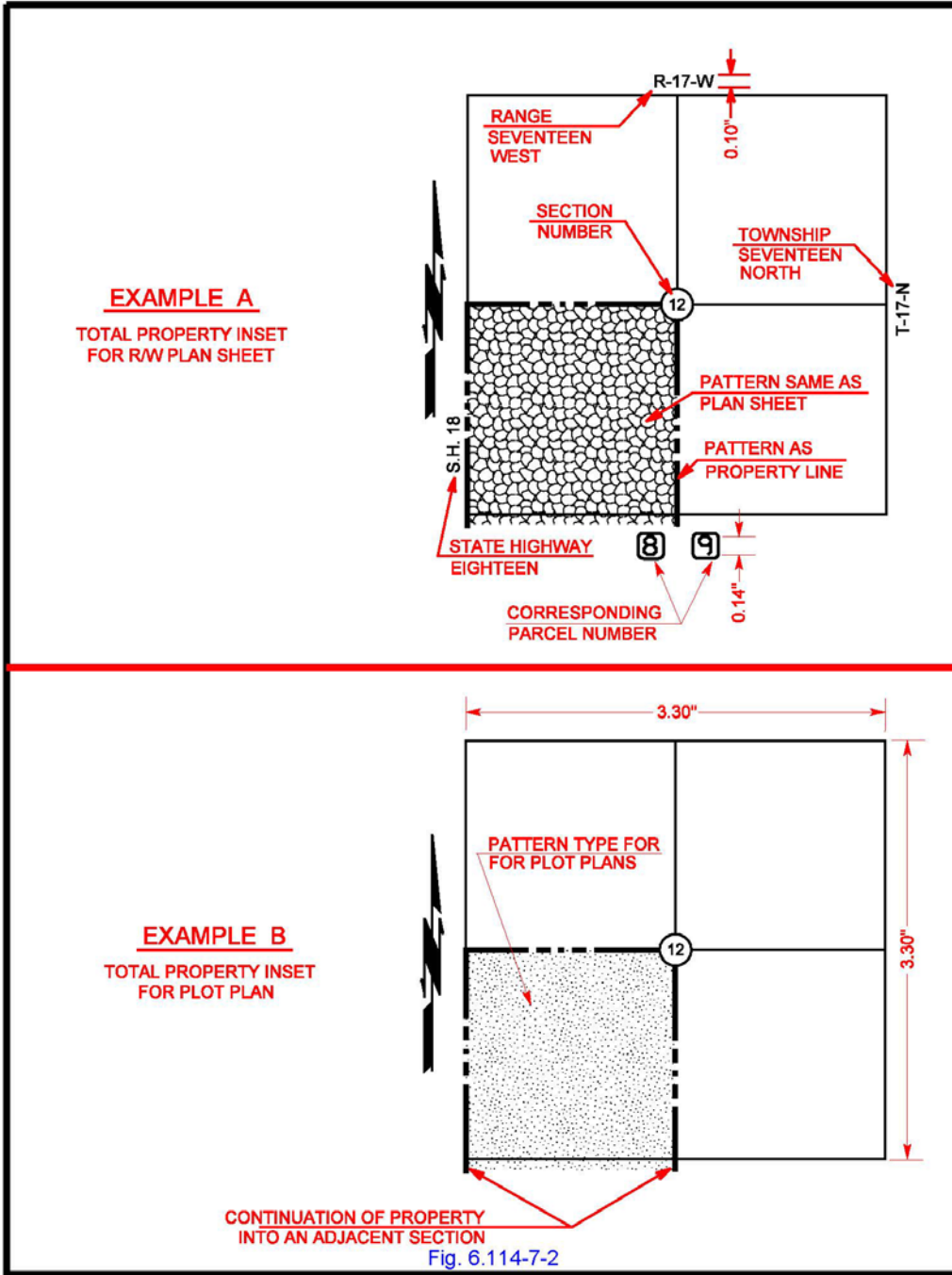
P.I. STA. 301+41.62

SEC. 9
T12N, R3W
(NE4)

DATE	REVISION NOTE
11-14-2005	ADD ACCESS SYMBOLS
3-23-2006	PARCEL NO. 19 REVISED TO TOTAL TAKE
3-23-2006	PARCEL NO. 19.1 DELETED
6-26-2006	PARCEL NO. 18.1 REVISED
6-26-2006	PARCEL NO. 18.2 ADDED
6-26-2006	PARCEL NO. 18.3 ADDED
4-3-2007	PARCEL NO. 19.1, 19.2 ADDED
4-18-2007	PARCEL NO. 19.3 ADDED
4-18-2007	PARCEL NO. 19.1, 19.2 ADDED

ENGINEERING COMPUTATIONS: MPA	GRAPHICS: MPA
PRINTED DATE: 4-18-2007	
State J.P.: 09033(06)RW	COUNTY: OKLAHOMA
F. A. P. ACIMY-0044-(1058)127GB	SHEET NO. 11

Fig. 6.114-7-1



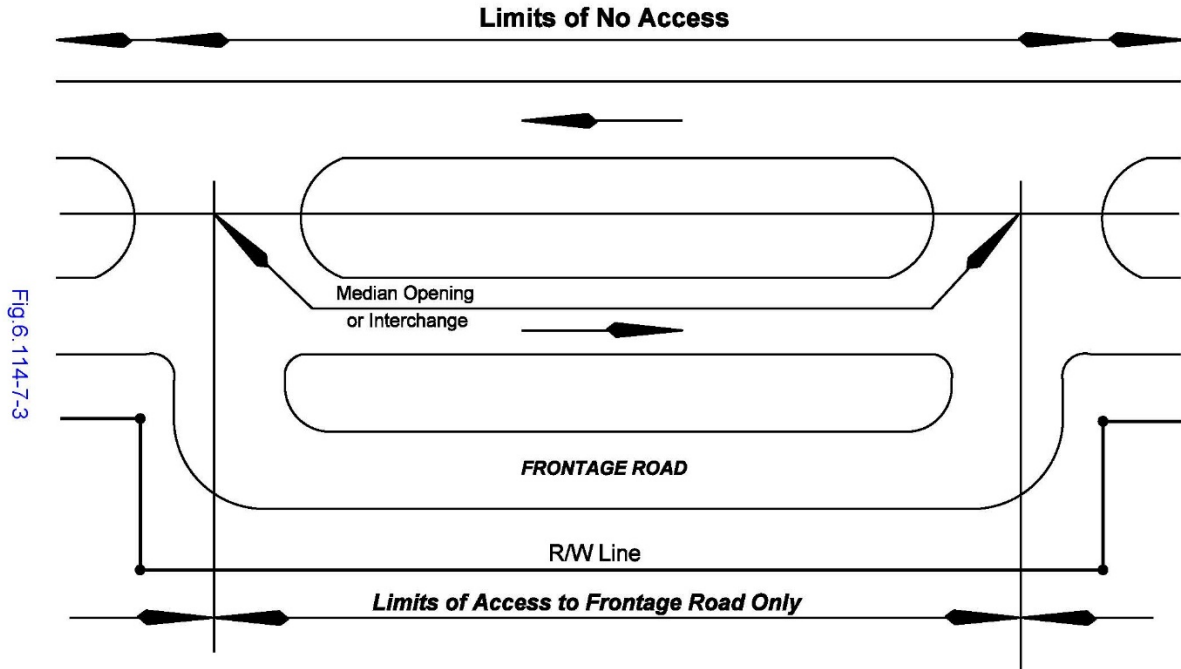


Fig. 6.114-7-3

FRONTAGE ROAD

*A Road constructed Adjacent and parallel to ,
but seperated from the highway and connected
thereto at least at each end.*

FRONTAGE ROAD

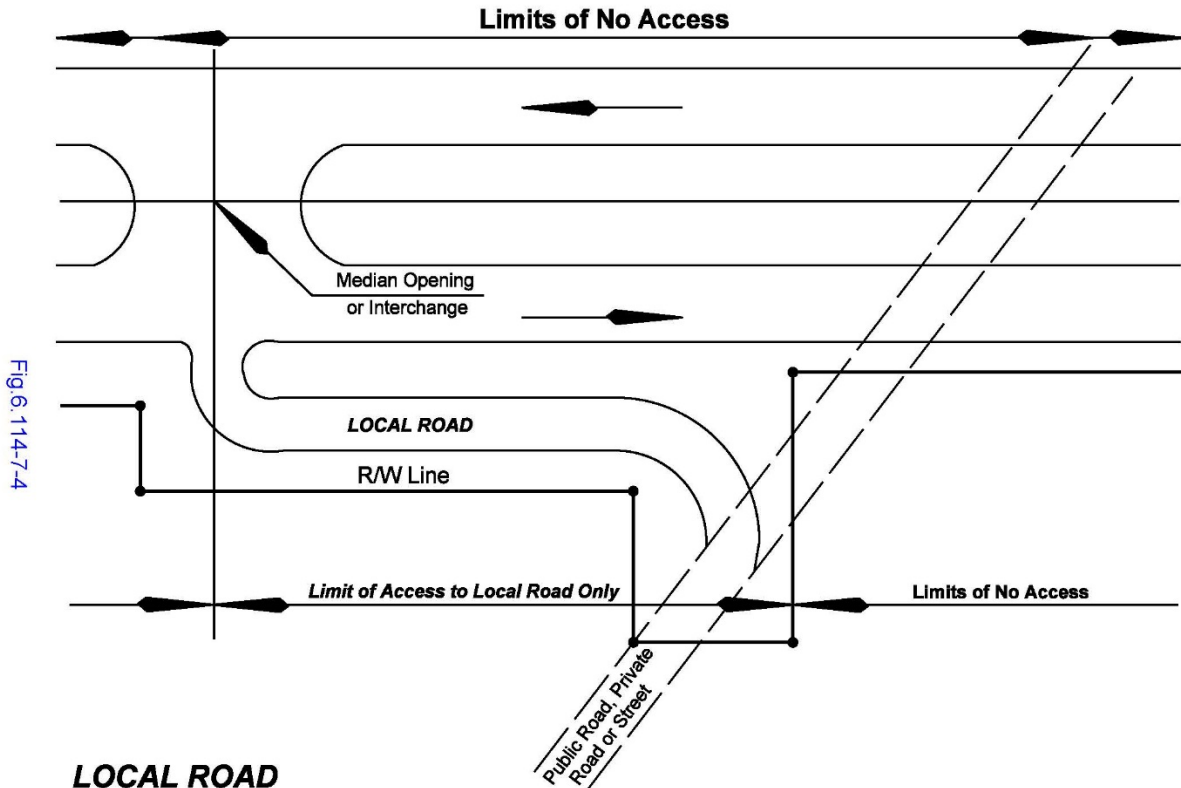


Fig 6.114-7-4

LOCAL ROAD
A Road constructed to provide Access to property abutting on or near the highway and which has but one connection to the highway.

LOCAL ROAD

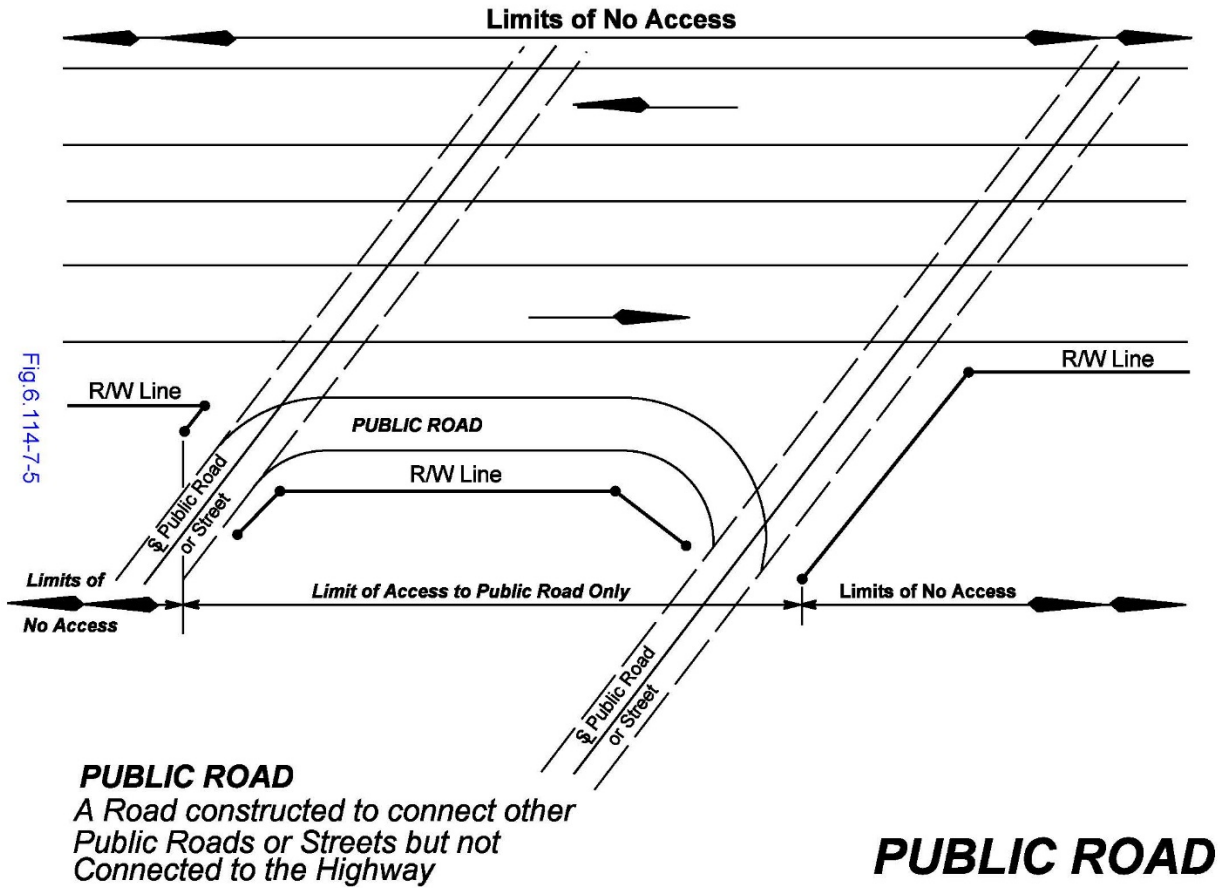


Fig. 6.114-7-5

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Applies to:

Policy OP-MAP 6-3: Property Descriptions

This policy sets forth standards for identifying parcels, preparing legal descriptions, and making revisions.

CADD Specialist

1. Writes all the necessary legal descriptions for the project by using the COGO computations utilizing Inroads as described in the following methods.
2. A legal description (often referred to as an instrument of conveyance) identifies a tract of land for conveyance purposes. A tract of land is often referred to as a parcel. In general, a proper legal description of a parcel is:
 - Simple in construction
 - Clear and concise (without ambiguity)
 - Accurate (free of error)
3. A legal description for each parcel must make adequate reference to existing survey schemes (section corners, subdivision corners, etc.).
4. Service providers must follow certain standards when preparing legal descriptions for the Department. Right-of-Way & Utilities Division policy specifies that the Manager, Mapping Branch, Right-of-Way & Utilities Division directs the preparation of legal descriptions, who reviews and either accepts or rejects all descriptions.

a. IDENTIFYING PARCELS

- Title 19 O.S. 2011 § 298 and Right-of-Way & Utilities Division policy requires all documents to have a 1" top margin with a minimum of ¾" margin along the sides and bottom of the document. Apply these margins to all instruments of conveyance. All instruments of conveyance shall be right margin justified using 12-10 point Arial font.
- The upper right hand corner of each instrument of conveyance shall include the following:
 - (1) Job piece number (first line)
 - (2) Parcel number (second line)

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(3) Dates (revised or added, as needed)

b. LEGAL DESCRIPTIONS

- When preparing legal descriptions for the Department, service providers must use the proper form for each Right-of-Way acquisition. When excess land is required, service providers must prepare a legal description on plain bond paper for the excess land.
- A legal description must make adequate reference to existing survey schemes (section corners, subdivision corners, etc.). Centerline Reference Descriptions and Station Offset Description are unacceptable forms of description.
- When writing for land acquisition activities, it is important to adhere to the format and to understand the proper construction of a description. Legal descriptions include 3 major parts: (1) the caption, (2) the body, and (3) any qualifying clauses.

c. CAPTION

- The caption (or the preamble) of the description is a general statement identifying the location of the land described in relation to a pre-existing survey scheme. A legal description for each parcel must make adequate reference to existing survey schemes (section corners, subdivision corners, etc.). This requirement includes title identity.
- A pre-existing survey scheme may be based on meridians. The State of Oklahoma is surveyed from either the Indian Meridian (IM) or the Cimarron Meridian (CM). In the caption, specify the Cimarron Meridian by placing a CM after the range. If the property is surveyed from the Indian Meridian, specifying the IM is not required. **(See Fig. 6.114-8-1 for meridian ranges)**

Example:

Section 5, T1N, R5E CM

- The caption may also contain statements concerning the location, purpose and intent of the description or conveyance.

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Examples:

A strip, piece or parcel of land lying in part of Lots 3 and 6, Block 33 of the Original Townsite of Garvin, according to the recorded plat thereof, in McCurtain County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

A strip, piece or parcel of land lying in part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T7S, R23E, in McCurtain County, Oklahoma, Said parcel of land being described by metes and bounds as follows:

A strip, piece or parcel of land lying in Lot 1, of Block 8, of Burke Northridge Manor, an Addition to the Village, according to the recorded plat thereof, in Oklahoma County, Oklahoma. Said parcel of land being described as follows:

- Any legal description lying in a River Lot or Government Lot shall be acknowledged in the description. It is permissible to use just the Lot Number in the body of the description, as long as "Government Lot 1" or "River Lot 4" is written out in the caption. If it is a Government Lot, the caption shall depict the subdivision tract in parenthesis.

Examples:

A strip, piece or parcel of land lying in Government Lot 1 of Section...

A strip, piece of parcel of land lying in River Lot 4 of Section...

d. BODY

- The body of the description identifies in detail a particular tract as generally defined in the caption. The specific distances and directions along the perimeter of a tract are recited in sequence, beginning at a certain point and ending at that same point.

Example:

Beginning at a point on the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 8.85 feet South of the NW corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, thence S 00°15'00" W along said West line a distance of 20.00 feet to a point on the present North Right-of-Way line of U.S. Highway No. 70, thence S 89°30'00" E along said right-of-way line a distance of 1,400.04 feet to a jog in said right of way line, thence

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N 00°15'00" E along said jog a distance of 10.00 feet, thence continuing S89°30'00" E along said right-of-way line a distance of 60.00 feet, thence N 00°15'00" E a distance of 10.00 feet, thence N 89°30'00" W a distance of 1,460.04 feet to point of beginning.

- The body of the description often includes the following examples:

All of said Lot 1, Block 8.

All of said Lots 13, 14 and 15, Block 1.

All of the North 100.00 feet of said SW $\frac{1}{4}$ SW $\frac{1}{4}$.

All of the South 76.00 feet of said Lots 1, 2, 3 and 4, Block 15.

- The body of the description may begin with a point of commencement. A point of commencement serves as an origin, providing direction to reach the point of beginning. A point outside the tract may define the location of the tract and may serve as the point of commencement.
- A point of commencing implies the necessity to identify the point of beginning. If one of the corners of the tract to be described is of sufficient reputation and quality, it may serve as the point of beginning without further title reference.
- The commencing of a point and the beginning point must be actual and direct. Actual points are recovered/ established or legally documented at the time of writing. Only section corners or subdivision corners are actual points. A direct point has been established, whereas a theoretical point is not directly established.

Example:

Commencing at the NW corner of said NW $\frac{1}{4}$, thence S 00°15'00" W along the West line of said NW $\frac{1}{4}$ a distance of 638.07 feet to a point on the present South right-of-way line of State Highway No. 9, thence S 60°40'37" E along said right-of-way line a distance of 328.42 feet to the point of beginning, thence continuing S 60°40'37" E along said right-of-way line a distance of 500.00 feet, thence S 29°19'23" W a distance of 20.00 feet, thence N 60°40'37" W a distance of 500.00 feet, thence N 29°19'23" E a distance of 20.00 feet to said point of beginning.

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- A theoretical point (such as the intersection of the South line of the SW $\frac{1}{4}$ W $\frac{1}{4}$ and the existing Southeasterly right-of-way line of U.S. Highway No. 66) shall be used only when the point can be tied to a section corner or a subdivision corner.

e. QUALIFYING CLAUSES

- Qualifying clauses are statements placed at the end of the body but separated from the main body of the description.

- (1) A qualifying clause may state the acreage described, for example:

Containing 2.22 acres more or less.

Containing 2.22 acres, more or less, of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway.

Containing 33.96 acres, more or less, of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway, together with all abutter's rights, including all rights to access onto the LIMITED ACCESS HIGHWAY to be constructed on the property described in this instrument.

- (2) A qualifying clause may also exclude or take something away from the area described (access statements), for example:

Containing 0.25 acres, more or less, together with all abutters rights including all rights to access from the remaining portion of grantor land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except, that grantor, heirs, successors or assigns, shall have the right of access from the remaining portion of property onto a Public road to be constructed between said property and the LIMITED ACCESS HIGHWAY.

- (3) Finally, a qualifying clause may add explanatory notes and other information. One example of an explanatory note is a bearing clause. When appropriate, the following bearing clause shall be used as a qualifying clause on legal descriptions:

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All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

f. GROSS DESCRIPTIONS

- If the landowner's deed of record includes existing right-of-way, then a gross take shall be written.
- Gross descriptions and net descriptions include:
 - (1) proposed new right of way take area
 - (2) any abutting, contiguous and/or overlapping existing right-of-way
- Gross descriptions containing present right-of-way and/or section line right-of-way shall have the following acreage qualifying clause:

Containing _____ acres, more or less of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway.
- Gross descriptions are preferred and shall be used when possible.

g. NET DESCRIPTIONS

- If the landowner's deed of record excludes the existing right-of-way, then a net description shall be written. Net descriptions include the proposed new right of way take area, but exclude any abutting, contiguous and/or overlapping existing right-of-way.
- Net descriptions containing only new right-of-way and not present right-of-way shall have the following acreage qualifying clause:
 - Containing _____ acres, more or less.
 - Net descriptions shall always be used on **Bureau of Indian Affairs (BIA)** lands.

h. STANDARDS FOR DESCRIPTIONS

- The ODOT has adopted standards for metes and bounds descriptions, providing for simple and uniform legal descriptions.

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These standards address punctuation and grammar, general format, tangents, bearings, and curves.

i. PUNCTUATION, GRAMMAR, and GENERAL FORMAT

- When separating courses of a description, use commas instead of colons or semi-colons.

Example:

A strip, piece or parcel of land lying in Lots 13, 14 and 15, Block 5 of Riverview Addition to the City of Clinton, according to the recorded plat thereof, in Custer County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the SW corner of said E½ SW¼ SE¼, thence N 00°15'22" E along the West line of said E2 SW3 SE3 a distance of 152.01 feet, thence

S 70°00'38" E a distance of 183.76 feet, thence S 58°51'59" E a distance of 162.48 feet to a point on the South line of said E½ SW¼ SE¼, thence S 89°02'59" W along said South line a distance of 312.49 feet to point of beginning.

- Use periods to end a complete description.

Example:

...thence S 01°15'10" E along said East line a distance of 44.08 feet to point of beginning.

- Capitalize bearings, placing a space between the alphabetic direction and the numerical value.

Example:

S 70°00'38" E

S 58°51'59" E

- Capitalize any adjective describing a line.

Example:

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...thence N 00°31'18" E along the West line of said E½ SW¼ SE¼
... to a point on the South line of said E½ SW¼ SE¼, thence S
89°33'10" W along said South line a distance of 309.10 feet to
point of beginning.

- For general directions, use single words and capitalize.

North, East, South, West, Northerly, Easterly, Southerly, Westerly,
Northeasterly, Northwesterly, Southeasterly, Southwesterly.

- "Said" is an adjective used to prevent the unnecessary repetition of words previously used in the description. The word "said" refers to a preceding matter of the same subject; never to a subsequent matter.
- "Aforesaid" is nearly synonymous with "said" although it may cover a little broader scope. Its use is not as common and may be seen in other legals but it is not to be used in ODOT descriptions.

Examples:

Beginning at the SE corner of said SE¼, thence S 89°30'33" W
along the South line of said SE¼ a distance of 188.83 feet...

Commencing at the NW corner of said NW¼, thence S 00°30'30"
W along the West line of said NW¼ a distance of 638.07 feet to a
point on the present South right-of-way line of State Highway No.
9, thence S 60°40'37" E along said right-of-way line a distance of
328.42 feet to the point of beginning, thence continuing S
60°40'37" E along said right-of-way line a distance of 500.00 feet,
thence ... to said point of beginning.

All of said Lot 1, Block 8.

- Township and ranges should not have spaces or dashes and shall be shown as follows:

Examples:

Section 1, T22N, R18E

Section 5, T4N, R10E CM

- All fonts shall be font face type Arial. Preferred font size is 12 point with the minimum size being 10 point.

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- Symbols for degrees ($^{\circ}$), minutes ($'$) and seconds ($''$) shall be used and shall not be spelled out. The use of alternate symbols such as ($^{\wedge}$ or D) for degrees shall not be used.
- “Thence” shall be used in descriptions and imparts the meaning the following course is continuous with the preceding course.

Example:

Beginning at the SW corner of said SE $\frac{1}{4}$, thence N 00 $^{\circ}$ 03'30" E along the West line of said SE $\frac{1}{4}$ a distance of 328.52 feet, thence S 83 $^{\circ}$ 32'38" E a distance of 107.60 feet, thence S 76 $^{\circ}$ 15'15" E a distance of 661.51 feet, thence S 84 $^{\circ}$ 45'36" E a distance of 1,135.20 feet, thence N 80 $^{\circ}$ 43'37" E a distance of 524.93 feet, thence N 60 $^{\circ}$ 46'34" E a distance of 139.61 feet ...

- The terms “True” or “Due” shall not be used when describing a direction such as true north or Due North.
- “A distance of” shall be used in descriptions as a descriptor.

Example:

...thence N 80 $^{\circ}$ 43'37" E a distance of 141.08 feet to a point on the East line of said SE $\frac{1}{4}$, thence S 00 $^{\circ}$ 15'30" E along said East line a distance of 269.81 feet to the SE corner of said SE $\frac{1}{4}$, thence S 89 $^{\circ}$ 45'15" W along the South line of said SE $\frac{1}{4}$ a distance of 2,661.91 feet to point of beginning.

- “Commencing at” is a phrase that allows the initial call of a description to be from a known point, but is not on the boundary of the tract described. When using this phrase it is necessary later to identify the said point of beginning.
- The description shall go in a clockwise direction and should return to the point of beginning.
- Distance calls shall be to the nearest hundredth of a foot.
- All descriptions shall close, with a maximum exception of 0.02’.
- Double spacing shall be used to separate the caption, the body and the qualifying clause.

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Subject: Instrument Preparation	No: Revised: Page:	MAP-PRO 6.114-8 04/01/15 10 of 13
-------------------------------------------	-----------------------------------------------	-----------------------------------------

- Each course of a description shall contain only one distance and one direction.
- All calls on tangent lines shall have a bearing for the direction of the call. Do not use general directions.
- All calls along an existing or monumental line shall describe the line that is being traversed.

Examples:

...thence N 00°15'43" W along the West line of said SW¼ a distance of 500.00 feet...

...thence N 87°56'22" E along the present North right-of-way line of U.S. Highway No. 62 a distance of 123.45 feet...

- There are three types of highway designations commonly used in descriptions and they shall be referred to as follows:
 - (1) State Highway No. 11
 - (2) U. S. Highway No. 62
 - (3) Interstate Highway No. 40

j. TANGENT LINES

- Tangent lines will satisfy the four necessary conditions for a metes and bounds description in the following order:
 - (1) Direction.
 - (2) Distance.
 - (3) Qualifying calls to natural or physical monuments, if any exists.
 - (4) Physical terminus, if necessary.
- When writing on a line that is parallel to a subdivision line use the following terminology:

Example:

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Instrument Preparation

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“...thence S 89°30'30" E on a line parallel to and 50.00 feet North of said South line a distance of 94.00 feet.”

- Bearings on Lines
- All tangent segments of a description shall have a bearing.

Examples:

Beginning at the NE corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence S 01°11'18" E along the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 45.17 feet to a point on the present North right-of-way line of State Highway No. 18, thence N 72°15'10" W along said right of way line a distance of 92.34 feet to a point of the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence N 89°10'22" E along said North line a distance of 80.67 feet to point of beginning.

Beginning at the SE corner of said SE $\frac{1}{4}$, thence S 89°44'15" W along the South line of said SE $\frac{1}{4}$ a distance of 188.83 feet, thence N 00°56'27" E a distance of 287.75 feet, thence S 89°03'33" E a distance of 187.46 feet to a point on the East line of said SE $\frac{1}{4}$, thence S 00°05'11" E along said East line a distance of 287.28 feet to point of beginning.

k. CURVES

- All curved lines described in legal descriptions for land acquisition will be simple curves. Curved lines will satisfy the five necessary conditions for a metes and bounds description in the following order:
 - (1) General direction of the curve.
 - (2) Direction of curvature to the left or right.
 - (3) Bearing of the long chord which subtends the curve.
 - (4) Length of the radius of the curved line. (Distance with Curve)
 - (5) Length of the curve. (Arc Distance)
- Technical terms such as Point of Curvature (PC), Point of Tangent (PT), Point of Intersection (PI), etc., shall not be used.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Instrument Preparation	No: Revised: Page:	MAP-PRO 6.114-8 04/01/15 12 of 13
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Example:

...thence Northeasterly on a curve to the right having a chord bearing of N 15°00'00" E and having a radius of 1000.00 feet an arc distance of 200.00 feet...

I. REVISIONS

- When revisions are required, the original preparer of the description is responsible for making the revisions and providing revised or added descriptions and associated materials as required.
- m. Types parcel data in computer database to create a misery report.

CADD Specialist

- n. Assemble in units, the rough draft and typed legal description for each parcel and return them to the CADD Specialist VI.
- o. Proof reads each typed legal description and returns to CADD Specialist if corrections are needed.
- p. Runs each legal description, as typed on the Instrument of Conveyance, through deed plotter type software to check for accuracy.

NOTE:

When ODOT is going to acquire title in fee simple the use of a Warranty Deed instrument is required. Any deviation from this practice requires the approval of the Chief, Right-of-Way & Utilities Division.

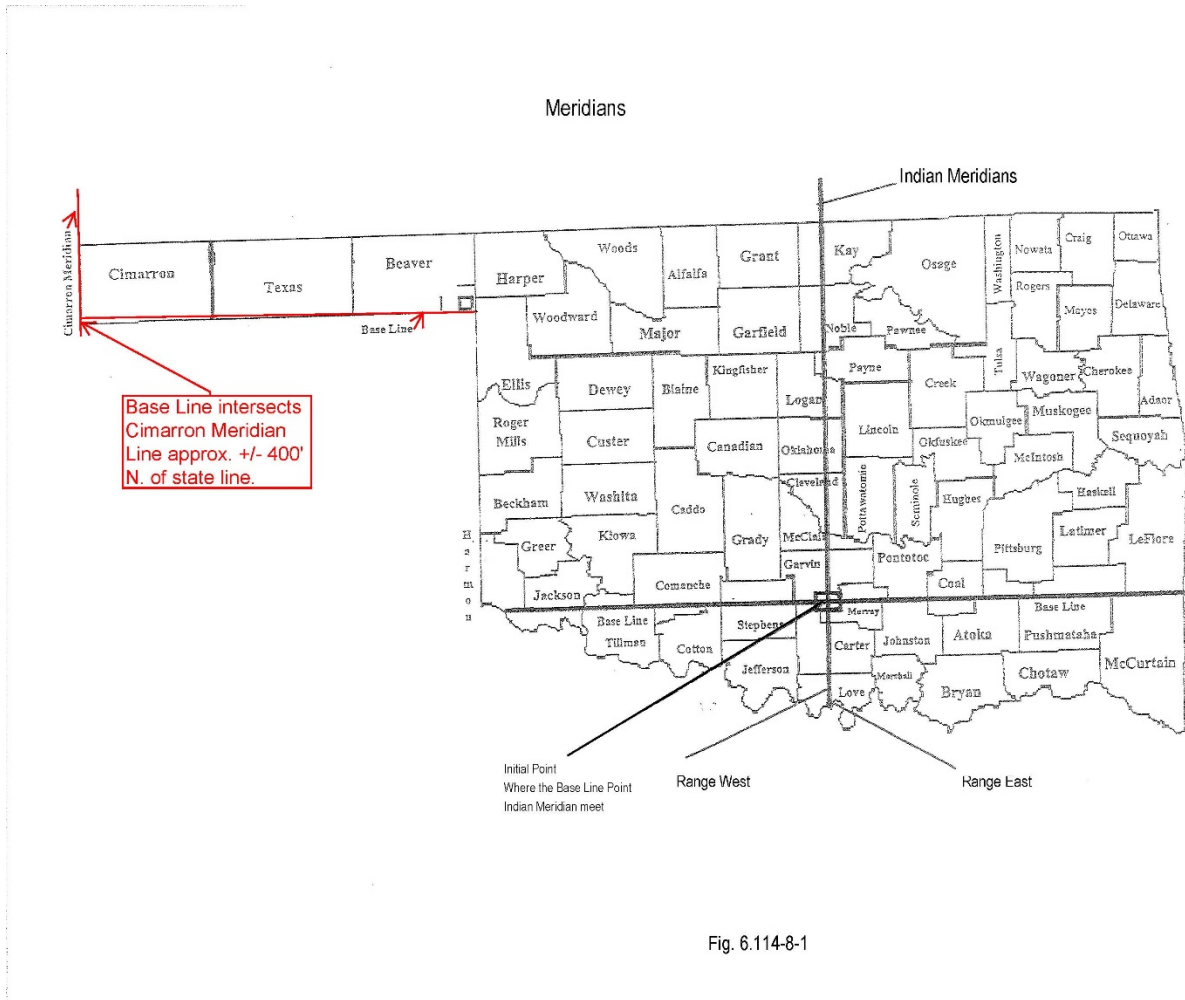


Fig. 6.114-8-1

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Plot Plans	No: Revised: Page:	MAP-PRO 6.114-9 04/01/15 1 of 20
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Applies to:

Policy OP-MAP 6-2: Right-Of-Way Plans and Related Materials

INTRODUCTION & PURPOSE

The Oklahoma Department of Transportation (ODOT) uses plot plans and sketches to depict right-of-way taking. Sketches shall be used for the Bureau of Indian Affairs (BIA), for the Commissioners for the Land Office (CLO), as well as the United States of America (USA).

CADD Specialist

1. Examines the Title Investigation Report to determine the contiguous unit of ownership for each parcel.
2. Computes all the line work to produce a set of right-of-way plans and places this information into a drawing file on the computer.
3. Assembles all title instruments and roughs into groups based on ownership in parcel number sequence.
4. Uses drawing file to extract out the line work needed to make a plot plan.
5. Plot plans shall be drawn electronically onto a Right-of-Way Appraisal Form 104. The Right-of-Way Appraisal Form 104 shall be used when preparing appraisal packets within the Department. Each plot plan and sketch is subject to the following:
6. **LINE WORK**
 - All line work (line style and line weight) shall be in compliance with **(Figure 6.114-9-1)** of this manual. All line work shall be reproducible by current Department processes.
7. **LETTERING SIZES**
 - All lettering sizes shall be in compliance with **Figure 6.114-7-6** Adhesive transfer lettering shall not be used.
8. **SIZE and MEDIUM**
 - Plot plans and CLO sketches shall appear on plain bond paper 8½" X 14".

PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Plot Plans	No: Revised: Page:	MAP-PRO 6.114-9 04/01/15 2 of 20
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- BIA Sketches shall appear on plain bond paper 8½" X 11".
No exceptions!!
- ODOT uses a Parcel Numbering System, which keys each plot plan with parcel numbers. The Parcel Numbering System is also used for BIA sketches.
- There must be a matching plot plan for each ownership. Each plot plan must include any permanent, perpetual, and temporary easements (channel, construction, detour, drive) Right-of-Way.
- ODOT uses plot plans to show right-of-way taking in urban areas as well as rural areas. For urban areas (an area subdivided into lots and blocks) use a scale with increments of 10 feet to show the entire ownership within the block.
- For rural areas, use the largest scale possible (increments of 10 feet) within the quarter section to show proposed right-of-way. If total property is outside the quarter section, then show an inset. Create a total property inset within the quarter section when necessary.
- Plot plans shall depict any existing improvements or structures within and approximately 200 feet beyond the proposed right-of-way lines. Plot plans shall also depict other improvements that might affect the acquisition of right-of-way.
- Plot plans shall depict any existing fencing by proper symbol as well as any proposed access fencing in controlled access areas.
- Plot plans shall depict any remaining acreage within the ownership. If the remainder is split into two or more segments (i.e. North and South or East and West), then the plot plan shall depict any remainder, as shown in [Figure 6.114-9-3](#) and [Figure 6.114-9-4](#).
- For examples of plot plans, see [Figure 6.114-9-3](#) and [Figure 6.114-9-4](#).
- Instead of using plot plans, the Bureau of Indian Affairs (BIA), Commissioners for the Land Office (CLO), and the United States of America (USA) use sketches.
- All BIA Sketches and CLO Sketches shall be annotated with dimensions and bearings from Point of Beginning (POB) to Point of End (POE). All right-of-way breaks shall be noted with a right of-way marker. Annotations do not apply to the USA Sketch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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9. BIA SKETCHES

- When the title information indicates that the land is BIA restricted, a BIA Sketch is required. As stated earlier, the Parcel Numbering System is used for BIA sketches.
- Legal descriptions for BIA parcels are to be written in a “net” format in order to describe the portion of the ownership desired. In lieu of a standard instrument of conveyance, a Right-of-Way Application Form RW APPI, shall be used to petition the BIA for an easement.
- See [Figure 6.114-9-5](#) for an example of a BIA Sketch.

10. CLO SKETCHES

- When the title information indicates the owner of a parcel as being the Commissioners of the Land Office, a special sketch is required.
- The CLO Sketch must include the legal description, which shall appear on the back side of every sketch. In lieu of a standard instrument of conveyance, an Application for Continuous Easement, CLO Form 5-16, is necessary in order to secure an easement.
- See [Figure 6.114-9-6](#) and [Figure 6.114-9-6A](#) for an example of a CLO sketch.

11. USA SKETCHES

- When the title information indicates the owner of a parcel as being the United States of America, a special sketch is required.
- In lieu of a standard instrument of conveyance, the legal description will be placed on plain bond paper size 8½” X 11”. This allows the appropriate federal entity to secure the easements with their documents.
- Obtain the computed acreage for the before gross, existing R/W, R/W, remaining acreage, perpetual easements and temporary easements.
- See [Figure 6.114-9-7](#) for an example of a CLO sketch.

MicroStation
Line Styles

Item	Illustration	Line width	Lettering Guide Height & Width
Property Line		4	0.100
Section Line		2	0.100
1/4 Section Line		1	0.100
3/8 Section Line		0	0.100
Present R/W		1	0.100
Temporary R/W		1	0.100
Channel R/W		2	0.100
R/W Right-of-way Line		3	0.120
R/W Right-of-way Line with Access		3	0.120
R/W Right-of-way Line with Controlled Access		3	0.120
Top of Cut or Toe of Slope		1	0.100
City Limits or Corporate Boundary			

Fig.6.114-9-1

MicroStation
Patterns

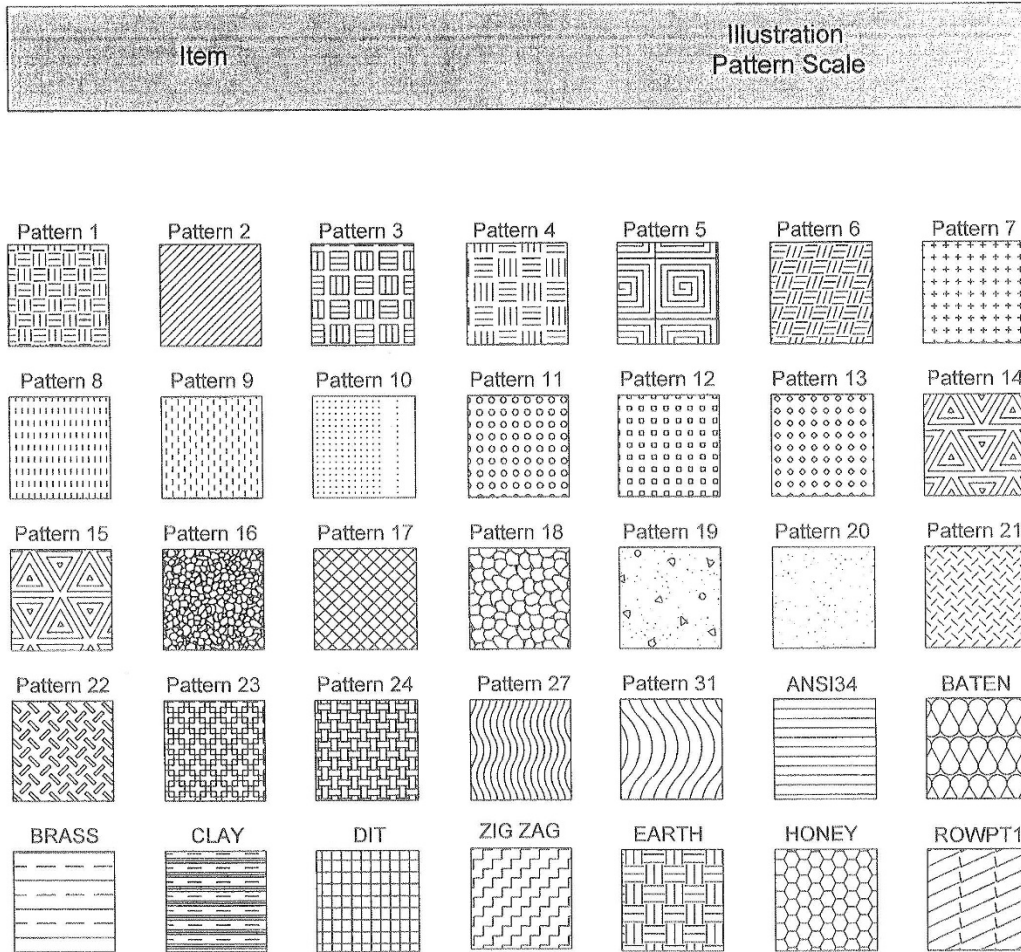
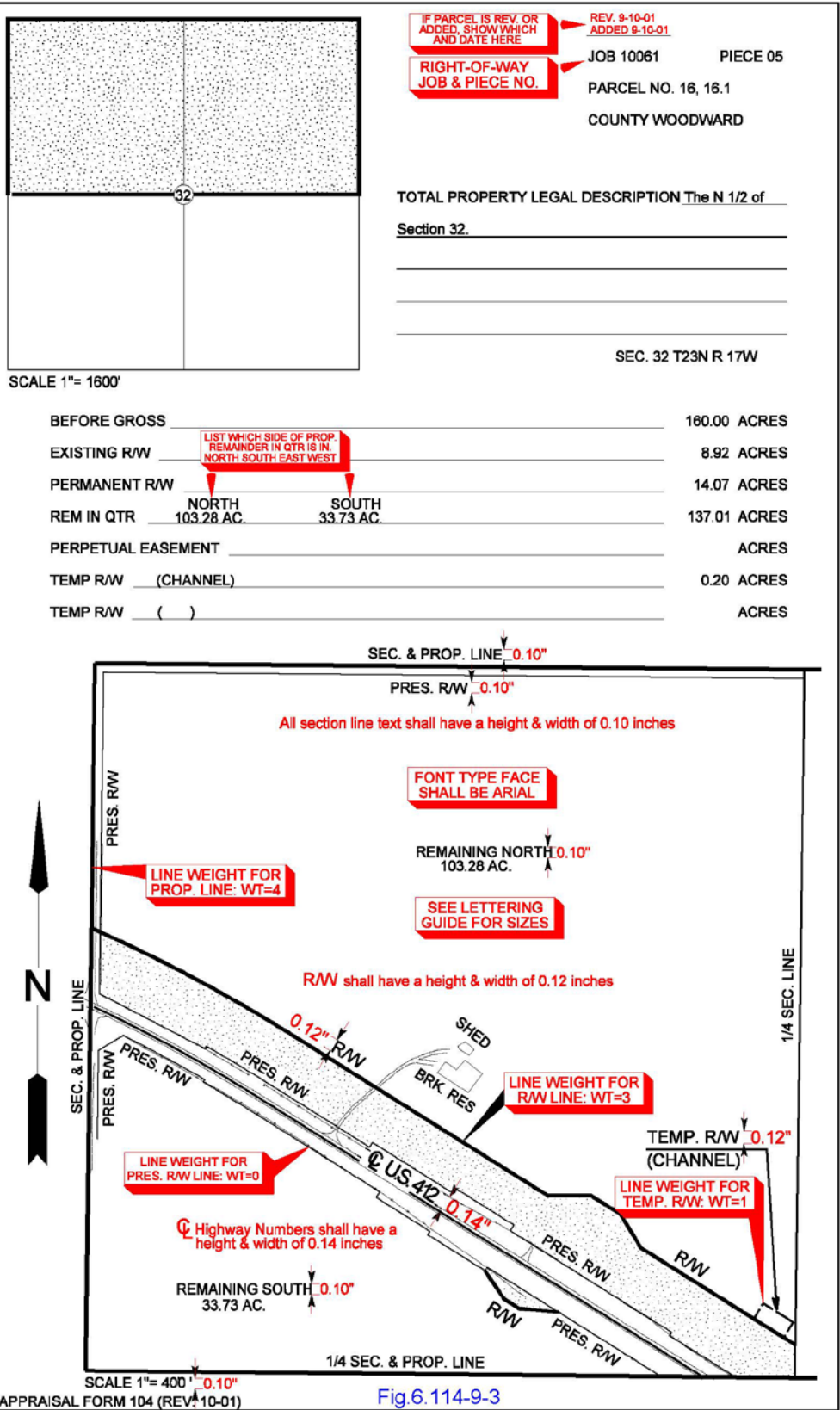
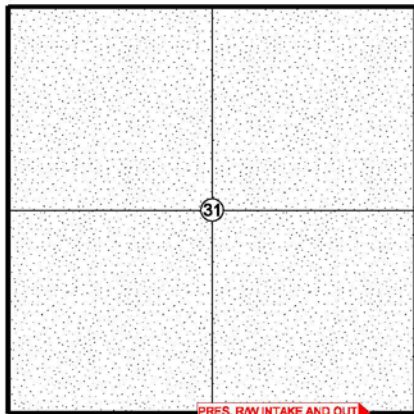


Fig.6.114-9-2





SCALE 1"= 1600'

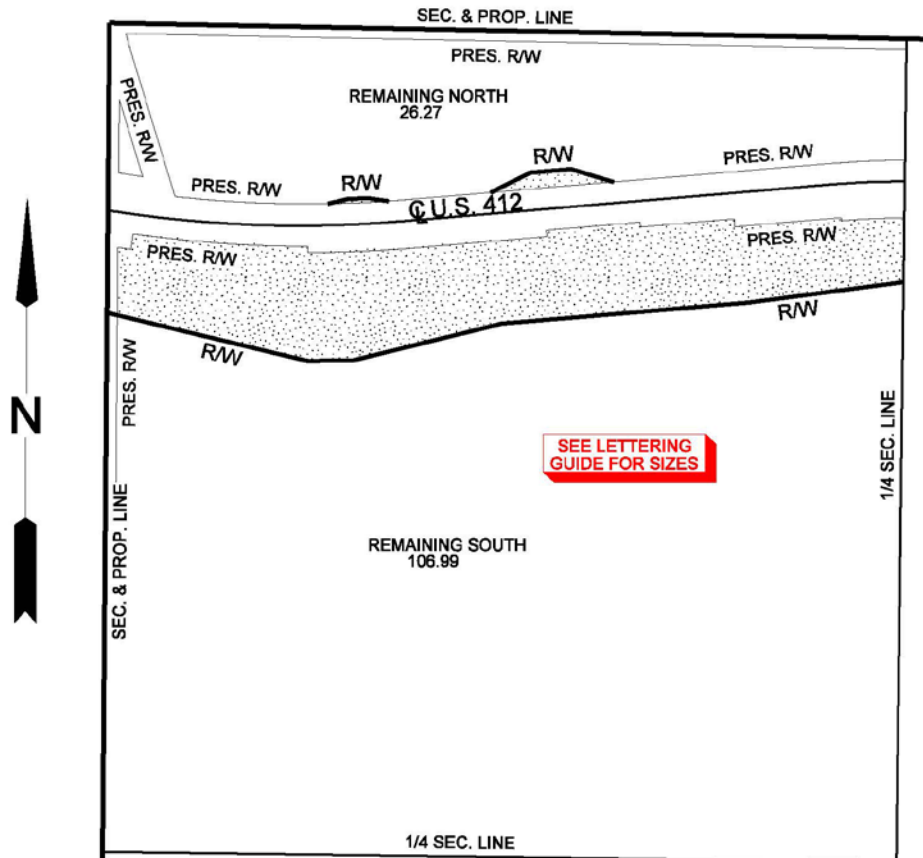
PRES. R/W INTAKE AND OUT OF TAKE MUST EQUAL THE TOTAL IN RIGHT COLUMN

JOB 10061 PIECE 05
 PARCEL NO. 14
 COUNTY WOODWARD

TOTAL PROPERTY LEGAL DESCRIPTION _____
 All of Section 31

SEC. 31 T23N R 17W

BEFORE GROSS		SF	160.00	ACRES
EXISTING R/W	INTAKE 9.34 AC.	OUT OF TAKE 0.79 AC.	SF	10.13
PERMANENT R/W			SF	16.61
REM IN QTR	NORTH 26.27 AC.	SOUTH 106.99 AC.	SF	133.26
PERPETUAL EASEMENT			SF	ACRES
TEMP R/W	()		SF	ACRES
TEMP R/W	()		SF	ACRES



SCALE 1"= 400'

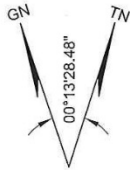
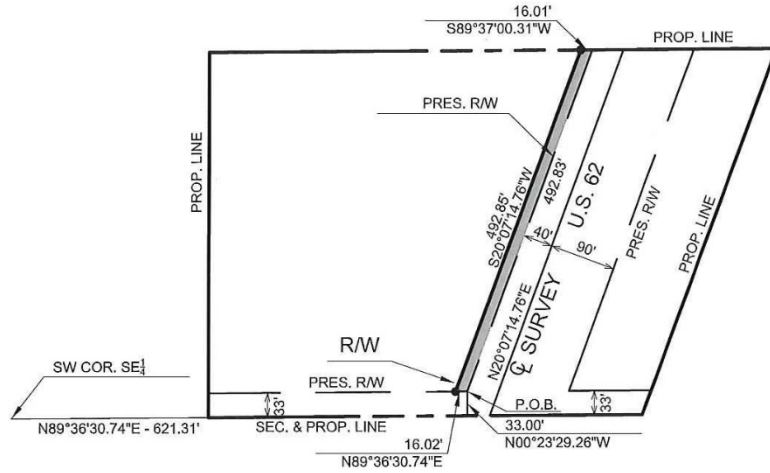
APPRAISAL FORM 104 (REV. 10-01)

Fig.6.114-9-4

NAME: THE UNITED STATES OF AMERICA, IN TRUST FOR THE COMANCHE NATION
 HEIRS OF NEITH-PAH-BITTY
 ALLOTTEE NO. 846-G
 TRIBE: COMANCHE
 SECTION 7, T3N, R11W
 COUNTY: COMANCHE

JOB 28834 PIECE (09)
 PARCEL NO. 2
 SCALE: 1" = 200'

Handwritten: 5-5-15



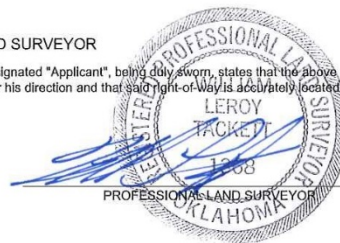
ANGLE OF VARIANCE
 SW COR. SE $\frac{1}{4}$

FOR LEGAL DESCRIPTION SEE EXHIBIT "A"

AFFIDAVIT OF PROFESSIONAL LAND SURVEYOR

William Leroy Tackett, Professional Land Surveyor (P.L.S.) for the Oklahoma Transportation Commission, hereinafter designated "Applicant", being duly sworn, states that the above plat shows the definite location of a public highway right-of-way as described exactly above, and that said plat was made by him or under his direction and that said right-of-way is accurately located as shown on this map.

All information provided on this document is based on JP: 28834(09) plans. This does not represent a field survey. The bearings have been adjusted from Grid to True, based on the angle variance depicted here on. This document does not meet minimum standards for a survey. Its intent is for legal description only.



CERTIFICATE OF APPLICANT

I, Chief of Right-of-Way & Utilities Division for the Oklahoma Transportation Commission, Applicant herein, certify that William Leroy Tackett, P.L.S., who subscribed to the affidavit hereon, made the plat for the above described public highway right-of-way upon Applicant's direction, and that same is accurately represented on this map and has been adopted as the definite location of said right-of-way, and that this map has been prepared to be filed for the approval of the Secretary of the Interior or his duly authorized representative.

Subscribed to and sworn before me, the undersigned Notary Public,
 this _____ day of _____, 201 _____.

 Notary Public
 My Commission expires: _____

OKLAHOMA TRANSPORTATION COMMISSION, APPLICANT
 By: _____
 CHIEF, RIGHT-OF-WAY & UTILITIES DIVISION

Fig. 6.114-9-5

JOB 28834 PIECE (09)
PARCEL NO. 2

EXHIBIT "A"

A strip, piece or parcel of land lying in the SE¼ of Section 7, T3N, R11W, in Comanche County, Oklahoma, Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the present West right-of-way line of US Highway No. 62, a distance of 621.31 feet N 89°36'30.74" E AND 33.00 feet N 00°23'29.26" W of the Southwest corner of said SE¼, thence N 20°07'14.76" E along said right-of-way line a distance of 492.83 feet, thence S 89°37'00.31" W a distance of 16.01 feet, thence S 20°07'14.76" W a distance of 492.85 feet, thence N 89°36'30.74" E a distance of 16.02 feet to said point of beginning.

Containing 0.17 acres, more or less.

Fig. 6.114-9-5

J/P: 28834(09)
 Parcel: 2
 County: Comanche

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

LANDOWNER NAME: THE UNITED STATES OF AMERICA, IN TRUST FOR THE COMANCHE NATION HEIRS OF NEITH-PAH-BITTY ALLOTMENT NUMBER: 846-G

ALLOTMENT DESCRIPTION:

PART OF LOT 99 = S/2 SW/4 SE/4

COMES NOW THE APPLICANT, Kevin Stout of Oklahoma Department of Transportation this day of 20 15, who hereby petitions(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a perpetuity term of right-of-way for the following purposes and reasons: Establishing, constructing and maintaining thereon a public highway and incidental facilities, including public utilities impacted by the current project. Subsequent public utilities and/or private utility facilities will need to acquire a separate Grant of Easement through the B.I.A. Agency.

Across the following described restricted land: "SEE ATTACHMENT A"

Said right-of-way tracts to be 492.83 feet in length, 15.00 feet in width and totaling 0.17 acres in size (or area), as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.

Revised 10/31/2014

J/P: 28834(09)
 Parcel: 2
 County: Comanche

7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonable possible, restore the land to its original condition. The determination of "reasonable possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principle place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSEDLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

Date _____

APPLICANT _____

Chief, Right-of-Way & Utilities Division
 The Oklahoma Department of Transportation

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7)
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (deposit – 25 CFR 169.4 and 169.14).
4. () Evidence of Authority of Officers to execute Papers (ROW Form 94-4).
5. () For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
 - () a. State certified copy of corporate charter or articles of incorporation.
 - () b. State certified copy of resolution or by-laws, articles of partnership or association authorizing the signatory to file the application.

Revised 10/31/2014

J/P: 28834(09)
Parcel: 2
County: Comanche

"ATTACHMENT A"

A strip, piece or parcel of land lying in the SE¼ of Section 7, T3N, R11W, in Comanche County, Oklahoma, Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the present West right-of-way line of US Highway No. 62, a distance of 621.31 feet N 89°36'30.74" E AND 33.00 feet N 00°23'29.26" W of the Southwest corner of said SE¼, thence N 20°07'14.76" E along said right-of-way line a distance of 492.83 feet, thence S 89°37'00.31" W a distance of 16.01 feet, thence S 20°07'14.76" W a distance of 492.85 feet, thence N 89°36'30.74" E a distance of 16.02 feet to said point of beginning.

Containing 0.17 acres, more or less.

Revised 10/31/2014

J/P: 28834(09)
Parcel: 2
County: Comanche

ENGINEER'S AFFIDAVIT

STATE OF Oklahoma)
)ss:
COUNTY OF _____)

William Leroy Tackett, being first duly sworn, deposes and states that he is the Professional Land Surveyor (P.L.S.) for the Oklahoma Department of Transportation, Contract Job No. 28834(09); Safety Improvements at McCracken Rd and at McIntosh Rd for U.S. Highway No. 62, Comanche County; that he has examined the survey for a road right-of-way as shown on this map; that this map was prepared under his direction from said field notes; and that said right-of-way lies within approximately 461.62 feet in length and beginning at station number 125+70 and ending at station number 130+31.62, is accurately represented on this map.

All information provided on this document is based on J/P 28834(09) plans. The bearings have been adjusted from Grid North to True North based on the angle of variance depicted hereon. This does not represent a field survey. This document does not meet minimum standards for a survey. Its intent is for a legal description.



William Leroy Tackett

Professional Land Surveyor

Title

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary Public

My Commission expires _____

My Commission number _____

Revised 10/31/2014

JOB PIECE 28834(09)
Comanche County, Parcel 2
NAME: USA IN TRUST FOR
THE COMANCHE NATION
HEIRS OF NEITH-PAH-BITTY
Comanche No. 846-G

BEARINGS STATEMENT

The basis of bearings has been adjusted from Grid North to True North based on the angle of variance depicted on the survey plat.



William Leroy Tackett

Professional Land Surveyor
Title

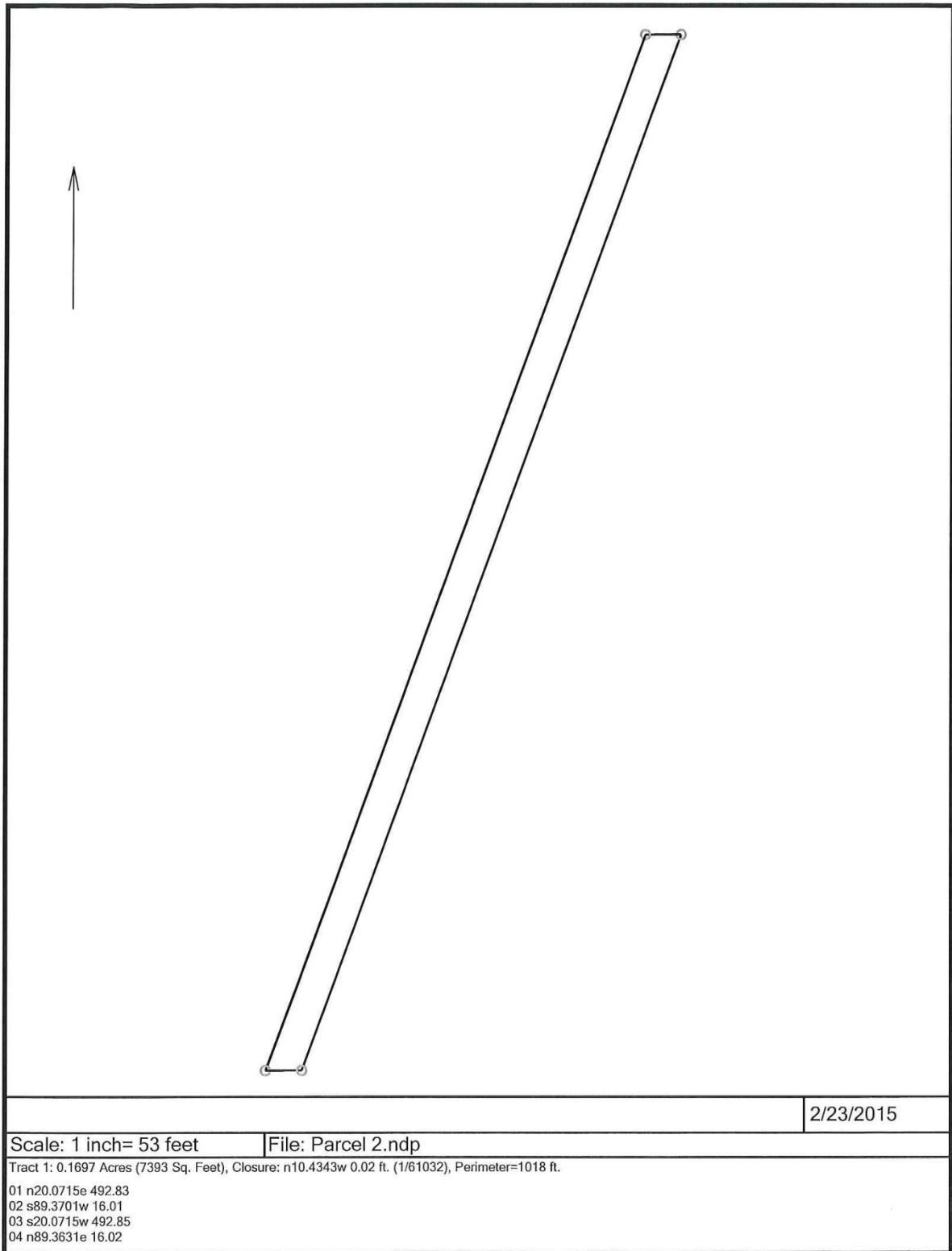
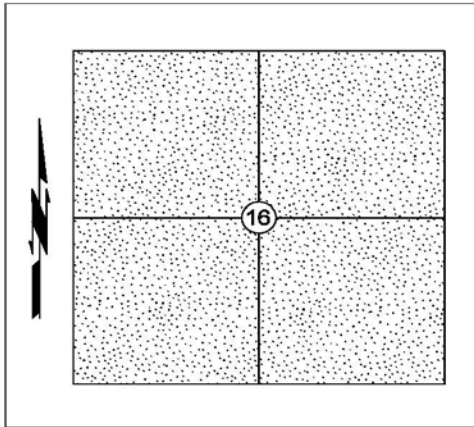


Fig. 6.114-9-5

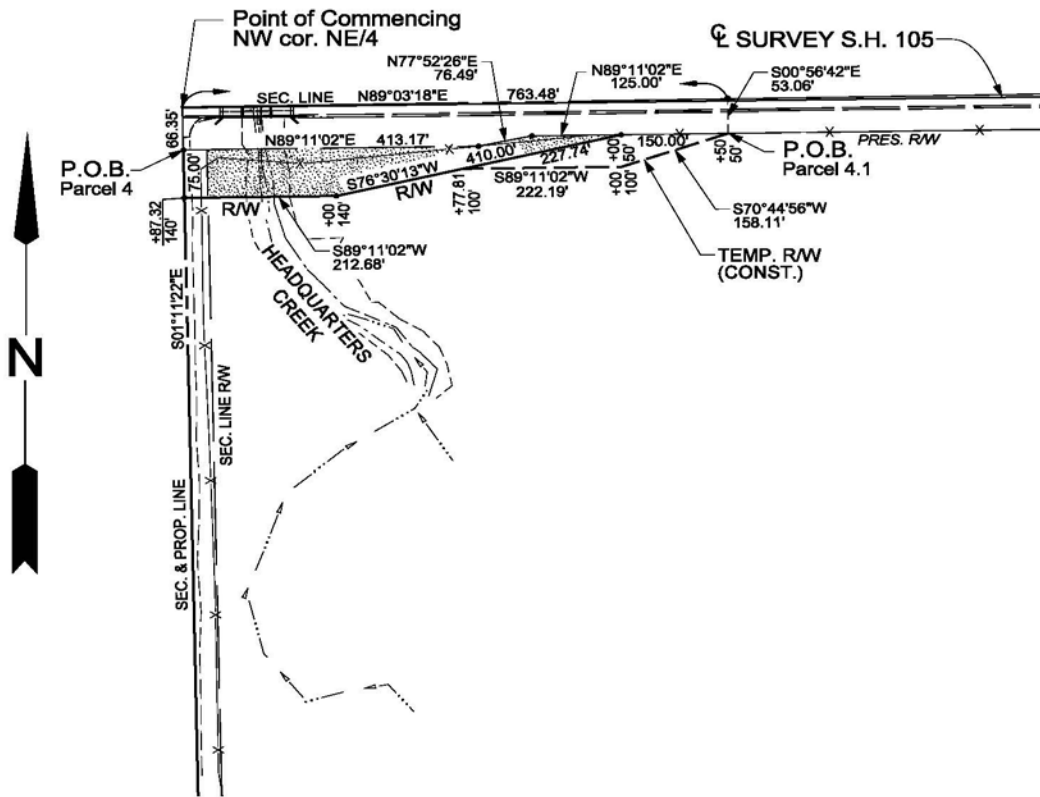


JOB 27060 PIECE 05
 PARCEL NO. 4, 4.1
 COUNTY LINCOLN

TOTAL PROPERTY LEGAL DESCRIPTION _____
All of Section 16

SEC. 16 T16N R3

BEFORE GROSS	SF	159.89 ACRES
EXISTING R/W (SEC. LINE R/W)	SF	0.06 ACRES
EXISTING R/W (EXIST. PERP. HWY. EASE.)	SF	3.59 ACRES
HIGHWAY EAS. (NEW)	SF	0.64 ACRES
REM. IN QTR.	SF	155.60 ACRES
PERPETURAL EAS.	SF	ACRES
TEMP R/W	SF	0.21 ACRES



SCALE 1" = 200'
 CLO SKETCH (05-02)

Fig. 6.114-9-6

EXHIBIT "A"

27060(05)
Parcels 4 & 4.1

PERPETUAL EASEMENT

A strip, piece or parcel of land lying in part of the NW¼, Section 16, Township 16 North, Range 3 East, I.M., Lincoln County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Northwest corner of said NW¼, thence S 01°11'22" E along the West line of said NW¼ a distance of 66.35 feet to a point on the present South right-of way line of State Highway No. 105, said point being the point of beginning, thence N 89°11'02" E along said South right-of-way line a distance of 413.17 feet, thence N 77°52'26" E along said South right-of-way line a distance of 76.49 feet, thence N 89°11'02" E along said South right-of-way line a distance of 125.00 feet, thence S 76°30'13" W a distance of 410.00 feet, thence S 89°11'02" W a distance of 212.68 feet to a point on the West line of said NW¼, thence N 01°11'22" W along said West line a distance of 75.00 feet to the point of beginning.

Containing 0.64 acres, more or less, of new right of way, the remaining area included in the above description being section line right-of-way.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

TEMPORARY CONSTRUCTION EASEMENT

A temporary easement for the purpose of constructing a detour on the following described tract:

A strip, piece or parcel of land lying in part of the NW¼, Section 16, Township 16 North, Range 3 East, I.M., Lincoln County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Northwest corner of said NW¼, thence N 89°03'18" E along the North line of said NW¼ a distance of 763.48 feet, thence S 00°56'42" E a distance of 53.06 feet to a point on the present South right-of-way line of State Highway No. 105, said point being the point of beginning, thence S 70°44'56" W a distance of 158.11 feet, thence S 89°11'02" W a distance of 222.19 feet to a point on the permanent South right-of-way line of State Highway No. 105, thence N 76°30'13" E along said South right-of-way line a distance of 227.74 feet to a point on the present South right-of-way line of State Highway No. 105, thence N 89°11'02" E along said South right-of-way line a distance of 150.00 feet to the point of beginning

Containing 0.21 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

SIGNATURE OF AUTHORIZED AGENT

KURT A. HARMS

200 N.E. 21ST STREET
ADDRESS

Date: _____

OKLAHOMA CITY, OK 73105
CITY, STATE AND ZIP CODE

JP: _____
Parcel No.: _____

COMMISSIONERS OF THE LAND OFFICE
APPLICATION FOR CONTINUOUS EASEMENT

TO BE COMPLETED BY POLITICAL SUBDIVISIONS OF GOVERNMENT
(Please Type or Print)

We hereby make application for an easement on School Lands from Commissioners of the Land Office.

ITEM 1.

1. PURPOSE OF THIS EASEMENT IS: HIGHWAY PURPOSES
2. APPLICANT (Easement will be issued in this name): KURT A. HARMS
MAILING ADDRESS: 200 N.E. 21ST STREET, OKLAHOMA CITY, OK 73105
AGENT'S NAME AND PHONE: _____
3. I hereby certify that the applicant has RIGHT OF EMINENT DOMAIN under the laws of Oklahoma (CITE APPROPRIATE STATUTE): _____
4. An interim temporary construction permit is requested: Yes: No:

ITEM 2. IF APPLICATION IS FOR **UNDERGROUND EASEMENT**, COMPLETE THE FOLLOWING QUESTIONS:

1. Diameter of line: _____
2. Length of easement in rods (as per plat): _____'
3. Width of easement in feet: _____
4. What product will be transported? _____
5. Will surface structures be required? Yes: No:
If yes, describe and give size: _____
6. Does proposed line tie into an existing line? Yes: No:
If yes, please show general location of existing line on your plat.
7. Is additional temporary construction area required? Yes: No:
If yes, state length and width of the **additional temporary construction** area required: _____

(continued on reverse side)

ITEM 3. IF APPLICATION IS FOR **OTHER THAN** AN UNDERGROUND EASEMENT COMPLETE THE FOLLOWING QUESTIONS:

1. Type of easement: _____
2. Dimensions of easement: _____
3. Is **additional** temporary construction area required? Yes: No:
If yes, state length and width of **additional temporary construction** area: _____
4. Total Acreage/rods required _____ temporary, _____ permanent

This application must be submitted in **DUPLICATE** together with:

Three (3) copies of detailed certified plat/survey on **no larger than legal sized paper**, prepared by a licensed engineer/registered surveyor with **seal affixed**. If complete legal description (centerline, where applicable, or metes and bounds) is not included with survey, please type, double spaced, below. Use attachment if necessary. (This description will be on the issued easement; it **must** accurate.)

DESCRIPTION OF EASEMENT

APPLICANT AGREES TO PAY THE APPRAISED PRICE AS ESTABLISHED BY THE CLO IN THE EVENT THE PERMIT IS ISSUED AND APPLICANT ACCEPTS TEMPORARY PERMIT.

SIGNATURE OF AUTHORIZED AGENT
KURT A. HARMS

Date: _____

200 N.E. 21st STREET
ADDRESS

OKLAHOMA CITY, OK 73105
CITY, STATE AND ZIP CODE

CLO Fo

UNITED STATES OF AMERICA
 STATE HIGHWAY NO. 100
 PART OF THE E½ E½ SW¼ SEC. 15 T13N R 21E
 SEQUOYAH COUNTY
 SCALE 1"= 100'

J/P 12531(05)
 PARCEL NO. 155.1
 09-12-08

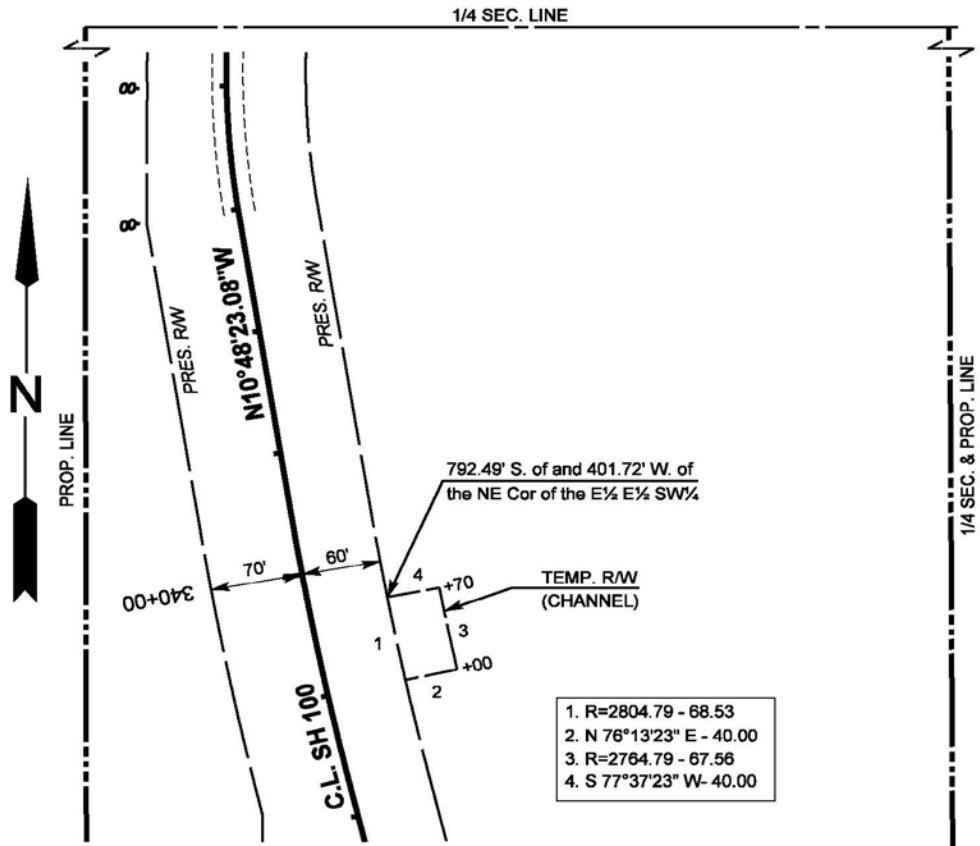


Fig. 6.114-9-7

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Misery	No: Revised: Page:	MAP-PRO 6.114-10 04/01/15 1 of 4
---------------------------	-----------------------------------------------	----------------------------------------

Applies to:

Policy OP-MAP 6-1: Title Investigation

General Information

The misery reports general information such as the job piece number, the project, and the county. Specific information for each parcel number includes names of owners, mortgages, and type of taking. The location of the parcel is described in terms of section, township, and range.

The misery also reports the amount of acreage in the take area, any excess land acreage, and whether the parcel is in a city or rural area. Additional information may include subdivision, lot, block, and addition name.

A misery shall be maintained for each project. When projects are prepared by a Service Provider, it is their responsibility to maintain a misery and furnish any updates due to revisions. An example of the preferred format is shown in [Figure 6.114-10-1](#).

CADD Specialist

1. Assigns each owner or mortgage a number using the computer database.
2. Inputs the following information from the rough drafts:
 - a. Parcel Numbers
 - b. Owner and mortgage numbers
 - c. Location using Section, Township, Range or Lots and Block
 - d. Acreage of each instrument
 - e. City of rural code
 - f. County(s)
 - g. Acreage of excess land
 - h. Type of parcel: Warranty Deed, Utility Easement, Temporary Drive Easement, Channel Change Easement, Temporary Construction Easement.....etc

CADD Specialist

3. Proofs misery with other branch personnel.
4. Revisions of any item related to the misery will immediately be distributed to the units listed in the procedure "Assembly and Distribution of Project Papers."

OKLAHOMA DEPARTMENT OF TRANSPORTATION MISERY REPORT

December 17, 2015

Description: SH-9 RECONSTRUCT ON OFFSET AND EXISTING ALIGN. FROM 5.64 MI WEST OF US-62 EXT EAST 5.74 MI THRU US-62 INTERSECTION	Job Piece: 24094(05)	Project: STPY-108B(167)RW	County: Caddo
-------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------	-------------------------------------	-------------------------

PARCEL	OWNERS	LOCATION	SECTION	TOWN SHIP	RANGE	ACRES OF INSTRUMENT	EXCESS ACRES	CITY/ RURAL
1	BIA in Trust for the Heirs of James Tsalote, Kiowa Roll No. 15, Anadarko Agency RW APPLICATION (BIA)	Pt. NE¼	14	7N	12W	0.78		Rural
1.1	BIA in Trust for the Heirs of James Tsalote, Kiowa Roll No. 15, Anadarko Agency TEMPORARY CHANNEL EASEMENT	Pt. NE¼	14	7N	12W	0.50		Rural
2	The Richard Finney Revocable Trust, dated 7-28-10 Richard Finney, Trustee WARRANTY DEED	Pt. NW¼	13	7N	12W	0.98		Rural
3	The Richard Finney Revocable Trust, dated 7-28-10 Richard Finney, Trustee WARRANTY DEED	Pt. SW¼	13	7N	12W	3.65		Rural
3.1	The Richard Finney Revocable Trust, dated 7-28-10 Richard Finney, Trustee TEMPORARY CONSTRUCTION EASEMENT	Pt. SW¼	13	7N	12W	0.06		Rural
4	The Richard Finney Revocable Trust, dated 7-28-10 Richard Finney, Trustee WARRANTY DEED	Pt. SW¼	13	7N	12W	9.80		Rural
5	BIA in Trust for the Heirs of Odlepoyodle, Kiowa Roll No. 54, Anadarko Agency RW APPLICATION (BIA)	Pt. NE¼	24	7N	12W	8.60		Rural
5.1	BIA in Trust for the Heirs of Odlepoyodle,	Pt. NE¼	24	7N	12W	0.62		Rural

Fig. 6.114-10-1

Kiowa Roll No. 54, Anadarko Agency
CHANNEL CHANGE EASEMENT

6	BIA in Trust for the Heirs of Mary Bolo, Kiowa Roll No. 46, Anadarko Agency RW APPLICATION (BIA)	Pt. SE¼	24	7N	12W	2.24	Rural
7	The Doyle High Family Limited Partnership WARRANTY DEED	Pt. Gov't Lots 3 (NW¼ SW¼) and Pt. Gov't Lot 4 (SW¼ SW¼) and the SE¼ SW¼	19	7N	11W	6.09	Rural
8	Larry T. Whaley (Mtg) Erickson Supply & Construction Co., Inc. WARRANTY DEED	Pt. Gov't Lot 3 (NW¼ SW¼)	19	7N	11W	0.33	Rural
9	William Arthur East WARRANTY DEED	Pt. Gov't Lot 3 (NW¼ SW¼)	19	7N	11W	0.12	Rural
10	Cecil Don Martin Phyllis Janice Martin WARRANTY DEED	Pt. Gov't Lot 4 (SW¼ SW¼)	19	7N	11W	0.05	Rural
11	BIA in Trust for the Heirs of Lilly Chaniko, Kiowa Roll No. 1291, Anadarko Agency RW APPLICATION (BIA)	Pt. Gov't Lot 1	30	7N	11W	2.67	Rural
12	Vesta M. Burnette Merlin L. Burnette WARRANTY DEED	Pt. SE¼ NW¼	30	7N	11W	0.01	Rural
13	Burns Family Land Co., LLC WARRANTY DEED	Pt. NE¼	30	7N	11W	2.29	Rural
14	BIA in Trust for the Heirs of Estagooah, Kiowa Roll No. 983, Anadarko Agency RW APPLICATION (BIA)	Pt. SE¼	30	7N	11W	6.75	Rural
15	BIA in Trust for the Heirs of Paddlety, Kiowa Roll No. 1017, Anadarko Agency RW APPLICATION (BIA)	Pt. SW¼	29	7N	11W	4.88	Rural
16	BIA in Trust for the Heirs of James Paddlety, Kiowa Roll No. 1021, Anadarko Agency RW APPLICATION (BIA)	Pt. NW¼	32	7N	11W	4.49	Rural

Fig. 6.114-10-1

17	Mannschreck Cattle Company WARRANTY DEED	Pt. SE¼	29	7N	11W	0.09	Rural
18	BIA in Trust for the Heirs of Keahbone, Kiowa Roll No. 419, Anadarko Agency RW APPLICATION (BIA)	Pt. NE¼	32	7N	11W	5.84	Rural
19	BIA in Trust for the Heirs of Katie Keahbone, Kiowa Roll No. 423, Anadarko Agency RW APPLICATION (BIA)	Pt. S½ SW¼	28	7N	11W	0.49	Rural
20	Mannscheck Cattle Company (Mtg) Farm Credit of Central Okla., FLCA WARRANTY DEED	Pt. NW¼	33	7N	11W	7.86	Rural
21	BIA in Trust for the Heirs of George Tsalote, Kiowa Roll No. 1890, Anadarko Agency RW APPLICATION (BIA)	Pt. NE¼	33	7N	11W	5.50	Rural
22	Mannschreck Cattle Company WARRANTY DEED	Pt. SW¼	27	7N	11W	2.69	Rural
23	Mannschreck Cattle Company WARRANTY DEED	Pt. NW¼	34	7N	11W	1.21	Rural
23.1	Mannschreck Cattle Company TEMPORARY DETOUR EASEMENT	Pt. NW¼	34	7N	11W	0.35	Rural
23.2	Mannschreck Cattle Company TEMPORARY DRIVE EASEMENT	Pt. NW¼	34	7N	11W	0.35	Rural

Fig. 6.114-10-1

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assembly and Distribution of Project Papers	No: Revised: Page:	MAP-PRO 6.114-11 04/01/15 1 of 13
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Applies to:

Policy OP-MAP 6-2: Right-of-Way Plans and Related Materials

CADD Specialist

1. Once Right-of-Way plans and associated materials are complete, the Right-of-Way and Utilities Division Mapping Branch creates the project file. Right-of-Way and Utilities Division Mapping Branch personnel shall maintain only one project file.

This policy sets forth the file structure for project files maintained by Right-of-Way and Utilities Division Mapping Branch personnel.

2. Assembles project files for transmittal to Document Vault for other units of the Division and Department.
3. The file folder itself should be a legal size reinforced expandable folder in which all other folders are placed.
4. On the right hand side of the folder near the top of the opening, enter two lines of text:
 - First line - Job and piece number
 - Second line - Name of the appropriate county
5. The project file folder may contain up to ten individual folders. Each folder must include an expandable file pocket with its own label. The label for each folder must include the name of the folder followed by the job and piece number. These two requirements do not apply to the Correspondence folder.
 - Deeds
 - Plot Plans
 - Deed Plots
 - Take-Off
 - Computations
 - Waivers
 - Pres. Right-of-Way Deeds / Miscellaneous
 - Condemnation
 - Correspondence
 - Misery
 - Roughs
 - 2 CD's

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assembly and Distribution of Project Papers	No: Revised: Page:	MAP-PRO 6.114-11 04/01/15 2 of 13
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6. The ten folders within the project file must be placed front to back in the following order:
7. COMPUTATIONS FOLDER
 - First folder must be labeled “Comps” followed by the job piece number. The Comps folder must contain a copy of all closures, alignments and all point numbers with x and y coordinate values listed.

The computations shall be:
 - a. in book form
 - b. listed in numerical order
 - c. by parcel number
 - If the computations will not fit within the folder, it may be kept separately as an addition to the original file.
8. ROUGHS FOLDER
 - Second folder must be labeled “Roughs” followed by the job piece number. Personnel shall file all legal descriptions written in rough form in numerical order as well as all legal descriptions written in loose leaf form.
9. DEEDS FOLDER
 - Third folder must be labeled “Deeds” followed by the job piece number. Personnel shall file all typed legal descriptions in numerical order and loose leaf form, except for the Waiver of Liens.
10. WAIVER OF LIENS FOLDER
 - Fourth folder must be labeled “Waiver of Liens” followed by the job piece number. Personnel shall file all waiver of liens in numerical order and loose leaf form.
11. PLOT PLANS FOLDER
 - Fifth folder must be labeled “Plot Plans” followed by the job piece number. Personnel shall file all Plot Plans in numerical order and loose leaf form.
12. CONDEMNATIONS FOLDER

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assembly and Distribution of Project Papers	No: Revised: Page:	MAP-PRO 6.114-11 04/01/15 3 of 13
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- Sixth folder must be labeled “Condemns” followed by the job piece number. Personnel shall file all condemnation legal descriptions in numerical order and loose leaf form.

13. TAKE-OFF FOLDER

- Seventh folder must be labeled “Take-Off” followed by the job piece number. As parcel numbers are assigned, personnel shall file all ownership information in this folder with a single staple in the upper left hand corner of each ownership unit.
- All ownership units shall then be maintained in numerical order. Should the ownership information, “Take-Off”, exceed the limits of the file pocket, a second reinforced expandable folder shall be labeled by Job and Piece Number, including the appropriate county name.

14. MISCELLANEOUS FOLDER

- Eighth folder must be labeled “Misc.” followed by the job piece number. Personnel use this folder to store copies of subdivision plats, city limit maps, survey plats, etc.

15. PRESENT RIGHT-OF-WAY DEEDS

- Ninth folder must be labeled “Present Right-of-Way” followed by the job piece number. Present right-of-way information must be verified and copies provided through the extents of the project.

16. CORRESPONDENCE

- Tenth folder is not an expandable file but an open file folder. In contrast to the other folders, the folder for “Correspondence” is preceded by the job piece number, Federal R/W project number and a brief description of the project limits.
- Use the left side of the Correspondence file for ownership reports, otherwise known as miseries. Personnel shall hole-punch each misery, place it on the left side of the file folder, secured by file clip.
- Use the right side of the Correspondence file for correspondence. Personnel shall file correspondence by chronological date, most recent at the top. Personnel shall hole-punch all correspondence, place on the right side of the file folder, securing with file clip.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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- d. Title information (RWForm6) (1 copy)
 - e. Assessors records for mailing addresses of owners (1 copy)
 - f. Waivers of liens (1 copy) and attach 1 copy of plot plan
 - g. Deed plots from Green Briar graphics (1 copy)
 - Compares right-of-way plans with construction plans to insure both sets depict identical right-of-way requirements. Conduct diligent check of 100% for instruments of conveyance. Read around descriptions/plan sheets. Complete checklist.
 - Distribution to Secured Internal Document Vault – [See Figure 6.114-11-5](#) and units within Right-of-Way & Utilities Division and Legal & Business Services Division and Field Divisions.
 - a. Field Division Engineer packet contains:
 - (1) Right-of-Way plans:
 - (3 copies) full size, new jobs and revision
 - (1 copy) half size, new jobs and revision
 - b. Business Office packet contains:
 - (1) Misery PDF version on CD
 - (2) Waiver-of-Lien PDF version on CD
 - c. Project Management Branch packet contains:
 - (1) Right-of-Way plans PDF version on CD
 - Check that required materials have been gathered and properly assembled.
 - Prepares email to notify all branches of job postings.
 - Prepares standard transmittal letter for Manager's signature and mails Field Division Engineer's packet and a copy of transmittal letter to Project Management Division.
20. Utilize the following checklists for reviewing plans and documents. ([See Fig. 6.114-11-1 thru 6.114-11-4](#))

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Manager, Mapping Branch

1. Receives the original right-of-way plans, plot plans, computations and ownership information prepared by the Consultants or Service Providers.
2. Assigns CADD Specialist to review material for accuracy and completeness.
3. Logs project into computer database.

CADD Specialist

4. Reviews the computation printout, plot plans as integrated with ownership information. Run each legal description through deed plotter type software to check for accuracy.
5. Reviews the right-of-way plans in accordance with "Specifications Manual for Right-of-Way Plans and Associated Materials".
6. Returns the reviewed materials to Manager, Mapping Branch.

Manager, Mapping Branch

7. Notifies Design Division and/or Consultant or Service Provider if any changes are required as a result of the review.
8. Receives corrections from Consultant or Service Provider, submits to CADD Specialist.

CADD Specialist

9. Repeat steps 5, 6 and 7 as necessary to enable acceptance of material.

Manager, Mapping Branch

10. Notifies Assistant Chief, Right-of-Way & Utilities Division that Mapping Branch is accepting and approving final plans and associated material.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assembly and Distribution of Project Papers	No: Revised: Page:	MAP-PRO 6.114-11 04/01/15 7 of 13
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CHECKLIST FOR TITLE SHEET

Do a visual inspection of the TITLE SHEET. Did you.....

- Designate the plans RIGHT-OF-WAY-PLAN
- RIGHT OF WAY JOB PIECE NUMBER AND FEDERAL/STATE AID PROJECT NUMBER AND SWO NUMBER.
- HIGHWAY NUMBER OR NUMBERS. I.E. SH-7, US-60 etc.
- COUNTY OR COUNTIES IN THE SAME ORDER THAT THE PROJECT ENCOUNTERS THEM.
- LOCATION MAP, NORTH ARROW ,SECTIONS ON MAP, TOWNSHIPS, RANGES, SCALE OF MAP, BEGINNING STATION OF PROJECT, AND ENDING STATION OF PROJECT WITH R/W JOB PIECE NUMBER AND R/W (NUMBER) I.E. 2286(02) WITH AND ARROW POINTING TO THE MAP AT THE BEGINNING AND END, STATION EQUATION.
- RIGHT OF WAY PROJECT LENGTH xxxx MILES. (Under project location map.)
- FULLY CONTROLLED ACCESS HIGHWAY or a PARTIALLY CONTROLLED ACCESS HIGHWAY
- THE PROJECT SHOULD BE CHECKED TO SEE IF ANY ACCESS RIGHTS ARE INVOLVED IF NOT THE ABOVE. STATEMENTS ARE NOT SHOWN.
- INDEX OF R/W SHEETS SHOWING SHEET REFERENCE NUMBERS.
- A LEGEND OF CONVENTIONAL SYMBOLS USED IN THE RIGHT OF WAY PLANS. SEE EXAMPLE PLANS IN MAP-PRO 6-114-7
- A REFERENCE TO THE SCALES USED THROUGHOUT THE PLANS.
- THE ORIGIN OF BEARINGS USED IN THE PLANS TAKEN FROM THE CONSTRUCTION PLANS AND THE SURVEY DATA SHEETS
- NUMBER OF OWNERSHIPS INVOLVED IN THE PROJECT.
- FENCING NOTE
- STAKING NOTE
- PREPARATION CREDIT BLOCK (SEE EXAMPLE TITLE SHEET)

(Fig. 6.114-11-1)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Assembly and Distribution of Project Papers	No: Revised: Page:	MAP-PRO 6.114-11 04/01/15 8 of 13
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CHECKLIST FOR PLAN SHEET

Do a visual inspection of the PLAN SHEET. Did you.....

- Show all improvements within 200 feet of Proposed R/W.
- Show Stations & Offsets on the improvements
- Show insets for total properties not shown on plan sheet.
- Show North Arrow (Max. 1 ¾" in length.) For property insets.
- Show Scale for Sheet
- Show Section Township & Range Identification.
- Show Inset Detail Block line, Lot line, R/W line
- Show Lanes
- Show Limits of Access
- Show North Arrow (Max 3 1/2" in length) for sheet.
- Show all present R/W including section line R/W and show width of R/W.
- Show all P.O.T. or P. I or P. C. stations on all Section 1/4 Section and 1/16 Section lines.
- Show Toe of Slope or Top of Cut.
- Show Highway Number
- Show Job Piece Number
- Show Section Lots (River Lots, Gov't Lots)
- Show existing and new drainage structures
- Show Plan Sheet Number
- Show Bearings and Dimensions on Parcels
- Show Note ^ASee Sheet___ for Ownership@
- Show Centerline Label
- Show Label on Property, Section, Block, Lot, Present Right-of-Way, R/W Etc.
- Check the Text Heights
- Show Station & Offsets of new R/W
- Show Parcel identifiers
- Show existing and new drives

(Fig. 6.114-11-2)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Assembly and Distribution of Project Papers

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CHECKLIST FOR PLOT PLAN

Do a visual inspection of the PLOT PLAN. Did you.....

- JOB NUMBER, PIECE NUMBER, AND LEGAL DESCRIPTION
- PARCEL NUMBER
- COUNTY
- TOTAL PROPERTY BLOCK (SHOW TOTAL PROPERTY IN SECTION)
- TOTAL PROPERTY DESCRIPTION
- SECTION, TOWNSHIP, AND RANGE
- BEFORE GROSS ACRES (SHOW SQ.FT. & ACRES IF IN TOWN)
- PRESENT R/W (SHOW IN TAKE ACRES) (SHOW OUT OF TAKE ACRES IF NECESSARY)
- NEW R/W ACRES
- REMAINING IN QTR. ACRES (FOR CORRECT SUBTRACTION)
- REMAINING EAST/WEST NORTH/SOUTH WHEN PROPERTY IS SEVERED
- LINE WEIGHTS CORRECT
- LINES LABELED (SECTION and PROPERTY LINE....etc)
- TEXT HEIGHT
- EXCESS LAND (LABELED WITH ACREAGE)
- Scale

(Fig. 6.114-11-3)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Assembly and Distribution of Project Papers	No: Revised: Page:	MAP-PRO 6.114-11 04/01/15 10 of 13
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DILIGENT CHECK OF CONSULTANT PROJECTS WORKSHEET

Assigned to: _____

County: _____

J/P No. : _____

Date Received: _____

Date Completed: _____

Read around 100% of descriptions and compare to plan sheets. If errors are found make a copy of original forms and mark errors in red. Make notations below, attach copies if any and return to Manager.

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

(Fig. 6.114-11-4)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Assembly and Distribution of Project Papers

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Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

Instrument No. _____
Errors Found:

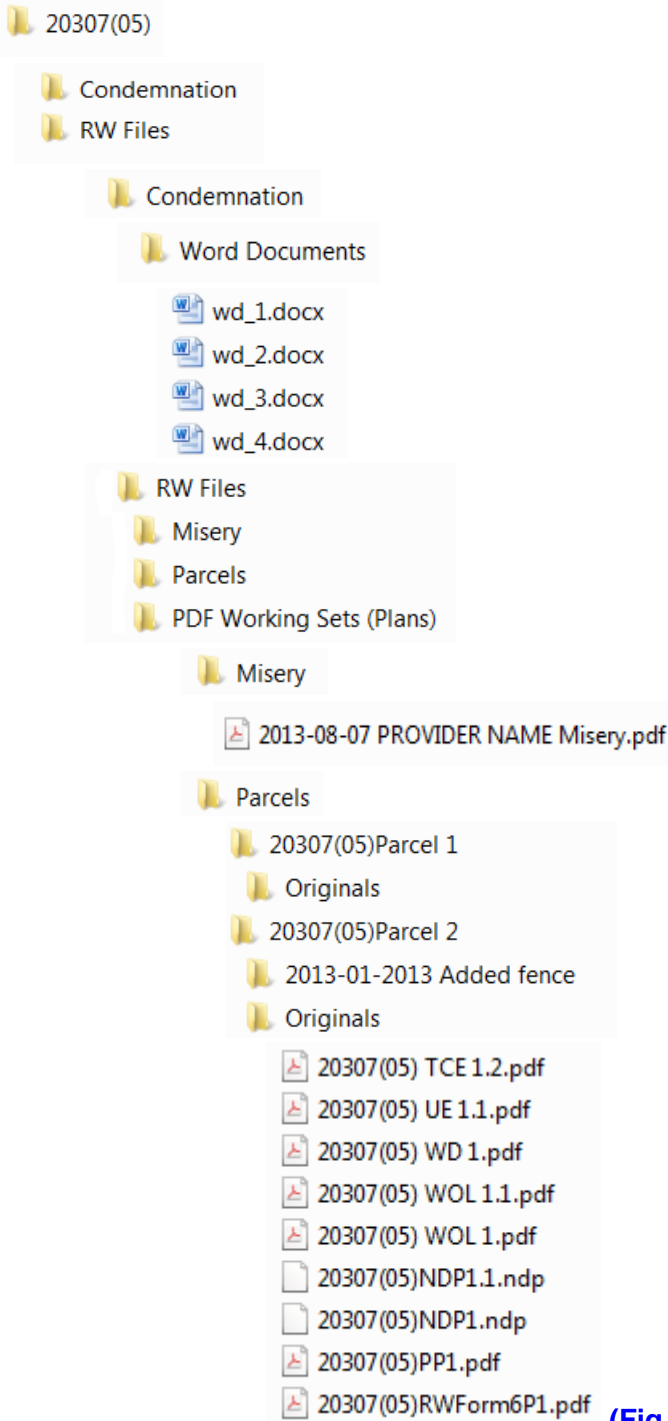
Instrument No. _____
Errors Found:

(Fig. 6.114-11-4)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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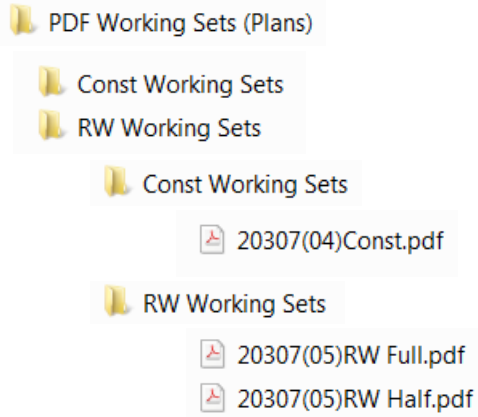


(Fig. 6.114-11-5)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Assembly and Distribution of Project Papers

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STANDARD NAMING CONVENTIONS

J/P(xx) RWForm6P1 = Parcel 1 Title Investigation
J/P(xx) NDP 1= Parcel 1 Net Deed Plot
J/P(xx) PP1 = Parcel 1 Plot plan
J/P(xx) WD 1 = Parcel 1 Warranty Deed
J/P(xx) WOL= waiver of lien
J/P(xx) UE = utility easement
J/P(xx) PERP = perpetual easement
J/P(xx) CHN = channel easement
J/P(xx) TCE = temporary construction easement
J/P(xx) TCH = temporary channel easement
J/P(xx) TDE = temporary driveway easement
J/P(xx) TDET = temporary detour easement
J/P(xx) RW Full = Full Size Set of R/W Plans(PDF)
J/P(xx) RW Half = Half Size Set of R/W Plans(PDF)

(Fig. 6.114-11-5)

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Plan Revisions	No: Revised: Page:	MAP-PRO 6.114-12 04/01/15 1 of 3
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Applies to:

Policy OP-MAP 6-2: Right-Of-Way Plans and Related Materials

Manager, Mapping Branch

1. Receives revision request approved by the appropriate branch of the Right-of-Way & Utilities Division and gives it to the assigned CADD Specialist for processing. All request must be logged into the Oracle Data Base in a timely manner. See example revision request form in this procedure.

CADD Specialist

2. Performs the following:
 - a. Determines if existing plans prepared by other units of the Department will be affected by the request.
 - b. Makes certain approval of Design Division or other Branches for revision is noted and initialed on revision request.
 - c. Prepares a memo for signature of the Manager, Mapping Branch requesting the affected units to make the revision stating our justification, and requesting prints of their plan sheets, when revised.
3. Submits memo to Manager, Mapping Branch for his approval.

Manager, Mapping Branch

4. Signs and transmits memo to the affected Division. Places copy in the specialist's red file folder, project file and Legal and Business Services Division's Record Center.
5. Checks on the status of the request weekly and reports the status to the supervisor. The supervisor provides a weekly revision status report to all branches.
6. Receives revised plan sheets from other Division through Project Management Branch, Right-of-Way & Utilities Division and gives to CADD Specialist handling that project.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Plan Revisions	No: Revised: Page:	MAP-PRO 6.114-12 04/01/15 2 of 3
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CADD Specialist/Service Provider

7. Revises computations on any right-of-way and corrects the legal description, misery, and ensures changes a made on the right-of-way plans.
8. Revises right-of-way plans, conveying instruments, plot plans and misery in accordance with standard procedures to comply with the request. Special care should be taken to assure the revision note in the upper right corner of the plan sheets correctly and completely describes the revision(s). The revision note date should be the date the sheet is actually revised.
9. Informs Manager, Mapping Branch that the material revised in accordance with paragraph 7 is ready to be checked.

Manager, Mapping Branch

10. Assigns CADD Specialist, not previously associated with the revision, to check the revised material on all in-house jobs. On receiving assurance that the revised materials are correct and complete, instructs the originally assigned personnel to proceed with the revision.

CADD Specialist

11. Completes preparation of the revised materials by referring to the procedure "Assembly and Distribution of Project Papers". (MAP-PRO 6.114-11)

Oklahoma Department of Transportation, Right-of-Way & Utilities Division

Mapping Branch Room B-4 Third Floor Office 405-521-2655 Fax 405-522-4228

ONE CHANGE PER REQUEST

DATE: _____
 NAME: _____
 BRANCH COMPANY: _____
 PHONE NO: _____
 COUNTY: _____
 JOB PIECE NO: _____
 PROJECT NO. _____

	PARCEL NUMBER	DRIVE WIDTH	SURFACE TYPE (MATERIAL)	CL STATION Left/Right	CL STATION Left/Right
ADD DRIVE					
MOVE DRIVE					
DELETE DRIVE					
ADD FENCE					
REMOVE FENCE					
MODIFY FENCE					

OWNERSHIP CHANGE (attach supporting paperwork) _____

TOTAL TAKE PARCEL NO. (requires prior approval of Chief) _____

OTHER: (attach drawing, sketch and /or supporting paperwork if necessary) _____

Fencing and ownership requests require Chief or Assistant Chief and requesting branch initials only. Initials from Project Management Branch are required if project is turnkey.

REVISIONS APPROVED BY:			FOR MAPPING BRANCH ONLY
Branch	Initial	Date	Date Sent to Roadway Design Division:
Chief or Assistant Chief			Date Received from Roadway Design Division:
Project Management			
Acquisition			Roadway Design Engineering Manager:
Relocation			
Utilities			

Miscellaneous Notes: _____

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Ordering Reproductions of Project Plans	No: Revised: Page:	MAP-PRO 6.114-13 04/01/15 1 of 1
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Applies to:

Policy OP-GA 6-6: Release of Plans to Public through open Records Request.

Plans Coordinator

1. Enters the following information on an Office Services Division Reproduction Branch Invoice:
 - a. Date
 - b. Job piece and project numbers
 - c. County
 - d. Department, phone number and name of employee placing order
 - e. Name of requester
 - f. Number of reproductions required
 - g. Description of items to be reproduced
 - h. Type of reproduction required

NOTE:

Special orders must be approved by one of the following authorized Right-of-Way & Utilities Division personnel: Mapping Branch Manager, Assistant Chief, Right-of-Way & Utilities Division or Chief, Right-of-Way & Utilities Division.

2. Secures plans
 - a. All right-of-way projects are filed in Mapping Branch.
 - b. All construction plans from Design Division are held by the personnel responsible for that specific area.

NOTE:

Requesting party shall secure construction plans from the Reproduction Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Preparation of Condemnation Papers	No: Revised: Page:	MAP-PRO 6.114-14 04/01/15 1 of 3
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Manager, Mapping Branch

1. Receives from Acquisition Branch, Advanced Condemnation Notice and Form 289 listing the parcels that are to be prepared for Legal Division action, and logs into database.
2. Instructs CADD Specialist to prepare legal descriptions for parcels going to condemnation.

CADD Specialist

3. Obtain the following from Mapping Branch files:
 - a. Office copy of the right-of-way plans
 - b. Deeds for each parcel
4. Compares deeds for each parcel to the office copy plans to assure they agree. Run each legal description through deed plotter type software to check for accuracy. Any discrepancies must be corrected while proceeding with the work.
5. Initials and dates the top right hand corner of the instrument of conveyance.
6. CADD Specialist prepares legal description on 8 ½" x 11" bond paper, with minimum 1" margins all around. Check the plans to see if the fencing is to be replaced by ODOT or owner. If ODOT replaces fencing, then add "fencing clause" to the legal description. If parcels are temporary or perpetual, add appropriate heading for each parcel type and purpose. If parcel is a temporary, add the expiration clause. If parcel is a perpetual channel, add the clause for ingress and egress.
7. Make 1 copy of each legal description and one copy of the original request from Acquisition Branch. Sends with cover letter signed by Manager, Mapping Branch to the Acquisition Branch.

Manager, Mapping Branch

8. Receives from Acquisition Branch a Notice of Condemnation Parcel(s) Transmittal Letter.
9. Instructs CADD Specialist to oversee the preparation of plans for Condemnation Parcel Packets.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Preparation of Condemnation Papers	No: Revised: Page:	MAP-PRO 6.114-14 04/01/15 2 of 3
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CADD Specialist

10. Upon receipt of transmittal letter and copies of 289's, verifies that fencing clauses were needed.
11. Provides the Plans Coordinator that one set of construction and right-of-way plans be delivered to the Legal Division's condemnation support person within one week of receipt of letter.
12. Plans Coordinator prepares three sets of the right-of-way plan sheet, ownership sheet and construction plan sheet for each parcel being condemned. These are to be colored up and provided to the Legal Division within three weeks or sooner from the date of receipt of the Condemnation Parcel(s) Transmittal Letter.

Plans Coordinator

13. Preparation of Condemnation Parcel Plan Packets:
 - a. Parcel number box on Right-of-Way plans sheet is to be colored in using:
 - (1) red for permanent parcels
 - (2) green for temporary parcels
 - (3) yellow for perpetual parcels
 - b. Right-of-Way plan ownership sheet to have the line of data for the specific parcel pertinent to the condemnation colored in using a red pencil.
 - c. Construction plan sheets are to have the appropriate take area outlined with colored pencils using:
 - (1) blue for present right-of-way lines
 - (2) red for permanent right-of-way lines
 - (3) green for temporary right-of-way lines
 - (4) yellow for perpetual right-of-way lines
 - (5) orange for property lines
 - d. Each sheet should be stamped "Preliminary Subject to Revision" and dated.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Preparation of Condemnation Papers	No: Revised: Page:	MAP-PRO 6.114-14 04/01/15 3 of 3
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- e. Fold each parcel's plan sheets into 3 separate 8 ½" x 11" size packets layering the right-of-way plan sheet, ownership sheet and the construction plan sheet.
 - f. On the outside of each parcel packet, in red pencil, indicate the following:
 - (1) R/W Project Number
 - (2) R/W Job Piece Number
 - (3) Owners Name
 - (4) Parcel Number
 - (5) County
15. Files all material used to prepare condemnation set-ups and copies of legal descriptions in project files.
16. Prepares a transmittal letter for signature of the Manager, Mapping Branch to the Legal Division listing the plan parcel packets for condemnations.
17. Checks materials being transmitted. Delivers assembled materials and transmittal letter to the Legal and Business Office Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Verification of Parcels	No: Revised: Page:	MAP-PRO 6.114-15 04/01/15 1 of 2
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Applies to:

Policy OP-MAP 6-3: Property Descriptions

Manager, Mapping Branch

1. Receives from Acquisition Branch, & Legal and Business Office Division, requests to verify legal descriptions on standard conveying instrument or from condemnation suits.
 - a. Acquisition Branch request contains:
 - (1) Transmittal letter
 - (2) R/W Form 289
 - (3) Claim
 - (4) 3 copies of the signed instruments
 - (5) Appraisal Branch forms and supporting documents.
 - b. Business Office request contains:
 - (1) Transmittal letter
 - (2) Claim
 - (3) Signed copies of Waiver of Liens, Mortgages, Release of Mortgages, and condemnation suits before they are filed.
 - c. Legal and Business Office Division request contains:
 - (1) Transmittal letter
 - (2) Copy of active-condemnation suits.
2. Manager assigns to CADD Specialist.

CADD Specialist

3. Gets deeds, deed plots, plot plans, misery, condemnation and copy of right-of-way plans.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Verification of Parcels	No: Revised: Page:	MAP-PRO 6.114-15 04/01/15 2 of 2
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- a. Check legal descriptions on roughs and deeds against signed deed and/or condemnations. Checks deed plotter sketch for closure.
 - b. Check to see if acreage on deeds, plot plans, misery and ownership sheet match signed deed and/or condemnation.
 - c. Check to see if the subdivision, Lots and blocks, and Section, Township and Range match on deeds, plot plans, misery and condemnations.
 - d. Checks legal description against plans.
 - e. Check to see if name and signature on deed agree with misery and ownership sheet.
 - f. Ensure project number(s) on all documents are the same.
4. If all of the above information is correct, then initial and date in the upper right area of the instrument being careful to stay out of the margins.
 5. If errors are discovered, then consult with the Mapping Branch Manager in charge of the project to try and resolve the errors.

When verifying signed instruments, if a discrepancy is found in the legal description, process as follows:

- If intent of deed is changed, prepare a new deed.
 - If intent of deed is not changed, aka scrivener's error, mark deed appropriately by hand and Mapping Branch Manager initials change.
 - In either case, notify the Acquisition Branch Manager in order to:
 - re-sign new deed
 - contact property owner about error correction
6. Write "verified", date and initial the transmittal letter for verification request. Make copy and file in project file.
 7. Forward requests from Acquisition Branch to the Chief, Right-of-Way & Utilities Division for Signature.
 8. Return requests from Legal and Business Office Division to the requesting party.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Disposal of Excess Lands via Highway Removal	No: Revised: Page:	MAP-PRO 6.114-16 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6-4: Property Management

Manager, Mapping Branch

1. Receives formal notice and copy of the Commission Agenda Item from the Assistant Chief, Right-of-Way & Utilities Division, that an existing highway or part thereof designated as a State Highway has been officially removed by Commission Action in accordance with law and policy.
2. Assigns formal notice of Commission Agenda Item to CADD Specialist to prepare legal description(s) of rights-of-way to be conveyed to appropriate City/County Governments, and returned within 10 days from receipt of formal notice.

When a removal does not require any instrument of conveyance, document accordingly and record in the Mapping Access Database.

If removal requires any type of conveyance documents, prepare a round robin request that includes the following information:

- a. include colored up plans
- b. brief statement of round robin purpose
- c. copy of Commission item
- d. 30 day Notice to Division Engineer
- e. Signature page with areas for comments

Prior to circulating the Round Robin a review of all documents shall be performed by the Assistant Chief or Chief of the Right-of-Way & Utilities Division.

The Round Robin is to go to the Field Division Engineer and Roadway Design Engineer.

This process is to be done in order to properly delineate portions of the right-of-way to retain and portions to convey to the City/County.

CADD Specialist

3. Request of CADD Specialists to provide 2 sets half sizes of all existing old plans and accompanying easements or deeds of record. Also a copy of the survey land ties and survey alignment books from Survey Division and a copy of the current

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Disposal of Excess Lands via Highway Removal	No: Revised: Page:	MAP-PRO 6.114-16 04/01/15 2 of 2
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city limits map if any segments may be located inside the corporate limits of any city or town.

4. Prepares legal descriptions(s) of rights-of-way to be conveyed to appropriate City/County Governments.
 - a. Writes a metes and bounds description for tie in, into the current highway rights-of-way
 - b. In areas where the full description that was acquired will be return, give back rights-of-way by book and page, less and except any areas the department reserves, as originally filed in the appropriate County Clerk's Office of that County
5. Sends all copies of legal descriptions, city limit maps, existing old plans and easements or deeds of record to the Manager, Mapping Branch along with original request of Commission Agenda Item for highway removal as approved by the Commission Action in accordance with law and policy.

Manager, Mapping Branch

6. Upon receipt of legal descriptions, prepares standard Quit Claim Deed(s) as may be required to comply with law and policy.
7. Sends standard Quit Claim Deed(s) to Assistant Chief, Right-of-Way & Utilities Division for execution, also sends all copies of city limit maps, old plans, and all easements or deeds of record.
8. Scans standard Quit Claim Deed(s) and any related materials into Mapping Access Database.

Assistant Chief, Right-of-Way & Utilities Division

9. Reviews documents.
10. Directs Appraisal Branch to prepare an estimate of value in order to remove the asset from ODOT's inventory.
11. Forward to Chief, Right-of-Way & Utilities Division for processing.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Right-of-Way Deed Forms	No: Revised: Page:	MAP-PRO 6.114-17 04/01/15 1 of 59
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ODOT Rough Forms

1. Rough forms have been developed to aid in the writing of legal descriptions for each parcel.
2. Differences between each form require the writer's judgment in determining the most effective format based upon the particular parcel and how it relates to the overall project.
3. A list of the rough forms and their intended use follows:

- Rough Form 1 - Use for general descriptions when Forms 2 thru 6 are not applicable. **(Fig. 6.114-17-1)**

Examples:

All of the East 25.00 feet of said Lot 1, Block 34.

All of said Lot 1, Block 6.

- Rough Form 2 - Use when beginning at a subdivision corner. **(Fig. 6.114-17-2)**
 - Rough Form 3 - Use when beginning on a subdivision line a known distance from a corner, thence along said line. **(Fig. 6.114-17-3)**
 - Rough Form 4 - Use when beginning on a right-of-way line a known distance from the intersection of a subdivision line. (Used mainly for temporary easements) **(Fig. 6.114-17-4)**
 - Rough Form 5 - Use when beginning where a right-of-way line intersects a subdivision line a known distance from a corner, thence along said right-of-way line. **(Fig. 6.114-17-5)**
 - Rough Form 6 - Use when beginning on a right-of-way line and tying to a subdivision corner. (Used mainly for temporary easements) **(Fig. 6.114-17-6)**
4. The writer must ensure legal descriptions closely follow the rough forms listed above.

ODOT Conveyance Forms

5. The acquisition of right-of-way requires the use of a variety of instruments. These forms are listed below along with a description of its uses:

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INSTRUMENTS OF CONVEYANCE

Relinquishment of Access Rights

R/W Form 34 (Fig. 6.114-17-7)

To be used when purchasing access rights only and no real property.

Channel Change Easement

R/W Form 36 (Fig. 6.114-17-8)

A perpetual easement to maintain a stream channel that has no permanent structures within its boundaries (No concrete structures, only rip rap allowed). This easement is granted for the purpose of enabling the State of Oklahoma, its officers, agents, contractors, and employees, now or at any time in perpetuity and at its discretion, to go upon, construct, build and maintain a stream channel or any number of stream channels (with related erosion control and landscaping features as may be required) over, across, or under the above-described tract of land; including the airspace above and removal of sand, gravel, rock or earth, but excluding mineral interests and their exploration so long as such does not interfere with the surface right of grantee, and said easement grant includes the permanent right of ingress and egress of the State of Oklahoma, its officers, agents, contractors, and employees, and any tools, machinery, or other equipment to be used thereby consistent with the terms of this easement grant.

Temporary Detour Easement

R/W Form 37 (Fig. 6.114-17-9)

A temporary easement to construct and subsequently remove a detour road. The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation Commission a temporary right to, at its discretion, construct, use, maintain and subsequently remove a detour road on the above described tract of land, including the temporary right to use and/or remove any or all of the sand, dirt, rock, gravel and other road building materials as may be required from this tract solely for the proper construction, use, maintenance and removal of the proposed detour road.

Temporary Driveway Easement

R/W Form 40 (Fig. 6.114-17-10)

A temporary easement to construct a driveway. The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation Commission the right to enter upon the above described tract of land for the purpose of constructing a driveway entrance to accommodate said premises to the construction or reconstruction of the

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highway adjacent thereto; including the right to use and remove any and all dirt, rock, gravel, sand and other road building materials from the above described tract of land.

Do Not Use R/W Form 40 when the driveway is being constructed on the adjacent property.

Temporary Channel Easement

R/W Form 40A (Fig. 6.114-17-11)

A temporary easement to construct and clean a stream channel (No concrete structures, or rip rap allowed). The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation Commission the right to open a stream channel on the above described tract of land, and includes the right to use the dirt taken from said channel in the highway or to waste it on any portion of said tract.

Temporary Construction Easement

R/W Form 41 (Fig. 6.114-17-12)

A temporary easement to use for the following:

1. Remove Improvements
2. Construct driveways on adjacent property
3. Construct back slopes
4. Use as a work area
5. Drain a pond

The sole purpose of this easement is to grant to the State of Oklahoma, and the Transportation Commission the right to Remove Improvements on the above described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel and other road building materials from the above described tract of land.

Utility Easement

R/W Form 48 (Fig. 6.114-17-13)

A perpetual easement to construct and maintain utility facilities. This perpetual utility easement is granted for the sole purpose of enabling the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns to go upon, survey, locate, construct, reconstruct, build and maintain utility facilities and all necessary or convenient appurtenances thereto, and includes the permanent right of ingress and egress by the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns. The State of Oklahoma its heirs, successors and assigns covenants not to construct, or

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permit the construction of, any permanent structures(including signs and the planting of trees) over, upon or across any described tract; however, pavement for parking and drive purposes may be placed on this easement.

Waiver of Lien

R/W Form 49 General (Fig. 6.114-17-14)

An instrument to release or partially release the mortgage on permanent and perpetual right-of-way takings.

Warranty Deed

R/W Form 53 (Fig. 6.114-17-15)

An instrument to acquire the fee simple title to the permanent right-of-way takings. Together with all improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. The reservation, and exception of mineral rights herein does not include rock, gravel, sand and other road building materials.

Railroad

When the title information indicates the owner of a parcel as being a railroad property, the legal description will be typed on plain 8½" X 11" paper. (Rail Programs Division will also provide a legal description of the bridge footprint that crosses the Railroad property along with a sketch for verification)

Indian – BIA

US Department of the Interiors App. (Fig. 6.114-17-16 thru 6.114-17-16c)

A Right-Of-Way Application for easement and sketch are required.

Commissioners of the Land Office

CLO-5-16 (Fig. 6.114-17-17)

An Application for Continuous Easement and Sketch are required. When the title information indicates the owner of a parcel as being the Commissioners of the Land Office, prepare the required application and prepare the required sketch.

USA

When the title information indicates the owner of a parcel as being the United States of America, (i.e., Corps of Engineers, U.S. Department of Fish and Wildlife, Bureau of Land

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Management, etc.) the legal description will be typed on plain 8½" X 11" paper and prepare the required sketch. The individual preparing instruments of conveyance is responsible to use the most current form.

Other ODOT Conveyance Forms

6. The acquisition of right-of-way uses certain forms less frequently. These forms are listed below:

NOTE:

These forms shall only be used upon approval of the Manager, Mapping Branch.

Highway Easement

R/W Form 14 Regular (Fig. 6.114-17-18)

A perpetual easement used in lieu of a Warranty Deed. For the same consideration hereinbefore recited, said Grantors grant and convey to the State of Oklahoma, the right to use and remove any and all dirt, rock, gravel, sand and other road building materials from the realty described, but, excepting unto said Grantors the mineral rights therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purpose herein granted.

Dedication Deed

R/W Form 15 (Fig. 6.114-17-19)

An instrument to acquire the fee simple title to the permanent right-of-way taking. For the same considerations hereinbefore recited, said Grantors hereby waive, relinquish and release any and all right, title or interest in and to the surface of the above granted and dedicated tract of land and the appurtenances thereunto belonging, including any and all dirt, rock, gravel, sand and other road building materials, reserving and excepting unto said Grantors the mineral rights therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purpose herein granted; and reserving unto said Grantors the right of ingress and egress to said public highway from the remaining lands of the Grantors.

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Quitclaim Deed

R/W Form 29 (Fig. 6.114-17-20)

An instrument used to acquire from an owner, all their right, title and interest to the property being acquired.

Quitclaim Deed

R/W Form 29A (Fig. 6.114-17-21)

An instrument used to convey the interests acquired by the Department. (i.e., excess lands, land exchange)

Perpetual Easement

R/W Form 59 (Fig. 6.114-17-22)

An instrument used to construct and maintain utility and drainage structures and facilities. This perpetual easement is granted for the sole purpose of enabling the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns to go upon, survey, locate, construct, reconstruct, build and maintain utility and drainage structures and facilities and all necessary or convenient appurtenances thereto, incidental to the construction of highway Improvement project **Federal Aid Project No. F-199(10)** and includes the permanent right of ingress and egress by the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns. The State of Oklahoma, its heirs, successors and assigns covenants not to construct, or permit the construction of, any permanent structures (including signs and the planting of trees) over, upon or across any described tract; however, pavement for parking and drive purposes may be placed on this easement.

Flowage Easement

R/W Form 62 (Fig. 6.114-17-23)

An instrument for the perpetual rights, power, privilege and easement to overflow, flood and submerge the described land.

NOTE:

The individual preparing instruments of conveyance is responsible to use the most current form.

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CITY CONVEYANCE FORMS

The city uses the following described forms for LPA projects in the acquisition of right-of-way

Easement for Public Highway

R/W Form 7 City (Fig. 6.114-17-24)

Temporary Easement

R/W Form 43 City (Fig. 6.114-17-25)

COUNTY CONVEYANCE FORMS

The following described forms are most commonly used by the County for LPA projects in the acquisition of right-of-way.

Easement for Public Highway

R/W Form 8 County (Fig. 6.114-17-26)

Temporary Easement

R/W Form 44 County (Fig. 6.114-17-27)

Channel Change Easement

R/W Form 44A County (Fig. 6.114-17-28)

NOTE:

The individual preparing instruments of conveyance is responsible to use the most current form.

(2) rev. 09/06 C R

WARRANTY DEED

Print Form

Writer _____ **Temp.** _____ **Proj. No.** _____
Checker _____ **J/P No.** _____ **Par.** _____
Typist _____ **Fee Owner:** _____ **Mortgagee:** _____
Proofer _____ _____
Draftman _____ _____

A strip piece or parcel of land lying in part of the _____
 _____ of Section _____, T _____, R _____, in
 _____ County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the _____ corner of said _____, thence
 _____ along the _____ line of said _____ a distance of
 _____ feet (_____), thence _____

to a point on the _____ line of said _____, thence
 _____ along said _____ line a distance of _____ feet (_____), to the
 corner of said _____, thence _____ along the _____
 line of said _____ a distance of _____ feet (_____ meters), _____ to
 point of beginning.

Containing _____ acres (_____), more or less
 of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present
 highway.

Pres. R/W = _____ ac. _____ Fig. 6.114-17-2 All Bearings

(5) rev. 09/06 C R

WARRANTY DEED

Print Form

Writer _____ **Temp.** _____ **Proj. No.** _____
Checker _____ **J/P No.** _____ **Par.** _____
Typist _____ **Fee Owner:** _____ **Mortgagee:** _____
Proofer _____ _____
Draftman _____ _____

A strip piece or parcel of land lying in part of the _____
 _____ of Section _____, T _____, R _____, in

_____ County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the point where the _____ right-of-way line of _____
 Highway No. _____ intersects the _____ line of said _____
 a distance of _____ feet (_____) _____ of the _____ corner of
 said _____ thence _____ along said
 right-of-way line a distance of _____ feet (_____), thence _____
 a distance of _____ feet (_____),

to a point on the _____ line of said _____, thence _____
 along said _____ line a distance of _____ feet (_____) to point of beginning.

Containing _____ acres (_____), more or less
 of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present
 highway.

Pres. R/W = _____ ac. _____

Fig. 6.114-17-5

All Bearings

(6) rev. 09/06 C R

WARRANTY DEED

Print Form

Writer _____ **Temp.** _____ **Proj. No.** _____
Checker _____ **J/P No.** _____ **Par.** _____
Typist _____ **Fee Owner:** _____ **Mortgagee:** _____
Proofer _____ _____
Draftman _____ _____

A strip piece or parcel of land lying in part of the _____

_____ of Section _____, T _____, R _____, in

_____ County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the _____ right-of-way line of _____ Highway No. _____, a distance of _____ feet (_____), _____ of and _____ feet (_____) of the _____ corner of said _____, thence _____ along said right-of-way line a distance of _____ feet (_____), thence _____ a distance of _____ feet (_____)

Containing _____ acres (_____), more or less of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway.

Pres. R/W = _____ ac. _____

Fig. 6.114-17-6

All Bearings

RELINQUISHMENT OF ACCESS RIGHTS

I (We), _____

being the owner(s) of the real property in the County of _____, State of Oklahoma,
described as:

for and in consideration of the sum of \$ _____ DOLLARS
in hand paid, do hereby release and relinquish to the STATE OF OKLAHOMA, acting by and through the Department of
Transportation of the State of Oklahoma, any and all abutter's rights of access from the above described property, in and
to:

This conveyance is made for the purpose of establishing and/or maintaining a public highway by the grantee as a
LIMITED ACCESS HIGHWAY.

We the undersigned owners do hereby designate and appoint _____
_____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____
day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

CHANNEL CHANGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, for and in consideration of the sum of _____ Dollars (\$ _____) and other good, valuable and sufficient consideration paid by the State of Oklahoma, the receipt of which is hereby acknowledged, has/have this day granted, bargained, sold and conveyed unto the said State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, a perpetual easement over, across and under the following described lots or parcels of land, to wit:

This easement is granted for the purpose of enabling the State of Oklahoma, its officers, agents, contactors, and employees, now or at any time in perpetuity and at it discretion, to go upon, construct, build and maintain a stream channel or any number of stream channels (with related erosion control and landscaping features as may be required) over, across, or under the above-described tract of land; including the airspace above and removal of sand, gravel, rock or earth, but excluding mineral interests and their exploration so long as such does not interfere with the surface right of grantee, and said easement grant includes the permanent right of ingress and egress of the State of Oklahoma, its officers, agents, contractors, and employees, and any tools, machinery, or other equipment to be used thereby consistent with the terms of this easement grant.

The consideration herein covers any and all kinds and character of damages or injury that may be sustained directly or indirectly to any lands owned by the grantor herein by reason of the construction and maintenance of such stream channel or channels.

Said (Grantor(s) hereby covenant(s) and warrant(s) that at the time of the delivery of these presents is/are the owner(s) of the above-described premises in fee simple, that the same are free and all liens and claims whatsoever, except, _____ and that he/she/they will, so long as this easement is in full force and effect, defend the same unto the State of Oklahoma against all and every person whomsoever claiming the same.

The undersigned owner(s) hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the grantor(s) herein named has/have hereunto set my/out hand(s) and seal(s) this the _____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

TEMPORARY DETOUR EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, for and in consideration
of the sum of _____ Dollars (\$ _____)
and other good and valuable consideration, has/have this day sold to the State of Oklahoma, acting by and
through the Department of Transportation of the State of Oklahoma, a temporary easement over the following
described land, to-wit:

The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation Commission a
temporary right to, at its discretion, construct, use, maintain and subsequently remove a detour road on the above
described tract of land, including the temporary right to use and/or remove any or all of the sand, dirt, rock, gravel
and other road building materials as may be required from this tract solely for the proper construction, use,
maintenance and removal of the proposed detour road.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the State of
Oklahoma and the Transportation Commission by this instrument shall terminate upon completion of construction
of the highway project

Grantor(s) hereby covenant(s) and warrant(s) that at the time of the execution of this easement, _____
_____ owner(s) in fee simple of the above described tract.

We, the undersigned owner(s) hereby designate and appoint _____
as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the grantor(s) herein named has/have hereunto set my/our hand(s) and seal(s) this
the _____ day of _____, _____.

Figure 6.114-17-9

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

TEMPORARY DRIVEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
 of _____ County, State of Oklahoma, for and in consideration of the
 sum of _____ DOLLARS (\$ _____)
 and other good, and valuable considerations, has/have granted, to the State of Oklahoma, acting by and through
 the Department of Transportation of the State of Oklahoma, a temporary easement over the following described
 land, to-wit:

The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation
 Commission the right to enter upon the above described tract of land for the purpose of constructing a driveway
 entrance to accommodate said premises to the construction or reconstruction of the highway adjacent thereto;
 including the right to use and remove any and all dirt, rock gravel, sand and other road building materials from the
 above described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights of the State of
 Oklahoma in the above described right-of-way shall terminate upon completion of construction of the highway
 project.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this easement, _____
 _____ owner(s) in fee simple of the above described tract.

We the undersigned owner _____, hereby designate and appoint _____
 _____ as agent to execute the claim and receive the compensation
 herein named for said right-of-way.

IN WITNESS WHEREOF, grantor _____ herein named ha _____ hereunto set _____ hand and seal _____
 this the _____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

TEMPORARY CHANNEL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, for and in consideration
of the sum of _____ DOLLARS (\$ _____)
and other good, and valuable considerations, has/have granted, to the State of Oklahoma, acting by and through the
Department of Transportation of the State of Oklahoma, a temporary easement over the following described land, to-wit:

The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation Commission the
right to open a stream channel on the above described tract of land, and includes the right to use the dirt taken from said
channel in the highway or to waste it on any portion of said tract.

Grantor(s) herein specifically give the grantee the right of ingress and egress so long as this easement shall
remain in full force and effect.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the State of
Oklahoma and the Transportation Commission by this instrument shall terminate upon completion of construction of the
highway project.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this easement, _____
owner(s) in fee simple of the above described tract.

We the undersigned owner(s), hereby designate and appoint _____
as agent to execute the claim and receive
the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the grantor(s) herein named has/have hereunto set my/our hands and seal(s) this the
_____ day of _____, _____.

Figure 6.114-17-11

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, for and in consideration of the sum of _____ DOLLARS (\$ _____) and other good, and valuable considerations, has/have granted, to the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, a temporary easement over the following described land, to-wit:

The sole purpose of this easement is to grant the State of Oklahoma, and the Transportation Commission the right to _____ on the above described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel and other road building materials from the above described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the State of Oklahoma and the Transportation Commission by this instrument shall terminate upon completion of construction of the highway project.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this easement, _____ owner(s) in fee simple of the above described tract. We the undersigned owner(s) hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, THE Grantor(s) herein has/have hereunto set my/our hand(s) and seal(s) this the _____ day of _____, _____.

Figure 6.114-17-12 _____

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, hereinafter called the Grantor(s) for and in consideration of the sum of _____ DOLLARS (\$ _____) and other good, valuable and sufficient consideration, do hereby grant, bargain, sell, convey and dedicate unto the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, a perpetual utility easement over, under, through, upon and across the following described lots or parcels of real property and premise, to-wit:

This perpetual utility easement is granted for the sole purpose of enabling the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns to go upon, survey, locate, construct, reconstruct, build and maintain utility facilities and all necessary or convenient appurtenances thereto, and includes the permanent right of ingress and egress by the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns.

Grantor(s) and for its (their) heirs, successors and assigns covenants not to construct, or permit the construction of, any permanent structures (including signs and the planting of trees) over, upon or across the above described tract; however, pavement for parking and drive purposes may be placed on this easement, provided that in the event that pavement is damaged or otherwise disturbed either during the construction or maintenance of the utility facilities, no liability for damages or responsibility to restore or replace the pavement shall rest upon the owners or operators of the utility facilities, or with the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns.

Said Grantor(s) hereby covenant(s) and warrant that at the time of the delivery of this easement it (they) is (are) the owner(s) in fee simple of the above described property and that the same is free and clear of all liens and claims whatsoever, except _____

The undersigned Grantor(s) hereby designate(s) and appoint(s) _____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantor(s) herein named has(have) hereunto set its(their) hands and seals this the _____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

WAIVER OF LIEN

This indenture made and entered into this the _____ day of _____, _____, by and between _____ Party of the First Part, and the Oklahoma Department of Transportation and the Transportation Commission of the State of Oklahoma, Party of the Second Part.

Witnesseth:

That, Whereas, Party of the First Part is the owner and holder of a valid and subsisting mortgage against the following described real property situated in _____ County, Oklahoma.

And Whereas, the Party of the Second Part in constructing and improving a public highway along, over and across the following described premises and it being necessary for the construction of said highway to appropriate a portion of said land for such purposes.

Now, therefore, in consideration of the sum of One Dollar (\$1.00) paid by Party of the Second Part, the receipt of which is hereby acknowledged, the said Party of the First Part does hereby waive, in favor of the State of Oklahoma, all right, title, interest and claim of lien and damages to said above described real property insofar as the same shall be affected by the taking of the following described portion thereof for road purposes, to-wit:

In Witness Whereof, the party(ies) have caused this Waiver of Lien to be duly executed as of the day and year first above written.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT _____

_____ part _____ of the first part, in consideration of the sum of _____ DOLLARS (\$ _____)

do hereby grant, bargain, sell and convey unto the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, the fee simple title in and to the following described real property and premises, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described, reserving and excepting the mineral interests, therein, to-wit:

Together with all improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. The reservation and exception of mineral rights herein does not include rock, gravel, sand and other road building materials.

To have and to hold said described premises unto said State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, its heirs and assigns forever, free clear and discharged of and from all former grants, charges, taxes, judgements, mortgages and other liens and encumbrances of whatsoever nature, reserving and excepting the mineral interests therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land by the State of Oklahoma.

The undersigned Grantor(s) hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named.

Signed and delivered this _____ day of _____, _____

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

Figure 6.2.H

J/P:
Parcel:
County:

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
RIGHT-OF-WAY APPLICATION**

LANDOWNER NAME: _____ **ALLOTMENT NUMBER:** _____

ALLOTMENT DESCRIPTION:

COMES NOW THE APPLICANT, Kurt A. Harms of Oklahoma Department of Transportation this _____ day of _____ 20 14, who hereby petitions(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a perpetuity term of right-of-way for the following purposes and reasons: Establishing, constructing and maintaining thereon a public highway and incidental facilities, including public utilities impacted by the current project. Subsequent public utilities and/or private utility facilities will need to acquire a separate Grant of Easement through the B.I.A. Agency.

Across the following described restricted land: "SEE ATTACHMENT A"

Said right-of-way tracts to be _____ in length, _____ in width and totaling _____ in size (or area), as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.

J/P:
Parcel:
County:

7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonable possible, restore the land to its original condition. The determination of "reasonable possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principle place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSEDLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

Date _____

APPLICANT _____
Kurt A. Harms, Chief, Right-of-Way & Utilities Division
The Oklahoma Department of Transportation

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7)
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (deposit – 25 CFR 169.4 and 169.14).
4. () Evidence of Authority of Officers to execute Papers (ROW Form 94-4).
5. () For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
 - () a. State certified copy of corporate charter or articles of incorporation.
 - () b. State certified copy of resolution or by-laws, articles of partnership or association authorizing the signatory to file the application.

J/P:
Parcel:
County:

"ATTACHMENT A"

J/P:
Parcel:
County:

ENGINEER'S AFFIDAVIT

STATE OF Oklahoma)
)ss:
COUNTY OF _____)

Larry D. Reser, being first duly sworn, deposes and states that he is the Professional Land Surveyor (P.L.S.) for the Oklahoma Department of Transportation, Contract Job No. 24228(08); Road Widening Project for U.S. Highway No. 62, Lincoln County; that he has examined the survey for a road right-of-way as shown on this map; that this map was prepared under his direction from said field notes; and that said right-of-way lies within approximately 0.48 miles (specific Right-of-Way to be varying 1340ft.-2500ft. approx.. +/-) in length and beginning at station number 660+07.36 and ending at station number 685+50, is accurately represented on this map.

All information provided on this document is based on J/P 00000(05) plans. The bearings have been adjusted from Grid North to True North based on the angle of variance depicted hereon. This does not represent a field survey. This document does not meet minimum standards for a survey. Its intent is for a legal description.

William Leroy Tackett

Professional Land Surveyor

Title

Subscribed and sworn to before me this _____ day of _____, 2013.

Notary Public

My Commission expires _____

My Commission number _____

JP: _____
Parcel No.: _____

COMMISSIONERS OF THE LAND OFFICE
APPLICATION FOR CONTINUOUS EASEMENT

TO BE COMPLETED BY POLITICAL SUBDIVISIONS OF GOVERNMENT
(Please Type or Print)

We hereby make application for an easement on School Lands from Commissioners of the Land Office.

ITEM 1.

1. PURPOSE OF THIS EASEMENT IS: HIGHWAY PURPOSES
2. APPLICANT (Easement will be issued in this name): KURT A. HARMS
MAILING ADDRESS: 200 N.E. 21ST STREET, OKLAHOMA CITY, OK 73105
AGENT'S NAME AND PHONE: _____
3. I hereby certify that the applicant has RIGHT OF EMINENT DOMAIN under the laws of Oklahoma (CITE APPROPRIATE STATUTE): _____
4. An interim temporary construction permit is requested: Yes: No:

ITEM 2. IF APPLICATION IS FOR **UNDERGROUND EASEMENT**, COMPLETE THE FOLLOWING QUESTIONS:

1. Diameter of line: _____
2. Length of easement in rods (as per plat): _____'
3. Width of easement in feet: _____
4. What product will be transported? _____
5. Will surface structures be required? Yes: No:
If yes, describe and give size: _____
6. Does proposed line tie into an existing line? Yes: No:
If yes, please show general location of existing line on your plat.
7. Is additional temporary construction area required? Yes: No:
If yes, state length and width of the **additional temporary construction** area required: _____

(continued on reverse side)

CLO FORM 5-16 (revised)
MARCH 23, 2012

(replaces CLO FORM 189P, dated 3/89)

ITEM 3. IF APPLICATION IS FOR **OTHER THAN** AN UNDERGROUND EASEMENT COMPLETE THE FOLLOWING QUESTIONS:

1. Type of easement: _____
2. Dimensions of easement: _____
3. Is **additional** temporary construction area required? Yes: No:
If yes, state length and width of **additional temporary construction** area: _____
4. Total Acreage/rods required _____ temporary, _____ permanent

This application must be submitted in **DUPLICATE** together with:

Three (3) copies of detailed certified plat/survey on **no larger than legal sized paper**, prepared by a licensed engineer/registered surveyor with **seal affixed**. If complete legal description (centerline, where applicable, or metes and bounds) is not included with survey, please type, double spaced, below. Use attachment if necessary. (This description will be on the issued easement; it **must** accurate.)

DESCRIPTION OF EASEMENT

APPLICANT AGREES TO PAY THE APPRAISED PRICE AS ESTABLISHED BY THE CLO IN THE EVENT THE PERMIT IS ISSUED AND APPLICANT ACCEPTS TEMPORARY PERMIT.

SIGNATURE OF AUTHORIZED AGENT
KURT A. HARMS

Date: _____

200 N.E. 21st STREET
ADDRESS

OKLAHOMA CITY, OK 73105
CITY, STATE AND ZIP CODE

CLO Fo

HIGHWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____

of _____ County, State of Oklahoma, hereinafter called the Grantors (whether one or more), for and in consideration of the sum of _____ Dollars (\$ _____) and other good, valuable and sufficient considerations, do hereby grant, bargain, sell, convey to the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, a perpetual easement to the surfaces of the following described lots or parcels of land for the purpose of establishing thereon a public highway or facilities necessary and incidental thereto, and including all right and interest in and to the airspace, light and view above the surface of the lands described herein, for the term of this agreement to-wit:

For the same consideration hereinbefore recited, said Grantors grant and convey to the State of Oklahoma, the right to use and remove any and all dirt, rock, gravel, sand and other road building materials from the realty described, but excepting unto said Grantors the mineral rights therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purpose herein granted;

To have and to hold said above described premises unto the said State of Oklahoma, free, clear and discharged from any and all claims of damages or injury that may be sustained directly or indirectly to the remaining lands of the Grantors by reason of the construction and maintenance of a public highway and all highway excavations, embankments, structures, bridges, drains, sight distance or safety areas and other facilities that may now or hereafter be, in the discretion of the grantee, necessary for the construction and maintenance of a public highway and incidental facilities over, across or along the above described real estate; the supervision and control of said public highway to be in such municipality, county or other agency of the State of Oklahoma, as has or may have jurisdiction thereof by the laws of the State of Oklahoma; and said State of Oklahoma, its officers, agents, contractors and employees are hereby granted free access to said property for the purpose of entering upon, constructing, maintaining or regulating the use of said public highway and incidental facilities.

Said Grantors hereby covenant and warrant that at the time of the delivery of these presents they are the owners of the above described premises and that same are free and clear of all liens and claims whatsoever, except, _____

The undersigned Grantors hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set this hands and seals this the _____ day of _____, _____.

Figure 6.114-17-18

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
 County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
 Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

Fig. 6.114-17-18

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, hereinafter called the Grantors (whether one or more), for and in consideration of the sum of _____ DOLLARS (\$ _____) and other good, valuable and sufficient considerations, do hereby grant, bargain, sell convey, and dedicate unto the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, the following described lots or parcels of land for the purpose of establishing thereon a public highway or facilities necessary and incidental thereto, including all right, title and interest in and to the airspace, light and view above the surface of the lands, described herein:

For the same considerations hereinbefore recited, said Grantors hereby waive, relinquish and release any and all right, title or interest in and to the surface of the above granted and dedicated tract of land and the appurtenances thereunto belonging, including any and all dirt, rock, gravel, sand and other road building materials, reserving and excepting unto said Grantors the mineral rights therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purpose herein granted; and reserving unto said Grantors the right of ingress and egress to said public highway from the remaining lands of the Grantors.

To have and to hold said above described premises unto the said State of Oklahoma, free, clear and discharged from all claims of damages or injury that may be sustained directly or indirectly to the remaining lands of the Grantors by reason of the construction and maintenance of a public highway and all highway excavations, embankments, structures, bridges, drains, sight distance or safety areas and other facilities that may now or hereafter be, in the discretion of the grantee, necessary for the construction and maintenance of a public highway and incidental facilities over, across or along the above described real estate; the supervision and control of said public highway to be in such municipality, county or other agency of the State of Oklahoma as has or may have jurisdiction thereof by the laws of the State of Oklahoma; and said State of Oklahoma, its officers, agents, contractors and employees are hereby granted free access to said property for the purpose of entering upon, constructing, maintaining or regulating the use of said public highway and incidental facilities.

Said Grantors hereby covenant and warrant that at the time of the delivery of these presents they are the owners in fee simple of the above described premises and that same are free and clear of all liens and claims whatsoever, except, _____

The undersigned Grantors hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set their hands and seals this the _____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

QUITCLAIM DEED

THIS INDENTURE, made this _____ day of _____, _____, AD.
between _____
part _____ of the first part, and the State of Oklahoma, party of the second part.

WITNESSETH, that said part _____ of the first part, in consideration of the sum of _____
_____ DOLLARS (\$ _____)
and other valuable consideration to _____ in hand paid, the receipt of which hereby acknowledged, do
_____ hereby quitclaim, grant bargain, sell and convey unto the said State of Oklahoma,
acting by and through the Department of Transportation of the State of Oklahoma, party of the second part, all
_____ right, title, interest, estate, and every claim and demand, both at law and in equity, including all right, title
and interest, in and to, the airspace, light and view above the surface of the lands described herein, in and to all the
following described property and premises, reserving and excepting unto said grantor the mineral rights therein, to wit:

together with all and singular the hereditaments and appurtenances thereunto belonging, reservation, and exception of
mineral rights herein does not include rock, gravel and other road building materials.

To have and to hold the above described premises unto the said _____

heirs and assigns forever, so that neither _____, the said _____

or any person in _____ name and behalf, shall or will hereafter claim or demand any right or title to the said
premises or any part thereof; but they and everyone of them shall by their presents be excluded and forever barred.

In Witness Whereof, the said part _____ of the first part ha _____ hereunto set _____ hand
the day and year first above written.

Figure 6.114-17-20 _____

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

QUITCLAIM DEED

THIS INDENTURE, made this _____ day of _____, _____, A.D. between the State of Oklahoma acting by and through the Department of Transportation of the State of Oklahoma, party of the first part, and _____ part ____ of the second part, **WITNESSETH:** That said party of the first part, in consideration of the sum of _____ DOLLARS (\$_____) and other valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, except for and subject to any existing utility easements, licenses or permits and subject to the reservation made hereinafter, does hereby quitclaim, grant, bargain, sell and convey unto _____ part _____ of the second part, all its rights, title, interest, estate, and every claim and demand, both at law and in equity, in and to all the following described property, to wit:

together with all and singular the hereditaments and appurtenances thereunto belonging

TO HAVE AND TO HOLD the above described premises unto the said part _____ of the second part, _____ heirs, successors and assigns, forever, so that neither it, the said Department of Transportation of the State of Oklahoma nor any person in its name and behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof; but they and everyone of them shall by these presents be excluded and forever barred and said premises shall be subject to the rights of any existing utility easements, licenses or permits which may presently be occupying said right-of-way.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand the said day and year first above written.

**APPROVED AS TO FORM
AND LEGALITY**

**DEPARTMENT OF TRANSPORTATION
STATE OF OKLAHOMA**

Director of Engineering

STATE OF OKLAHOMA)
)SS.
OKLAHOMA COUTNY)

Before me, _____, Notary Public, in and for this State, on this _____ day of _____, _____, personally appeared _____ to me known to be the **Assistant Chief Engineer, Director of Preconstruction of the Department of Transportation of the State of Oklahoma**, and the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same in his authorized signature capacity as, as his free and voluntary act and deed as such **Assistant Chief Engineer, Director of Preconstruction of the Department of Transportation of the State of Oklahoma**, for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
_____ Notary Public

Commission No. _____ Mailing Address: _____

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS

That _____
of _____ County, State of Oklahoma, hereinafter called the Grantor(s) for and in consideration of the sum of _____ (\$ _____) and other good, valuable and sufficient consideration, do hereby grant, bargain, sell, convey and dedicate unto the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, a perpetual easement over, under, through, upon and across the following described lots or parcels of real property and premises, to wit:

This perpetual easement is granted for the sole purpose of enabling the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns to go upon, survey, locate, construct, reconstruct, build and maintain utility and drainage structures and facilities and all necessary or convenient appurtenances thereto, incidental to the construction of highway improvement project _____ and includes the permanent right of ingress and egress by the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns.

Grantor(s) and for its (their) heirs, successors and assigns covenants not to construct, or permit the construction of, any permanent structures (including signs) over, upon or across the above described tract; however, pavement for parking and drive purposes may be placed on this easement, provided that in the event that pavement is damaged or otherwise disturbed either during the construction or maintenance of the utility and drainage structures and facilities, no liability for damages or responsibility to restore or replace the pavement shall rest upon the owners or operators of the utility and drainage structures and facilities, now with the State of Oklahoma, its officers, agents and employees, contractors, permittees and assigns.

Grantor(s) further covenant and agree that the State of Oklahoma, its officers, agents, employees, contractors, permittees and assigns shall have all rights necessary to at its discretion cut, trim, remove and control growth of brush and trees which interfere with or endanger any or all utility and drainage structures and facilities that may be located over, upon or across the above described tract; and that no structure shall be erected nor shall any excavation, fill or other moving of soil, so as to change the grade of terrain, be accomplished by Grantor(s), its/their heirs or assigns, within the area of this easement herein granted without the prior express written consent of Grantee.

Said Grantor(s) hereby covenant(s) and warrant that at the time of delivery of this easement it (they) is (are) the owner (s) in fee simple of the above described property and that the same is free and clear of all liens and claims whatsoever, except _____.

The undersigned Grantor(s) hereby designate(s) and appoint(s) _____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantor(s) herein named has (have) hereunto set its (heirs) hands and seal this the _____ day of _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

FLOWAGE EASEMENT

THIS INDENTURE, made on the _____ day of _____, _____, by and between _____ party of the first part, hereinafter called Grantor (whether one or more), and the Department of Transportation, State of Oklahoma, party of the second part.

WITNESSETH, that said Grantor, for and in consideration of the sum of _____ DOLLARS (\$ _____), paid to him by the State of Oklahoma, the receipt of which is hereby acknowledged by said Grantor, does by these presents grant, bargain and sell, convey and confirm, to the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, and it assigns, the perpetual rights, power, privilege and easement to overflow, flood and submerge the land hereinafter described free from any claim for damages which may ensue therefrom in connection with the construction, operation and maintenance of _____ said land being located in _____ County, State of Oklahoma, to wit:

TO HAVE AND TO HOLD unto the Department of Transportation, State of Oklahoma, a perpetual flowage easement, right, power, privilege and easement to overflow, flood and submerge the land herein described and the restrictive covenants to run with the above described land, forever.

Said Grantor hereby covenant and warrant that at the time of the delivery of these presents they are the owners of the above described premises and that same are free and clear of all liens and claims whatsoever, except _____.

The undersigned Grantor hereby designate and appoint _____ as agents to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantor herein named have hereunto set their hand and seal this the _____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

EASEMENT for Public Highway

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, acting by and through the Department of Transportation
of the State of Oklahoma, hereinafter called the Grantors (whether one or more),
for and in consideration of the sum of _____ (\$ _____)
and other good, valuable and sufficient considerations, do hereby grant, bargain, sell, convey and dedicate unto the
City of _____ hereinafter called the Grantee, a perpetual
easement over, under, and across the following described lots or parcels of land, to-wit:

For the same considerations hereinbefore recited, this easement is granted for the purpose of enabling said
Grantee, its officers, agents, contractors, and employees, now or at any time in perpetuity and at its discretion, to go
upon, construct, build, maintain, and regulate a public highway of facilities necessary and incidental thereto,
including the airspace above and removal of any and all dirt, rock, gravel, sand and other road building materials,
reserving and excepting unto said Grantors the mineral rights therein provided, however, that any explorations or
development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the
purposes herein granted; and reserving unto said Grantors the right of ingress and egress to said public highway
from the remaining lands of the Grantors.

To have and to hold said above described premises unto the said City of _____ free, clear
and discharged from any and all claims of damages or injury that may be sustained directly or indirectly to the
remaining lands of the Grantors by reason of the construction and maintenance of a public highway and all highway
excavations, embankments, structures, bridges, drains, sight distance of safety areas and other facilities that may
now or hereafter be, in the discretion of the grantee, necessary for the construction and maintenance of a public
highway and incidental facilities over, across or along the above described tract of land; the supervision and control
of said public highway to be in such municipality, county or other agency of the State of Oklahoma as has or may
have jurisdiction thereof by the laws of the State of Oklahoma; and said Grantee, its officers, agents, contractors
and employees are hereby granted free access to said property for the purpose of entering upon, constructing,
maintaining or regulating the use of said public highway and incidental facilities.

Said Grantors hereby covenant and warrant that at the time of delivery of these presents they are the owners in
fee simple of the above described premises and that same are free and clear of all liens and claims whatsoever,
except _____.

The undersigned Grantors hereby designate and appoint _____
as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set their hands and seals this the _____
day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT _____
of _____ County, State of Oklahoma, for and in consideration of the
sum of _____ DOLLARS (\$ _____)
and other good, valuable and consideration, has/have this day sold to the City of _____
a temporary easement over the following described land, to-wit:

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of _____
_____ and the Transportation Commission by this instrument shall terminate
upon _____.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this easement, _____
_____ owner(s) in fee simple of the above described tract that said tract is free and clear of all liens of
any nature whatsoever except _____

The undersigned owner(s) hereby designate and appoint _____
as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the Grantor(s) herein named have hereunto set their hands and seals this the _____
_____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

EASEMENT for Public Highway

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, hereinafter called the Grantors (whether one or more), for
and in consideration of the sum of _____ (\$ _____)
and other good, valuable and sufficient considerations, do hereby grant, bargain, sell, convey and dedicate unto
the County of _____ hereinafter called the Grantee, a perpetual easement over, under, and across
the following described lots or parcels of land, to-wit:

For the same considerations hereinbefore recited, this easement is granted for the purpose of enabling said
Grantee, its offices, agents, contractors, and employees, now or at any time in perpetuity and at its discretion, to go
upon, construct, build, maintain, and regulate a public highway of facilities necessary and incidental thereto,
including the airspace above and removal of and all dirt, rock, gravel, sand and other road building materials,
reserving and excepting unto said Grantors the mineral rights therein provided, however, that any explorations or
development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the
purposes herein granted; and reserving unto said Grantors the right of ingress and egress to said public highway
from the remaining lands of the Grantors.

To have and to hold said above described premises unto the said County of _____
free, clear and discharged from any and all claims of damages or injury that may be sustained directly or indirectly
to the remaining lands of the Grantors by reason of the construction and maintenance of a public highway and all
highway excavations, embankments, structures, bridges, drains, sight distance of safety areas and other facilities
that may now or hereafter be, in the discretion of the grantee, necessary for the construction and maintenance of a
public highway and incidental facilities over, across or along the above described tract of land; the supervision and
control of said public highway to be in such municipality, county or other agency of the State of Oklahoma as has or
may have jurisdiction thereof by the laws of the State of Oklahoma; and said Grantee, its officers, agents,
contractors and employees are hereby granted free access to said property for the purpose of entering upon,
constructing, maintaining or regulating the use of said public highway and incidental facilities.

Said Grantors hereby covenant and warrant that at the time of delivery of these presents they are the owners in fee
simple of the above described premises and that same are free and clear of all liens and claims whatsoever,
except _____.

The undersigned Grantors hereby designate and appoint _____
as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the grantor(s) herein named has/have hereunto set my/our hand(s) and seal(s)
this the _____ day of _____, _____.

Figure 6.114-17-26

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT _____

_____ of _____ County, State of Oklahoma, for and in consideration of the

sum of _____ DOLLARS (\$ _____)

and other good, valuable and consideration, ha_____ this day sold to the County of _____ a temporary easement over the following described land, to-wit:

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the County of _____ and the Transportation Commission by this instrument shall terminate upon _____

Grantor _____ hereby covenant _____ and warrant _____ that at the time of execution of this easement owner _____ in fee simple of the above described tract that said tract is free and clear of all liens of any nature whatsoever except _____

The undersigned owner _____ hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the Grantor(s) herein has/have hereunto set my/our hand(s) and seal(s) this the _____ day of _____.

Figure 6.114-17-27

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

CHANNEL CHANGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____
of _____ County, State of Oklahoma, for and in consideration of the sum of _____ Dollars (\$ _____)
and other good, valuable and sufficient consideration paid by _____
_____ County, the receipt of which is hereby acknowledged, has/have
this day granted, bargained, sold and conveyed unto the said _____ County,
a perpetual easement over and across the following described lots or parcels of land to-wit:

This easement is granted for the purpose of enabling the County, its officers, agents, contactors, and employees, now or at any time in perpetuity and at it discretion, to go upon, construct, build and maintain a stream channel or any number of stream channels (with related erosion control and landscaping features as may be required) over, across, or under the above-described tract of land, including the airspace above and removal of sand, gravel, rock or earth, but excluding mineral interests and their exploration so long as such does not interfere with the surface right of grantee, and said easement grant includes the permanent right of ingress and egress for _____ County, its officers, agents, contractors, and employees, and any tools, machinery, or other equipment to be used thereby consistent with the terms of this easement grant.

The consideration herein covers any and all kinds and character of damages or injury that may be sustained directly or indirectly to any lands owned by the grantor herein by reason of the construction and maintenance of such stream channel or channels.

Said (Grantor(s) hereby covenant(s) and warrant(s) that at the time of the delivery of these presents is/are the owner(s) of the above-described premises in fee simple, that the same are free and all liens and claims whatsoever, except, _____ and that he/she/they will, so long as this easement is in full force and effect, defend the same unto the State of Oklahoma against all and every person whomsoever claiming the same.

The undersigned owner(s) hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the grantor(s) herein named has/have hereunto set my/out hand(s) and seal(s) this the _____ day of _____, _____.

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Individual Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma)
) §
County of _____)

Before me, _____ in and for this State, on this ____ day of _____, _____, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, and as the free and voluntary act and deed of the _____ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: _____
Commission No. _____ Notary Public

Trust/LLC/Corporation Acknowledgement

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Access Control	No: Revised: Page:	MAP-PRO 6.114-18 04/01/15 1 of 5
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RIGHT TO ACCESS

1. Right to access is a well-established law in the United States that cannot be denied or unreasonably restricted unless other reasonable access is available or provided.
2. Physical Access refers to the way or means of approaching, entering, and then leaving a privately owned tract of land from a public way without trespassing on other privately owned property.
3. Legal Access refers to the right of ingress to and egress from a property adjacent to a street or highway.
4. Oklahoma Department of Transportation (ODOT) responsibilities include purchasing right-of-way, verifying existing access control, and acquiring access rights.

Purchase of Right-of-Way

5. Oklahoma Administrative Code 730:15-1-1; 730:15-1-2; and 730: 20-1-3 defines right-of-way purchase and specifies access control for the state highway system, as follows:
 - a. Full Control of Access – Purchase of right-of-way allows preference to through traffic by:
 - providing access connection with selected frontage or local roads only
 - prohibiting crossings at grade and direct private or commercial driveway mainline connections
 - b. No Control of Access – Purchase of right-of-way allows at-grade access to the transportation facility with the location of private and commercial driveways, as determined by the ODOT.
 - c. Partial Control of Access – Purchase of right-of-way gives preference to through traffic by providing access to selected major crossroads, with at-grade crossings at selected section lines, intersecting highways, and major streets, as determined by ODOT. This may include private and commercial at-grade driveway connections.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Access Control	No: Revised: Page:	MAP-PRO 6.114-18 04/01/15 2 of 5
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Policy Concerning Control of Access

- a. The ODOT may exercise full control of access on all functional classified rural or urban interstate facilities, all urban freeways, and all multi-lane, divided rural principal arterials to be constructed on new alignment, i.e. the existing facility will not be utilized as one set of lanes. Full control of access may include rural principal arterials improved on existing alignment where it is required for safety, or when economically feasible. Full control of access applies to any city bypass as needed, protecting the facility from future urbanization.
- b. The ODOT uses partial control of access for functionally classified urban expressways as well as multi-lane rural principal arterials where full control of access is not economically feasible.
- c. When constructing interchanges, rights of access to the connecting roadways shall be purchased (where feasible) for a minimum of 150 feet beyond ramp terminals, insuring the future integrity of the interchange.
- d. No control of Access, as defined, shall apply to all other highways. The proper, safe locations of all private and commercial access points on all existing Partial Control of Access and No Control of Access facilities shall be subject to approval of the applicable ODOT Field Division Engineer. The ODOT Design Engineer is responsible for the location of access points on design plans for new facilities.

VERIFYING EXISTING ACCESS CONTROL

Responsibility

6. The individual(s) preparing the right-of-way plans and instruments are responsible for thoroughly researching and ensuring that all existing and proposed access control is correctly:
 - depicted on the proposed construction plans by Design Division
 - shown on the new Right-of-Way plan sheets
 - stated in the instruments of conveyance
7. After researching all existing right-of-way and access control, individual(s) preparing the right-of way plans are responsible for notifying the Manager, Mapping Branch of any discrepancies.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Method of Checking

8. Locate all legally recorded instruments and documents that contain existing access control, comparing them against existing right-of-way plans and proposed construction plans by Design Division.

ACQUIRING ACCESS RIGHTS

9. The ODOT's procedure for acquiring access to adjacent properties includes all of the abutting rights of access. The individual preparer is responsible to define point(s) of access given to the abutting owner. ODOT has eight (8) standard access control clauses. These may be modified and/or combined to produce the desired access control on each individual legal description as required.

Right-of-Way with No Access Change

10. When existing access control requires new rights-of-way without additional access control, it is necessary to reaffirm this fact by stating the project number, book, and page whereby the access was previously obtained.

Access Only

11. Whenever access is being controlled or changed and no additional rights-of-way are needed use R/W Form 34 (Relinquishment of Access Rights). (See Fig. 6.114-17-7)

Access and Right-of-Way

12. Whenever access is being controlled or changed with new rights-of-way required, use one of the following eight (8) standard access control clauses or a combination thereof:

No. 1 together with all abutter's rights, including all rights to access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except, that grantor _____, _____ heirs, successors or assigns, shall have the right of access from that portion of _____ remaining property lying of the above described property to a _____ road to be constructed along the _____ side of the LIMITED ACCESS HIGHWAY.

No.1-A together with all abutter's rights, including all rights to access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Access Control

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property, except that grantor _____, _____ heirs, successors or assigns, shall have the right of access to the Section Line Road, along the _____ line of the _____ a distance of feet _____ of the _____ corner of said _____ and extending.

No.2 BLANK (No longer used)

No. 3 together with all abutter's rights, including all rights of access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except, that grantor _____, _____ heirs, successors or assigns, shall have the right of access from that portion of remaining property lying _____ of the above described property to a _____ road to be constructed along the _____ side of the LIMITED ACCESS HIGHWAY.

No. 4 together with all abutter's rights, including all rights to access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except that grantor _____, _____ heirs, successors or assigns, shall have the right of access from the feet of the _____ onto a _____ road to be constructed between said property and the LIMITED ACCESS HIGHWAY.

No. 5 together with all abutter's rights, including all rights to access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except, that grantor _____, _____ heirs, successors or assigns, shall have the right of access from the remaining portion of _____ property onto a _____ road to be constructed between said property and the LIMITED ACCESS HIGHWAY.

No. 6 BLANK (No longer used)

No. 7 BLANK (No longer used)

No. 8 BLANK (No longer used)

No. 9 together with all abutter's rights, including all rights to access onto the LIMITED ACCESS HIGHWAY to be constructed on the property described in this instrument.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Access Control

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NOTE: ACCESS CLAUSE NO. 9 IS USED FOR TOTAL TAKE PARCELS ONLY.

No.10 together with all abutter's rights, including all rights to access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except, that grantor _____, _____ heirs, successors or assigns, shall have the right of access from the _____ feet of said _____ onto a _____ road to be constructed along the _____ side of the LIMITED ACCESS HIGHWAY.

No. 11 Controlled access is as previously purchased on Project Number and recorded in Book _____ on Page _____ of the County Clerk's records of _____ County, Oklahoma.

Placement of Access Clause

13. ODOT's access clauses shall not be written as separate paragraphs on a legal description. They shall be added onto the end of the phrase stating the acreage and shall become part of the qualifying clause.

Examples:

Containing 0.13 acres, more or less, of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway, together with all abutter's rights, including all rights to access onto the LIMITED ACCESS HIGHWAY to be constructed on the property described in this instrument.

Containing 0.40 acres, more or less, together with all abutters rights, including all rights to access from the remaining portion of grantor _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, except, that grantor _____, _____ heirs, successors or assigns, shall have the right of access from the remaining portion of _____ property onto a Local road to be constructed between said property and the LIMITED ACCESS HIGHWAY.

VOLUME II

SECTION IV

**UTILITIES BRANCH
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UTL-PRO 6.115-10	BLANK
UTL-PRO 6.115-11	PLACEMENT OF UTILITY RELOCATION WITHIN ROADWAY CONSTRUCTION PLANS
UTL-PRO 6.115-12	UTILITY OWNER ENGINEERING & CONSULTANTS
UTL-PRO 6.115-13	UTILITY OWNER LEGAL COUNSEL AND TECHNICAL SERVICES
UTL-PRO 6.115-14	PREPARATION OF UTILITY RELOCATION PROPOSALS
UTL-PRO 6.115-15	ISSUANCE OF UTILITY RELOCATION WORK ORDERS
UTL-PRO 6.115-16	UTILITY OWNER RECORD KEEPING, BILLING AND AUDITS
UTL-PRO 6.115-17	FORMS & EXAMPLES
UTL-PRO 6.115-18	COPIES OF DOCUMENTS TO PROVIDE TO THE FEDERAL HIGHWAY ADMINISTRATION AS THEY ARE PREPARED & DISTRIBUTED FOR PROJECTS HAVING FHWA OVERSIGHT
UTL-PRO 6.115-19	QBS PROCESS FOR UTILITY RELOCATION COORDINATION

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Initial Utility Involvement Notices/ Survey Work Orders	No: Revised: Page:	UTL-PRO 6.115-1 01-21-11 1 of 2
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Manager, Utilities Branch

1. Receives from Chief, Right-of-Way & Utilities Division an electronic copy of current Survey Division Work Schedule. Enter survey work order number in the Oracle Utility Tracking Database. Receives an electronic copy from Survey Division, a survey work order listing public and privately owned utilities, owner of each utility indicating type and size of utility facility determined by the survey station, extend left and right of centerline of survey including all crossing stations and the new survey alignment shown on the attached plat. Copies survey work order in the "Y" drive, SWO folder and prints hard copy for the Utility/CADD Specialist.

Utility/CADD Specialist

2. Prepares General File folder and enters SWO number in Oracle Tracking Database.
3. If plat is not attached, obtains copy of plat from Survey Division or a county map from printing services.
4. By color overlay or other method, illustrates the survey alignment on the plat or county map from the information shown on the Survey Work Order's utilities list.
5. Upon notification of impending project initiation meeting, mails standard notification survey letter, with attached plat or county map, to each individual utility owner recorded on the Survey Work Order list, requesting verification of ownership. Advises each utility owner that plans will be furnished when available.
6. Files office copy of each individual notification letter with a copy of plat or county map in Project General File folder.
7. Receives acknowledgment from utility owners and creates a Utility Owner's file for filing all correspondence.
8. Submits a copy of all correspondence that is generated by the Utilities Branch to Chief, Right-of-Way & Utilities Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Initial Utility Involvement Notices/ Survey Work Orders	No: UTL-PRO 6.115-1 Revised: 01-21-11 Page: 2 of 2
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Name
Company, District, Authority or Cooperative Name
Address
City, Oklahoma Zip Code

Dear Mr. or Ms. Name,

RE: S.W.O. Number and County Highway Number

A survey has been completed on Highway Number in County Name, as illustrated on the attached map. The segment begins Use Project Description in IMS.

The survey shows Describe Company, District, Authority or Cooperative Facilities which we believe to be owned by Company, District, Authority or Cooperative Name. It is important that you confirm ownership and describe your facilities within the limits of the proposed highway construction. The highway design is in the preliminary stage and the future impact to your facilities may have a consideration in the development of final design plans.

Please reply by return mail, confirming your utility involvement in this area. Plans will be furnished for your use when they become available. If we may be of any assistance to you or if you have any questions regarding this matter, please feel free to write or call Utility/CADD Specialist Name at (405) Telephone Number.

Sincerely,

Marvin L. Bright, II
Manager, Utilities Branch

MLBII: Utility/CADD Specialist's Initials

Attachment: Map

cc: Division Engineer, Division Number

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection (Preliminary Plan-in-Hand)	No: Revised: Page:	UTL-PRO 6.115-2 01-21-11 1 of 1
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Manager, Utilities Branch

1. Receives plans and letter that establishes date of the field inspection from Manager, Project Management Branch.
2. Assigns Utility/CADD Specialist to represent the Right-of-Way & Utilities Division regarding right-of-way, utility and relocation matters.

Utility/CADD Specialist and/or Service Provider

3. Orders aerial photo print of project area from Survey Division when appropriate.
4. Studies plans and aerial photo, noting problem areas to be resolved during the field inspection.
5. Selects possible utility relocation alignments and notes areas which may require extensive research.
6. Meets at the designated location with the participants of the field inspection party, obtains the name of each representative and which division they represent. Participates in the field inspection as an official representative of the Right-of-Way & Utilities Division.
7. Notes the approximate location and type of additional improvements omitted on the plans.
8. Checks each utility shown on plans to assure they are properly located and identified. Notes the approximate location and type of utilities that are not shown on the plans.
9. Identify the minimum R/W width necessary to accommodate utility relocation from the top of cut/toe of fill.
10. Recommends the extents when a perpetual utility easement shall be used in lieu of permanent R/W.
11. Write a report outlining items or requests made at the Preliminary Plan-in-Hand (See No. UTL-PRO 6.115.3).

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection (Preliminary Plan-in-Hand) Report	No: Revised: Page:	UTL-PRO 6.115-3 01-21-11 1 of 2
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Utility/CADD Specialist and/or Service Provider

1. Upon completion of the project field inspection (preliminary plan-in-hand), prepares a written report to the Manager, Utilities Branch within ten working days after completing the field inspection. The report must contain the following information:
 - a. Project description and location
 - b. Type of inspection and date performed.
 - c. Participants
 - d. Type of access control, existing and proposed
 - e. Description of existing utilities
 - f. Special attention items effecting utility relocations

Example: List by Station Extents: proposed use of utility easements, drives that will not be replaced by the Department's contractor, electric substations, natural gas compressor stations, communication buildings, sanitary sewer lift stations, cell tower sites, water pump buildings, ponds that will be destroyed by construction, ponds that will be saved by construction of a replacement dike and where right-of-way was reduced and slopes steepened to miss improvements.

 - g. Requests from Utilities Branch outlining R/W or perpetual utility easement widths necessary to accommodate utilities throughout the project station extents.
 - h. Conclusions
2. Sends a copy of the report to each of the following, where applicable.
 - a. Project Management Division
 - b. Field Division
 - c. Resident Engineer
 - d. Engineering Manager, Roadway Design Division
 - e. Chief, Right-of-Way & Utilities Division

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Field Inspection (Preliminary Plan-in-Hand) Report	No: Revised: Page:	UTL-PRO 6.115-3 01-21-11 2 of 2
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- f. Assistant Chief, Right-of-Way & Utilities Division
- g. Project Management Branch
- h. Appraisal Branch
- i. Acquisition Branch
- j. Mapping Branch
- k. Relocation Branch
- l. Business Office's Records Center

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Relocation Cost Estimates - Scoping and Programming	No: Revised: Page:	UTL-PRO 6.115-4 01-21-11 1 of 3
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SCOPING

Manager, Utilities Branch

1. Receives from Project Management Branch of the Right-of-Way & Utilities Division a request to prepare a preliminary utility relocation cost estimate based on submitted preliminary plans or an aerial photo depicting the proposed right-of-way. Records in the Branch Tracking Database date estimate is due.
2. Distributes plans and request to the assigned Specialist for further processing:

Utility/CADD Specialist and /or Service Provider

- a. Makes an on-site inspection with aerial photo and identifies all utilities within the scope of the project.
- b. Reviews plans or aerial photo and identifies which utilities are in conflict with the proposed highway construction.
- c. Determines which utility relocations are reimbursable based on Oklahoma State Statutes.
- d. Prepares the utility relocation scoping cost estimate in a spreadsheet format.
 - (1) Determines a possible reroute alignment for the affected facilities and bases the estimate of costs along this alignment. Bends and extra depth required to place underground facilities, extra poles due to severe angles and code clearance are to be taken into consideration when preparing the cost estimate.
 - (2) Prepares the preliminary scoping cost estimate based on currently available unit costs per item, per utility, utilizing the Utilities Branch records.
 - (3) The cost estimate shall include the cost of a service provider to coordinate the relocation of utilities. This estimate is based on the Q.B.S. Cost Chart. The chart is created by the anticipated number of utility owners, length of project, and complexity level involved.
 - (4) Adds a 20% contingency to the preliminary relocation scoping cost and adjust the contingency so the total is rounded to the nearest thousand dollars.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Relocation Cost Estimates - Scoping and Programming	No: Revised: Page:	UTL-PRO 6.115-4 01-21-11 2 of 3
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- e. Submits preliminary utility relocation scoping cost estimate memo addressed to the Manager, Project Management Branch from the Manager, Utilities Branch.

PROGRAMMING

Manager, Utilities Branch

- 3. Receives Right-of-Way Submission Plans from Project Management Branch with a request to prepare a Utility Relocation Programming Cost Estimate for programming of funds for the reimbursement to utility companies for the necessary relocation of their facilities. Records in the Branch Tracking Database date R/W Submission Plans are received. Enters date estimate is due for tracking purposes.
- 4. Distributes plans and request to the assigned Specialist for further processing. Enters the date plans received in the Oracle Utility Database.

Utility/CADD Specialist and /or Service Provider

- a. Reviews plans and identifies which utilities are in conflict with the proposed highway construction.
- b. Determines which utility relocations are reimbursable based on of the Oklahoma State Statutes Title 69 O.S. 2001 § 1205, 1401, 1402 & 1403.

Supervisor, Utilities Branch

- a. Prepares the Utility Relocation Programming Cost Estimate in a spreadsheet format.
 - (1) Determines a possible reroute alignment for the affected facilities and bases the estimate of costs along this alignment. Bends and extra depth required to place underground facilities, extra poles due to severe angles and code clearance are to be taken into consideration when preparing the cost estimate.
 - (2) Identify utility facilities on private easements in conflict with the proposed highway construction within a municipality or township. These facilities shall be identified in a separate column on the spreadsheet.
 - (3) Prepares the cost estimate based on currently available unit costs per item, per utility, utilizing the Utilities Branch records.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Relocation Cost Estimates - Scoping and Programming	No: Revised: Page:	UTL-PRO 6.115-4 01-21-11 3 of 3
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- (4) The cost estimate shall include the cost of a service provider to coordinate the relocation of utilities. This estimate is based on the Q.B.S Cost Chart. The chart is created by the number of utility owners, length of project and complexity level involved.
 - (5) Identify and prepares Utility Relocation Programming Cost Estimate outlining anticipated underwriter financial obligation. (see chart in OP-UT 6-2)
 - (6) Adds a 15% contingency to the estimated utility cost and adjusts the contingency amount so the total is rounded to the nearest thousand dollars.
- b. Prepares Funding Request Memo based on the estimated costs per classification of utility.
 - c. Submits Funding Request Memo with a copy of the Utility Relocation Cost Estimate, which is an individual breakout per utility, to the Utility/CADD Specialist for proofing and submittal to the Manager, Utilities Branch.

Manager, Utilities Branch

- a. Receives Funding Request Memo and Utility Relocation Programming Cost Estimate from Utility/CADD Specialist. Approves Funding Request by initialing memo and returning to Specialist for distribution. Records in the Branch Tracking Database date estimate is completed and amount requested.

Utility/CADD Specialist

- a. Receives and distributes original memo and utility relocation programming cost estimate to the Manager, Project Management Branch with copies to the following: Chief, Right-of-Way and Utilities Division and the Assistant Chief, Right-of-Way and Utilities Division.
- b. Places a copy of all correspondence in Utilities Branch Project General File, and provides a copy for the Manager, Utilities Branch.

Chief/Assistant Chief

- a. Reviews Cost Estimates and notifies Director of Engineering and appropriate Field Division Engineer of Financial Obligations that may place a burden on small municipalities.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing Projects for Utility Relocation	No: Revised: Page:	UTL-PRO 6.115-5 01-21-11 1 of 5
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Manager, Utilities Branch

1. Receives two full size and one half size sets of R/W Submittal Construction Plans from Manager, Project Management Branch.
2. Records in the Branch Tracking Database date estimate is due.
3. Records in the Branch Tracking Database when funding is approved using Federal Funds (Form 1240) or State Funds (17A).
4. Distributes plans to the assigned Utility/CADD Specialist and or Service Provider.

Utility/CADD Specialist and /or Service Provider

5. Color-codes preliminary construction plans, using the American Public Works Association "APWA" Standard Colors for Utility Facilities, emphasizes proposed Right-of-Way highlighted in a dark brown and all temporary Right-of-Way and Easements in light green. Places color-coded plans on Utilities Branch Plan Rack along with the Right-of-Way plans.
6. Receives and forwards to appropriate Division Engineer and Resident Engineer/Manager, if known, original copy of R/W Submittal Construction Plans, all revised Construction Plans and Right-of-Way Plan sheets received from Mapping Branch, with transmittal memo describing revisions and inserts sheets in the originally submitted plans on the Utilities Branch Plan Rack.
7. Places transmittal memos in Project General File folder, in the Utilities Branch.
8. Verifies funding availability before beginning the adjustment of utility facilities and submits an Agreement Estimate to the Business Office when Federal Funds are used. Reviews Project Schedule. Prepares individual utility owner folders with history sheet in each.
9. Reviews notice from Project Management Branch of the environmental document for impacts to utility relocations and any required mitigations.
10. Orders necessary construction plans and electronic files from Mapping Branch for each utility owner involved and copies for the Field Division and Resident Engineer/Manager.

NOTE:

If the Utilities Branch has not received two sets of Construction Plans from the Manager, Project Management Branch, an additional set is reproduced for " Branch use. These plans will be colored and filed as specified in Item 5.

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11. Sends necessary plan sheets and electronic files to each utility owner involved, with letter, scheduling an on-site Field Meeting. Requests owner to review plans and make a determination regarding any necessary adjustment of their facilities. Also, requests the owner to complete an enclosed Seventeen Point Check List and have a representative available to complete all verbal agreements concerning their facilities and an Engineer if not staffed, to prepare their relocation drawings.

NOTE:

Copies of all letters scheduling field meetings are sent to appropriate Division Engineer, Resident Engineer/Manager, and any affected Agency with copy placed in the respective utility owner's file.

12. Records dates scheduling field meetings on Utilities Branch Calendar. Also, records dates of scheduled field meetings in the Oracle Utilities Tracking Database along with the date that plans are mailed to each utility owner.
13. Promptly furnishes appropriate Division Engineer, Resident Engineer/Manager and affected Agencies with a copy of all Revised Construction Plan Sheets. Owner will receive Revised Construction Plan Sheets only when affected by a Revision. Places Revised Sheets with plans as specified in Item 3.
14. Places copies of all Responding Correspondence in the utility owner's file upon receipt. Also, sends copies of this correspondence to the appropriate Division Engineer, Resident Engineer/Manager and any affected Agency.

NOTE:

Makes a Written Record of all telephone conversations and places pertinent information in utility owner's file.

15. Receives confirmation of scheduled field meetings.
16. At the Request of the Owner, the Department or any affected Agency reschedules the Field Meeting at a more convenient time.
17. Reviews the Construction Plans and makes arrangements for transportation to the project site for conducting the Field Meeting.
18. Records name, title, affiliation, complete address, telephone number and e-mail address of each individual attending the field meeting.

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RIGHT-OF-WAY & UTILITIES DIVISION**

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19. Requests completed 17-Point Check List furnished with transmittal letter and verifies the following:
- a. That the description of the existing facility is given in detail. (Size, weight, material and alloy, content, type weld, coating, protection, pole length and class, number and size of conductors, voltage, overhead or underground, origin and destination, etc.)
 - b. The location of the existing facility. (Section, Township, Range, Highway Station, depth buried, elevation, skew, etc.)
 - c. Determines whether existing utility facilities need to be adjusted or relocated.
 - d. Notes year facility was installed and general condition of the facility.
 - e. Establishes the portion of the existing facility that is on private right-of-way and the portion of the existing facility that is on public right-of-way and determines the portion of costs, if any.
 - f. Is there any joint ownership and/or usage with another owner?
 - g. Can the existing facility be removed from service during the relocation? If not, is the owner's reason valid?
 - h. Are the proposed replacement description and type shown?

NOTE:

Discuss any possible alternate arrangement to adjust or relocate the facilities.

- i. Are betterments planned in the proposed facility? If so, what are they and how will the credit be determined? Note this information in the Oracle Utility Tracking Database.
- j. Does the owner plan to use force account, contract labor or both to do the work?
 - (1) If a continuing contractor is used, informs owner that one copy of the contract must be furnished to the Utilities Branch for rates approval.
 - (2) If the owner must use a contractor that is not classified as a continuing contractor, the owner must select a contractor though a

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competitive bid process. The Department will only accept and pay the rates of the low bidder.

(3) Note this information in the Oracle Tracking Utility Database.

k. Does the owner plan to use a consultant to do the necessary engineering?

(1) If the owner does not have an engineering staff, arrangements should be made by the owner to secure the services of a consulting engineer to prepare necessary designs and cost estimates for the relocation of their facility.

a) Before any work is performed for which payment is expected, the Consulting Engineer's Fee Rates and total engineering fees, with Cost Not to Exceed amount, must be approved by the Department.

(2) Note this information in the Oracle Utility Tracking Database.

l. Is the method for accumulating charges shown, including the development of the owner's equipment rates?

m. Does owner have compensable interest to occupy the immediate area or prior rights?

(3) The proof may be in the form of legal instruments or a proper statement by the owner.

n. Is an estimated date for submitting the proposal shown?

o. Will availability of material delay proposed adjustment?

p. Has the owner estimated the working dates for the total physical relocation? Material delay time, time to solicit bids and award contract is to be included in time.

20. Discuss additional items and conclude field meeting.

a. Are utility easements required to complete the proposed relocation?

(1) Records and includes the disposition of utility easements in the detailed field meeting report.

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21. Upon the conclusion of all field meetings, prepares a Utility Relocation Schedule memo for submission to Project Management Branch identifying companies involved when their proposals or drawings are due submission and maximum calendar days required to complete their relocation. A final statement is to be included giving the maximum number of days required by all utility owners to relocate their facilities to accommodate ODOT's roadway construction. Copies are to be distributed as follows:
- a. Chief, Right-of-Way & Utilities Division
 - b. Assistant Chief, Right-of-Way & Utilities Division
 - c. Project Management Division
 - d. Central Files – Project Correspondence Files
 - e. Utilities Branch – Project General File
 - f. Field Division
 - g. Residency
 - h. Relocation Branch
 - i. Manager, Utilities Branch

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Processing Utility Relocation Proposals	No: Revised: Page:	UTL-PRO 6.115-6 01-21-11 1 of 5
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Utility/CADD Specialist and /or Service Provider

1. Prepares a written field meeting report for each utility owner. The report must show in detail the following information:
 - a. Attendance - Lists each individual including their title, affiliation and complete address, including telephone number and email address.
 - b. Existing Facility - Location by station and distance right or left of centerline for each adjustment, amount of facility affected and type of material in place. The age and condition of the facility and where presently situated in relation to public and private rights-of-way.
 - c. Proposed Adjustment - Location by station and distance right or left of centerline for each adjustment, type of new material and noting betterments, if any. Discusses any possible alternate relocation routes.
 - d. Financial Responsibility - Specify the portion of the existing facility on private right-of-way, stating the percentage of costs that will be borne by the Owner and State at each location.
 - e. Ownership - Acknowledge joint ownership.
 - f. Betterments - Specify what the betterments are or states betterment credit is not due.
 - g. Proof of Compensable Interest - The owner must furnish proof that they legally occupy private right-of-way; copy of easements, proper statement or proof of prior rights.
 - h. Expired Service Life Credit - Establishes if Expired Service Life Credit is due.
 - i. Salvage - The owner must account for all material removed.
 - (1) Determines if existing facility must be removed.
 - (2) Requests that owner abandon in place, that portion of the existing facility presently on private right-of-way, if the removal costs exceed the Salvage Credit. Electric facilities require removal because they present a hazard to the traveling public. The Salvage Credit for poles is based on length and for conductor wire by the pound.

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- (3) Requests that owner remove the portion of existing facility on public right-of-way that conflicts with the roadway or utility construction.
- j. Financial Responsibility - Reiterate that the State's participation in the cost of relocation as they apply at each location discussed in the report, less any Betterment, Expired Service Life or Salvage Credits.
- k. Accounting Method - Requests the owner to keep a work order accounting system in accordance with procedure of appropriate State or Federal Regulatory Bodies.

NOTE:

If the owner does not maintain an acceptable work order accounting system, arrangements should be made for a Department Auditor to assist the owner in establishing an acceptable accounting method, in order to assure payment for completed work.

- l. Continuity of Service - Identify whether the facility can be removed from service for the duration of adjustment.
 - m. Availability of Materials - Discuss any possible extended delays in material delivery.
 - n. Engineering - If the owner finds it necessary to employ a consultant, approval of fees is required.
 - o. Labor Force - Identify owner's intent to use force account, contract labor or both. State procedure for using contract labor.
 - p. Rearrangement Time – Discuss estimated time required to complete work including time to solicit bids. Records in Oracle Utilities Tracking Database.
 - q. Submittal of Proposal - Direct owner to submit proposal to Utility/Cadd Specialist or Service Provider by a date agreed upon at the filed meeting and records dates in Oracle Utilities Tracking Database.
 - r. Liaison - Have owner direct all questions to specific Utilities Branch Specialist and /or Service Provider.
2. Transmits the Field Meeting Report to each attendee and all parties that have a stake in the relocation. Requests confirmation of the contents of the report and any revisions necessary

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3. If the owners' proposal has not been received by the Utility/CADD Specialist or Service Provider by the date specified in the field meeting report, offers assistance in completing and submitting the proposal to the appropriate Resident Engineer/Manager.
4. Receives copies of the drawings or proposal (proposal consists of: R/W Utility Relocation Agreement, detailed cost estimate and drawings) from the Field Division Engineer, enters date of receipt and amount of agreement in the Oracle Utilities Tracking Database.
5. Reviews the Proposal, ascertaining that it is properly prepared in accordance with the procedures, to insure that costs billed to the State will be reimbursable, noting:
 - a. That the requested number of copies of the proposal is submitted and R/W Utility Relocation Agreements are properly prepared and signed by the owner, and the proper Resident and Division Engineer.
 - b. That the submitted proposal conforms to the field meeting report and related correspondence. Also, that the proposed highway construction is accommodated.
 - c. That the proper pro-ration of estimated costs is made and entered on each copy of the R/W Utility Relocation Agreement.
 - d. If Expired Service Life Credit is not shown, determine whether reasons for not giving the credit are acceptable.
 - e. That owner has furnished proof of compensable interest for the portion of each adjustment where financial reimbursement is expected.
 - f. That the method of performing the work, by force account or contract labor, is shown.
 - g. That the method for accumulating cost is stated.
 - h. That betterment and salvage credits, if applicable, are set out.
 - i. That the estimate and drawings are properly detailed and that the estimate is related to the drawings.
 - j. Whether the facility can be removed from service and whether there will be a delay in delivery of necessary materials.

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6. Considers comments from the Resident and Division Engineers and completely reviews the proposal and/or drawings. If necessary, requests the utility owner to make corrections and/or additions to the proposal. Notes in a letter discrepancies in the proposal and states the Department's position about them.
 - a. Offers the owner any information or assistance that will prevent a delay in completing the adjustment.
 - (1) Authorizes the Utility Owner to order any material that may cause a delay in the completion of the adjustment.
7. Receives Owner's corrections and/or additional information and makes them a part of the proposal.
8. When all discrepancies have been corrected, prepares one copy of the proposal and all copies of the R/W Utility Relocation Agreement for signature by the Chief, Right-of-Way & Utilities Division and the Director. Enters date of Director's signature in the Oracle Utilities Tracking Database.

NOTE:

When the State's share of the total estimated costs exceed \$50,000, a pre-award audit must be performed by Operations Review and Evaluations Division, External Audits Branch by attaching report to the proposal before submitting to the Chief, Right-of-Way & Utilities Division for signature.

9. Determines whether legal entry to all right-of-way has been fully secured prior to the issuance of Work Orders, checking through the Legal and Business Services Division's Business Office Project Schedule Report.
10. Before issuing any Work Orders on participating projects, get assurance that Environmental Statements have been included in work order letter and Relocation Branch has completed their function.
11. When legal entry exists, issues Work Order to each utility owner involved within the project. A copy of the R/W Utility Relocation Agreement, supporting papers and Work Order Letter are sent to the Division Engineer, Resident Engineer/Manager, the Inspector and any other affected agency. A copy of the Work Order is to be submitted to Project Management Division; and placed in each respective utility owner file. The Work Order date is recorded in the Oracle Utilities Tracking Database.

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- a. Conditional Work Orders may be issued when the owner's relocation will take place within areas where the Department has right-of-way Legal Entry, or where work will take place within the owner's existing easements.
- b. Includes sufficient copies of the ODOT Form 324A Claim Form to the utility owner for reimbursable payments when work is complete.

Supervisor, Utilities Branch

12. Reviews Claim Form for proper financial obligation and forwards Claim Form and supporting documents to the manager, Utilities Branch for processing and billing to the Underwriter for their share of cost.
 - a. Outlines City's obligation as set forth in the Project Agreement. If copy not in file, secures information from the Business Office's Central Files.
 - b. Defines City's obligations if necessary, when highway project has partial extent within the city/town corporate limits, then computes a pro-ratio to be used when the City's billing is issued. This information will be determined from the estimate. However, if an accurate figure from a Final Claim is available, it should be used.
13. Receives and reviews the Utilities Owner's solicited bid tabulations and copies of bids for contract work and when the owner selects the low bidder, concurs with the owner's choice.
 - a. If the utility owner does not wish to use the low bidder, and unsuccessful bidders are not willing to do the work at the low bidder's rate, informs them that they must re-solicit bids.
14. Receives notification from the Resident Engineer/Manager identifying the dates each utility begins and completes their physical relocations. Places this information in the Utility Owner's File.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Reimbursement of Utility Claims	No: Revised: Page:	UTL-PRO 6.115-7 01-21-11 1 of 3
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Manager, Utilities Branch

Receives completed 324A Claim Form from the Utility Owner or Division Engineer and verifies signature and notary seal is affixed. Records, by County, in the Utilities Branch Claims Electronic Database the following: Utility Owner, project number, job piece number, amount of claim and date received and forwards to Supervisor, Utilities Branch for processing.

Supervisor, Utilities Branch

1. If the reimbursement claim consists, in any part, of the physical rearrangements of the utility, both original claim forms with one copy of supporting documents shall be forwarded by memo to the appropriate ODOT Resident Engineer/Manager for their approval.
 - a. Retains one copy of the claim form and one copy of supporting documents in the project file.
 - b. Records in the Utilities Branch Claims Electronic Database, the date claim was forwarded to the ODOT Resident Engineer/Manager.
 - c. Receives approved reimbursement claim from the ODOT Resident Engineer through the Field Division and records in the Utilities Branch Electronic Database, the date received.
 - d. Verifies the amount on the 324A Claim Form and that it is substantiated by the supporting documents. Withholds 10% audit contingency pending the final audit. If the utility owner has withheld at least 10% audit contingency from their contractor, we disregard the withholding of the audit contingency. If the utility owner withholds less than 10%, the remaining percentage to meet the 10% requirement will be deducted.
2. If the reimbursement claim consists of anything other than the physical rearrangements, (i.e. engineering, advertising, permits, and inspection or administration costs) ODOT Resident Engineer/Manager approval is not necessary.
 - a. Verifies the amount on the 324A Claim Form and that it is substantiated by the supporting documents. If the claim is for reimbursement for engineering services, makes sure the hourly rate billed by classification matches the ODOT approved hourly rate in the file.
 - b. The 10% audit contingency is not withheld on these claims.
3. Circle, date and initial the amount claimed on the supporting documentation.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Reimbursement of Utility Claims	No: Revised: Page:	UTL-PRO 6.115-7 01-21-11 2 of 3
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4. Insert the Partial Claim number on front of the 324A Claim Form. Make sure the correct project number, utility job piece number, county and highway number is on the front of the claim form.
5. If satisfied that the reimbursement claim is in order, endorses the approval block of claim.
6. If not satisfied with the reimbursement claim, notify the Manager, Utility Branch and forward the claim, with Utility Owner File to Operations Review & Evaluation Division, External Audit Branch, with the reason(s) payment is being questioned.
 - a. Records in the Utilities Branch Claims Electronic Database, the date the claim and file were sent to Operations Review & Evaluation Division, External Audit Branch.
7. Prepares the Business Office's Transmittal Memo making sure the Underwriter obligation is defined correctly and forwards at least one Original claim form and one copy of the invoice to the Manager, Utilities Branch.
 - a. Records in the Utilities Branch Claims Electronic Database, the amount of claim and date submitted to the Manager, Utilities Branch for processing.
8. Submit all Final reimbursement claims to Operations Review & Evaluation Division, External Audit Branch.
 - a. If the utility owner submitted two notarized white copies of the claim form and the Specialist is satisfied with the supporting documentation sub-contractors have been approved, submits one of the claim forms withholding 10% audit contingency pending final audit to the Manager, Utilities Branch for processing.
 - b. Records in the Utilities Branch Claims Electronic Database, the date claim and Utility Owner File were sent to Operations Review & Evaluation Division, External Audit Branch.
9. Claims completing audit with no exceptions should be processed in the same manner as previously outlined above, less any previous payments.
10. If audit exceptions are identified, notifies the utility owner of the results.

Manager, Utilities Branch

Receives claim for review and approval for payment.

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Subject: Reimbursement of Utility Claims	No: Revised: Page:	UTL-PRO 6.115-7 01-21-11 3 of 3
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1. Approves claims by endorsing the approval block of the claim form and forwards it to the Assistant Chief, Right-of-Way & Utilities Division for further processing.

Supervisor, Utilities Branch

If the audited claim(s) have exceptions, send to the Utility Owner a copy of the audit report with letter requesting an explanation or acceptance of the exceptions within a specified time.

1. Receives comments from the utility owner and submits these comments to the Operations Review & Evaluation Division, External Audit Branch for review.
2. If the utility owner fails to properly justify an exception, an explanation of the exception will be prepared, giving a complete account as to why the exception was proper and equitable. Forwards this justification to the Chief, Right-of-Way & Utilities Division through the Manager, Utilities Branch for consideration that all or part of the exception is set aside by administrative action.
3. If the utility owner fails to follow ODOT procedures, Utilities Branch will prepare an account of why the owner failed to follow these procedures and verify that their failure did not cost the Department additional money. This information is then forwarded to the Chief, Right-of-Way & Utilities Division through the Manager, Utilities Branch for consideration, whether all or part of the exception is set aside by administrative action.
4. Furnishes the Operations Review & Evaluation Division, External Audit Branch an approved copy of the Administrative Decision.
5. Submits Final Claims in the same manner as outlined above, less any previous payments.
6. After final payment is sent to the Utility Owner, places completed Utility Owner File in the archives for future reference.

**PROCEDURE STATEMENT
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Subject: Utility Permits	No: Revised: Page:	UTL-PRO 6.115-8 01-21-11 1 of 1
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Manager, Utilities Branch

1. Receives copy of permit from the Field Division Engineer.
2. Distributes copy to the assigned Utility/CADD Specialist.

Utility/CADD Specialist

3. Enters permit information in Utility Permit Excel Database.
4. Files permit in utility permit file (by county & numerical sequence).
5. When a utility permit file cannot accept any additional permits, a new utility permit file will be created. The completed utility permit file will be placed in a warehouse box for future archiving.
6. When the warehouse box cannot accept any additional utility permit files, the box will be prepared for archiving.
7. To archive the utility permit files, a list of contents will be prepared for each box. The box number will be clearly marked on the top and sides of the box in permanent marker. A copy of the list of contents will be placed on the box and in the archive notebook for future reference and retrieval.
8. If it is determined that a permit has not been submitted to the Utilities Branch in numerical sequence, by county, the Specialist will contact the appropriate Division Representative or Division Engineer to request a copy for Utilities Branch records.
9. Upon receiving request to provide a copy of a specific utility permit, retrieves Utilities Branch copy and reproduces for distribution to requesting party.
10. The Utility Permit Excel Database will be copied to disk or acceptable other method each quarter to be used for backup.
11. Each Specialist will be responsible for entering permits in the database upon receipt by their assigned Field Divisions.

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Electronic Files/"As Planned" Color Plans	No: Revised: Page:	UTL-PRO 6.115-9 01-21-11 1 of 2
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Utility/CADD Specialist and/or Service Provider

1. Retrieves an electronic copy of plan sheets from the (Y Drive) Mapping Branch Folder
2. Forwards electronic files to appropriate storage (Y Drive) Utilities Branch.
 - a. Transfers electronic files to appropriate storage (U Drive).
3. Electronic File Correspondence
 - a. Electronically transfers size conducive electronic files as requested, to approved entities.
 - b. Prepare electronic files for Compact Disc production and duplication.
4. Preliminary Copy of "As Planned" Color Plans
 - a. Uses latest version of Preliminary or Final Design Construction Plans.
 - b. Plots each utility owner's proposed relocation as described in the Utility/CADD Specialist's or Service Provider's "Field Meeting Reports" on plans described in 4(a) using APWA Uniform Color Codes.
 - c. Prints two (2) copies of Preliminary "As Planned" Color Plans at scale on 11"x17" sheets for distribution as follows:
 - (1) One copy to Resident Engineer/Manager
 - (2) One copy to Project General File for reference
5. Final Copy of "As Planned" Color Drawings
 - a. Uses latest version of Preliminary or Final Design Construction Plans.
 - b. Upon receipt of each utility owner's proposal/drawings, plots their proposed relocation on the plans described in 5(a) using APWA Uniform Color Codes. The plotting will depict the location and placement of all parallel facilities including the exact locations of all crossings. All power pole locations will be depicted as a small red dot with placement at station and distance from centerline of survey and connected with a red colored line.
 - c. Prints twenty (20) copies of Final "As Planned" Color Plans, at scale, on 11" x 17" sheets for distribution as follows:

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Subject: Electronic Files/"As Planned" Color Plans	No: Revised: Page:	UTL-PRO 6.115-9 01-21-11 2 of 2
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- (1) One copy to each utility owner upon issuing Work Orders
- (2) Five copies to the Office Engineer Division for distribution in bid packets or distribution by Construction Division to the successful low bidder.
- (3) One copy for placement in the Project General File
- (4) One copy to Utilities Branch Manager with an electronic copy on disk.
- (5) One copy to Field Division Engineer with an electronic copy on disk.
- (6) One copy to Resident Utility Inspector
- (7) All remaining copies are to be sent to the Resident Engineer/Manager

**PROCEDURE STATEMENT
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RIGHT-OF-WAY DIVISION**

Subject: Placement of Utility Relocation within Construction Plans	No: Revised: Page:	UTL-PRO 6.115-11 01-21-11 1 of 2
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Applies to:

OP-UT 6-1

Utility/CADD Specialist and/or Service Provider

1. Upon completion of the Field Meeting with the Utility Owner, a recommendation shall be presented by the Facilitator or the Department's Field Meeting Representative (Service Provider) to include relocation of one or more utility facilities within the construction plans if there is the likelihood of saving time or funds, or if the construction sequence requires integration of the two activities.
2. Inclusion of utility relocation within construction plans can also be requested by the Field Division Engineer or Utility Owner.
3. Recommendation for inclusion of utility relocation in the Department's construction plans is to be approved in writing by the Chief or Assistant Chief, Right-of-Way & Utilities Division.
4. Notify by letter/memo, the following entities of the proposed inclusion of the utility relocation within the construction plans; Field Division Engineer, Resident Engineer/Manager, Roadway Design Division and/or Bridge Division, Project Management Division, Utility Owner and Utility Owner's Engineering Consultant, and internally within the Division.
5. Assist the Utility Owner and/or their Engineering Consultant as necessary to ensure effective coordination with the Department's in-house design personnel or Engineering Consultant relative to the inclusion of the utility relocation plans with the Department's construction plans.
6. Determine whether the relocation will be using "Participating Funds", or "Non-Participating Funds", or both.
 - a. If the Utility Owner has no financial responsibility for their relocation, the relocation will be funded as "Participating".
 - b. If the Utility Owner has partial or full financial responsibility for their relocation, that portion of the relocation will be funded as "Non-Participating".
7. Relocations that are funded as "Non-Participating" will require proper notification to the Utility Owner of their estimated financial obligation and submission of the funds prior to advertising the construction project for letting.

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Subject: Placement of Utility Relocation within Construction Plans	No: Revised: Page:	UTL-PRO 6.115-11 01-21-11 2 of 2
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8. The Comptroller Division will provide notification to the Utility Owner, by letter, of the necessary sum of deposit required. This will include an estimate of any anticipated inspection fees expected to be billed to facilitate the relocation.

9. The Field Division will be required to provide the estimated sum of costs associated with field inspection to the Comptroller Division identified within Item No. 8.

10. Secure a Utility Relocation Proposal and Agreement from the Utility Owner. Provide a copy of the executed Utility Relocation Agreement to the Comptroller Division & Project Management Division for programming purposes. Funds originally programmed for Utility Relocation, as "Participating", for a utility that will now be included in the construction plans will need to have those funds removed from the Utility Project and included in the Construction Project. Notify by letter/memo the Field Division, Roadway Design Division and/or Bridge Division, Project Management Division, Programs Division and Right-of-Way & Utilities Division's Project Management Branch of modifications of funds.

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Subject: Utility Owner Engineering and Consultants	No: Revised: Page:	UTL-PRO 6.115-12 01-21-11 1 of 6
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Applies to:

ENGINEERING COST

Engineering cost charged to particular utility adjustment accounts, which are originated by the owner or its consultant, may consist of items such as:

1. Field work in locating existing facilities within the designated right-of-way of the highway project.
2. Survey to determine the necessary adjustment to accommodate the proposed highway construction.
3. Employee transportation, subsistence, and miscellaneous expense relative to surveys and conferences to determine the solution of adjustment problems.
4. Preparation of plans and drawings to be submitted as supporting papers of the agreement.
5. Preparation of the estimate of costs to accompany the agreement.
6. Drafting of the specifications necessary to accomplish the work with either the owner's forces or contract labor.
7. Miscellaneous expendable materials used in surveying, estimating, preparing prints and drawings, postage, etc.
8. Preparation of "as-built" plans and drawings.

UTILITY OWNER ENGINEERING

Before any reimbursable engineering cost may be incurred by the owner, it is necessary that the highway project be formally approved by the Department. At the time the Department furnishes usable construction plans, the owner may begin to incur cost for engineering or other costs if requested by the Department.

CONSULTANT ENGINEERING

Where an owner is not adequately staffed to perform the required engineering services and it is necessary to employ the services of a consulting engineer or allied services, prior approval must be given by the Department. The consultant must furnish the owner a Certification of Consultant or Land Surveyor (Form 309) and an estimate of the remuneration they will require such estimate to be subsequently submitted to the Department with a letter requesting approval. Concurrence will be contingent upon satisfactory engineering agreement contents, as well as Department approval of the

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Subject: Utility Owner Engineering and Consultants	No: Revised: Page:	UTL-PRO 6.115-12 01-21-11 2 of 6
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Engineer. The Engineer should permit Department representatives to inspect plans in progress. No fees based on a percentage of total actual or estimated cost of the relocation will be approved. A "cost not to exceed" figure must be presented in the Engineer's Estimate.

No funds should be expended for consultant engineering before the Department's approval has been received by the owner.

After the owner has been furnished construction or usable plans, the intention to employ a consultant should be made known to the Department. If this is done, the certification process may be completed so that the consultant may begin his duties by attending the field meeting.

The following is one example of a letter containing the consulting engineer's estimate and other pertinent information required. The figures are fictitious but this form, or a similar one, is acceptable. Such a letter, containing the estimate, will be transmitted to the owner by the consultant engineer and the owner should submit the estimate to the Department of Transportation with a request for approval.

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Subject: Utility Owner Engineering and Consultants	No: Revised: Page:	UTL-PRO 6.115-12 01-21-11 3 of 6
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Hickory Oil Company P.O. Box 1000 Alltown, Oklahoma	RE: I-000(00)000 Utilities Interstate Highway East Utility Relocation Any County
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Attention: Mr. John O. Hickory, President

Gentlemen:

As you requested, here is an estimate of costs to be incurred in providing the engineering data necessary to make investigations, estimates, prepare plans and specifications, supervise award of contract, prepare contract, stake the work, make final inspection and contract estimates for relocation of gas lines, oil lines, communication lines, and lease roads for your company in connection with the new highway construction proposed by the State.

We will be pleased to attend a conference with the highway officials or your company officials when required. We will also prepare the necessary proposals and estimates required by the Department of Transportation. Plans and specifications will be submitted to the Department of Transportation as required for their review and approval.

An outline of the work to be performed is as follows:

- Reconstruct private oil field road for approximately 2,000 feet
- Relocate and reconstruct 1,400 feet of 4-wire communication line (telephone)
- Lower, encase and vent two 2-inch oil lines for 400 feet
- Lower, encase and vent one 4-inch salt water line for 300 feet
- Lower, encase and vent one 10-inch oil line for 340 feet

The cost for the overall construction is estimated to be \$14,000.00. The charge for engineering will be based upon the following schedule:

Estimate Cost:

<u>Service</u>	<u>Classification</u>	<u>Rate per Hour</u>	<u>Estimated Hours</u>	<u>Estimated Totals</u>
Surveys	Crew Chief	\$4.00	24	\$96.00
	Rodman	\$3.00	24	\$72.00
	Crewman	\$2.50	24	\$60.00
	Crewman	\$2.50	24	\$60.00
Layout & Drafting	Draftsman	\$7.00	30	\$210.00
Engineering	Engineer (Principal)	\$8.00	8	\$64.00

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Review & Consultation

Drafting & Specifications & Plans	Engineer (Principal)	\$8.00	16	\$128.00
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Secretarial & Administrative	Secretary	\$2.00	24	\$32.00
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Reproduction Cost (Plan & Specifications)	Service	-	-	\$50.00
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Assembly of Documents	Secretary	\$2.00	8	\$16.00
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Advertising	Service	-	-	\$ 25.00
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Award & Issuance of Contract	Engineer (Principal)	\$8.00	6	\$48.00
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	Secretary	\$ 2.00	4	\$8.00
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Supervision & Job Inspection	Engineer	\$8.00	26	\$208.00
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<u>Service</u>	<u>Classification</u>	<u>Rate per Hour</u>	<u>Estimated Hours</u>	<u>Estimated Totals</u>
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Closing Out Contract	Engineer	8.00	26	\$208.00
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Supplies	Miscellaneous	-	-	\$35.00
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Travel Beyond 50-mile radius of home base 100 mi.	Automobile	0.10(per mi)		\$10.00
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Estimated Overall Cost	\$1,154.00
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The Engineering will be charged based upon the above rates and will not exceed \$1,270.00.

Yours very truly,

Super Engineer, Inc.

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NOTE:

1. The above rates are based on actual salaries of paid employees, plus 70% for profit and overhead.
2. It is necessary to have a maximum figure which the entire engineering fee will not exceed.

CERTIFICATION OF CONSULTANT OR LAND SURVEYOR

I hereby certify that I am the _____ and duly authorized representative of the firm of _____, whose address and telephone number is _____, and _____

That, except as expressly stated and described herein, neither I nor the firm of _____ has, in connection with its contract with _____, which has entered into pursuant to provisions of an agreement between the aforementioned Utility Owner and the State of Oklahoma, as part of the highway project _____:

- (a) employed or retained for a commission, percentage, brokerage contingent fee, or other consideration, any firm, company or person, other than a bona fide employee working solely for me or the aforementioned firm, to solicit or secure the contract, or
- (b) agreed, as an express or implied condition for obtaining the award of the contract, to employ or retain the services of any firm, company, or person in connection with the carrying out of the contract, or
- (c) paid, or agreed to pay, to any firm, company, organization, or person, other than a bona fide employee working solely for me or the aforementioned firm, any fee, contribution, donation or consideration of any kind for, or in connection with procuring or carrying out the contract.

(Statement and explanation of exceptions, if any):

I hereby further agree to promptly and expeditiously prepare a Utility Relocation Agreement Form and Proposal of Work, containing detailed cost estimates and plan drawings, for the adjustment-relocation of Utility Owner's _____ within this project. These documents are to be submitted to our Resident Manager/Engineer, Mr. /Ms. _____, Department of Transportation, P.O. Box _____, _____, Oklahoma _____.

I acknowledge that this certificate is to be furnished to the State of Oklahoma, Department of Transportation, in connection with the aforementioned project involving participation of Federal-Aid Highway Funds, and is subject to applicable State and Federal laws, both criminal and civil.

Date

Signature

P.E. or L.S. Number

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Utility Owner Legal Counsel and Technical Services	No: UTL-PRO 6.115-13 Revised: 01-21-11 Page: 1 of 1
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Applies to:

Legal counsel from outside the owner's forces and not covered under consultant engineering should be obtained in a manner similar to that of securing a consultant engineer.

Technical services such as drafting, surveying, etc. may simply be listed by classification, rate, and the extended cost thereof. These services, when performed under an "Actual Cost" proposal, are also subject to audit.

**PROCEDURE STATEMENT
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Subject: Preparation of Utility Relocation Proposals	No: Revised: Page:	UTL-PRO 6.115-14 01-21-11 1 of 22
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Applies to:

1. Preparation of Proposal

Utility facilities must clear the operations of highway construction. Consideration should be given to heavy construction equipment and sub-surface penetration of such machinery used in earth excavation and embankment work. Ultimate location of the utility facility should be clear of or protected from, possible damage resulting from the operation of highway maintenance machinery and impact from highway traffic. All above ground facilities must be located in compliance with the Department's clear zone policy.

For fully controlled access expressways, such as the Interstate System, no utility facility may be located within the fenced right-of-way, except for the purpose of crossing the right-of-way without interfering with the traveling public using the highway.

On the Primary and Secondary highway systems, utility facilities may be located on the highway right-of-way, so long as they do not interfere with the initial construction, maintenance, and travel on the highway, subject to the approval of the Department.

All aerial facilities must provide the minimum required clearance and be designed to afford maximum safety for the traveling public. Minimum crossing clearance required by the Department is 20 feet from the finished grade, top of pavement, to the lowest point of the overhead facility.

Underground utility facilities crossing the highway right-of-way must be located a minimum depth below the flow line of the highway ditches to allow the normal use of highway maintenance machinery in clearing the ditches. The minimum depth required is 30 inches for conduited crossings and 48 inches for nonconduited crossing below the flow line of the ditches. Underground utility facilities parallel, and within the highway right-of-way must be a minimum of 30 inches below the existing ground line. See Paragraph "A" in this section.

2. Description

Proposals represent formal explanations and illustrations of the manner in which the owner will adjust his facilities to accommodate highway construction. The proposal is also the means by which the Department and an owner enter into an agreement for completion and reimbursement of the work necessary. The proposal will be prepared by the owner, based upon the contents of the field meeting report. Deviations from this report in the proposal will be questioned and must be justified to the extent that it is practicable. The owner's estimating form may be used. The principal components of the proposal are: The agreement form, the estimate of costs with supporting papers, and detailed drawings. It is preferred that the proposal be assembled in this order for the convenience of those who will review and approve the material. The components, however, will be described in the following pages in reverse order, and will more nearly

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represent the manner in which the usual proposal is developed. After completion of the proposal, it is to be submitted to the Utility/CADD Specialist and/or Service Provider designated in the field meeting report.

It is not intended that the Department's roadway contractor do any work toward facilitating utility relocations. It is necessary that proposals and final plans be developed to show relocation in its entirety, to include such items as: brush clearing, fence removal, and necessary restoration and/or maintenance of right-of-way. No driveways, local roads county roads, ditch liners, structures or surfaced areas will be cut unless approved by the Division Engineer. The right-of-way must be restored to a condition satisfactory to the Resident Engineer/Manager assigned to the project.

3. Drawings

Where adjustment of utility facilities is determined to be necessary, drawings are required and six copies must be submitted.

Drawings must be sufficiently informative to provide a clear illustration of the work to be completed. A plan view will be sufficient, except where highway crossings are involved. Each highway crossing must be represented by a profile or cross section view with highway template, regardless of the type of utility being adjusted, or its function. The drawings should clearly illustrate the existing facility, the proposed rearrangement, and their relationship to the roadway construction and other existing utilities, when pertinent.

The drawings should show the facility alignment, tying it to the highway survey centerline, its location, length, size and/or capacity, type, class, and pertinent operating conditions and design features. These should be shown for both the existing and proposed facilities and any temporary facilities, and the proposed changes and disposition should be included. Appropriate nomenclature, symbols, legend, notes, color-coding, etc., may be used for this purpose. The project number, plan scale and date, the horizontal, and, where appropriate, the vertical location of the utility facilities in relation to the highway alignment, should be shown. Geometric features, highway stationing, grades, structures and other facilities, proposed and existing right-of-way lines, and where applicable, the access control lines will also be illustrated on the drawings. Where applicable, the limits of right-of-way to be acquired by the owner should be shown and, by appropriate notes or symbols, that portion of the work to be accomplished, if any, at the sole expense of the owner.

a. Underground Pipelines

This drawing shall include a plan and profile of the proposed pipe-existing pipeline crossing. The plan showing the present location shall indicate size, kind, weight per foot, grade of pipe, and shall note whether it is presently coated and wrapped, and/or catholically protected. The cross-section should show a template of the highway

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improvement. For all encased crossings, the conduit should extend from right-of-way line to right-of-way line at a minimum depth of 48 inches below subgrade, but not less than 30 inches below the bottom of the ditches, when open trench, dry bore or tunneling methods are used for the entire crossing, unless specific permission is obtained from the Division Engineer. Ordinarily, the conduit should be a maximum of two "nominal" pipe sizes larger than the carrier pipe.

If the pipeline crosses the proposed project and there is already a public road or street within the limits of the new right-of-way, the drawing shall show the dimensions of the present and new right-of-way. If the owner does not know the right-of-way limits, this information may be obtained from the Department.

The drawing shall show length and size of the new segment and indicate where the tie-ins will be made for bends, etc. Vents, valves, meters and appurtenances required in the pipeline adjustment, shall be properly located on the drawings. Line drips, gate boxes, scraper traps, anchors, etc., should also be shown.

All pipeline drawings shall indicate the kind, or kinds of pipeline and product carried in the line, and the conditions and pressure under which it must operate.

All encased crossings must be sealed at both ends with an approved conduit seal (standard neoprene, rubber, and comparable seals will be approved) and vented outside the right-of-way lines. The vents should be sized to allow proper release of carrier pipe contents in case of failure. The minimum pipe size for vents is two-inch nominal, and the owner must install identification markers at each right-of-way line directly above the facility. Such markers may be attached to vents or to a right-of-way fence. The markers may be in the owner's standard design, but must identify the owner, stating address and telephone number, size of the facility, and must be at least 130 square inches in area. They also must be erected at a location plainly visible from within the highway right-of-way.

If casing is used; it must be designed to sustain roadway loadings, contain and divert from the roadway the contents of the carrier pipe, and have a life expectancy equal to or greater than the carrier pipe.

If there is a temporary bypass, a drawing with a general description of the materials required should be made.

Steel pipelines crossing the right-of-way may be installed without encasement, if the installation is in accordance with "Special Provisions for the Installation of Underground Steel Pipeline Crossing State and Federal Rights-of-Way without the Use of Conduit", R/W Form 311 furnished by the Department, with six copies prepared by the owner. This Special Provision stipulates in part that carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the right-of-way, by being of steel at least one grade better and of the same wall

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thickness, or a minimum of one wall thickness greater, and of the same alloy. Pipe must be at least 48 inches below the flow line of drainage ditches and all other highway drainage facilities, and must be properly protected from corrosion.

Facilities, such as water and sanitary sewer lines, crossing the highway right-of-way may be approved without encasement, if cast or ductile iron, or material of equal design is used, with the understanding that maintenance, in the event of failure, will be performed in accordance with the AASHTO publication, "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way, and more specifically, service will not be rendered from through traffic lanes or ramps; and if a replacement facility becomes necessary, replacement will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe, or any other approved method that will prevent disturbance of the highway. On highways without controlled access, maintenance will be performed by a method that will not disturb the through lanes or interfere with traffic. AC, PVC, Polyethylene or equivalent material lines will not be permitted without the use of a steel or equivalent material, conduit.

Underground crossings of existing roadways must be installed by boring, punching, or other approved methods. The method and equipment for the installation must be approved by the Division Engineer. When boring beneath a roadway, water may be used, provided the elevation is a minimum of 5 feet below the subgrade. Sufficient water for lubricating the bore is acceptable; however, jetting or pressure flushing will not be permitted. The alignment of the bore is to be established by drilling a pilot hole before beginning the full size bore. When water is used, the annular space outside the conduit, or carrier pipe when conduit is not used, is to have grout placed at a minimum of 10 PSI pressure, to insure against cavities beneath the roadbed.

All underground crossings must be depicted, in the profile or cross-section view, the vertical distance between the flow line elevation of the ditches and the top of the carrier pipe or conduit.

b. Electric Lines

If a line must cross over through lanes, ramps, or any traffic-bearing areas of the highway project, both plan and profile drawings will be required of both the present and the proposed facilities. Clearance above the surface of the highway at all pole line crossings will comply with the applicable safety codes and may not be less than 20 feet. All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times. Facilities located on the highway right-of-way outside the control-of-access limits, must be kept free of weeds and brush within a 5-foot area of the installation. Facilities paralleling the highway will have no installation(s) within the control-of-access limits. The plan should show the proposed location and existing location of each pole or tower that will be affected by the roadway construction. The location of each structure should be tied to the highway

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centerline by survey station and distance. If poles are in joint use, such should be stated, and the owner of the poles noted on the drawing. Each structure should be numbered and given a description to indicate class, length, bracing, year of installation, anchor assembly and the kind, number, size, and type of conductors.

Overhead power lines located adjacent to proposed bridge structures must be relocated to provide adequate clearance to complete the construction unless it can be de-energized or replaced by a temporary bypass during bridge construction.

The pole top assembly should be shown, with a general description of the type used. The drawing should show the type, number, size and location of insulators, and the location of all existing transformers, switches and other accessories to be moved.

All service poles which are not main line poles must be designated as such on the drawing.

If there is an existing public road or street within the limits of the new right-of-way, then the limits of the present highway or street right-of-way should be shown. If the owner does not have this information, it may be obtained from the Department.

For an underground facility, the drawing will show both the plan and the total proposed right-of-way limits. If there is an existing street or road within the total proposed right-of-way, the present right-of-way limits must be shown. If the owner does not have this information, it may be obtained from the Department. When a line crosses the right-of-way, the kind, size, and length of the existing conduit, or absence thereof, should be noted. A description of the existing and proposed cable, to include the size, number of conductors or carriers, kind of covering, and year the cable was installed, is to be shown on the drawings.

All underground electric cables crossing a highway must be placed in a conduit and be a minimum of 48 inches below the ditch flow lines. Conduit placed beneath the roadway should be steel. PVC or fiberglass conduit may be used, if it is designed to withstand highway loading and is properly protected. Mechanical protection, such as preformed concrete slabs, is to be placed approximately 18 inches above the mechanical protection.

The drawing must include a complete description of conduit requirements and necessary manholes. The conduit is to be a minimum of 48 inches below the ditch flow lines. Boring shall be done as described in Paragraph "A" of this Section. The availability of vacant ducts in existing conduit runs should be shown in the description of the conduit requirements, along with the number of spare ducts to be placed.

All parallel underground electric cables shall be placed a minimum of 48 inches below the ground surface. A plastic identifying tape should also be placed in the

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trench to provide a warning that a cable is near. Aboveground markers stating the Company name, address, and telephone number, are to be placed at regular intervals, not to exceed 1,000 feet. All electric facilities shall be placed in accordance with the National Electrical Safety Code.

c. **Communication Lines**

If an aerial line must cross over through lanes, ramps, or any traffic-bearing areas of the highway project, both plan and profile drawings will be required for the present and proposed facilities. Clearance above the surface of the highway at all aerial crossings will not be less than 20 feet. All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times. Facilities located on the highway right-of-way outside the control-of-access limits must be kept free of weeds and brush within a 5-foot area of the installation. Facilities paralleling the highway will have no installation(s) within the control-of-access limits. The drawing of a pole line should show both the proposed and existing locations of each pole within the new right-of-way, tying the pole to the highway centerline by survey station and distance. If poles are jointly occupied, it should be indicated on the drawing and the owner of the pole noted. The poles should be numbered and given a description indicating class of pole, height, year installed, and anchor assembly. The number, kind, and size of carriers must be illustrated. The drawing will show the proposed tie-in to the existing line. If the carrier is a cable, it should be stated, with a notation of the number of pairs, gauge, nature of the covering, and size of the supporting wire or strand. If the carriers are open wire, the size and crossbar assembly should be indicated, noting the number and type of pins. All service poles that are not main line poles, must be designated as such. Instruction for placing underground facilities in conduit, are given under "Electric Lines".

Encasement for underground telephone lines is not required.

4. **Estimate of Costs**

a. **Actual Cost Estimate**

The actual cost proposal is the owner's estimated cost to perform the relocation work indicated by the drawings, and will be reimbursed on an actual cost basis. The estimate in support of the agreement must illustrate the items of work to be performed, broken down to show estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, right-of-way, engineering, and will include an itemization of appropriate credits for salvage, betterments and expired service life. Each of these components should be presented in sufficient detail to provide the Department a reasonable basis for analysis. Six copies of the estimate of costs are required.

(1) Materials In Permanent Construction

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New materials required for installation of a facility must be listed, including a breakdown of items with a description of each, the quantity required, and the unit cost with appropriate extension. The handling cost should be added to this list. No reinstallation items taken from the existing facility may be included.

Materials and supplies should be billed at inventory prices when furnished from the owner's stocks and at actual cost to the owner when the materials and supplies are not available from his stocks and must be purchased for the relocation. The costs of handling at stores or at material yards, the costs of purchasing, the costs of inspection and testing, and any charge for general overhead expense, are reimbursable. Costs determined by a rate, or other equitable method of distribution representative of the owner's cost, may be reimbursed. When not allocated in overhead accounts, they may be included in the computation of the prices of materials or supplies. The computation of costs of materials and supplies will include the deduction of all offered discounts, rebates, allowances, and intercompany profits. In those instances where the book value does not represent the true value of used materials; they must be charged to the project at the same rate used by the Owner in their own work, but in no event will they be charged at more than the value determined in accordance with the foregoing provisions of this paragraph.

(2) Materials in Temporary Construction

Materials to be used in temporary construction, that will not become a part of the permanent facility, should be included in a separate breakdown of items. Each item must be described, the required quantity should be given for each, and the unit cost with appropriate extension shown. The handling cost should be added to this list.

Materials recovered from temporary use in connection with a highway project, that are in suitable condition for reuse by the owner, should have a value assigned and be credited to the cost of the project at stock prices charged to the job, less ten percent for loss in service life. The Department must be permitted to inspect all recovered materials not reusable by the owner. Notice should be given as provided in Paragraph A) 3), entitled "Salvage Materials Recovered from Permanent Facility".

Materials recovered from temporary use that are unsuitable for reuse by the owner but have sale value, will be sold to the highest bidder following an appropriate solicitation for bids. If the owner regularly practices a system for disposal by sale, that has been determined to be the most advantageous to the owner, credit should be given at the going prices for used or scrap material and supported by records of the project. The sale should be

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conducted by the owner, but if the owner requests it, the Department will conduct the sale. In no event will the Department or the Owner be considered an acceptable bidder for such material.

(3) Salvage Materials Recovered from Permanent Facility

Salvage materials removed from the existing facility, but not reinstalled, must be listed with a description of each item, the quantity to be salvaged, and the unit value and appropriate extension.

Materials recovered in suitable condition for reuse by the owner, in connection with construction or retirement of property, must be credited to the cost of the project at current stock prices; or if an owner charges recovered material to a material and supply account at original cost, or a per centum of current price new, and consistently practices this method, the work order should receive credit accordingly. The foregoing will not preclude any additional credits required by State Law or regulations.

A Department representative will be permitted to inspect recovered materials prior to disposal by sale or scrap. This requirement will be satisfied by the owner giving the Department written notice of the time and place the materials will be available for inspection or verbal notice followed by a written confirmation. This notice is the responsibility of the owner, and he may be held accountable for full value of materials disposed of without notice.

If recovered materials are not suitable for reuse by the owner and have a sale value, they must be sold to the highest bidder following an appropriate solicitation for bids. If the owner regularly practices a system of disposal by sale, that has been determined to be the most advantageous to the owner, credit should be given at the going prices for used or scrap material and supported by the records of the owner. The proceeds of the sale will be credited to the cost of the project. The sale should be conducted by the owner or, at the owner's request, by the Department. In no event will the Department or the owner be considered an acceptable bidder for such material.

Where the replacement facility includes materials of a type different from the materials being replaced, for example, aluminum for copper and the like, credit for materials recovered from the existing facility should not exceed whichever is the greater of the following amount:

- (a). The original cost of the existing material
- (b). The current cost of the replacement material

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If the removal cost exceeds the value of the recovered material, it is to be abandoned in place, unless it is determined by the Department that the material must be removed.

(4) Compaction of Backfill

Costs for backfill and compaction of any trenches or holes within the right-of-way limits will be included in the estimate of cost. Backfill beneath the roadbed will be 95% standard density, and all other backfill will be placed and compacted to a density not less than that of the adjacent soil, as directed by the Resident Engineer/Manager. Compaction outside the right-of-way limits will be performed to comply with industry standards, and approved by the Department's Resident Engineer/Manager and the land owner.

In instances where the trench is within the limits of a proposed roadway fill, the 95% standard density compaction will be made to the existing ground elevation. In areas of a proposed roadway cut, where the sub-grade will be above the bottom of the trench, the 95% standard density compaction will be made to the elevation of the proposed subgrade only; the remaining portion of the trench, between the highway sub-grade elevation and the existing ground elevation, will be back-soil. In the case of a proposed roadway cut where the sub-grade is below the bottom of the trench, no compaction will be required. This is only applicable to removal of existing facilities.

Material other than that existing at the location may be selected for backfill if approved by the Resident Engineer/Manager.

(5) Labor for Permanent Construction

The labor cost for permanent construction should be separated into:

- (a). Contract Labor
- (b). Force Account

Salaries and wages billed at actual rates or at average rates accounting for productive labor hours, retroactive pay adjustments, and expenses paid by an owner to individuals during the periods of time they are engaged in the utility relocation are reimbursable when supported by adequate records, except for engineering or inspection charges being reimbursed under the owner's construction overhead account. Costs to the owner for vacation, holiday pay, and company sponsored benefits, and similar costs incident to labor employment, will be reimbursed when supported by adequate records. These may include pay to individuals who are engaged in the direct and immediate

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supervision of the work at the project site and in the actual preparation of the plans and estimates for the relocation.

(6) Labor for Temporary Construction

The labor cost for temporary construction will be shown separately and itemized in a manner similar to that used for labor cost in permanent construction.

(7) Labor for Removal

The labor for removal of the existing facility must be shown separately and itemized in a manner similar to that used for labor cost in permanent construction.

(8) Labor for Reconditioning

The labor cost for reconditioning the salvaged material must be shown separately and itemized in a manner similar to that used for labor cost in permanent construction. This cost will not include the labor for reconditioning temporary construction material.

(9) Owner's Overhead

The owner's overhead must be shown individually by items and their respective percentages. Typical items follow:

- (a). Payroll additives:
 - Social Security _____%
 - Retirement Benefits _____%
 - Public Liability & Property Damage Insurance _____%
 - Workmen's Compensation Insurance _____%
 - State Unemployment Insurance _____%
 - Federal Unemployment Insurance _____%
 - Health & Savings Plan _____%

- Overhead:
 - General Engineering _____%
 - Administrative Expense _____%
 - Accounting Expense _____%

So that each relocation will bear its equitable proration of cost, all overhead construction costs not chargeable directly to work order construction accounts; such as general engineering and supervision, general office salaries and expenses, construction engineering and supervision by other

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than the accounting owner, legal expense, insurance, relief and pensions, and taxes, should be charged to the relocation on the basis of the amount of such overhead costs reasonably applicable thereto. These instructions will not be interpreted as permitting the addition to the owner's accounts of arbitrary percentages or amounts to cover assumed overhead costs, but as accepting assignment to the relocation of actual and reasonable overhead costs.

The cost of advertising and sales promotion, interest on borrowed funds or charges for the owner's own funds when used, resource planning, research programs, stock and stockholder's expenses, and similar costs are not considered necessary and incident to the performance of the relocation and are not eligible for participation.

Premiums paid to an insurance company for Workmen's Compensation, Public liability and Property Damage Insurance will be reimbursed where the amounts of the premiums are the products of the proper rates applied to the amounts of paid salaries and wages, exclusive of vacation pay or allowances, and are acceptable to the Department.

Where it has been the policy of the owner to self-insure against public liability and property damage claims; reimbursement will be at the rate developed by the owner, or in the absence thereof, at a rate not to exceed the rates of a regular insurance company for the class of employment covered.

The records supporting the entries for overhead costs should be kept to show the total amount, rate, and allocation basis of each additive, and are subject to audit by representatives of the Department.

(10) Equipment

Accounts for transportation and heavy equipment are used for the purpose of accumulating expenses and distributing them to the accounts properly chargeable with the services. Among the items of expense clearing through these accounts are the following: Depreciation; fuel and lubricants for vehicles (including sales and excise taxes thereon); freight and express on fuel and repair parts; heat, light, and power for garage and garage office; insurance (including public liability and property damage insurance) on garage equipment transportation equipment and heavy work equipment; license fees for vehicles and drivers; maintenance of transportation and garage equipment; operation of garages and rent of garage buildings and grounds.

The equipment expenses may include the cost of supervision, labor and expenses incurred in the operation and maintenance of the transportation

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equipment and heavy equipment of the owner, including direct taxes and depreciation.

Reimbursement of expenses for equipment used will be limited to charges which account for costs to the owner. Arbitrary or otherwise unsupported charges for equipment used, will not be reimbursed.

Rental: Where the owner does not have equipment available of the kind or type required, reimbursement will be limited to the amount of rental to the lowest qualified bidder following an appropriate solicitation for quotations from owners of the required kind or type of equipment. Existing continuing contracts, for rental of transportation and heavy equipment, which the owner determines to be the most advantageous to his operations, may be considered as complying with these requirements.

Department funds may participate in the cost of equipment rental in the event of an emergency, such as a breakdown of the utility equipment or where additional equipment not originally contemplated is needed, and/or compliance with the foregoing requirements would seriously impair the completion of the utility work or highway construction. These funds may participate, provided the owner can demonstrate to the satisfaction of the Department that the above circumstances existed, and the rental charges incurred are reasonable and did not result in an expenditure in excess of that justified by the prevailing conditions.

Where the relocation work is to be performed by forces of an owner through the use of his own equipment, the accounting procedures and reimbursement standards established in this section will apply, except where the accounting system of the owner does not provide for capitalization of items or equipment acquired and recovery of original cost through depreciation, and used rates cannot be readily determined from the records of the owner. Upon determination by the Department that the owner's accounting system is inadequate in such respects, and that it is not economically feasible to develop such costs under the reimbursement standards set forth in the foregoing, then eligibility for reimbursement of costs incurred will be dependent upon:

- (a). Approval by the Department of a detailed cost estimate submitted by the owner which shall include:

Description, rates, hours, compensation, and number of units of equipment proposed for use on the relocation.

An adequate explanation of the basis for developing the rates which the owner proposes as compensation.

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(b).Incorporation in the Department-owner agreement, or by supplemental letter, agreement of the classes and types of equipment and the proposed compensation for each.

(11) Right-of-Way

Replacement right-of-way to relocate an owner's facilities beyond the highway right-of-way is reimbursable provided:

- (a).The Department's payment does not violate State Statutes or violate a legal contract between the owner and Department, and
- (b).There will be no charge to the project for that portion of the owner's existing right-of-way being transferred to the Department for highway purposes, and
- (c). The Owner has the right of occupancy in the facility's existing location by reason of holding the fee, an easement or other real property interest, the damaging or taking of which is compensable under the laws of eminent domain, or the acquisition is made in the interest of project economy or is necessary to meet the requirements of the highway project.

Expenses incurred by the owner incident to the acquisition of replacement right-of-way may be reimbursed. These expenses may include such items as: salaries and expenses of the owner's employees while they are engaged in the appraisal of and negotiation for such right-of-way, amounts paid independent appraisers for appraisals made of such right-of-way, recording costs, deed fees, and similar costs normally paid incident to land acquisition.

The owner shall determine and record a valuation of the replacement right-of-way, prior to negotiation for its acquisition. This means the owner must, by his records, be in a position to justify amounts paid for such right-of-way. The valuation may consist of appraisals by the owner's employees or by independent appraisers. Sound valuation and acquisition practices are to be followed by the owner.

Where the owner has the right of occupancy at the existing location by reason of holding the fee, an easement or other real property interest, and it is not necessary by reason of the highway construction to adjust or replace the facilities located thereon, the taking and damaging of the owner's real property, including the disposal or removal of the facilities, is a matter for consideration as a right-of-way transaction, and will be a part of the utility agreement.

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The owner can incur minor incidental right-of-way costs as preliminary engineering expense for estimating purposes. The actual appraisal, negotiation, and cost of replacement right-of-way should not be incurred until receipt of a work order to begin the relocation work, or separate authorization form the Department in writing.

(12) Engineering Costs

Costs for engineering incurred subsequent to instruction from the Department to proceed with preparation of plans and estimates covering proposed relocation of utility facilities will be reported as direct charges, along with other direct labor, transportation expense, and subsistence. Engineering costs may be charged as overhead, where it is the normal accounting practice in the owner's own operations.

(13) Professional Services

Where an owner is not adequately staffed to perform the technical services required, the amounts paid for these services must be approved in advance by the Department. Approved amounts will be reimbursable, but must be itemized in the estimate and placed under the appropriate heading; "i.e., consultant engineering under the heading "Engineering Costs", right-of-way negotiation and legal fees under the heading "Right-of-Way", etc.

(14) Betterments

Betterments to be placed in the reinstallation of a facility will be allowed, to the extent that they are necessary to permit the owner to restore the facility to as good a condition as before, or to the extent they are required to meet the conditions imposed by the highway construction. Betterments installed for the benefit of the owner, and not required to restore the facility to a comparable condition, will not be reimbursable and will be the liability of the owner. When a deviation from replacement in kind is proposed, and results in betterment, the owner must fully state their intention.

There will be an itemized listing of materials which constitute betterments to the owner. Those betterments that are to be installed as requirement of the project must be listed separately from those installed for the benefit of the owner. Betterments installed expressly for the benefit of the owner must be shown as credits to the total cost of the relocation. Self-imposed betterments will also be shown as credits unless required by current design practices regularly followed by the company in its own work and there is a direct benefit to the highway project.

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Any increases in the functional capacity of, or service improvements in, the replacement facility, through the use of materials, techniques, or methods, will be considered betterment. Except where such increases or improvements are made necessary by the highway construction, they will constitute prima facie evidence, and the burden of proof to the contrary lies with the owner.

(15) Expired Service Life

In any instance where the relocation involves the substitution of a replacement facility for an existing facility, a determination will be made whether a credit is due to the project for the value of the expired service life of the facility being replaced. Such credit should take into account the effect of such factors as wear and tear, action of the elements, and functional or economic obsolescence of the existing facility, which has not been relieved by maintenance during the years prior to the relocation.

A credit to the project for the value of the expired service life of the facility being replaced will not be required where such facility involves only:

Utility line crossings of the highway.

The following will constitute prima facie evidence that a credit is due to the project for the value of the expired service life of the facility being replaced:

Where the replacement facility is other than a segment of the owner's service, distribution or transmission lines, such as a building, pumping station, filtration plant, power plant or substation, production or transfer and storage facilities, and any other similar operating units of an owner's physical plant or operating facilities.

Where an affirmative finding is made that a credit for the value of expired service life is due to the project, the credit to be given should be in the amount bearing the same proportion to the original cost of the facility being replaced as its existing age bears to its estimated total life expectancy. Following is the formula to be used for calculating this credit:

$$\frac{\text{Actual life of replaced facility}}{\text{Total estimated life expectancy of replaced facility}} \times \text{Original cost of facilities occupying private R/W} = \text{CREDIT}$$

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“The estimated total life expectancy” is the sum of the period of actual use and the period of expected remaining service life. The period of expected remaining life may be taken from the owner’s records, established through the use of age-life curves, or determined by the interested parties through field inspections, giving due consideration to the quality and frequency of maintenance.

Where original costs are not ascertainable from the owner’s accounts and records, they may be estimated by tracing the trend back from present day cost.

The burden of proof of any exception lies with the owner, and will require written explanation to demonstrate that the replacement facility will not remain in useful service for a longer period than the existing facility would have remained in service, had the replacement not been made.

Exceptions claimed on the basis of predicted functional obsolescence of the replacement facility must be substantiated by formal and planned utility work programs, schedules, or equally suitable documentation and the owner must satisfactorily demonstrate and justify the reasons why the planned replacement and expansion cannot be accomplished at the time of the highway utility relocation. Exceptions claimed on the basis of predicted economic obsolescence of the replacement facility must also be substantiated by suitable documentation. Where such exceptions are substantiated and demonstrated to the satisfaction of the Department, an analysis should be made to determine any increase in value to the owner resulting from the predicted early retirement and salvage of the replacement facility.

The credit to be obtained for expired service life shall be determined jointly by the owner and the Department, and should be set forth in the detailed estimate supporting the agreement between the owner and the Department.

(16) Governmental or Industrial Codes

Additional costs incurred by an owner which result from compliance with governmental or industry codes, or current design practices regularly followed in the owner’s own operations, may be reimbursed; provided one or the other of the following conditions is satisfied, and provided the Department concurs:

- (a). There is a direct benefit to the highway project; for example, improved appearance, increased highway safety, or added protection.
- (b). Compliance with such codes or practices is required under Federal, State, or local governing laws and ordinances.

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Except as provided for in the foregoing paragraph, where the owner elects to install, or it is current practice in the owner's operations to install, facilities of a type different from the facilities being replaced; for example, the substitution of ACSR for copper conductors, underground cables for aerial lines, and the like; reimbursement will be limited to the cost of providing the most economical replacement facility, or restoration of service, functionally equal to the one being replaced.

Where an addition to an existing facility is required by the highway construction, such as an increase in the length of a relocated utility line, the actual costs of the addition are reimbursable to the extent the materials in the addition are not of a type or a class superior to the materials in the facility to which the addition is an extension, except that the cost of any improvement in type or class which is required in connection with the construction of the project is reimbursable.

(17) Major Components of Utility Facilities

Where necessitated by the highway project, Department funds are eligible to participate in the costs incurred for rehabilitating, moving, or replacing building, including the equipment and operating facilities in the building, that are used for the production, transmission, or distribution of the owner's products.

Except where it is demonstrated that the existing building and/or facilities are required to remain in place and in service until a (new) replacement building and/or facilities are constructed and in service at a new location, an analysis should be made by the owner to determine the cost and feasibility of each of the following:

- (a). To rehabilitate the building at its existing location,
- (b). To move it as a unit intact to its new location,
- (c). To dismantle it and reassemble or reconstruct it at its new location, or
- (d). To replace it with a new building at the new location.

Reimbursement may be approved for the costs incurred under the most feasible and economical solution available, less appropriate credits for salvage and betterments, as determined by the owner, subject to concurrence by the Department. Where a (new) replacement building and/or (new) equipment or facilities therein are constructed, credit will also be given to the project in accordance with the paragraph on expired service life credit.

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In no event will the total of all credits required under the provisions of this manual exceed the total costs of adjustment, exclusive of the cost of improvements necessitated by the highway construction.

b. Lump Sum Estimate

When the cost to the Department of the proposed adjustment does not exceed \$100,000.00 a lump sum proposal may be used. The material supporting a lump sum proposal must be detailed to show a complete analysis of the estimated direct costs, together with identified indirect costs; or the Department must be satisfied that the owner's cost estimate and method of estimating, including the use of unit costs, such as broad gauge units of property, where used by the owner in his own work, are adequate to support the lump sum method. The lump sum proposal must be supported by a plan prepared in accordance with the paragraph on drawings, specifications where required, and a detailed cost estimate prepared in a manner that will permit comparison with the agreement and supporting plans to give the Department a clear understanding of the work proposed. The proposal will be subject to the prior approval of the Department. Except where unit costs are used and approved, the estimate will show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors; with a statement of which is included in each, and the basis for determining the percentage used. A percentage for contingencies will not be permitted on lump sum proposals. Where determining whether the cost of relocation falls within the ceiling for a lump sum utility proposal, it is not necessary to reflect the estimated costs of utility work not attributable to the highway construction or not eligible for Department participation.

Reimbursement for a lump sum proposal will be in the dollar amount appearing on the agreement form.

In addition to the heading, the estimate will generally include the following parts:

- (1) The materials estimate, covering all materials and supplies required for the work, will show the description of the different items to be used and a definite determination of the quantity required of each item, with the unit price and extension.
- (2) The labor estimate will show the man-hours required for each class of workman to be used and the rate of pay, with the appropriate extension.
- (3) The payroll overhead will show the items of indirect charges attributable to labor costs, with descriptions of each, giving the percent or factor to be used for each, and the correct determination of actual labor cost.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Preparation of Utility Relocation Proposals	No: Revised: Page:	UTL-PRO 6.115-14 01-21-11 19 of 22
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(4) The estimate for equipment costs will show a description of each piece of equipment required, indicating the type, size, rate of charge, and time required, with the appropriate extension, to correctly determine the cost for that piece of equipment.

(5) Overhead not estimated as direct charges will be detailed to give a clear understanding of the items covered.

c. Established Unit Price Estimate

The use of unit costs, such as broad gauge units of property, will be considered acceptable where the owner regularly uses such unit costs; provided a determination is made by the Department that such unit costs and supporting records are representative of the actual direct and related indirect costs, accumulated under the accounting procedure prescribed by the regulatory body having jurisdiction over the owner's operations or the accounting procedure approved by the Department.

5. Supporting Documentation

a. The estimate should include statements covering the following:

(1) The basis on which the owner is requesting reimbursement (reference 4. Estimate of costs.)

(2) The method to be used by the owner for developing relocation cost; i.e., whether the accumulation will be developed with;

(a). Actual direct and related indirect cost accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.

(b). Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the owner and approved by the Department. Where such procedures are proposed by an owner, approval by the Department will be limited to the accounting procedure which the owner uses in his regular operations.

The use of unit costs, such as broad gauge units of property, where the owner regularly uses such unit costs in his own operations, will be considered as meeting the requirements of this paragraph, provided a determination is made in each case, subject to the concurrence of the Department, that such unit costs and supporting records are representative of the actual direct and related indirect costs, accumulated under the accounting

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Preparation of Utility Relocation Proposals	No: Revised: Page:	UTL-PRO 6.115-14 01-21-11 20 of 22
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procedure prescribed by the regulatory body having jurisdiction or approved by the Department.

(c). A lump sum agreement, when the estimated cost to the Department does not exceed \$100,000.00.

(d). Where work is to be performed by forces of an owner whose regular business is such that its accounting system is not designed or required to classify, record and otherwise reflect the results of operation on a continuing basis in terms of physical work items, the estimate of cost will include reference to the support to be (A) presented with the claim for reimbursement, and (B) maintained by the owner for subsequent review. The claim for reimbursement should be accompanied by a duly certified post-construction compilation of cost, showing such details as man-hours by class and rate; equipment by type, size, and rate; materials and supplies by items and price. Upon review of claims, the Department will make such determinations as are appropriate, including any necessity for audit at the location of the owner's records.

(3) If any of the work is done by contract labor, the owner is to provide appropriate information, giving the reason for using outside labor. If a continuing contractor is used, the name of the contractor, are to be furnished.

(4) The method used to establish the owner's equipment rates, if their equipment is used

(5) The scope, description, and location of the work to be undertaken.

(6) Justification for not applying expired service life credit.

6. Agreement Form

The term "agreement form" refers to current R/W Form 305, entitled "Utility Relocation Agreement". This document is the medium by which the owner and the Department formally attest, by signature, to the terms of the proposal for relocation.

In order that the agreement may be processed as a component of the proposal, the front side of the form should be completed; the reverse side must be completed to include the financial responsibility in paragraph 8, the form will be signed where indicated, by an official representative of the owner, and the scope of work section at the bottom of the reverse side must be completed.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Preparation of Utility Relocation Proposals	No: Revised: Page:	UTL-PRO 6.115-14 01-21-11 21 of 22
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During processing by the Department, the form will be signed by the proper authority. When the work order is issued by the Department, one completed signed copy of the utility relocation proposal, will be returned to the owner for his permanent record. Similar to the other components of the proposal, this form is to be submitted in the original six copies. If more than one signed proposal is desired by the owner, additional copies should be submitted.

As previously discussed in this section, "Preparation of the Proposal," two types of proposals may be used: the actual cost proposal, and the lump sum proposal. Using the actual cost type of proposal, numbered lines 1 and 2 in the agreement form should be completed. When the lump sum proposal is used, only numbered line 3 in the agreement form is to be filled in.

The section at the bottom of the reverse side of the form relating to scope of work is reserved for the owner's statement. It is intended that a brief summation of the scope and nature of the work to be done will be entered in this space.

It is intended that the agreement form will not be altered, supplemented, or modified in any manner, so that it may retain its legal function to the mutual advantage of the owner and Department. A copy of this form is available on the ODOT internet site under "Forms".

7. Summary Sheet

A summary sheet will recapitulate the various sections of the estimate. The subtotals of "Materials Salvaged," "Betterments," and "Expired Service Life Credit," are to be subtracted in the accumulation of the total net cost of the utility adjustment.

After the total net cost is determined, the proration must be made on this net total to indicate the amount to be borne by the owner and the amount to be borne by the Department.

In cases where more than one facility is to be relocated, the summary sheet must summarize each estimate separately, with appropriate credits deducted within each estimate. If the proration of cost varies for each individual facility, the summary sheet should recapitulate these costs and indicate a net proration of cost that is to be shown on the agreement form.

Required Deviations from Approved Proposal

During the construction phase of the relocation, it is expected that the provisions of the proposal will be strictly complied with. However, it is conceded that the provisions of the proposal will not always be completely adaptable to actual field conditions, and a minor change of plan must be made in order to render the work functional. In such cases, the

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Preparation of Utility Relocation Proposals	No: Revised: Page:	UTL-PRO 6.115-14 01-21-11 22 of 22
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Department's Resident Engineer/Manager may authorize the change at the job site, provided the following conditions prevail:

- A. That such changes are necessary to accommodate the roadway construction.
- B. That the changes are judged by the Resident Engineer/Manager to be minor.
- C. That time does not allow approval from an Authority at a higher level.
- D. That applicable unit prices for the work are established in the proposal or contract documents.

The plan change must be documented and submitted to the Department within ten days of the date the change is made. Six copies each, of the transmittal letter, drawing, and supporting papers should be prepared and directed to the Resident Engineer/ Manager's office having authority over the project. They will forward the necessary material through channels so that reimbursement may include the cost of these changes.

If a plan change of major proportions should become necessary, approval will be required from the Department, prior to making the change.

Any deviation from the provisions of the proposal which is not properly documented and approved, places the reimbursement to the owner in jeopardy, regardless of whether the change results in a credit or a cost to the project.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Issuance of Utility Relocation Work Orders	No: Revised: Page:	UTL-PRO 6.115-15 01-21-11 1 of 2
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Applies to:

1. General

It is anticipated that roadway construction and improvements will be planned such a manner that a realistic schedule will be available for distribution to the owners and other interested industries. This advance schedule will aid the owners in programming their routine work to correspond or coordinate with highway relocation work. As a result, it is hoped that maximum "lead time" will be gained and used for adjusting facilities in advance of the roadway construction work. The notification will be in the form of a work order/Notice to Proceed.

2. Work Order

When a proposal has been approved, the Utilities Branch will issue a work order to the owner. This notification to proceed with the rearrangement as agreed, stipulates the conditions to be met in completing the work. The owner should not perform any physical adjustments until the notification is received.

If the owner's forces are to be used, work may begin after arrangements have been made with the indicated Department field representative. If contract labor is to be employed, solicitation of bids may begin.

3. Contract Labor

Prior to advertising for bids, a list of contractors who have been qualified by the owner should be sent to the Utilities Branch for informational purposes. The list will consist of only those bidders who will be extended an invitation to submit a bid on the specific project.

An ample number of bids should be solicited, through means ordinarily used by the owner, to assure receiving a minimum of three qualified bids. The bids should be prepared on a realistic unit price basis. A separated bid item should be prepared for recovery of any material to be discontinued from service.

Upon receipt of the bids, a tabulation should be prepared. It will be helpful to indicate on the tabulation which of the bids solicited was received. The following information should then be sent to the Utilities Branch by the owner, subsequent to a study of the bids:

- 1) One copy of the bid tabulation.
- 2) Four copies of the successful bidder's unit prices.
- 3) One copy of the unit prices of other bids received.
- 4) Four copies of the applicable construction specifications.
- 5) Owner recommendation regarding choice of contractor.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Issuance of Utility Relocation Work Orders	No: Revised: Page:	UTL-PRO 6.115-15 01-21-11 2 of 2
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Reimbursement will be limited to the lowest bidder's unit prices. If desired, the owner may recommend a contractor other than the lowest bidder to perform the work. The Department will concur in such a recommendation, provided that the reimbursement is based on the unit prices of the lowest bidder.

After reviewing the bid information, the Utilities Branch will notify the owner of its concurrence by the Department prior to beginning the adjustment.

a. Continuing Contractor

It is recognized that an owner may have in his employ for routine work, a contractor who has been retained on a per job basis, or by year, or divisions thereof. By Department definition, such contractor is called a "continuing contractor". Such contractor may be used for utility relocations for roadway improvements, provided it can be shown this arrangement would be to the advantage of the Department.

If it is the desire of the owner to use a continuing contractor, evidence must be presented to the Department that the contractor was originally selected through competitive bidding. A copy of the bid tabulation would represent adequate confirmation of the method of bidding, as well as the low bidder involved. In addition, a copy of the contract will furnish the Department with a schedule of prices and specifications. With this information, the Department will be aware of the work to be expected from the contractor, and the basis for the individual charges.

Other documents may be used as a basis for the Department's concurrence in the use of a continuing contractor, but unless a clear showing can be made that the contract will be to the best interest of the Department, competitive bids must be taken to insure reimbursement.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Owner Record Keeping, Billing and Audits	No: Revised: Page:	UTL-PRO 6.115-16 01-21-11 1 of 3
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Applies To:

Policy

1. Records to be Kept

Utility accounts kept in accordance with a uniform system prescribed by a State or Regulatory Body will usually be acceptable for the purposes of reimbursement; however, for the sake of having a guiding standard, the Department sets out certain specific requirements to be met in the accumulation of costs.

The owner must keep a separate account for the work covered by each agreement. It is extremely important that the owner also keep a careful record of field operations and warehouse activities, and such records must include dates of performance for specific field operations or related functions; the number of men used on the job to accomplish those operations; and the number, kind, and capacity of the required pieces of equipment. These are the items the Department's Resident Engineer will use to approve the owner's claim. The Resident Engineer will, at all times during the physical rearrangement of the facilities, keep a record of materials being placed in the new installation, materials being removed from the present facility, the number of employees working, the number of man-hours worked, supervision provided, and equipment used.

Failure to maintain adequate records for all material and labor services used, will result in an exception from the Department's Audit Unit, and the possibility of no payment for those items where proper records were not kept.

Billings and Audits

Reimbursement to the owner will be based on actual costs, properly documented in the owner's records. Records showing the nature of each addition to, or retirement from, a facility, the total cost and the sources of cost will be considered proper documentation.

Final reimbursement amounts will be determined through audit by the Department

2. Records to be Kept

Utility accounts kept in accordance with a uniform system prescribed by a state or regulatory body will usually be acceptable for the purposes of reimbursement; however, for the sake of having a guiding standard, the Department sets out certain specific requirements to be met in the accumulation of costs.

The owner must keep a separate account for the work covered by each agreement. It is extremely important that the owner also keep a careful record of field operations and

PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Utility Owner Record Keeping, Billing and Audits	No: Revised: Page:	UTL-PRO 6.115-16 01-21-11 2 of 3
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warehouse activities, and such records must include dates of performance for specific field operations or related functions, the number of men used on the job to accomplish those operations and the number, kind, and capacity of the required pieces of equipment. These are the items the Department's Resident Engineer/Manager will use to approve the owner's claim. The Resident Engineer/Manager will, at all times during the physical rearrangement of the facilities, keep a record of materials being placed in the new installation, materials being removed from the present facility, the number of employees working, the number of man-hours worked, supervision provided, and equipment used.

Records supporting entries for overhead costs will show the total amount, rate and allocation basis of each additive.

3. Billing

Upon satisfactory completion of the adjustments, a certified statement of costs will be prepared by the owner. The billing will be submitted, together with a properly signed and notarized claim, to the Department's Resident Engineer/Manager for his approval and signature. The claim will then be forwarded to the Division Engineer for approval and signature then to the Right-of-Way and Utilities Division, Utilities Branch.

One final and complete billing of all costs incurred will be made by the owner at the earliest practicable date after completion of the work but, no later than one year after completion of work. The statement of final billing will follow as closely as possible the order of the items in the estimate portion of the agreement between the Department and the Owner. The statement of final billing will be itemized to show the totals for labor, overhead construction costs, travel expense, transportation, equipment, material and supplies, handling costs, and other services. In any case, the billing will be shown in such a manner to permit comparison with the approved plans and estimates. Materials are to be itemized, where they represent major components of cost in the relocation, following the pattern set out in the approved estimate as closely as is possible. It is desirable that salvage credits from recovered and replaced permanent and recovered temporary materials be reported in the bill, in relative position with the charge for the replacement or the original charge for temporary use. The final billing will show:

- A. The description and site of the project;
- B. The project number;
- C. The dates on which the Department-Owner Agreement was signed and the first work was performed, or if preliminary engineering or right-of-way items are involved, the date on which the earliest item of billed expense was incurred;

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Utility Owner Record Keeping, Billing and Audits	No: Revised: Page:	UTL-PRO 6.115-16 01-21-11 3 of 3
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D. The date on which the last work was performed or the last item of billed expense was incurred; and

E. The location where the records and accounts billed can be audited

The owner will make adequate reference in the billing to their records, accounts, and other relevant documents.

4. Audits

All costs records and accounts are subject to audit by the Department or Federal Government. During construction and until the audit of the owner's records are complete, the records and accounts pertaining to the construction of the project must be available for inspection and retained for a period of not less than three years from the date of final payment.

During the course of audits, representatives of the Department will discuss with representatives of the owner those items of cost to which exceptions may be taken or on which comments will be made. Any citations will be presented in a formal report by the Right-of-Way and Utilities Division.

The formal report will itemize the exceptions and/or comments relative to the questionable cost. The owner shall then prepare an explanation or rebuttal of the exceptions and/or comments. Final determination will be based on the merits of the owner's explanation or rebuttal statement, which should be made within 30 days.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Form and Examples	No: Revised: Page:	UTL-PRO 6.115-17 01-21-11 1 of 64
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R/W Form 305	Utility Relocation Agreement
R/W Form 309	Certification of Consultant or Land Surveyor
R/W Form 311	Special Provisions for the Installation of Underground Steel Pipeline Crossing State and Federal Right-of-Way without the use of conduit.
Form M4	Utility Permit for Federal or State Highways
Form M4-A	Utility Permit for Interstate Freeways (Controlled Access Highways)
Utility File Search and Permit Form Archaeological Resources	
17 Point Checklist	
Example of Electric Proposal (Regular Project) Alamo Electric Company	
Example of Pipeline Proposal (Regular Project) Alamo Pipeline Company	
Example of Electric Proposal (Interstate-Controlled Access) Alamo Electric Company	
Example of Pipeline Proposal (Interstate-Controlled Access) Alamo Pipeline Company	

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY RELOCATION AGREEMENT

PROJECT NO. _____ JOB PIECE NO. _____ UTILITIES _____ COUNTY _____

THIS AGREEMENT, made and entered into by and between the Department of Transportation acting for and on behalf of the State of Oklahoma, hereinafter called the "State" and _____

ADDRESS _____

hereinafter called the "Utility Owner".

WITNESS TO THAT

WHEREAS, the State proposed to improve _____ Highway No. _____ and such improvements will necessitate rearrangement of facilities by said Utility Owner (state scope and nature of work on reverse side), and

WHEREAS, it is understood that if said project is to be financed in part from funds appropriated by the United States and expended under its regulations, that acceptance of work and procedure in general are subject to Federal Laws, Rules, Regulations, Orders, and Approvals applying to it as a Federal Project, and that costs for items entering into the improvement are reimbursable to the State in such amounts and forms as are proper and eligible for payment from Federal Funds. Reference is made to U.S. Department of Transportation, Code of Federal Regulations, Title 23, Parts 645A and 645B, included in the Utilities Manual and

WHEREAS, it is understood that Title 69, O. S., § 1205 and 1403 each as amended, define the extent to which the State and the Utility Owner may be obligated in the costs of utility rearrangements, and the utility locations on all highways are governed by Regulations and Policies adopted by the State Transportation Commission for the protection and maintenance of the highways, and for the safety of the highway users, and

WHEREAS, the State reserves the right to cancel this Agreement at any time prior to the beginning of the adjustment or relocation of the facilities of this Utility Owner, and

WHEREAS, the State agrees to pay the Utility Owner for the proportionate share of the actual cost to prepare approved preliminary engineering plans and estimates at the State's request, if for any reason the State cancels this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Utility Owner agrees:

1. To prepare a detailed estimate of the cost of work to be performed in accordance with the Department's Utilities Manual and Accommodation Policy, and such estimate of cost must be attached and be a part of this Agreement. The estimate will include: (1) The accounting system to be used in computing the relocation costs; (2) Credit for Expired Service Life setting forth therein the conditions on which such credit was determined or complete justification if the credit is not applicable; and; (3) Whether equipment costs are developed from experience records.

2. To include the costs for backfill and compaction of any trenches or holes within the right-of-way limits in the estimate of costs. The backfill will be placed and compacted to a density as directed by the Resident Engineer/Manager, but will not be compacted to less than that of the adjacent soil.
3. Any and all existing fencing that may require alteration during the utility relocation process shall be restored to its original condition during and after the time of utility relocation/rearrangement. It is the responsibility of the utility owner to insure that the integrity of the fencing is not compromised at any time to an extent in which it prevents the fencing from performing its intended purpose.
4. To prepare drawings showing the present, temporary and proposed location of its facilities with reference to the centerline of survey and/or the new or existing right-of-way lines using highway stationing in both plan and profile. Delineate details, including date of installation, class, and type of present facility. To comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (DEQ) requirements for pollution prevention, including discharges from storm water runoff on this project. Further, agrees to secure a Storm Water Permit from the DEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plans and the appropriate location map contained in the plans constitute the Storm Water Management Plan for the project previously described in the document. Agrees to have daily operational control of those activities, at the site, necessary to ensure compliance with plan requirements and permit conditions. Agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System Permit with DEQ, which authorizes discharges of storm water associated with construction activity from the project site identified in this document. Such drawings will be attached to and become a part of this agreement.
5. To begin the process of adjustment or relocation of the facilities as shown on the plans and covered by this Agreement within a reasonable time, depending on the availability of material and work forces, but the actual time must not exceed thirty (30) days after receipt of notice from the state to do so, and in no event proceed with any adjustment or relocation work until such notice is received. To inform the State's Resident Engineer/Manager of: (1) The proposed starting date, prior to commencing work, and continually maintaining liaison with his/her office for the duration of the physical relocation; (2) The materials to be disposed of by scrapping, or sale, and to inform him/her of a time and place for his/her inspection thereof; (3) The date work is completed.
6.
 - a. That no contract with any individual will be entered into without meeting the requirements of the Department's Utilities Manual.
 - b. That contract work for technical services, professional services or other labor classifications involved in the rearrangement of the facility proposed under this Agreement will be supported by a statement to the effect that, "The Utility Company is not adequately staffed or equipped to perform such work with its own forces." **Proper approval must be obtained in accordance with the Utilities Manual prior to executing a contract with any outside firm or continuing contractor.**
7. To submit to the State, within six (6) months after satisfactory completion of rearrangement of their facilities under this Agreement, a claim using *ODOT Claim Form 324A*, with a certified statement of costs in accordance with the provisions of the aforementioned memorandums.

It is understood this Agreement does not change the rights or obligations of the Utility Owner as they exist in accordance with present State Law.

In consideration of the faithful performance by the Utility Owner of the foregoing, the State agrees:

To reimburse the Utility Owner for the actual costs of work completed, prorated on the basis of the following percentage or for the lump sum as proposed:

(1) Utility Owner Share of Cost	_____ %	Estimated Utility Owner Cost	\$ _____
(2) State Share of Cost	_____ %	Estimated State Cost	\$ _____

OR

(3) Lump Sum Proposal	State Cost	\$ _____
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Nothing herein shall in any way be construed to relieve the Utility Owner from its liability, if any, for payment of a portion of these costs pursuant to 69 O.S. 2001 § 1205, as amended.

IN WITNESS WHEREOF, the parties hereto have caused this Utility Relocation Agreement to be executed by their duly authorized officers on the day and year last below written.

APPROVAL RECOMMENDED:

_____ Resident Engineer/Manager	_____ Date	_____ Name: Utility Owner
_____ Division Engineer	_____ Date	_____ Signature: Utility Owner/Agent
_____ Chief, Right-of-Way & Utilities Division	_____ Date	_____ Date
		_____ Title: Utility Owner/Agent

DEPARTMENT OF TRANSPORTATION FOR THE STATE OF OKLAHOMA (ACTING FOR AND ON BEHALF OF THE STATE OF OKLAHOMA)

By: Director _____ Date _____
(State scope and nature of work in space provided below)

CERTIFICATION OF CONSULTANT OR LAND SURVEYOR

I hereby certify that I am the _____ and duly authorized representative of the firm of _____, whose address and telephone number is _____, and

That, except as expressly stated and described herein, neither I nor the firm of _____ has, in connection with its contract with _____, which has entered into pursuant to provisions of an agreement between the aforementioned Utility Owner and the State of Oklahoma, as part of the highway project _____:

- (a) employed or retained for a commission, percentage, brokerage contingent fee, or other consideration, any firm, company or person, other than a bona fide employee working solely for me or the aforementioned firm, to solicit or secure the contract, or
- (b) agreed, as an express or implied condition for obtaining the award of the contract, to employ or retain the services of any firm, company, or person in connection with the carrying out of the contract, or
- (c) paid, or agreed to pay, to any firm, company, organization, or person, other than a bona fide employee working solely for me or the aforementioned firm, any fee, contribution, donation or consideration of any kind for, or in connection with procuring or carrying out the contract.

(Statement and explanation of exceptions, if any):

I hereby further agree to promptly and expeditiously prepare a Utility Relocation Agreement Form and Proposal of Work, containing detailed cost estimates and plan drawings, for the adjustment-relocation of Utility Owner's _____ within this project. These documents are to be submitted to our Resident Manager/Engineer, Mr. /Ms. _____, Department of Transportation, P.O. Box _____, Oklahoma _____.

I acknowledge that this certificate is to be furnished to the State of Oklahoma, Department of Transportation, in connection with the aforementioned project involving participation of Federal-Aid Highway Funds, and is subject to applicable State and Federal laws, both criminal and civil.

Date

Signature

P.E. or L.S. Number _____

STATE OF OKLAHOMA

SPECIAL PROVISIONS FOR THE INSTALLATION OF UNDERGROUND STEEL PIPELINE CROSSING STATE AND FEDERAL RIGHTS-OF-WAY WITHOUT THE USE OF CONDUIT

1. Design and construction of steel pipelines crossing the State Highway rights-of-way will be accomplished in accordance with the quality maintained by industry standards. Carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the rights-of-way by being of steel at least one grade better and of the same thickness, or a minimum of one wall thickness greater and of the same alloy.
2. Pipe will be placed at a depth not less than 48 inches below the flowline of drainage ditches and all other drainage facilities within highway rights-of-way, with proper corrosion protection maintained at all times. When the construction consists of coated pipe and hard formations are encountered, the pipe being installed in bored or punched holes must be protected to prevent coating damage. All installations will be made in accordance with the requirements of the Oklahoma Corporation Commission and the U.S. Department of Transportation.
3. Identification marker's must be erected at the right-of-way line in accordance with Paragraph 10 or 11 of the accompanying utility permit.
4. All pipeline facilities installation or pipeline repair work due to failure within controlled access highways, will be performed in accordance with the AASHTO publication "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way", and more specifically, service will not be rendered from through traffic lanes or ramps. If a replacement facility becomes necessary, it will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe, or any other approved means which will not interfere with the highway. Installation of pipeline and future service on non-controlled access rights-of-way will also be rendered in a manner as not to interfere with the through lanes or otherwise inconvenience the traveling public.
5. Construction Specifications

	Outside R/W	Inside R/W
(A) Steel Alloy/Grade	_____	_____
(B) Nominal Diameter	_____	_____
(C) Wall Thickness or Weight/Ft.	_____	_____
(D) Contents	_____	_____
(E) Test Pressure PSIG	_____	_____
(F) Working Pressure PSIG	_____	_____

Construction Specifications

Outside R/W

Inside R/W

(G) Maximum Pressure Pipeline
will be Operated PSIG

Not valid unless all information is furnished and installation made in accordance with these provisions. This form accompanies and becomes a part of Utility Relocation Agreement R/W Form No. 305 or Utility Permit Form M-4 or M-4A.

Line Designation _____ Hwy. No. _____ County _____

Project No. or Permit No. _____

Utility Owner Name _____

Signature

Date _____

Dept. of Transportation Approval _____

Date _____

FORM M4
Rev. 05/2009

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY PERMIT FOR FEDERAL OR STATE HIGHWAYS

HIGHWAY DIVISION _____
COUNTY _____
PERMIT NO. _____

This Authority executed in the original and four copies this _____ day of _____, 20____, by the Oklahoma Department of Transportation, acting for and on behalf of the State of Oklahoma, hereinafter called the DEPARTMENT, Witnesseth:

That the Department does by these presents, grant to:

Utility Owner / Applicant _____ Attention: _____

Mailing Address _____ City _____ State _____ Zip _____

Telephone No. _____

A permit to erect, construct and maintain a _____ along, upon and across the hereinafter said highway(s) for the purpose of transporting, selling and using _____ and shown on the attached drawing(s) and further described as follows:

LOCATION:

To _____ U.S. _____ S.H. _____ Approximately _____ miles
(Cross and/or Parallel)

_____ of _____
(N.S.E.W.) (Nearest other Highway Junction)

and further described as: _____ feet _____ of the _____
(N.S.E.W.)

Corner of Section _____ Township _____ Range _____

County _____ Size of line _____ Size of casing _____

The installation will be made in the following manner: _____

(Boring, pushing, overhead crossings, and other descriptions)

All information requested on the form must be supplied. **Drawings clearly illustrating work to be performed within the highway right-of-way and all other utility facilities in the area of this permit should be provided with the permit application.** A plan view will be sufficient, except where a crossing of this highway is involved. Each highway crossing must be represented by an actual profile and cross-section view, regardless of the type of facility being installed. All installations must be in compliance with the Department's clear zone policy. The owner must self certify that the facility is located in the corridor approved by the Division Engineer.

This permit is granted subject to the following conditions, requirements, and covenants, to wit:

1. Work to be performed on the Department right-of-way must have the approval of the Department's Division Engineer, who must be notified when the work is to begin and when it is complete for final inspection. Under no circumstances will any work be done on Department right-of-way until approval has been obtained. No work will be done on Department right-of-way on Saturdays, Sundays, Holidays or after dark unless approved by the Division Engineer. The Division Engineer may require a pre-construction conference.
2. **One copy of the approved permit must be kept at the work site for inspection by the Division Engineer or his representatives.** Applicant is to have an inspector or engineer present at all times during construction to insure that installation is made in accordance with plans and specifications approved by the Department. No deviation from the approved plans and specifications will be made without the approval of the Department's Division Engineer.

3. The applicant must agree to hold the State harmless for any damage or injury to persons or property caused by or resulting from the construction, maintenance, operation, or repair of the facilities on, under, or over the Department right-of-way, and must further agree to reimburse the Department for repair of any damage to Department facilities caused by the construction, maintenance and/or operation of the facility. **The applicant will be responsible for any damage resulting from deviation of the assigned corridor.**
4. No driveways, local roads, county roads, ditch liners, structures or surfaced areas will be cut unless approved by the Division Engineer.
5. All work on the Department right-of-way is to be done in accordance with the current "Standard Specification for Highway Construction", which is incorporated herein by reference as if fully set out. At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition. Cleanup will include replacing any protective grass cover destroyed by trenching or the operation of any equipment, and correcting any other damage that may have been caused, as directed by the Division Engineer.
6. The applicant must furnish all flagmen, lights, barricades, and warning signs deemed necessary by the Department during the construction, maintenance, or repair of the applicant's facilities on the Department's right-of-way, as required by Department standards and the "Manual on Uniform Traffic Control Devices".
7. In some cases, the applicant must post a performance bond in an amount determined by the Division Engineer. Necessity for such bond will be determined by the Division Engineer and the bond will be held in his office until the right-of-way is in a presentable condition.
8. When notified to do so by the Department, the applicant agrees to make all changes in the facilities on Department right-of-way within the Department's established time period at the applicant's own expense, unless otherwise provided by law or order of the Transportation Commission.
9. **Aerial Facilities - Clearance above the traffic lanes of the highway at all aerial pole line crossings should comply with applicable safety codes, and will not be less than 20 feet.** All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times and free from weeds and brush within a 5-foot area of the installation. These facilities, when parallel to the highway, will be installed within their assigned corridor and outside the clear zone, unless otherwise approved by the Division Engineer. Parallel overhead lines on all highway right-of-way should be limited to single pole construction. All crossing should be as nearly perpendicular as possible. Any deviation must be approved by the Division Engineer.
10. **Underground facilities -** All encased crossings should have casing from right-of-way line to right-of-way line and be sealed at both ends with an approved conduit seal (standard neoprene, rubber and comparable seals will be approved) and vented outside the right-of-way lines, unless otherwise approved by the Division Engineer. The top of the conduit should be a minimum of 60 inches below the top of pavement, but not less than 30 inches below the bottom of the ditches. The casing must be designed to sustain roadway loadings, contain and divert from the roadway the contents of the carrier pipe, and have a life expectancy equal to or greater than the carrier pipe. The vents should be sized to allow proper release of carrier pipe contents in case of failure. The minimum pipe size for vents is 2 inch nominal, and the vent must extend a minimum of 36 inches above natural ground level. The utility owner must install identification markers at each right-of-way line directly above the facility. The markers may be attached to vents or to a right-of-way fence, and should be placed over parallel underground facilities at each change in direction and not more than 1000 foot intervals. The markers may be in the utility owner's standard design, but must identify the owner's name, address and telephone number and emergency contact number, size of facility, and must be at least 130 sq. inches in area. They must also be erected at a location plainly visible from within the highway right-of-way.

All underground electric cable crossings must be placed in a conduit and be a minimum of 48 inches below the ditch flow lines. Conduit placed beneath a roadway must be steel, HDPE, Heavy Duty PVC or fiberglass if it is designed to withstand highway loading and is properly protected. Encasement for underground power lines, or similar facilities should comply with the above, except for the installation of vents, and seals, and the ability to contain and divert. Methods for boring the roadway shall be the same as for any other bored crossing. Encasement for underground communication cables is not required.

Steel pipelines crossing the right-of-way may be installed without encasement if the installation is in accordance with R/W Form 311 "Special Provisions for the Installation of Underground Steel Pipelines Crossing State or Federal Rights-of-Way Without the Use of Conduit". This Special Provision stipulates in part that carrier pipe material within the right-of way must be superior to the carrier pipe material outside the right-of-way by being of steel at least one grade better and of the same wall thickness, or a minimum of one wall thickness greater and of the same alloy. Pipe must be 48 inches below the flow line of drainage ditches and all other highway drainage facilities, and must be properly protected from corrosion.

Facilities such as water and sanitary sewer lines, crossing the highway right-of-way may be approved without encasement, if cast or ductile iron, HDPE or material of equal design is used, with the understanding that maintenance will be performed by a method that will not disturb the through lanes or interfere with traffic. If a replacement facility becomes necessary, replacement will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe, or any other approved method that will prevent disturbance of the highway. AC, PVC, or equivalent material lines will not be permitted without the use of a steel, or equivalent material, conduit. In any case, all conduit shall be sufficient to withstand roadway loadings.

All underground crossings must be installed by dry boring or punching or other approved methods. The method and equipment for the installation must be approved by the Division Engineer. When boring beneath a roadway, water may be used provided the elevation is a minimum of 6 feet below the top of the pavement. Sufficient water for lubricating the bit is acceptable; however, jetting or pressure flushing of the bore will not be permitted. The alignment of the bore is to be established by drilling a pilot hole before beginning the full size bore. When water is used, the annular space outside the conduit or carrier pipe is to have grout placed at a minimum of 10 PSI pressure, to insure against cavities beneath the roadbed. No digging or equipment will be permitted in center medians or ditch lines without special permission from the Division Engineer.

When steel pipe/conduit is placed construction should be done by either jacking, dry boring, or tunneling. When boring in cohesionless materials, jacking, dry boring, or tunneling shall be done in conjunction with the advancement of a steel conduit/pipe. When boring in Bentonite Clay or equivalent material, drilling mud shall be required at the ends of the bore for a minimum distance of 1-foot. A natural clay or concrete plug will be acceptable for other bores.

Time to complete a bore shall be kept within the limits of open boring or advancing a conduit that can be properly reamed and cleaned out within one working day. Under no circumstance shall muck or water be left standing inside the bore at the end of a working day, or due to a break-down of equipment of more than eight hours.

If considered necessary, pressure grouting of the voids will be required when the diameter of any bore exceeds the outside diameter of the pipe by 2 inches or more. In the interest of safety, trenching and the parking of equipment should be performed as far as possible from traffic lanes. In unusual cases where trenching is necessary, a special plan with specifications will be developed by the applicant, with assistance from the Division Engineer, setting out the method for controlling the traffic, placement of the facility and proper restoration of the roadway. These specifications must be approved by the Division Engineer.

11. Parallel facilities must be installed in the assigned corridor as approved by the Division Engineer. **The utility owner will be responsible for any damage resulting from deviation of the assigned corridor.** All buried facilities should be placed at a minimum depth of 30 inches, except for power, which should be placed at a minimum of 48 inches below the surface. All nonferrous lines must have an electrically conductive wire, with test points, or other means of locating the pipe while it is underground. The ditch must be backfilled to a density equal to the adjacent soil, and a proper vegetative cover established on the area disturbed. All parallel underground electric cables must be placed a minimum of 48 inches below the surface and marked at each point of change in direction.
12. The applicant must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without approval of the Division Engineer. If it becomes necessary to disturb trees or shrubbery, the applicant's intentions must be plainly stated in the application which will include size and kind of trees and shrubs, and disposition during installation.
13. The Applicant agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff on this project. Further, the Applicant agrees as stipulated in the ODEQ's General Permit to secure a storm water permit with the ODEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the plans constitute the storm water management plan for the project previously described in the document. The Applicant agrees to have daily operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. The Applicant agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System (OPDES) permit with ODEQ which authorizes discharges of storm water associated with construction activity from the project site identified in this document.
14. **The applicant must agree to hold the Department of Transportation harmless for any and all damage that the utility facilities might sustain while occupying a Federal or State highway right-of-way.**
15. Blasting will not be permitted within the highway right-of-way except in unusual cases and only with special approval from the Division Engineer.
16. The applicant agrees to notify all owners who have facilities in the area encompassed by this permit. OKIE ONECALL [(800) 522-6543] and the County Clerk will be notified 3 working days prior to the beginning of any work.

This permit may be revoked for noncompliance or failure to begin work within a one year period of date of approval.

PIPELINES

Size _____
Alloy/Material _____
Wall Thickness _____
Contents _____
Mfg. Test Pressure _____
Working Pressure _____
Max. Operating Pressure _____

ELECTRIC

Voltage _____
Conductor Size _____
Type of Structure _____
Ruling Span _____

COMMUNICATIONS

Wires/Pairs/Strands _____
Gauge _____
Cable Type _____

President, Owner, or Authorized Agent - Signature Date

Division Engineer Date

Print Name

Local Contact Name and Phone Number

FORM M4-A
Rev. 05/2009

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

HIGHWAY DIVISION _____
COUNTY _____
PERMIT NO. _____

UTILITY PERMIT FOR INTERSTATE FREEWAYS (CONTROLLED ACCESS HIGHWAYS)

This Authority executed in the original and four copies this _____ day of _____, 20____, by the Oklahoma Department of Transportation, acting for and on behalf of the State of Oklahoma, hereinafter called the DEPARTMENT, Witnesseth:

That the Department does by these presents, grant to:

Utility Owner / Applicant _____ Attention: _____
Mailing Address _____ City _____ State _____ Zip _____
Telephone No. _____

A permit to erect, construct and maintain a _____ to cross the herinafter said Interstate Freeway for the purpose of transporting, selling and using _____ and shown on the attached drawing(s) and further described as follows:

LOCATION:

To _____ Interstate Freeway Route _____ Approximately _____ miles
(Cross and/or Parallel)
_____ of _____
(N.S.E.W) (Nearest other Highway Junction)

and further described as: _____ feet _____ of the _____
Corner of Section _____ Township _____ Range _____
County _____ Size of line _____ Size of casing _____

The installation will be made in the following manner: _____

(Boring, pushing, overhead crossings, and other descriptions)

All information requested on the form must be supplied. **Drawings clearly illustrating work to be performed within the highway right-of-way and all other utility facilities in the area of this permit should be provided with the permit application.** A plan view will be sufficient, except where a crossing of this highway is involved. Each highway crossing must be represented by an actual profile and cross-section view, regardless of the type of facility being installed. All installations must be in compliance with the Department's clear zone policy. The owner must self certify that the facility is located in the corridor approved by the Division Engineer.

This permit is granted subject to the following conditions, requirements, and covenants, to wit:

1. Work to be performed on the Department right-of-way must have the approval of the Department's Division Engineer, who must be notified when the work is to begin and when it is complete for final inspection. Under no circumstances will any work be done on Department right-of-way until approval has been obtained. No work will be done on Department right-of-way on Saturdays, Sundays, Holidays or after dark unless approved by the Division Engineer. The Division Engineer may require a pre-construction conference.
2. **One copy of the approved permit must be kept at the work site for inspection by the Division Engineer or his representatives.** Applicant is to have an inspector or engineer present at all times during construction to insure that installation is made in accordance with plans and specifications approved by the Department. No deviation from the approved plans and specifications will be made without the approval of the Department's Division Engineer.

3. The applicant must agree to hold the State harmless for any damage or injury to persons or property caused by or resulting from the construction, maintenance, operation, or repair of his facilities on, under, or over the Department right-of-way, and must further agree to reimburse the Department for repair of any damage to Department facilities caused by the construction, maintenance and/or operation of the facility. **The applicant will be responsible for any damage resulting from deviation of the assigned crossing corridor.**
4. No driveways, local roads, county roads, ditch liners, structures or surfaced areas will be cut unless approved by the Division Engineer.
5. All work on the Department right-of-way is to be done in accordance with the current "Standard Specification for Highway Construction", which is incorporated herein by reference as if fully set out. At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition. Cleanup will include replacing any protective grass cover destroyed by trenching or the operation of any equipment, and correcting any other damage that may have been caused, as directed by the Division Engineer.
6. The applicant must furnish all flagmen, lights, barricades, and warning signs deemed necessary by the Department during the construction, maintenance, or repair of the applicant's facilities on the Department's right-of-way, as required by Department standards and "The Manual on Uniform Traffic Control Devices".
7. In some cases, the applicant must post a performance bond in an amount determined by the Division Engineer. Necessity for such bond will be determined by the Division Engineer and the bond will be held in his office until the right-of-way is in a presentable condition.
8. Access for constructing a utility along frontage roads or across a freeway will be limited to frontage roads, nearby or adjacent public roads and streets, and trails along or near right-of-way lines. The use of through lanes or ramps by company personnel, machinery or equipment to reach the work site will not be permitted. When construction equipment must be used within the control of access limits, the owner's plan must designate point of entry and departure of equipment. If deviation from access policy is to be requested, the Division Engineer should be consulted prior to development of a final plan.
9. When notified to do so by the Department, the applicant agrees to make all changes in the facilities on Department right-of-way **within the Department's established time period** at the applicant's own expense, unless otherwise provided by law or order of the Transportation Commission.
10. **Aerial Facilities - Clearance above the traffic lanes of the highway at all aerial pole line crossings should comply with applicable safety codes, and will not be less than 20 feet.** All aerial facilities on any highway right-of-way shall be limited to single pole construction. All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times. Facilities located on the highway right-of-way outside the control of access limits must be kept free of weeds and brush within five feet of the installation. All aerial crossing should be as nearly perpendicular as possible. Any deviation must be approved by the Division Engineer.
11. **Underground Facilities -** All encased crossings should have casing from right-of-way line to right-of-way line and be sealed at both ends with an approved conduit seal (standard neoprene, rubber and comparable seals will be approved) and vented outside the right-of-way lines, unless otherwise approved by the Division Engineer. The top of the conduit should be a minimum of 60 inches below the top of pavement, but not less than 30 inches below the bottom of the ditches. The casing must be designed to sustain roadway loadings, contain and divert from the roadway the contents of the carrier pipe, and have a life expectancy equal to or greater than the carrier pipe. The vents should be sized to allow proper release of carrier pipe contents in case of failure. The minimum pipe size for vents is 2 inch nominal, and the vent must extend a minimum of 36 inches above natural ground level. The utility owner must install identification markers at each right-of-way line directly above the facility. The markers may be attached to vents or to a right-of-way fence, and should be placed over parallel underground facilities at each change in direction and not more than 1000 foot intervals. The markers may be in the owner's standard design, but must identify the owner's name, address and telephone number and emergency contact number, size of facility, and must be at least 130 sq. inches in area. They must also be erected at a location plainly visible from within the highway right-of-way.

All underground electric cable crossings must be placed in a conduit and be a minimum of 48 inches below the ditch flow lines. Conduit placed beneath a roadway must be steel, HDPE, Heavy Duty PVC or fiberglass if it is designed to withstand highway loading and is properly protected. Encasement for underground power lines, or similar facilities, should comply with the above, except for the installation of vents, and seals, and the ability to contain and divert. Methods for boring the roadway shall be the same as for any other bored crossing. Encasement for underground communication cables is not required.

Steel pipelines crossing the right-of-way may be installed without encasement if the installation is in accordance with R/W form 311 "Special Provisions for the Installation of Underground Steel Pipelines Crossing State and Federal Rights-of-Way Without the Use of Conduit". This Special Provision stipulates in part that carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the right-of-way by being of steel at least one grade better and of the same wall thickness, or a minimum of one wall thickness greater and of the same alloy. Pipe must be 48 inches below the flow line of drainage ditches and all other highway drainage facilities, and must be properly protected from corrosion.

Facilities such as water and sanitary sewer lines, crossing the highway right-of-way may be approved without encasement, if cast or ductile iron, HDPE or material of equal design is used, with the understanding that maintenance in the event of failure will be performed in accordance with the AASHTO publication, "A Policy on the Accommodation of Utilities on Freeway Rights-of-Way" and, more specifically, service will not be rendered from through traffic lanes or ramps. If a replacement facility becomes necessary, replacement will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe, or any other approved method that will prevent disturbance of the highway. AC, PVC, or equivalent material lines will not be permitted without the use of a steel, or equivalent material, conduit. In any case, all conduit shall be sufficient to withstand roadway loadings.

All underground crossings must be installed by dry boring or punching or other approved methods. The method and equipment for the installation must be approved by the Division Engineer. When boring beneath a roadway, water may be used provided the elevation is a minimum of 6 feet below the top of pavement. Sufficient water for lubricating the bit is acceptable; however, jetting or pressure flushing of the bore will not be permitted. The alignment of the bore is to be established by drilling a pilot hole before beginning the full size bore. When water is used, the annular space outside the conduit or carrier pipe is to have grout placed at a minimum of 10 PSI pressure, to insure against cavities beneath the roadbed. No digging or equipment will be permitted in center medians or ditch lines without special permission from the Division Engineer.

When steel pipe/conduit is placed construction should be done by either jacking, dry boring, or tunneling. When boring in cohesion-less materials, jacking, dry boring, or tunneling shall be done in conjunction with the advancement of a steel conduit/pipe. When boring in Bentonite Clay or equivalent material, drilling mud shall be required at the ends of the bore for a minimum distance of 1-foot. A natural clay or concrete plug will be acceptable for other bores.

Time to complete a bore shall be kept within the limits of open boring or advancing a conduit that can be properly reamed and cleaned out within one working day. Under no circumstance shall muck or water be left standing inside the bore at the end of a working day, or due to a break-down of equipment of more than eight hours.

If considered necessary, pressure grouting of the voids will be required when the diameter of any bore exceeds the outside diameter of the pipe by 2 inches or more. No trenching will be allowed inside the control of access limits unless approved by the Department. In the interest of safety, no trenching shall be performed or equipment parked within 30 feet of the edge of the traffic lanes. In unusual cases where trenching is necessary, a special plan with specifications will be developed by the applicant, with assistance from the Division Engineer, setting out the method for controlling the traffic, placement of the facility and proper restoration of the roadway. These specifications must be approved by the Division Engineer.

12. Parallel facilities outside the control of access limits, but inside the Division's right-of-way, must be installed in the assigned corridor, as approved by the Division Engineer. **The utility owner will be responsible for any damage resulting from deviation of the assigned corridor.** All buried facilities should be placed at a minimum depth of 30 inches, except for power, which should be placed at a minimum of 48 inches below the surface. All nonferrous lines must have an electrically conductive wire, with test points, or other means of locating the pipe while it is underground. The ditch must be backfilled to a density equal to the adjacent soil, and a proper vegetative cover established on the area disturbed. All parallel underground electric cables must be placed a minimum of 48 inches below the surface and marked at each point of change in direction.
13. The Applicant must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without approval of the Division Engineer. If it becomes necessary to disturb trees or shrubbery, the applicant's intentions must be plainly stated in the application which will include size and kind of trees and shrubs, and disposition during installation.
14. The Applicant agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff on this project. Further, the Applicant agrees as stipulated in the ODEQ's General Permit to secure a storm water permit with the ODEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the plans constitute the storm water management plan for the project previously described in the document. The Applicant agrees to have daily operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. The Applicant agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System (OPDES) permit with ODEQ which authorizes discharges of storm water associated with construction activity from the project site identified in this document.
15. The applicant must be familiar with the AASHTO Policy referred to above, particularly that portion which prohibits the installation or future maintenance of a utility facility from through traffic lanes or ramps.
16. **The applicant must agree to hold the Department of Transportation harmless for any and all damage that the utility facilities might sustain while occupying Interstate Freeway right-of-way.**
17. Blasting will not be permitted within the highway right-of-way except in unusual cases and only with special approval from the Division Engineer.
18. The applicant agrees to notify all owners who have facilities in the area encompassed by this permit. OKIE ONECALL [(800) 522-6543] and the County Clerk will be notified 3 working days prior to the beginning of any work.

This permit may be revoked for noncompliance or failure to begin work within a one year period of date of approval.

PIPELINES

Size _____
Alloy/Material _____
Wall Thickness _____
Contents _____
Mfg. Test Pressure _____
Working Pressure _____
Max. Operating Pressure _____

ELECTRIC

Voltage _____
Conductor Size _____
Type of Structure _____
Ruling Span _____

COMMUNICATION

Wires/Pairs/Strands _____
Gauge _____
Cable Type _____

President, Owner, or Authorized Agent - Signature Date

Division Engineer Date

Print Name

Local Contact Name and Phone Number

(Revised: 12/2009)

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
UTILITY FILE SEARCH AND PERMIT FORM
ARCHAEOLOGICAL RESOURCES**

This is a 3-Part Form. **Part 1** is completed by the Applicant for a utility permit on State Land. Upon completing this section the form is sent to the Oklahoma Archaeological Survey (111 E. Chesapeake, Bldg. 134, University of Oklahoma, Norman, Oklahoma 73019, FAX: 1-405-325-7604, Phone: 1-405-325-7211). **Part 2** is completed and signed by an authorized staff person in the Community Assistance Program at the Oklahoma Archaeological Survey and then returned to the Applicant for submission to the appropriate ODOT Field Division processing the Application. **Part 3** is then completed by the appropriate Field Division personnel with a copy provided to the ODOT Planning Division, 200 NE 21st Street, Oklahoma City, Oklahoma 73105.

Part 1 (to be completed by the Applicant and submitted directly to the Oklahoma Archaeological Survey, 111 E. Chesapeake, Bldg. 134, University of Oklahoma, Norman, Oklahoma 73019 - FAX: 1-405-325-7604, Phone: 1-405-325-7211).

Applicant: _____ Address: _____ Phone: _____

Type of Installation: _____

Legal Description:

Township: _____ Range: _____ Section (to nearest quarter section): _____

To _____ US _____ SH _____ RR _____ Approximately _____ miles
(cross or parallel)

of _____
(N.S.E.W.) (Highway junction or other definite point)

County: _____

Part 2 (to be completed by OAS Staff and returned to Applicant)

(sign and date)

- _____ There are no known archaeological resources in the permit area.
- _____ Sites present, but no further evaluation or work required.
- _____ There are known archaeological resources in the permit area which require further evaluation.

Part 3 (to be completed by ODOT Field Division issuing permit)

- _____ No known archaeological involvements as per recommendation of OAS. Permit OK.
- _____ OAS has identified archaeological resources that require further evaluation. **Contact the Department Archaeologist (1-405-325-7201). Approval by the Oklahoma Archaeological Survey or the Department Archaeologist is necessary before permit is granted.**

(date of archaeologist approval)

Permit #: _____ Date Granted: _____

Signature of person granting permit: _____

17 Point Checklist

FIELD MEETING FOR UTILITY REARRANGEMENT IN ADVANCE OF HIGHWAY CONSTRUCTION

(THE FOLLOWING INFORMATION WILL BE REQUIRED IN ORDER TO PREPARE AND PROCESS THE PROPOSAL FOR UTILITY RELOCATION)

Project Number:	J/P Number:	Date:
County:		
Owner:		
Address:		
Facility Identification:		
Owner Representative:		

1. Existing Facility Description: (Size, weight, material, content, type weld, coating protection, pole height and class, number of wires, voltage or underground, origin and destination, conductor size, etc.)
2. Does existing facility need to be relocated to accommodate highway construction?
3. Year existing facility installed: _____ condition: _____
4. Anticipated total life of service of existing facility:
5. Location of existing facility, horizontal and vertical: (Township, Range, Section, highway station, depth of burial, skew angle, elevation, etc.)
6. Existing facility on private R/W _____ ; on public R/W _____
7. If there is joint ownership or joint use of existing facility, who is responsible for relocation?
8. Can the existing facility be removed from service for relocation?
9. Description and type of proposed replacement:
10. Are betterments planned in the proposed facility?
11. Proposed labor force: Owner _____ Contract _____
12. Proposed engineering force: Owner ____ Consultant _____
13. What accounting methods will be used to accumulate charges?
14. Owner compensable interest by easements (furnish one copy of instruments):
15. Estimated date completed proposal to be submitted to Service Provider or ODOT Resident Engineer/Manager:
16. Will availability of material delay proposed replacement?
17. Estimated time required for total physical rearrangement (after approval has been made and work order received including time for advertising and receiving bids for construction if necessary):

(Please fill out and bring with you)

**UTILITY RELOCATION PROPOSAL
EXAMPLE 1**

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY RELOCATION AGREEMENT

PROJECT NO. FAP-F-17(23)(26) JOB PIECE NO. 00000 UTILITIES (06) COUNTY TULSA

THIS AGREEMENT, made and entered into by and between the Department of Transportation acting for and on

behalf of the State of Oklahoma, hereinafter called the "State" and ALAMO PIPELINE COMPANY

ADDRESS 2460 WEST 15TH STREET, PLACEVILLE, OKLAHOMA 73000

hereinafter called the "Utility Owner".

WITNESS TO THAT

WHEREAS, the State proposed to improve U.S. Highway No. 75 and such improvements will necessitate rearrangement of facilities by said Utility Owner (state scope and nature of work on reverse side), and

WHEREAS, it is understood that if said project is to be financed in part from funds appropriated by the United States and expended under its regulations, that acceptance of work and procedure in general are subject to Federal Laws, Rules, Regulations, Orders, and Approvals applying to it as a Federal Project, and that costs for items entering into the improvement are reimbursable to the State in such amounts and forms as are proper and eligible for payment from Federal Funds. Reference is made to U.S. Department of Transportation, Code of Federal Regulations, Title 23, Parts 645A and 645B, included in the Utilities Manual and

WHEREAS, it is understood that Title 69, O. S., § 1205 and 1403 each as amended, define the extent to which the State and the Utility Owner may be obligated in the costs of utility rearrangements, and the utility locations on all highways are governed by Regulations and Policies adopted by the State Transportation Commission for the protection and maintenance of the highways, and for the safety of the highway users, and

WHEREAS, the State reserves the right to cancel this Agreement at any time prior to the beginning of the adjustment or relocation of the facilities of this Utility Owner, and

WHEREAS, the State agrees to pay the Utility Owner for the proportionate share of the actual cost to prepare approved preliminary engineering plans and estimates at the State's request, if for any reason the State cancels this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Utility Owner agrees:

1. To prepare a detailed estimate of the cost of work to be performed in accordance with the Department's Utilities Manual and Accommodation Policy, and such estimate of cost must be attached and be a part of this Agreement. The estimate will include: (1) The accounting system to be used in computing the relocation costs; (2) Credit for Expired Service Life setting forth therein the conditions on which such credit was determined or complete justification if the credit is not applicable; and; (3) Whether equipment costs are developed from experience records.

2. To include the costs for backfill and compaction of any trenches or holes within the right-of-way limits in the estimate of costs. The backfill will be placed and compacted to a density as directed by the Resident Engineer/Manager, but will not be compacted to less than that of the adjacent soil.
3. Any and all existing fencing that may require alteration during the utility relocation process shall be restored to its original condition during and after the time of utility relocation/rearrangement. It is the responsibility of the utility owner to insure that the integrity of the fencing is not compromised at any time to an extent in which it prevents the fencing from performing its intended purpose.
4. To prepare drawings showing the present, temporary and proposed location of its facilities with reference to the centerline of survey and/or the new or existing right-of-way lines using highway stationing in both plan and profile. Delineate details, including date of installation, class, and type of present facility. To comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (DEQ) requirements for pollution prevention, including discharges from storm water runoff on this project. Further, agrees to secure a Storm Water Permit from the DEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plans and the appropriate location map contained in the plans constitute the Storm Water Management Plan for the project previously described in the document. Agrees to have daily operational control of those activities, at the site, necessary to ensure compliance with plan requirements and permit conditions. Agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System Permit with DEQ, which authorizes discharges of storm water associated with construction activity from the project site identified in this document. Such drawings will be attached to and become a part of this agreement.
5. To begin the process of adjustment or relocation of the facilities as shown on the plans and covered by this Agreement within a reasonable time, depending on the availability of material and work forces, but the actual time must not exceed thirty (30) days after receipt of notice from the state to do so, and in no event proceed with any adjustment or relocation work until such notice is received. To inform the State's Resident Engineer/Manager of: (1) The proposed starting date, prior to commencing work, and continually maintaining liaison with his/her office for the duration of the physical relocation; (2) The materials to be disposed of by scrapping, or sale, and to inform him/her of a time and place for his/her inspection thereof; (3) The date work is completed.
6.
 - a. That no contract with any individual will be entered into without meeting the requirements of the Department's Utilities Manual.
 - b. That contract work for technical services, professional services or other labor classifications involved in the rearrangement of the facility proposed under this Agreement will be supported by a statement to the effect that, "The Utility Company is not adequately staffed or equipped to perform such work with its own forces." **Proper approval must be obtained in accordance with the Utilities Manual prior to executing a contract with any outside firm or continuing contractor.**
7. To submit to the State, within six (6) months after satisfactory completion of rearrangement of their facilities under this Agreement, a claim using *ODOT Claim Form 324A*, with a certified statement of costs in accordance with the provisions of the aforementioned memorandums.

It is understood this Agreement does not change the rights or obligations of the Utility Owner as they exist in accordance with present State Law.

In consideration of the faithful performance by the Utility Owner of the foregoing, the State agrees:

To reimburse the Utility Owner for the actual costs of work completed, prorated on the basis of the following percentage or for the lump sum as proposed:

(1) Utility Owner Share of Cost	0	%.	Estimated Utility Owner Cost	\$ 0.00
(2) State Share of Cost	100	%.	Estimated State Cost	\$ 2,119.62

OR

(3) Lump Sum Proposal State Cost \$ _____

Nothing herein shall in any way be construed to relieve the Utility Owner from its liability, if any, for payment of a portion of these costs pursuant to 69 O.S. 2001 § 1205, as amended.

IN WITNESS WHEREOF, the parties hereto have caused this Utility Relocation Agreement to be executed by their duly authorized officers on the day and year last below written.

APPROVAL RECOMMENDED:

_____	ALAMO PIPELINE COMPANY
Resident Engineer/Manager _____ Date	Name: Utility Owner
_____	_____
Division Engineer _____ Date	Signature: Utility Owner/Agent _____ Date
_____	_____
Chief, Right-of-Way & Utilities Division _____ Date	Title: Utility Owner/Agent

DEPARTMENT OF TRANSPORTATION FOR THE STATE OF OKLAHOMA (ACTING FOR AND ON BEHALF OF THE STATE OF OKLAHOMA)

By: Director _____ Date

(State scope and nature of work in space provided below)
Lowering a 4-inch Products Line crossing at Station 760+87.

(Example 1)

ALAMO PIPELINE COMPANY
2460 West 15th Street
Anywhere, Oklahoma 73000
FAP-F-17(23)(26) Utilities
Section 4-T 21 N-R 13 E
Tulsa County
January 4, 2011

The adjustment consists of lowering a 4-inch products line crossing at Station 760+87. The line may be removed from service for a short period of time for tie-in purposes only.

Copies of easements are attached as proof of Compensable Interest. No Betterment of increased capacity will result from the adjustment. The segment being adjusted is an ordinary crossing and is an integral part of the system as a whole; therefore, Credit for Expired Service Life is not required.

Credit for salvable material will be given, provided the value of the material exceeds the removal and salvage costs. If a net credit is not realized we propose to abandon the existing material in place. All actual and indirect costs will be accumulated by a work order accounting procedure used in our company operations and approved by applicable regulatory bodies.

(Example 1)

**SUMMARY SHEET
FAS-F-17 (23) (26) Utilities
TULSA COUNTY**

New Construction		
Material		\$1,039.22
Labor		476.00
Labor to removed old line		133.00
Overhead on total labor 21%		124.53
Transportation and equipment expense		361.00
Travel and living expense – Preliminary Engineering		12.36
Travel and living expense – Construction		25.00
Storehouse and purchasing expense (5% of materials)		51.96
Products loss – 20 barrels @ \$2.75		55.00
R/W damages		75.00
Freight on coated and wrapped 8269 # @ \$.005		<u>41.35</u>
		\$2,394.42
Credits		
Betterment	-0-	-0-
Expired Service Life	-0-	-0-
Salvage	\$262.80	<u>(\$262.80)</u>
Total Estimated Reimbursable Cost		\$2,131.62
Alamo Pipeline Company Cost		-0-
Others Cost		\$2,131.62

NOTE: All percentages shown in this estimate are used in our normal operations.

(Example 1)

Company Labor (New Construction)

1 Superintendent	8 hrs.	@	\$4.00	\$32.00
1 Foreman	16 hrs.	@	2.75	44.00
2 Pipeliners	16 hrs.	@	2.75	88.00
1 Welder	16 hrs.	@	3.25	52.00
1 Welders Helper	16 hrs.	@	2.50	40.00
1 Equipment Operator	16 hrs	@	3.00	48.00
1 Truck Driver	16 hrs	@	2.50	40.00
1 Inspector	2 days	@	28.00	56.00
1 Engineer	4 hrs.	@	4.00	16.00
1 Draftsman	6 hrs.	@	3.00	18.00
1 Secretary	8 hrs.	@	2.00	16.00
1 Accountant	8 hrs.	@	3.25	<u>26.00</u>
				\$476.00

Company Equipment (New Construction)

1 Welding Machine	16 hrs.	@	\$5.00	\$80.00
1 Winch Truck	16 hrs.	@	4.00	64.00
1 Backhoe	16 hrs.	@	5.50	88.00
1 Pickup Truck	2 days	@	10.00	20.00
1 Passenger Car	100 mi.	@	.07	7.00
1 Float Trailer	16 hrs.	@	.50	8.00
1 Pipe Trailer	8 hrs.	@	.50	<u>4.00</u>
				\$271.00

(Example 1)

ESTIMATE OF COSTS

Material (New Construction)

365 ft., 4 1/2" O.D., 8.64#, .188" wall, API-5L Grade B seamless line pipe @ \$.86/ft.	\$ 313.90
302 ft., 8 5/8" O.D., 16.94#, .188" wall, API-5L Grade B seamless line pipe (casing) @ \$1.69/ft.	\$ 510.38
12 ft., 2 3/8" O.D., 3.65#, .154" wall API 5L Grade B seamless line pipe (vents) @ \$.37/ft.	4.44
2 4" long radius welding ells @ \$3.98 ea.	7.96
4 magnesium anodes @ \$8.50 ea.	34.00
Mill coating and wrapping of 365' of 4" pipe @ \$.17/ft.	62.05
2 4 x 8" casing seals @ \$3.90 ea.	7.80
22 4x 8" casing insulators @ \$2.10 ea.	46.20
1 junction box @ \$2.25 ea.	2.25
8' No. 10 stranded copper wire @ .03/ft.	0.24
Miscellaneous material – acetylene, oxygen, Coating of joints, bolts, gaskets, etc.	50.00
	\$1,039.22

(Example 1)

REMOVAL

Material (salvaged)

360 feet 4" pipe		@	\$0.73	\$ 262.80
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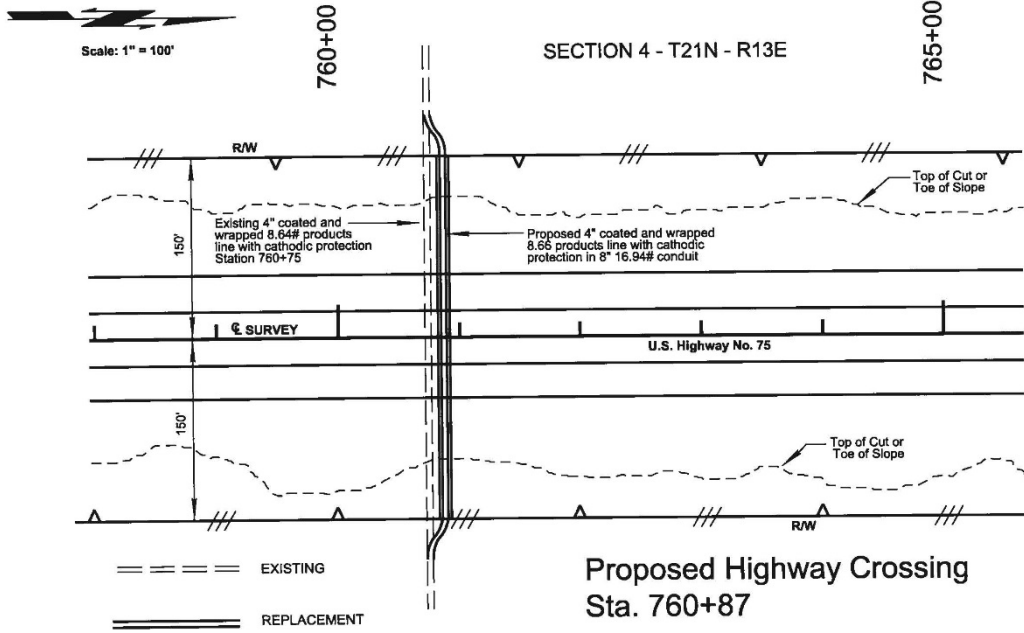
Company Labor

1 Foreman	8 hrs.	@	\$2.75	\$ 22.00
2 Pipeliners	8 hrs.	@	2.25	36.00
1 Welder	4 hrs.	@	3.25	13.00
1 Welders Helper	4 hrs.	@	2.50	10.00
1 Equipment Operator	8 hrs.	@	3.00	24.00
1 Inspector	1 day	@	28.00	<u>28.00</u>
				\$ 133.00

Company Equipment (New Construction)

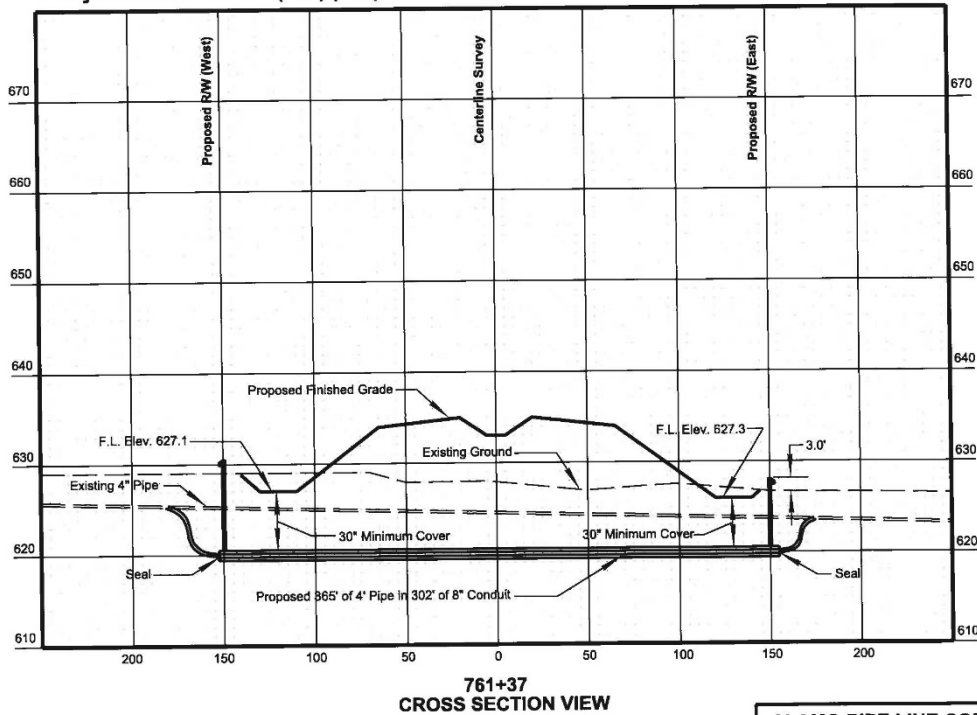
1 Backhoe	8 hrs.	@	\$5.50	\$ 44.00
1 Winch Truck	4 hrs.	@	4.00	16.00
1 Welders Truck	4 hrs.	@	5.00	20.00
1 Pickup Truck	1 day	@	10.00	<u>10.00</u>
				\$ 90.00

Example # 1



Project FAP-F-17(23)(26) Utilities

Tulsa Co.



ALAMO PIPE LINE COMPANY
4" NATURAL GAS LINE NO. AL-102.50

**UTILITY RELOCATION PROPOSAL
EXAMPLE 2**

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY RELOCATION AGREEMENT

PROJECT NO. FAP-F-17(23)(26) JOB PIECE NO. 00000 UTILITIES (06) COUNTY TULSA

THIS AGREEMENT, made and entered into by and between the Department of Transportation acting for and on behalf of the State of Oklahoma, hereinafter called the "State" and ALAMO ELECTRIC COMPANY

ADDRESS 1320 SOUTH MAIN STREET, PLACEVILLE, OKLAHOMA 73000

hereinafter called the "Utility Owner".

WITNESS TO THAT

WHEREAS, the State proposed to improve U.S. Highway No. 75 and such improvements will necessitate rearrangement of facilities by said Utility Owner (state scope and nature of work on reverse side), and

WHEREAS, it is understood that if said project is to be financed in part from funds appropriated by the United States and expended under its regulations, that acceptance of work and procedure in general are subject to Federal Laws, Rules, Regulations, Orders, and Approvals applying to it as a Federal Project, and that costs for items entering into the improvement are reimbursable to the State in such amounts and forms as are proper and eligible for payment from Federal Funds. Reference is made to U.S. Department of Transportation, Code of Federal Regulations, Title 23, Parts 645A and 645B, included in the Utilities Manual and

WHEREAS, it is understood that Title 69, O. S., § 1205 and 1403 each as amended, define the extent to which the State and the Utility Owner may be obligated in the costs of utility rearrangements, and the utility locations on all highways are governed by Regulations and Policies adopted by the State Transportation Commission for the protection and maintenance of the highways, and for the safety of the highway users, and

WHEREAS, the State reserves the right to cancel this Agreement at any time prior to the beginning of the adjustment or relocation of the facilities of this Utility Owner, and

WHEREAS, the State agrees to pay the Utility Owner for the proportionate share of the actual cost to prepare approved preliminary engineering plans and estimates at the State's request, if for any reason the State cancels this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Utility Owner agrees:

1. To prepare a detailed estimate of the cost of work to be performed in accordance with the Department's Utilities Manual and Accommodation Policy, and such estimate of cost must be attached and be a part of this Agreement. The estimate will include: (1) The accounting system to be used in computing the relocation costs; (2) Credit for Expired Service Life setting forth therein the conditions on which such credit was determined or complete justification if the credit is not applicable; and; (3) Whether equipment costs are developed from experience records.

2. To include the costs for backfill and compaction of any trenches or holes within the right-of-way limits in the estimate of costs. The backfill will be placed and compacted to a density as directed by the Resident Engineer/Manager, but will not be compacted to less than that of the adjacent soil.
3. Any and all existing fencing that may require alteration during the utility relocation process shall be restored to its original condition during and after the time of utility relocation/rearrangement. It is the responsibility of the utility owner to insure that the integrity of the fencing is not compromised at any time to an extent in which it prevents the fencing from performing its intended purpose.
4. To prepare drawings showing the present, temporary and proposed location of its facilities with reference to the centerline of survey and/or the new or existing right-of-way lines using highway stationing in both plan and profile. Delineate details, including date of installation, class, and type of present facility. To comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (DEQ) requirements for pollution prevention, including discharges from storm water runoff on this project. Further, agrees to secure a Storm Water Permit from the DEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plans and the appropriate location map contained in the plans constitute the Storm Water Management Plan for the project previously described in the document. Agrees to have daily operational control of those activities, at the site, necessary to ensure compliance with plan requirements and permit conditions. Agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System Permit with DEQ, which authorizes discharges of storm water associated with construction activity from the project site identified in this document. Such drawings will be attached to and become a part of this agreement.
5. To begin the process of adjustment or relocation of the facilities as shown on the plans and covered by this Agreement within a reasonable time, depending on the availability of material and work forces, but the actual time must not exceed thirty (30) days after receipt of notice from the state to do so, and in no event proceed with any adjustment or relocation work until such notice is received. To inform the State's Resident Engineer/Manager of: (1) The proposed starting date, prior to commencing work, and continually maintaining liaison with his/her office for the duration of the physical relocation; (2) The materials to be disposed of by scrapping, or sale, and to inform him/her of a time and place for his/her inspection thereof; (3) The date work is completed.
6.
 - a. That no contract with any individual will be entered into without meeting the requirements of the Department's Utilities Manual.
 - b. That contract work for technical services, professional services or other labor classifications involved in the rearrangement of the facility proposed under this Agreement will be supported by a statement to the effect that, "The Utility Company is not adequately staffed or equipped to perform such work with its own forces." **Proper approval must be obtained in accordance with the Utilities Manual prior to executing a contract with any outside firm or continuing contractor.**
7. To submit to the State, within six (6) months after satisfactory completion of rearrangement of their facilities under this Agreement, a claim using *ODOT Claim Form 324A*, with a certified statement of costs in accordance with the provisions of the aforementioned memorandums.

It is understood this Agreement does not change the rights or obligations of the Utility Owner as they exist in accordance with present State Law.

In consideration of the faithful performance by the Utility Owner of the foregoing, the State agrees:

To reimburse the Utility Owner for the actual costs of work completed, prorated on the basis of the following percentage or for the lump sum as proposed:

(1) Utility Owner Share of Cost	0	%.	Estimated Utility Owner Cost	\$ 0.00
(2) State Share of Cost	100	%.	Estimated State Cost	\$ 1,297.60

OR

(3) Lump Sum Proposal		State Cost	\$	_____
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Nothing herein shall in any way be construed to relieve the Utility Owner from its liability, if any, for payment of a portion of these costs pursuant to 69 O.S. 2001 § 1205, as amended.

IN WITNESS WHEREOF, the parties hereto have caused this Utility Relocation Agreement to be executed by their duly authorized officers on the day and year last below written.

APPROVAL RECOMMENDED:

_____	_____	ALAMO ELECTRIC COMPANY	_____
Resident Engineer/Manager	Date	Name: Utility Owner	
_____	_____	_____	_____
Division Engineer	Date	Signature: Utility Owner/Agent	Date
_____	_____	_____	_____
Chief, Right-of-Way & Utilities Division	Date	Title: Utility Owner/Agent	

DEPARTMENT OF TRANSPORTATION FOR THE
STATE OF OKLAHOMA (ACTING FOR AND ON
BEHALF OF THE STATE OF OKLAHOMA)

By: Director _____ Date _____

(State scope and nature of work in space provided below)
Raising a 13.2 Kv., 3 Phase power line at Station 761+22.

(Example 2)

ALAMO ELECTRIC COMPANY
1320 South Main Street
Placeville, Oklahoma 73000
Project F-17(23) (26) Utilities
Section 4-T21 N-R 13 E
Tulsa County
January 4, 2011

The adjustment, consists of raising a 13.2 Kv, 3 phase power line at Station 761+22. To provide the required clearance over the highway traffic lanes.

Copies of easements are attached as proof of Compensable Interest. No Betterment of increased capacity will result from the adjustment. Credit for Expired Service Life is not required.

The existing facility will be removed because it presents a hazard to the travelling public if abandoned and allowed to remain in place after constructing the new facility. A credit for salvable materials will apply to the removed facility. All actual and indirect costs will be accumulated by a work order accounting procedure used in our company operations and approved by applicable regulatory bodies.

(Example 2)

TRANSPORTATION AND EQUIPMENT

1 – Line Truck	126 miles	@	\$.30	\$ 37.80
1 – Material Truck	126 miles	@	\$.30	37.80
1 – Basket Truck	16 hours	@	\$ 6.00	96.00
1 – Pole Trailer	63 miles	@	\$.12	7.56
1 – ¾ Ton Pickup	180 miles	@	.09	16.20
1 – Hole Drill	6 hours	@	\$ 10.00	60.00
1 – Passenger Car	140 miles	@	\$.10	<u>14.00</u>
			TOTAL	\$ 269.36

COMPANY OVERHEAD

Accounting and Typing	7.3%
Administration, Supervision	9.2%
Pension and Retirement	4.6%
Life and Hospitalization Insurance	2.8%
Workmen's Comp. & Public Liability Ins.	1.3%
F.I.C.A.	5.0%
Unemployment Insurance	<u>2.1%</u>
TOTAL	32.3%

(Example 2)

REMOVAL
Labor and Materials

Unit	Quantity	Unit Labor	Labor Extended	Unit Materials	Material Extended
Pole 30-6	3	\$6.00	\$18.00	\$7.20	\$21.60
Fittings & wire lot		76.00	76.00	Scrap Value 53.00	53.00
TOTAL			\$94.00		\$74.60

Labor to Remove \$94.00

Salvage & Scrap Value 74.60

Minus Credit of \$ 19.40 Labor over Material Value.

The Removal of this material is necessary in order to make this adjustment without interruption to customer service.

(Example 2)

NEW CONSTRUCTION
Labor and Materials

Unit	Quantity	Unit Labor	Labor Extended	Unit Materials	Material Extended
40' –Cl.4, Poles	2	15.20	30.40	26.50	53.00
35' –Cl.6, Poles	2	15.20	30.40	19.60	39.20
3 1/2 "x4 1/2" x 8' – 0", Crossarm	4	2.20	8.80	4.80	19.20
Pin, Crossarm, Steel 5/8"x10 3/4"	12	.62	7.44	1.62	19.44
Insulator, pin type	12	.19	2.28	.68	8.16
Bolt,. machine, 5/8"	4	.11	.44	.32	1.28
Brace, 1 1/4" x 1/4"x28"	8	.21	1.68	.46	3.68
Lag, screw 1/2"x4"	4	.04	16	.12	.48
Lock Nuts	12	.03	.36	.04	.48
Washers	4	.02	.08	.06	.24

Continued Next Page

(Example 2)

Ground rods	4	1.14	4.56	3.28	13.12
Ground rod clamps	4	.17	.68	.03	.12
#6 Ground wire SDBC 12#		.22	2.64	.49	5.88
Connector	12	.11	1.32	.31	3.72
	m				
#4 ACSR	2,400 ft	8.09	19.42	15.98	38.35

TOTAL NEW CONSTRUCTION	\$110.66	\$200.47
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State's Cost, Per Field Meeting Notes 01/05/11, 100%	\$1,297.60
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Company Cost	0%	-0-
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TOTAL ESTIMATED REIMBURSABLE	\$1,297.60
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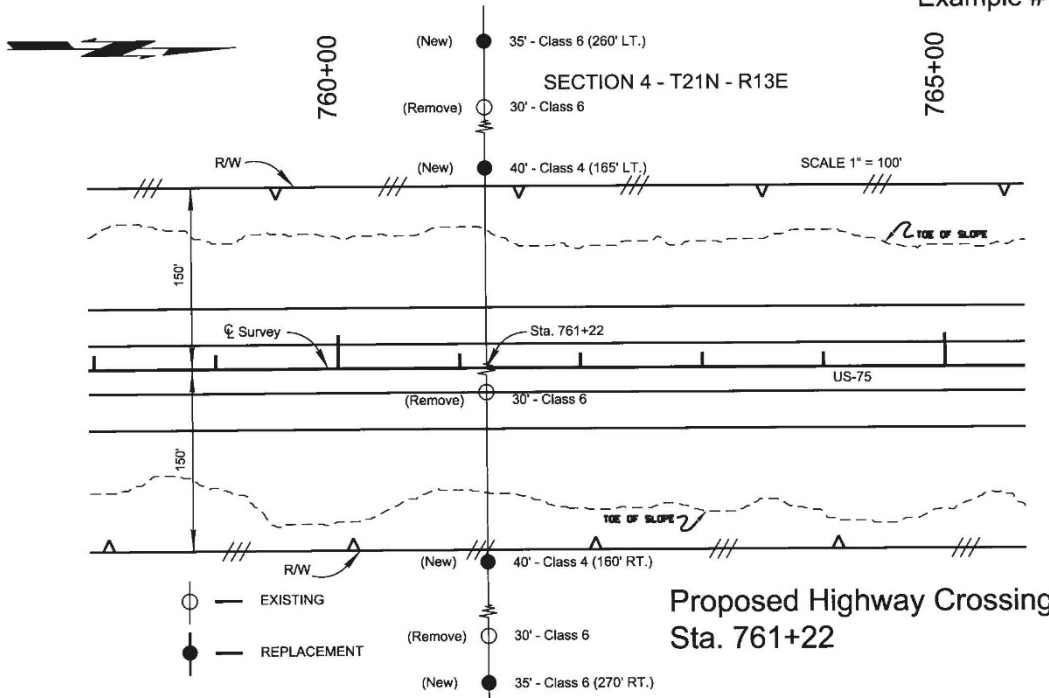
All charges and percentages used in this estimate are identical to those used in normal company operations.

(Example 2)

SUMMARY SHEET
 PROJECT F-17 (23) (26) UTILITIES
 TULSA COUNTY

New Construction	
Material	\$ 200.47
Labor	\$ 110.66
REMOVAL	
Labor	\$ 94.00
Company Overhead and General Supervision @ 32.3% of Total Labor	\$ 66.11
Transportation and Equipment Rental	\$ 269.00
Preliminary Engineering	\$ 46.60
Right-of-Way Procurement	\$ 100.00
Right-of-Way Clearing and Property Damage	<u>\$ 65.00</u>
	\$ 952.20
Field Engineering – Plan Preparation and Staking	
Consultant – E.B. Jones and Associates	
Approved Letter 01/05/11, not to exceed \$ 680.00	\$ <u>420.00</u>
	\$1,372.20
Credits	
Betterments – None	
Expired Service Life – Not Applicable	
Salvage	\$ (74.60)
TOTAL OF ALL COSTS	<u>\$1,297.60</u>

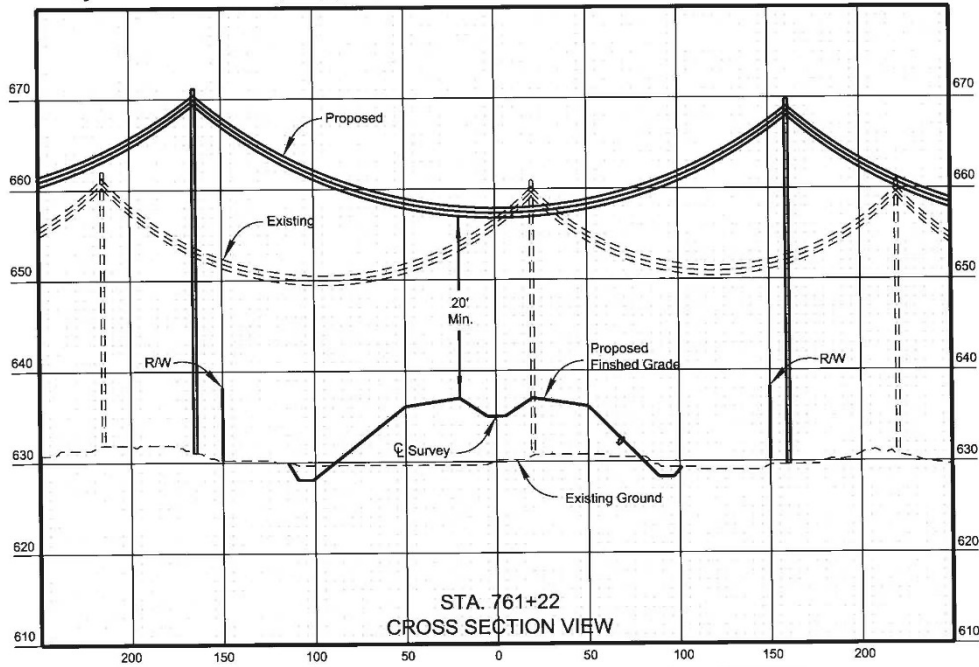
Example # 2



Proposed Highway Crossing
Sta. 761+22

Project FAP-F-17(23)(26) Utilities

Tulsa Co. US-75



STA. 761+22
CROSS SECTION VIEW

ALAMO ELECTRIC CO.
13.2Kv 3-WIRE POWER

**UTILITY RELOCATION PROPOSAL
EXAMPLE 3**

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY RELOCATION AGREEMENT

PROJECT NO. FAP-I-40-1(177)037 JOB PIECE NO. 00000 UTILITIES (06) COUNTY LOVE

THIS AGREEMENT, made and entered into by and between the Department of Transportation acting for and on behalf of the State of Oklahoma, hereinafter called the "State" and ALAMO ELECTRIC COMPANY
ADDRESS 1320 SOUTH MAIN STREET, PLACEVILLE, OKLAHOMA 73000

hereinafter called the "Utility Owner".

WITNESS TO THAT

WHEREAS, the State proposed to improve INTERSTATE Highway No. 40 and such improvements will necessitate rearrangement of facilities by said Utility Owner (state scope and nature of work on reverse side), and

WHEREAS, it is understood that if said project is to be financed in part from funds appropriated by the United States and expended under its regulations, that acceptance of work and procedure in general are subject to Federal Laws, Rules, Regulations, Orders, and Approvals applying to it as a Federal Project, and that costs for items entering into the improvement are reimbursable to the State in such amounts and forms as are proper and eligible for payment from Federal Funds. Reference is made to U.S. Department of Transportation, Code of Federal Regulations, Title 23, Parts 645A and 645B, included in the Utilities Manual and

WHEREAS, it is understood that Title 69, O. S., § 1205 and 1403 each as amended, define the extent to which the State and the Utility Owner may be obligated in the costs of utility rearrangements, and the utility locations on all highways are governed by Regulations and Policies adopted by the State Transportation Commission for the protection and maintenance of the highways, and for the safety of the highway users, and

WHEREAS, the State reserves the right to cancel this Agreement at any time prior to the beginning of the adjustment or relocation of the facilities of this Utility Owner, and

WHEREAS, the State agrees to pay the Utility Owner for the proportionate share of the actual cost to prepare approved preliminary engineering plans and estimates at the State's request, if for any reason the State cancels this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Utility Owner agrees:

1. To prepare a detailed estimate of the cost of work to be performed in accordance with the Department's Utilities Manual and Accommodation Policy, and such estimate of cost must be attached and be a part of this Agreement. The estimate will include: (1) The accounting system to be used in computing the relocation costs; (2) Credit for Expired Service Life setting forth therein the conditions on which such credit was determined or complete justification if the credit is not applicable; and; (3) Whether equipment costs are developed from experience records.

2. To include the costs for backfill and compaction of any trenches or holes within the right-of-way limits in the estimate of costs. The backfill will be placed and compacted to a density as directed by the Resident Engineer/Manager, but will not be compacted to less than that of the adjacent soil.
3. Any and all existing fencing that may require alteration during the utility relocation process shall be restored to its original condition during and after the time of utility relocation/rearrangement. It is the responsibility of the utility owner to insure that the integrity of the fencing is not compromised at any time to an extent in which it prevents the fencing from performing its intended purpose.
4. To prepare drawings showing the present, temporary and proposed location of its facilities with reference to the centerline of survey and/or the new or existing right-of-way lines using highway stationing in both plan and profile. Delineate details, including date of installation, class, and type of present facility. To comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (DEQ) requirements for pollution prevention, including discharges from storm water runoff on this project. Further, agrees to secure a Storm Water Permit from the DEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plans and the appropriate location map contained in the plans constitute the Storm Water Management Plan for the project previously described in the document. Agrees to have daily operational control of those activities, at the site, necessary to ensure compliance with plan requirements and permit conditions. Agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System Permit with DEQ, which authorizes discharges of storm water associated with construction activity from the project site identified in this document. Such drawings will be attached to and become a part of this agreement.
5. To begin the process of adjustment or relocation of the facilities as shown on the plans and covered by this Agreement within a reasonable time, depending on the availability of material and work forces, but the actual time must not exceed thirty (30) days after receipt of notice from the state to do so, and in no event proceed with any adjustment or relocation work until such notice is received. To inform the State's Resident Engineer/Manager of: (1) The proposed starting date, prior to commencing work, and continually maintaining liaison with his/her office for the duration of the physical relocation; (2) The materials to be disposed of by scrapping, or sale, and to inform him/her of a time and place for his/her inspection thereof; (3) The date work is completed.
6.
 - a. That no contract with any individual will be entered into without meeting the requirements of the Department's Utilities Manual.
 - b. That contract work for technical services, professional services or other labor classifications involved in the rearrangement of the facility proposed under this Agreement will be supported by a statement to the effect that, "The Utility Company is not adequately staffed or equipped to perform such work with its own forces." **Proper approval must be obtained in accordance with the Utilities Manual prior to executing a contract with any outside firm or continuing contractor.**
7. To submit to the State, within six (6) months after satisfactory completion of rearrangement of their facilities under this Agreement, a claim using *ODOT Claim Form 324A*, with a certified statement of costs in accordance with the provisions of the aforementioned memorandums.

It is understood this Agreement does not change the rights or obligations of the Utility Owner as they exist in accordance with present State Law.

In consideration of the faithful performance by the Utility Owner of the foregoing, the State agrees:

To reimburse the Utility Owner for the actual costs of work completed, prorated on the basis of the following percentage or for the lump sum as proposed:

(1) Utility Owner Share of Cost	0 _____ %.	Estimated Utility Owner Cost	\$ 0.00 _____
(2) State Share of Cost	100 _____ %.	Estimated State Cost	\$ 2072.74 _____

OR

(3) Lump Sum Proposal	State Cost	\$ _____
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Nothing herein shall in any way be construed to relieve the Utility Owner from its liability, if any, for payment of a portion of these costs pursuant to 69 O.S. 2001 § 1205, as amended.

IN WITNESS WHEREOF, the parties hereto have caused this Utility Relocation Agreement to be executed by their duly authorized officers on the day and year last below written.

APPROVAL RECOMMENDED:

_____	Date	ALAMO ELECTRIC COMPANY	_____
Resident Engineer/Manager		Name: Utility Owner	
_____	Date	Signature: Utility Owner/Agent	Date
Division Engineer		_____	
_____	Date	Title: Utility Owner/Agent	
Chief, Right-of-Way & Utilities Division			

DEPARTMENT OF TRANSPORTATION FOR THE
STATE OF OKLAHOMA (ACTING FOR AND ON
BEHALF OF THE STATE OF OKLAHOMA)

By: Director _____ Date

(State scope and nature of work in space provided below)

The adjustment consists of relocating a 3-wire, 13.2 Kv electric line to the right, generally parallel to the proposed right-of-way, from Station 70+10, easterly to Station 94+05.

(Example 3)

ALAMO ELECTRIC COMPANY
1320 South Main Street
Placeville, Oklahoma 73000
Project F-I-40-1(177)037 Utilities
Section 7, T 7 S, R. 7 E
Love, County
January 4, 2011

The adjustment consists of relocating a three-wire 13.2 Kv power line to the right, immediately beyond and parallel to the proposed right, right-of-way and control-of-access line, from Station 70+10 easterly to Station 94+05. The line will be removed from service for tie-in purposes only.

Copies of easements are attached as proof of compensable interest. No Betterment or increased capacity will result from the adjustment. Credit for Expired Service Life is not required.

The existing facility will be removed because it presents a hazard to the travelling public if abandoned and allowed to remain in place after constructing the new facility. A credit for salvable materials will apply to the removed facility. All actual and indirect costs will be accumulated by a work order accounting procedure used in our company operations and approved by applicable regulatory bodies.

(Example 3)

Summary Sheet
FAP – I-40-1(77)037-Utilities
Love County

New Construction		
Material		\$ 672.29
Labor		464.86
Labor to remove old line		225.37
Overhead on total labor 32.3%		222.94
Transportation and Equipment Expense		326.00
Travel and living expense – Preliminary Engineering		6.57
Travel and living expense – Construction		-0-
Right-of-Way and property damage		125.00
Tree trimming		-0-
Field Engineering – Plan Preparation and Staking		
Consultant - - E.B. Jones and Associates		
Approved – State Letter 01/04/11, not to exceed \$725.00		<u>570.00</u>
		\$2,613.03
Betterment	-0-	
Expired Service Life	-0-	
Salvage	\$540.29	\$2,072.74

NOTE: All percentages shown in this estimate are used in our normal operations.

(Example 3)

Labor and Materials Removal					
<u>Unit</u>	<u>Unit Quantity</u>	<u>Unit Labor</u>	<u>Unit Extended</u>	<u>Unit Material</u>	<u>Material Extended</u>
40-6	2	\$9.90	\$19.80	\$26.90	\$53.80
40-6	7	9.90	69.30	6.00	42.00
40-5	2	9.90	19.80	26.90	53.80
Crossarm –					
3-1/2"x4-1/2"x8'-0"	11	1.09	11.99	3.25	35.75
Brace, Wood 28"	14	.15	2.10	.45	6.30
Brace, Wood 28"	8	.15	1.20	No Value	.00
Bolt, Carriage 3/8"x4-1/2"	22	.02	.44	.07	1.54
Bolt Machine 5/8"	11	.09	.99	.27	2.97
Washer, Square	22	.02	.44	.05	1.10
Pin, Crossarm, Steel 5/8"x10-3/4"	33	.56	18.48	1.58	52.14
Lag Screw	11	.02	.22	.08	.88
Locknuts	33	.02	.66	.03	.99
Insulators, Pin Type	33	.17	5.61	.53	17.49
Rod, Ground 5/8"	11	1.00	11.00	3.15	34.65
Connector	22	.09	1.98	.28	6.16
Clamp, Ground Rod	11	.14	1.54	.42	4.62

(see next page)

(Example 3)

**Labor and Materials
Removal**

(Continued from previous page)

<u>Unit</u>	<u>Unit Quantity</u>	<u>Unit Labor</u>	<u>Unit Extended</u>	<u>Unit Material</u>	<u>Material Extended</u>
Ground Wire # 6 SDBC	28#	.19	5.32	.43	12.04
#6 HDBC	478#	.09	43.02	.43	205.54
Ground Wire Clip	11	.03	.33	.09	.99
Clamp, Guy	6	.32	1.92	.23	1.38
Guy Wire 3/8" Steel	35#	.04	1.40	.03	1.05
Guy Hook	6	1.04	6.24	.74	4.44
Guy Plate 4" x 8" ga.	3	.00	.00	No Value	.00
Nail, 8 Penny Galv.	24	.02	.48	No Value	.00
Clamp, Anchor	3	.37	<u>1.11</u>	.22	<u>.66</u>
TOTAL			\$225.37		\$540.29

(Example 3)

**Labor and Materials
New Construction**

<u>Unit</u>	<u>Unit Quantity</u>	<u>Unit Labor</u>	<u>Unit Extended</u>	<u>Unit Material</u>	<u>Material Extended</u>
40-6	7	\$18.80	\$131.60	\$ 35.88	\$ 251.16
40-5	3	19.22	57.66	38.64	115.92
Crossarm –					
3-1/2"x4-1/2"x8'-0"	14	2.17	30.38	3.25	45.50
Brace, Wood 28"	20	.29	5.80	.45	9.00
Bolt, Carriage 3/8"x4-1/2"	20	.04	.80	.07	1.40
Bolt Machine 5/8"	13	.17	2.21	.27	3.51
Washer, Square	20	.04	80	.05	1.00
Pin, Crossarm, Steel 5/8"x10-3/4"	30	1.12	33.60	1.58	47.40
Lag Screw	10	.04	.40	.08	.80
Locknuts	30	.04	1.20	.03	.90
Insulators, Pin Type	30	.34	10.20	.53	15.90
Rod, Ground 5/8" Dia. Min.	10	2.01	20.10	3.15	31.50
Connector	20	.17	3.40	.28	5.60
Clamp, Ground Rod	10	.26	2.60	.42	4.20
Ground Wire #6 SDBC or Equiv.	24#	.57	13.68	.37	8.88
#4 7/1 ACSR	502#	.21	105.42	.18	90.36
Clamp, Guy	6	.56	3.36	.52	3.12

(see next page)

(Example 3)

**Labor and Materials
New Construction**

(Continued from previous page)

<u>Unit</u>	<u>Unit Quantity</u>	<u>Unit Labor</u>	<u>Unit Extended</u>	<u>Unit Material</u>	<u>Material Extended</u>
Guy Wire 3/8" Steel	46#	.07	3.22	.05	2.30
Guy Hook J	6	1.19	7.14	1.06	6.36
Guy Plate 4" x 8" 14 ga.	6	4.63	27.78	4.12	24.72
Nail, 8 Penny Galv.	24	.06	1.44	.02	.48
Clamp, Anchor	3	.49	<u>1.47</u>	.46	<u>1.38</u>
TOTAL			\$464.86		\$672.29

(Example 3)

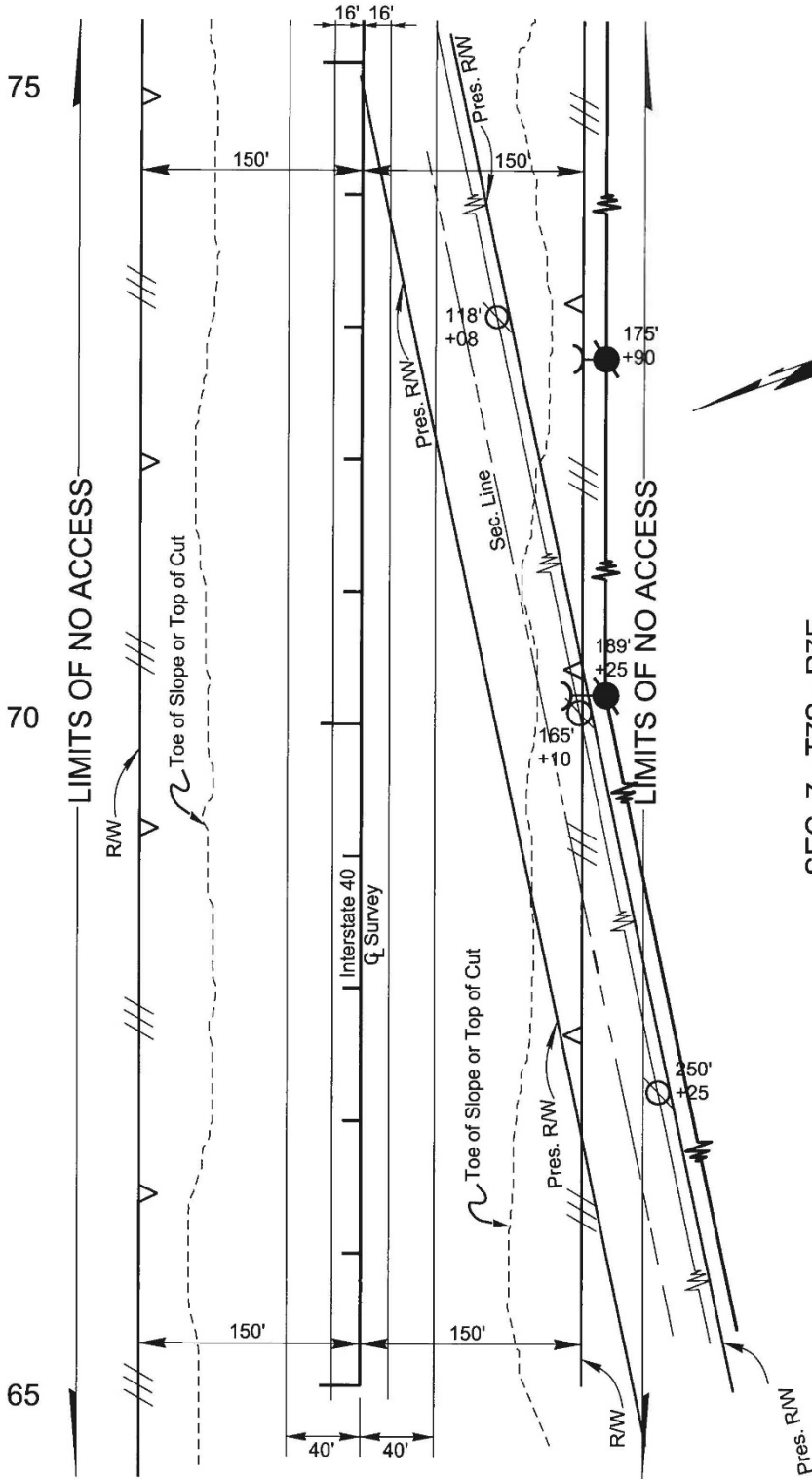
TRANSPORTATION AND EQUIPMENT COSTS

1 Line Truck	75 miles	@	\$.30	\$22.50
1 Material Truck	75 miles	@	.30	22.50
1 Basket Truck	16 hrs.	@	6.00	96.00
1 Pole Trailer	50 miles	@	.12	6.00
1 ¾ Ton Pickup	100 miles	@	.09	9.00
1 Hole Digger Truck	16 hrs.	@	10.00	160.00
1 Passenger Car	100 miles	@	.10	<u>10.00</u>
			TOTAL	\$326.00

COMPANY OVERHEAD

	<u>Percent</u>
Accounting Expense	7.3
Administration, General Supervision	9.2
Pensions and Retirement	4.6
Life and Hospitalization Insurance	2.8
Workmens Comp. and Public Liability Insurance	1.3
Unemployment Insurance	2.1
Federal Insurance Contributions Act	<u>5.0</u>
TOTAL	32.3

EXAMPLE 3



SEC. 7 - T7S - R7E

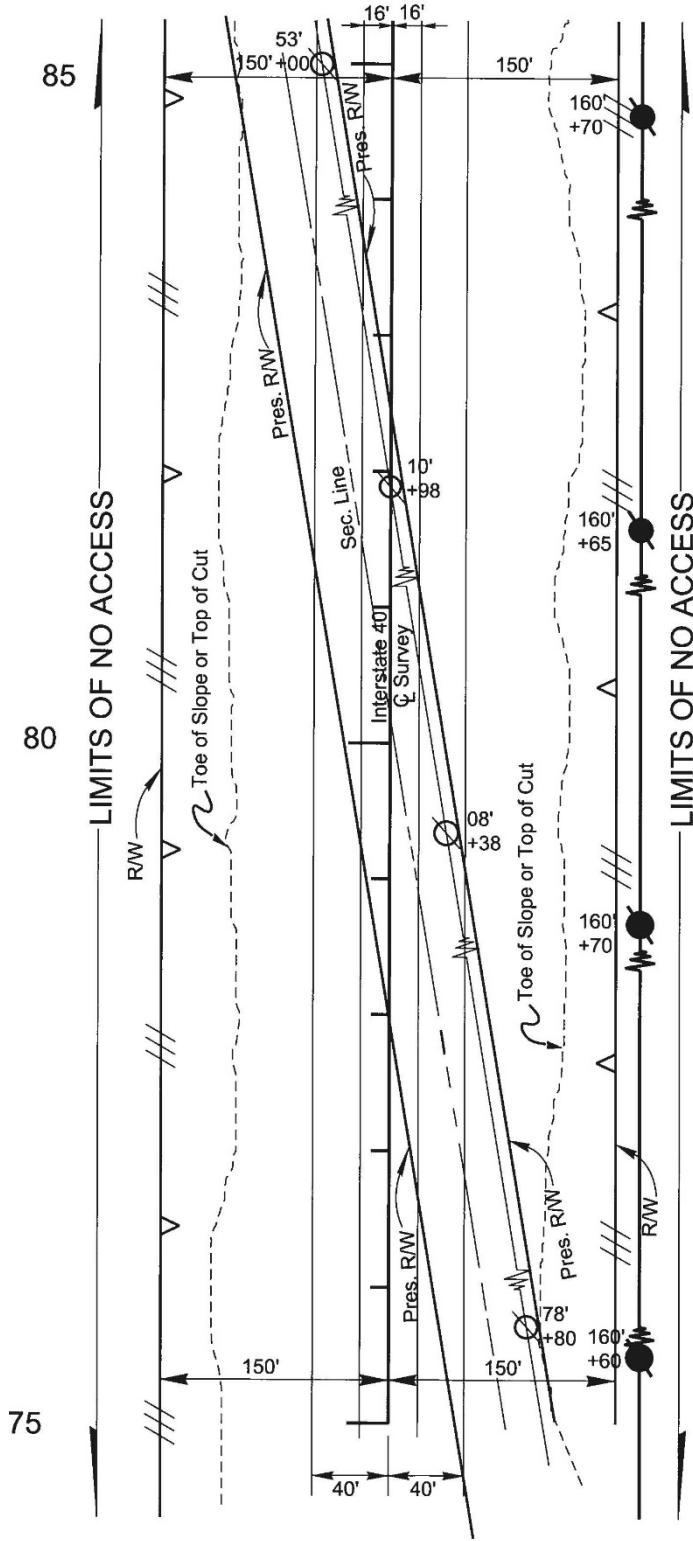
- EXISTING
- REPLACEMENT
- GUY WIRE

PROJ. F.A.P.-I-40-I(177)037 UTILITIES
LOVE COUNTY

ALAMO ELECTRIC CO.	
13.2Kv	3-WIRE POWER
SHEET 1 OF 3	

SHEET: 1" = 100'

EXAMPLE 3



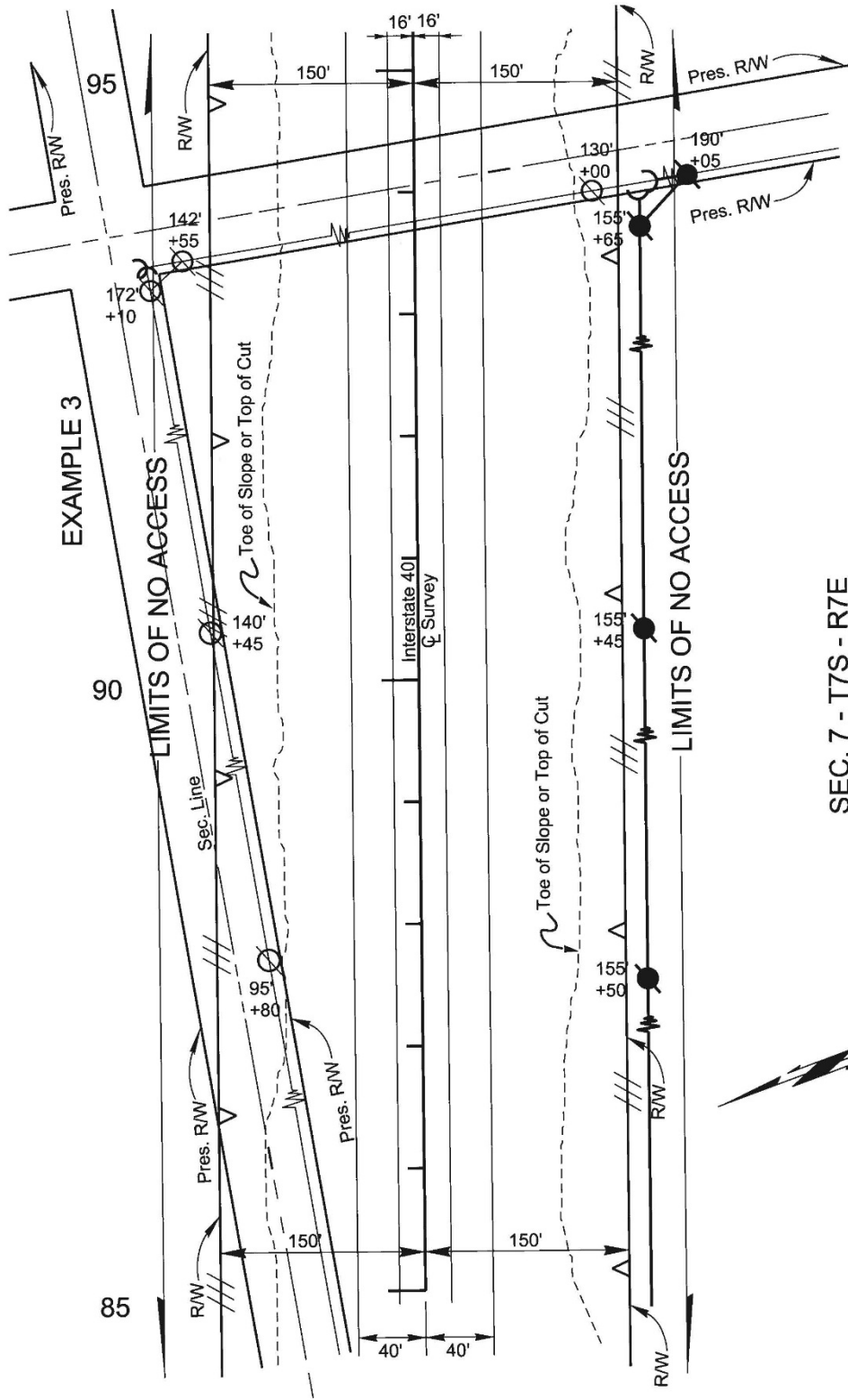
SEC. 7 - T7S - R7E

PROJ. F.A.P.-I-40-I(177)037 UTILITIES
LOVE COUNTY

- EXISTING
- REPLACEMENT
- GUY WIRE

ALAMO ELECTRIC CO.
13.2Kv 3-WIRE POWER
SHEET 2 OF 3

SHEET: 1" = 100'



ALAMO ELECTRIC CO.
13.2Kv 3-WIRE POWER
SHEET 3 OF 3

PROJ. F.A.P.-I-40-I(177)037 UTILITIES
LOVE COUNTY

SHEET: 1" = 100'

SEC. 7 - T7S - R7E

- EXISTING
- REPLACEMENT
- GUY WIRE

**UTILITY RELOCATION PROPOSAL
EXAMPLE 4**

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY RELOCATION AGREEMENT

PROJECT NO. FAP-I-40-1(177)037 JOB PIECE NO. 00000 UTILITIES (06) COUNTY LOVE

THIS AGREEMENT, made and entered into by and between the Department of Transportation acting for and on

behalf of the State of Oklahoma, hereinafter called the "State" and ALAMO PIPELINE COMPANY

ADDRESS 2460 WEST 15TH STREET, PLACEVILLE, OKLAHOMA 73000

hereinafter called the "Utility Owner".

WITNESS TO THAT

WHEREAS, the State proposed to improve INTERSTATE Highway No. 40 and such improvements will necessitate rearrangement of facilities by said Utility Owner (state scope and nature of work on reverse side), and

WHEREAS, it is understood that if said project is to be financed in part from funds appropriated by the United States and expended under its regulations, that acceptance of work and procedure in general are subject to Federal Laws, Rules, Regulations, Orders, and Approvals applying to it as a Federal Project, and that costs for items entering into the improvement are reimbursable to the State in such amounts and forms as are proper and eligible for payment from Federal Funds. Reference is made to U.S. Department of Transportation, Code of Federal Regulations, Title 23, Parts 645A and 645B, included in the Utilities Manual and

WHEREAS, it is understood that Title 69, O. S., § 1205 and 1403 each as amended, define the extent to which the State and the Utility Owner may be obligated in the costs of utility rearrangements, and the utility locations on all highways are governed by Regulations and Policies adopted by the State Transportation Commission for the protection and maintenance of the highways, and for the safety of the highway users, and

WHEREAS, the State reserves the right to cancel this Agreement at any time prior to the beginning of the adjustment or relocation of the facilities of this Utility Owner, and

WHEREAS, the State agrees to pay the Utility Owner for the proportionate share of the actual cost to prepare approved preliminary engineering plans and estimates at the State's request, if for any reason the State cancels this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Utility Owner agrees:

1. To prepare a detailed estimate of the cost of work to be performed in accordance with the Department's Utilities Manual and Accommodation Policy, and such estimate of cost must be attached and be a part of this Agreement. The estimate will include: (1) The accounting system to be used in computing the relocation costs; (2) Credit for Expired Service Life setting forth therein the conditions on which such credit was determined or complete justification if the credit is not applicable; and; (3) Whether equipment costs are developed from experience records.

2. To include the costs for backfill and compaction of any trenches or holes within the right-of-way limits in the estimate of costs. The backfill will be placed and compacted to a density as directed by the Resident Engineer/Manager, but will not be compacted to less than that of the adjacent soil.
3. Any and all existing fencing that may require alteration during the utility relocation process shall be restored to its original condition during and after the time of utility relocation/rearrangement. It is the responsibility of the utility owner to insure that the integrity of the fencing is not compromised at any time to an extent in which it prevents the fencing from performing its intended purpose.
4. To prepare drawings showing the present, temporary and proposed location of its facilities with reference to the centerline of survey and/or the new or existing right-of-way lines using highway stationing in both plan and profile. Delineate details, including date of installation, class, and type of present facility. To comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (DEQ) requirements for pollution prevention, including discharges from storm water runoff on this project. Further, agrees to secure a Storm Water Permit from the DEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plans and the appropriate location map contained in the plans constitute the Storm Water Management Plan for the project previously described in the document. Agrees to have daily operational control of those activities, at the site, necessary to ensure compliance with plan requirements and permit conditions. Agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System Permit with DEQ, which authorizes discharges of storm water associated with construction activity from the project site identified in this document. Such drawings will be attached to and become a part of this agreement.
5. To begin the process of adjustment or relocation of the facilities as shown on the plans and covered by this Agreement within a reasonable time, depending on the availability of material and work forces, but the actual time must not exceed thirty (30) days after receipt of notice from the state to do so, and in no event proceed with any adjustment or relocation work until such notice is received. To inform the State's Resident Engineer/Manager of: (1) The proposed starting date, prior to commencing work, and continually maintaining liaison with his/her office for the duration of the physical relocation; (2) The materials to be disposed of by scrapping, or sale, and to inform him/her of a time and place for his/her inspection thereof; (3) The date work is completed.
6.
 - a. That no contract with any individual will be entered into without meeting the requirements of the Department's Utilities Manual.
 - b. That contract work for technical services, professional services or other labor classifications involved in the rearrangement of the facility proposed under this Agreement will be supported by a statement to the effect that, "The Utility Company is not adequately staffed or equipped to perform such work with its own forces." **Proper approval must be obtained in accordance with the Utilities Manual prior to executing a contract with any outside firm or continuing contractor.**
7. To submit to the State, within six (6) months after satisfactory completion of rearrangement of their facilities under this Agreement, a claim using *ODOT Claim Form 324A*, with a certified statement of costs in accordance with the provisions of the aforementioned memorandums.

It is understood this Agreement does not change the rights or obligations of the Utility Owner as they exist in accordance with present State Law.

In consideration of the faithful performance by the Utility Owner of the foregoing, the State agrees:

To reimburse the Utility Owner for the actual costs of work completed, prorated on the basis of the following percentage or for the lump sum as proposed:

(1) Utility Owner Share of Cost	0	%.	Estimated Utility Owner Cost	\$ 0.00
(2) State Share of Cost	100	%.	Estimated State Cost	\$ 10541.97

OR

(3) Lump Sum Proposal		State Cost	\$	
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Nothing herein shall in any way be construed to relieve the Utility Owner from its liability, if any, for payment of a portion of these costs pursuant to 69 O.S. 2001 § 1205, as amended.

IN WITNESS WHEREOF, the parties hereto have caused this Utility Relocation Agreement to be executed by their duly authorized officers on the day and year last below written.

APPROVAL RECOMMENDED:

_____		ALAMO PIPELINE COMPANY
Resident Engineer/Manager	Date	Name: Utility Owner
_____		_____
Division Engineer	Date	Signature: Utility Owner/Agent Date
_____		_____
Chief, Right-of-Way & Utilities Division	Date	Title: Utility Owner/Agent

DEPARTMENT OF TRANSPORTATION FOR THE
STATE OF OKLAHOMA (ACTING FOR AND ON
BEHALF OF THE STATE OF OKLAHOMA)

By: Director _____ Date

(State scope and nature of work in space provided below)

The adjustment consists of relocating a 4-inch products pipe line lying generally parallel between Station 71+47 and Station 94+05.

(Example 4)

Alamo Pipeline Company
2460 West 15th Street
Anywhere, Oklahoma 74000
Federal Aid Project No. I-40-1(177)037 Utilities
Section 7, T S, R 7 E
Love County
January 4, 2011

The adjustment consists of relocation a 4-inch products line lying parallel in an east-west diagonal alignment within the new right-of-way between Station 71+47 and Station 94+05. The pipeline crosses highway centerline Station 81+90, skew angle 8° Left Forward (L.F.). The line may be removed from service for tie-in purposes only.

Copies of easements are attached as proof of Compensable Interest. No Betterment or increased capacity will result from the adjustment. Credit for Expired Service Life is not required.

Credit for salvable material will be given, provided the value of the material exceeds the removal and salvage costs. If a net credit is not realized we propose to abandon the existing material in place. All actual and indirect costs will be accumulated by a work order accounting procedure used in our company operations and approved by applicable regulatory bodies.

(Example 4)

**Summary Sheet
I-40-(177)037 Utilities
Love County**

New Construction

Material	\$ 2,631.30
Labor	2,544.00
Labor to remove existing pipeline	399.00
Overhead on total labor 21%	590.30
Transportation and equipment expense	1,820.50
Travel and living expense – Preliminary Engineering	820.00
Travel and living expense – Construction	1,494.00
Storehouse and purchasing expense (5% of materials)	131.57
R/W and damage – 142 rods @ \$4.00	568.00
Freight on coated and wrapped pipe – 31,572# @ \$.005	<u>157.86</u>
	\$ 11,156.53

Credits

Betterment	-0-	
Expired Service Life	-0-	
Salvage	\$614.56	<u>(\$614.56)</u>
Total Estimated Reimbursable Costs		\$10,541.97
Alamo Pipeline Company Cost		-0-
Others Cost		\$10,541.97

NOTE: All percentages shown in this estimate are used
in our normal operations.

(Example 4)

ESTIMATE OF COSTS

Material (New Construction)

2,343 ft., 4- 1/2" O.D., 8.66#, .188" wall, API-5L	
Grade B seamless line pipe @ \$.86/ft.	\$2,015.00
3 – 4" long radius welding ells @ \$3.98 ea.	11.94
2 – 4" flange WNFF ASA 150# @ \$13.96 per set	27.92
1 valve gate figd. 200# w.p. @ \$52.44	52.44
Mill coating and wrapping of 2,343' of 4" pipe @ \$.17/ft.	399.00
Miscellaneous material – acetylene, oxygen	
Coating of joints, bolts, gaskets, etc.	<u>125.00</u>
	\$2,631.30

Company Labor (New Construction)

1 Superintendent	48 hrs	@	\$ 4.00	\$ 192.00
1 Foreman	96 hrs	@	2.75	264.00
2 Pipeliners	96 hours	@	2.25	216.00
1 Welder	96 hrs.	@	3.25	312.00
1 Welders Helper	96 hrs.	@	2.50	240.00
1 Equipment Operator	96 hrs.	@	3.00	288.00
1 Truck Driver	96 hrs.	@	2.50	240.00
1 Inspector	12 days	@	28.00	336.00
1 Engineer	24 hrs.	@	4.00	96.00
1 Draftsman	36 hrs.	@	3.00	108.00
1 Secretary	48 hrs.	@	2.00	96.00
1 Accountant	48 hrs.	@	3.25	<u>156.00</u>
				\$2,544.00

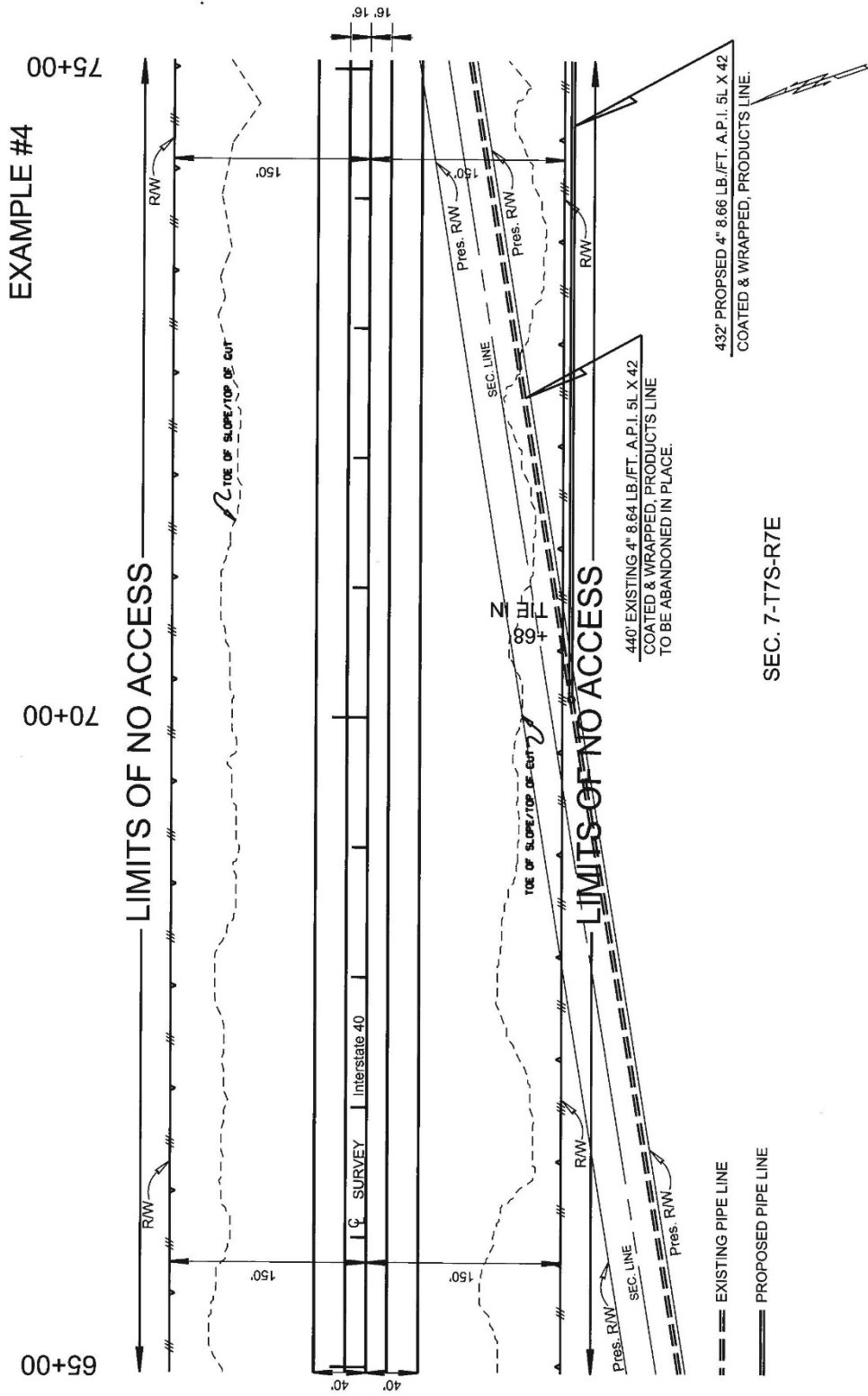
Company Equipment (New Construction)

1 Welding Machine	96 hrs	@	\$5.00	\$480.00
1 Winch Truck	96 hrs	@	4.00	384.00
1 Backhoe	96 hrs.	@	5.50	528.00
1 Pickup Truck	6 days	@	10.00	60.00
1 Passenger Car	550 mi.	@	.07	38.50
1 Float Trailer	96 hrs.	@	.50	48.00
1 Pipe Trailer	24 hrs.	@	.50	<u>12.00</u>
				\$1,550.00

(Example 4)

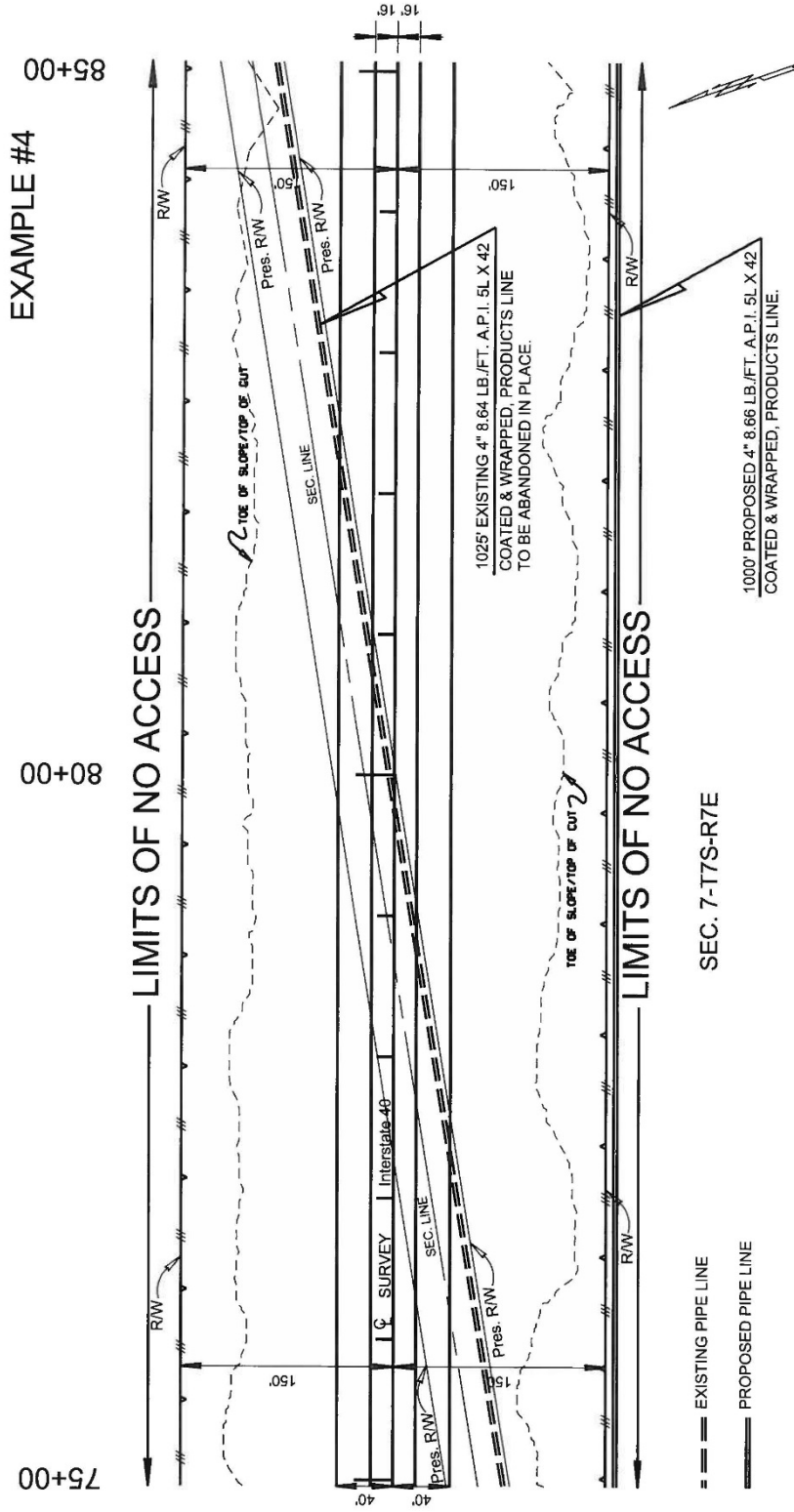
		<u>Removal</u>			
Material					
2,672 feet 4" pipe		@	\$ 0.23	\$614.56	
 Company Labor					
1 Foreman	24 hrs.	@	2.75	66.00	
2 Pipeliners	24 hrs.	@	2.25	108.00	
1 Welder	12 hrs.	@	3.25	39.00	
1 Welders Helper	12 hrs	@	2.50	30.00	
1 Equipment Operator	24 hrs	@	3.00	72.00	
1 Inspector	3 days	@	28.00	<u>84.00</u>	
				\$399.00	
 Company Equipment					
Backhoe	24 hrs	@	5.50	\$132.00	
1 Winch Truck	12 hrs.	@	4.00	48.00	
1 Welders Truck	12 hrs	@	5.00	60.00	
1 Pickup Truck	3 days	@	10.00	<u>30.00</u>	
				\$270.00	

(Example 4)



ALAMO PIPE LINE CO.
 4" OIL LINE NO. 86
 SHEET 1 OF 3

PROJ. F.A.P.-I-40-1(177)037 UTILITIES
 LOVE COUNTY



ALAMO PIPE LINE CO.
 4" OIL LINE NO. 86
 SHEET 2 OF 3

PROJ. F.A.P.-I-40-1(177)037 UTILITIES
 LOVE COUNTY

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Copies of Documents to provide to the Federal Highway Administration as they are Prepared & Distributed for Projects having FHWA Oversight	No: Revised: Page:	UTL-PRO 6.115-18 04-27-11 1 of 1
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Applies to:

OP-GA 6-10, 23 CFR § 645.113

Utility/CADD Specialist

1. Copy of 30% Plan-in-Hand Memo
2. Copy of Programming Estimate
3. Copy of Agreement Estimate
4. Copy of Field Meeting Schedule Letters (Each Owner)
5. Copy of Field Meeting Letters (Each Owner)
6. Preliminary Copy of Utility Relocation As-Planned Plans
7. Copy of Utility Relocation Schedule Memo
8. Copy of Approved Proposal/Drawings – with Approval Deferred Memo attached.
9. 1st Revised Agreement Estimate – Using Financial Totals for each Utility Owner's Proposal
10. Copy of the Final As-Planned Plans
11. Copy of the Work Orders as Issued (Each Owner)
12. 2nd Revised Agreement Estimate as necessary – Determined by Actual Utility Relocation Costs and Claims Submitted for Payment
13. Copy of all Approved Change in Plans or Change Orders

Branch Manager/Supervisor

1. Ensure Utility/CADD Specialists & Service Providers are informed as to which Projects have FHWA oversight

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: QBS Process for Utility Relocation Coordination	No: Revised: Page:	UTL-PRO 6.115-19 06-07-11 1 of 2
--------------------------------------------------------------------	-----------------------------------------------	----------------------------------------

Assistant Chief, Right-of-Way & Utilities Division

1. Determine the need and compile a list of Potential Service Providers.

Contracting Officer, Right-of-Way & Utilities Division

2. Prepare and mail out Solicitation of Interest letter for QBS Process for Utility Relocation Coordination.
3. Receive responses from Solicitation letter to attend Utility Relocation Coordination Training Seminar.

Manager, Utilities Branch

4. Present mandatory training seminar.

Contracting Officer, Right-of-Way & Utilities Division

5. Hand out Pre-Qualification Packets to Potential Service Providers.
6. Receive letter of interest and Pre-Qualification Packets back from potential Service Providers.
7. Complete log of when the letter of Interest and Pre-Qualification Packets are received from Potential Service Provider.

Interview Committee, Right-of-Way & Utilities Division

8. Complete short listing evaluations on Potential Service Providers

Assistant Chief, Right-of-Way & Utilities Division

9. Complete short listing results on Potential Service Providers
10. Submit short listing results to Director of Engineering for approval to interview potential service providers for the QBS Utility Relocation Coordination Contracts.

Contracting Officer, Right-of-way & Utilities Division

11. Prepare and mail out approval or denial letter for short listing.
12. Prepare and mail out letter to Potential Service Providers scheduling interviews.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: QBS Process for Utility Relocation Coordination	No: Revised: Page:	UTL-PRO 6.115-19 06-07-11 2 of 2
--------------------------------------------------------------------	-----------------------------------------------	----------------------------------------

Interview Committee, Right-of-Way & Utilities Division

13. Interview Potential Service Providers and complete interview evaluations.
14. Complete Interview evaluation results.
15. Determine selections of Utility Relocation Coordination Pre-Qualified Service Providers.

Contracting Officer, Right-of-Way & Utilities Division

16. Prepare and mail out letter of approval or denial to Service Providers to be placed on the Pre-Qualified list of Utility Relocation Coordination Providers.

VOLUME II

SECTION V

RELOCATION BRANCH INDEX OF PROCEDURES

REL-PRO 6.116-1	RELOCATION PROGRAM - PLANNING STAGE
REL-PRO 6.116-2	PUBLIC HEARING/MEETING
REL-PRO 6.116-3	RELOCATION PROGRAM - INITIAL STAGE
REL-PRO 6.116-4	LOCAL FIELD OFFICE
REL-PRO 6.116-5	RELOCATION PROGRAM ON PROJECTS AFFECTED BY A MAJOR DISASTER
REL-PRO 6.116-6	GRAVE RELOCATION
REL-PRO 6.116-7	DELIVERY OF STATE WARRANTS
REL-PRO 6.116-8	COMPUTATION OF REPLACEMENT HOUSING PAYMENT - OWNER- OCCUPANTS OF 90 DAYS - COMPARABLE EXISTING HOUSING
REL-PRO 6.116-9	COMPUTATION OF DOWN PAYMENT ASSISTANCE PAYMENT OWNER-OCCUPANT OF LESS THAN 90 DAYS AND TENANTS OF AT LEAST 90 DAYS - COMPARABLE EXISTING HOUSING
REL-PRO 6.116-10	COMPUTATION OF REPLACEMENT HOUSING PAYMENT - COMPARABLE NEW CONSTRUCTION - OWNER OCCUPANTS AND TENANTS
REL-PRO 6.116-11	COMPUTATION OF RENTAL ASSISTANCE PAYMENTS - OWNER - OCCUPANTS AND TENANTS OF AT LEAST 90 DAYS
REL-PRO 6.116-12	COMPUTATION OF REPLACEMENT HOUSING AND RENTAL ASSISTANCE PAYMENTS FOR OWNER-OCCUPANTS AND TENANTS OF MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES
REL-PRO 6.116-13	RECALCULATIONS OF REPLACEMENT HOUSING ENTITLEMENTS
REL-PRO 6.116-14	DELIVERING OFFER LETTERS TO TENANTS
REL-PRO 6.116-15	RELOCATION ADVISORY ASSISTANCE

REL-PRO 6.116-16	INSPECTING FOR DECENT, SAFE AND SANITARY QUALIFICATIONS
REL-PRO 6.116-17	REPLACEMENT HOUSING PAYMENTS
REL-PRO 6.116-18	INCREASED INTEREST PAYMENTS
REL-PRO 6.116-19	LAST RESORT HOUSING
REL-PRO 6.116-20	ADMINISTRATIVE SETTLEMENTS AND OVERLOOKED ITEMS
REL-PRO 6.116-21	ADVANCE PROCESSING OF REPLACEMENT HOUSING OR RENTAL ASSISTANCE CLAIM
REL-PRO 6.116-22	ADVANCED PAYMENT OF REPLACEMENT HOUSING CLAIM TO ESCROW
REL-PRO 6.116-23	ADVANCE MOVING PAYMENT
REL-PRO 6.116-24	RENTAL ASSISTANCE ANNUAL INSTALLMENTS
REL-PRO 6.116-25	PERSONAL PROPERTY ONLY MOVES
REL-PRO 6.116-26	RESIDENTIAL MOVING COST
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REL-PRO 6.116-29	COMMERCIAL DOCUMENTED SELF-MOVE
REL-PRO 6.116-30	(OPTIONAL) COMPETITIVELY BID COMMERCIAL MOVE PROCESS FOR FARM OR NON-PROFIT ORGANIZATION
REL-PRO 6.116-31	IN-LIEU-OF MOVING AND REESTABLISHMENT EXPENSES - COMMERCIAL, FARM, OR NON-PROFIT ORGANIZATION
REL-PRO 6.116-32	REESTABLISHMENT EXPENSES - BUSINESS, FARM OPERATION OR NON-PROFIT ORGANIZATION
REL-PRO 6.116-33	PROPERTY MANAGEMENT
REL-PRO 6.116-34	LEASING REAL ESTATE TO DISPLACEE
REL-PRO 6.116-35	PUBLIC AUCTION OF IMPROVEMENTS
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REL-PRO 6.116-37	IMPROVEMENT REMOVAL
REL-PRO 6.116-38	FUNCTIONAL REPLACEMENT OF REAL PROPERTY IN PUBLIC OWNERSHIP
REL-PRO 6.116-39	ILLEGAL SIGN REMOVAL
REL-PRO 6.116-40	VERIFICATION OF CITIZENSHIP OR QUALIFIED ALIEN STATUS
REL-PRO 6.116-41	COLLECTION OF DEMOGRAPHIC INFORMATION
REL-PRO 6.116-42	PROTECTIVE RENT
REL-PRO 6.116-43	CONDEMNATION OF RESIDENTIAL DISPLACEES
REL-PRO 6.116-44	PROGRAMMATIC WAIVER
REL-PRO 6.116-45	CONDEMNATION OF BUSINESS

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Program – Planning Stage Phase I – Relocation Plan	No: REL-PRO 6.116-1 Revised: 04/01/15 Page: 1 of 4
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.205

Manager, Relocation Branch

1. Receives a request from Environmental Programs Division for the Relocation Branch to develop a Relocation Plan. The purpose of preparing a Relocation Plan is to be in compliance with 49 CFR § 24.205. The request will consist of maps showing the proposed defined alternate alignments to be studied for approval from Federal Highway for environmental clearance. This plan will be developed prior to the completion of the NEPA Document.
2. Assigns a Relocation Agent to prepare a Relocation Plan in accordance with the request received.

Relocation Agent

3. Visits the project site and gathers the following information for each alternate alignment. The Relocation Plan will serve to assist in the evaluation of the social and environmental impacts on the project. The potential impacts will include the following information:
 - a. If potential residential displacements constitute a disproportionately high and adverse impact on minority or low income families, the Manager, Relocation Branch may request interviews with displaced persons.
 - b. If interviews are conducted and only aerials are available, the Relocation Agent will advise potential displacees the environmental study is done to identify potential impacts on the proposed project alignment. The interview does not necessarily mean they are absolutely being displaced because final Right-of-Way limits and design of the project has not been determined and no alignment has been selected.
 - c. Conducts a market search to reveal the number of decent, safe and sanitary, comparable replacement dwellings which may be available to fulfill the needs of the potential displaced households in the proposed project area (including location, condition, price range and size).
 - d. Analyzes and defines the impacts on the potential residential displacees.
 - e. Determines what social or public programs may be available in the area that will assist the elderly or persons with disabilities such as meals on wheels, etc.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Program – Planning Stage Phase I – Relocation Plan	No: Revised: Page:	REL-PRO 6.116-1 04/01/15 2 of 4
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Relocation Agent

- f. Provides recommendations for providing Last Resort Housing within the family's financial means.
- g. When there is not an adequate supply of comparable, decent, safe and sanitary replacement housing available on the market, recommends solutions which may require new construction.
- h. If new construction is required, recommends an additional 6 to 8 months be allowed in the project schedule.
- i. Determines the estimated number of potential businesses, farms, non-profit organizations, to be displaced and the approximate number of employees that may be affected.
- j. Identifies the potential problems anticipated in the relocation of potential displaced businesses, non-profit organization or farms including any relocation advisory services and actions needed to reduce impacts.
- k. Provides recommendations for solutions for reducing impacts on potential business displacees which are expected to involve complex or lengthy moving processes or have limited resources. Also consider any special relocation advisory assistance services that may be necessary from the displacing Agency and other cooperating Agencies.
- l. Writes a transmittal memo for submitting the Relocation Plan with attachments to the Environmental Programs Division thru Program Management Branch from Manager, Relocation Branch.

Manager, Relocation Branch

- 1. Receives a request from Project Management Branch for a Preliminary Relocation Estimate. The request consists of maps showing the alternate alignments for the proposed project and the proposed Right-of-Way limits.
- 2. Assigns a Relocation Agent to prepare a Preliminary Relocation Estimate, in accordance with the request received.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Program – Planning Stage Phase II – Relocation Cost Estimates	No: Revised: Page:	REL-PRO 6.116-1 04/01/15 3 of 4
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Applies to:

Policy OP-REL 6.1 Relocation Assistance Program 49 CFR § 24.205

Relocation Agent

3. Visits the project site and gathers the following information on each alignment.
 - a. Determines the potential number of individuals or families, businesses, farm operation, non-profit organizations, billboards and signs that could be displaced on each corridor.
 - b. Takes notes of the special characteristics of all relocations involved. Determines if adequate comparable replacement housing and replacement business sites are available. Researches possible relocation solutions to help minimize impacts on residential and commercial displacements.
 - c. Researches the market for availability of comparable decent, safe and sanitary replacement housing and available business sites. The information shall be gathered in the following manner:
 - (1) Examine VA and FHA lists.
 - (2) Search local newspapers.
 - (3) Traverse the area to observe homes and/or business sites for sale and determine if there is a need for new construction.
 - (4) To avoid rumors and confusion among the local populations, questions shall not be asked of anyone in the project area.
4. Prepares the preliminary relocation estimate for approval by the Manager, Relocation Branch. Provides estimates for each alternate requested. Identifies the alternates, sections, project extents and right-of-way required for estimating relocation costs. The estimate also includes information on how the required information was actually gathered outlining the relocation problems for each alternate, together with possible solutions.
5. This preliminary cost estimate will cover the replacement housing payment cost, residential moving costs, moving and reestablishment costs for businesses, farm operations and non-profit organizations. The cost estimate will also include the cost for relocation advisory assistance, abatement, NESHAP, erosion control, and demolition costs of all signs and improvements.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Program – Planning Stage Phase II – Relocation Cost Estimates	No: REL-PRO 6.116-1 Revised: 04/01/15 Page: 4 of 4
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Relocation Agent

6. The preliminary relocation estimate will include notes of any impacts on the project concerning limited available comparable decent, safe and sanitary housing and any additional time required for new construction.

Manager, Relocation Branch

7. Reviews preliminary cost estimates for completeness and transmits the Preliminary Relocation Estimate to Project Management Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Public Hearing/Meeting	No: Revised: Page:	REL-PRO 6.116-2 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

Manager, Relocation Branch

1. Receives notification of the location and date set for the Pre-Meeting and Public Hearing/Meeting from the Strategic Assets and Performance Management Division.
2. On projects with possible displacement, assigns a Field Supervisor or Relocation Agent to attend the Public Hearing.

Field Supervisor or Relocation Agent

3. Attends the pre-meeting.
4. Attends hearing/meeting and presents Public Hearing/Meeting Presentation.
5. Discussions may include, but not be limited to, the following:
 - a. Eligibility requirements, payment procedures and limits for moving costs.
 - b. Replacement housing payment, eligibility requirements, payment procedures and limits.
 - c. Mortgage interest rate differential payment and eligibility requirements.
 - d. Payment of eligible buyer's closing costs incidental to the purchase of a replacement dwelling.
 - e. Address and telephone number of the relocation office.
 - f. Estimated number of individuals or families, and commercial business operations to be displaced.
 - g. Eligible business search, moving and reestablishment expenses.
6. The Relocation Assistance & Benefits Brochure will be made available to all attending.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Public Hearing/Meeting	No: Revised: Page:	REL-PRO 6.116-2 04/01/15 2 of 2
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Manager, Relocation Branch

7. Receives a copy of the Public Hearing transcript from the Strategic Assets and Performance Management Division. Sends a copy to Central File and the Relocation Branch project folder.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Program – Initial Stage	No: Revised: Page:	REL-PRO 6.116-3 04/01/15 1 of 6
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

49 CFR § 24.203 A project is in the Department's Initial Stage from the time final design and right-of-way plans are approved until Initiation of Negotiations "ION" to purchase right-of-way (not including hardship or protective buying.) Due to the critical nature of this function, the following forms are to be completed within thirty (30) calendar days from the Notice to Proceed or assignment.

R/W 453 (Drive-out) "Improvement Status Report"
R/W 475A "Interviews with every displacee"
R/W Form 1804 "Affidavit Verifying Lawful Presence in the United States"
R/W REL-Form 5 "Improvement Survey Questionnaire"
R/W REL-Form 6 "Identification of Real/Personal Property"

Refer to Procedure REL-PRO 6.116-41 R/W Form 1805 "Title VI Compliance Form" – Provide every displacee R/W Form 1805 to complete and mail to the Oklahoma Department of Transportation, Title VI Coordinator, Civil Rights Division, 200 NE 21st Street, Room 1C5, Oklahoma City, OK 73105.

Occupants of residences or businesses outside of the right-of-way taking are not considered displacees and should not be interviewed unless prior written approval is obtained from the Manager, Relocation Branch. Approval shall be requested by the occupant through the agent, and give justification as to why the occupants should be considered as displacees. If approved, to be eligible for benefits, the displacee must move from the real property in order to receive benefits.

Manager, Relocation Branch

1. Receives R/W plans and a misery for the project. Assigns a relocation agent to the project. Once an agent is assigned to a displacee, the agent shall remain assigned to that displacee for the duration of the move/relocation unless it is not prudent to do so.
2. The assigned relocation agent does a physical drive-out of the project and writes a detailed drive-out utilizing the Improvement Status Report R/W 453. (If R/W plans are not available, the drive-out will be made using construction plans.)

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Program – Initial Stage	No: Revised: Page:	REL-PRO 6.116-3 04/01/15 2 of 6
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Relocation Agent

3. The ISR R/W 453 shows the control status of the highway and all pertinent current information about the status of the project as it develops including, disposition of improvements, vacate dates and utility conflicts.
4. List on the drive-out improvements located within the present right-of-way as encroachments under the parcel column labeling it as (ENCR). Encroachments located in present right-of-way shall also be identified by their station numbers and offset distances as they are positioned left or right of the center line.
5. List on the drive-out parcel numbers under the parcel column for improvements and signs located within the proposed right-of-way, utility easements, channel easements, and temporary right-of-way. Improvements shall also be identified by their station numbers and offset distances as they are positioned left or right of center line.
6. List on the drive-out improvements located above and below ground level such as houses, business structures, parts of structures, debris, sheds, wells, cisterns, water faucets, dump sites, tires, flag poles, cellars, garages, septic systems, underground storage tanks, above ground storage tanks, irrigation systems, private light poles, windmills, satellite dishes, and abandoned concrete slabs or foundations of former structures. The relocation agent shall also plot the location of the underground tanks, stationing, offset distances from center line and the direction the UST's are laying on the land.
7. List on the drive-out personal property to be moved from the proposed right-of-way. Personal property may include the cars for sale on a sales lot or mobile homes for sale on a sales lot. Personal property may also include non-operational vehicles which require towing. Do not list rolling stock that moves on a regular basis.
8. List on the drive-out outdoor advertising signs (trade fixtures) and on-premise signs. Outdoor advertising signs (trade fixtures) and on-premise signs will be identified by their size, type, advertisement and HAGL, i.e. example 8' x 12' DF Plastic Illuminated "Ramada Inn" sign, 20' HAGL. The HAGL means (Height Above Ground Level). Abbreviations' such as DF means Double Faced. An example of this would be a DF wood painted bulletin which consists of a single piece of wood with a sign painted on both sides. SF sign means Single Faced and consists of a sign painted only on one side. B/B means the sign is back to back. A back to back sign consists of two separate signs positioned back to back on each side of the same sign frame or pole with space between the two faces.

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Relocation Agent

9. If the sign or billboard is registered, list on the drive-out the registration number on the drive-out. On controlled highways communicate with the Outdoor Advertising Control Branch to determine if a sign or billboard is legal. Make a note on the ISR R/W 453 if the sign is considered illegal.
10. Requests the Outdoor Advertising Control Branch provide the Oracle screen print for registered signs, copies of the application for sign registration and permit on controlled highways, primary and the interstate system. Send a copy of this information and the R/W 453 to the Appraisal Branch and to Central File.
11. Refer to the Relocation Branch's Current Guidance Directive for more detailed instructions concerning drive-outs and fencing.
12. If graves are located within the proposed right-of-way, notify the Relocation Branch Manager and refer to REL-PRO 6.116-6. Obtain Grave Relocation Permit, VS 182, if needed, in accordance with REL-PRO 6.116-6.
13. Submits a full size colored set of right-of-way plans and R/W 453 Improvement Status Report drive-out to the Relocation Branch within 30 calendar days from the Notice to Proceed or assignment. These plans are to show accurate plotting of all signs, improvements and personal property.
14. Updates the ISR R/W 453 Improvement Status Report as needed to track the appropriate status and disposition of improvements. Submits an updated ISR R/W 453 report every Monday with notations of any changes to the Field Supervisor.
15. Notifies Strategic Assets and Performance Management Division in writing of any possible hazardous waste or underground tanks not previously identified.
16. If the location of the tanks appear to be in the right-of-way, a site investigation may be necessary. Request Environmental Programs Division conduct a site investigation if the site appears to have oil spills or contamination on the ground or the tank location cannot be specifically identified. The request should include the approximate station location and offset distances of the tanks, a copy of the plans and plot plans, pictures of the site and the Appraisal Form 6, identifying the number of tanks, type of fuel and their size. Refer to REL-PRO 6.116-33 for more information.

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RIGHT-OF-WAY & UTILITIES DIVISION**

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Relocation Agent

17. Contacts all residences occupants, businesses or persons with personal property located within the proposed right-of-way to conduct the relocation interview within 30 days of the Notice to Proceed or assignment. If there is minimal personal property only located in the open field of the right-of-way, determine if the appraiser paid cost-to-cure for moving that minimal amount of personal property. If not, minimal personal property only moves should be handled and paid through Acquisition as a cost-to-cure to move the minimal personal property only.
18. Interviews displaced persons using the R/W 475A Interview Form. ODOT Relocation Agent enters R/W 475 Interview information into Oracle.
 - a. Explains Oklahoma's relocation program. Particular emphasis should be made to the displacee concerning the requirement for Lawful Presence in the United States and of occupancy at the initiation of negotiations in order to be eligible for relocation assistance.
 - b. Requests displacees to complete and sign the R/W Form 1804 "Affidavit Verifying Lawful Presence in the United States" prior to providing relocation advisory assistance.
19. Works with Appraisal and Acquisition Branches to secure an early acquisition for a project field office if a field office is to be established.
20. Prepares an encroachment memo, (Encr. 1026) for the Manager, Relocation Branch's signature to the appropriate authority (usually the Division Engineer) listing all encroachments for removal. Attach the following documents to the Encroachment Memorandum:
 - a. D 202-1 Policy for encroachment removal
 - b. Notification on Encroachment Resolution
 - c. DOT 401 form for the Division Engineer's use
 - d. If applicable, include forms (DOT 402 or 403) for the city or county government's use.
21. Prepares RE1027N memo for non-controlled highway, or for controlled highways prepare RE1027C, Transmittal of Initial Drive-out, for Manager, Relocation Branch's signature to the Appraisal Branch and Acquisition Branch. Attach copies of the R/W 453 Improvement Status Report, R/W 475A Interviews, outdoor advertising sign (trade fixtures) and on-premise sign data for the Field Supervisor to review.

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Relocation Agent

22. When there are on-premise signs or outdoor advertising signs (trade fixtures) listed on the R/W 453 Improvement Status Report to be addressed for removal, send Outdoor Advertising Control Branch a copy of the Transmittal of Initial Drive-out, RE1027S. Attach R/W 453 Improvement Status Report for Outdoor Advertising Control Branch's reference of on-premise signs or outdoor advertising signs (trade fixtures) to be removed.
23. Submits to Field Supervisor the R/W 453 Improvement Status Report, R/W 475A interviews, copies of the (R/W REL-Form 5) Improvement Survey Questionnaire, (R/W REL-Form 6) Real/Personal Property Form and R/W Form 1804 "Affidavit Verifying Lawful Presence in the United States."
24. Obtains copies of verification of Underground Storage Tanks, APP Form-6, from Appraisal Branch or Central file. Records UST's in tracking log for tracking removal of underground storage tanks.

Field Supervisor

25. Reviews all documents for accuracy. Reviews the R/W 453 and verifies the Relocation Agent submitted R/W 475A's for each residential and commercial displacement. When there is a building to be acquired containing stored personal property to be moved, an R/W 475A interview form should be filled out, interview conducted and benefits explained.
26. Sends Form 1804 "Affidavit Verifying Lawful Presence in the United States", R/W REL-Form 5 Improvement Survey Questionnaire, R/W REL-Form 6 Real/Personal Property Form, R/W 453 and R/W 475A's to the Central File.

Manager, Relocation Branch

27. Transmits copies of R/W 453 Improvement Status Report, outdoor advertising sign (trade fixtures) and on-premise sign data with RE1027N memo, Transmittal of Initial Drive-out, to Appraisal Branch, Acquisition Branch and RE 1027S Memo Transmittal of Initial Drive-out to Outdoor Advertising Control Branch for use in properly addressing outdoor advertising signs (trade fixtures), on-premise signs and illegal signs located in the proposed right-of-way.
28. Receives copies of appraisals on parcels which have residential relocations. Assigns agent to prepare the appropriate Replacement Housing Payment or Rental Assistance Payment calculation referenced in (REL-PRO 6.116-8 thru 6.116-13).
29. Receives authorized negotiation list and checks to see that:

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- a. One signed original and one signed copy of tenant offer letters are attached with the Relocation Assistance Brochures.
 - b. Copies of replacement housing payment calculations are attached for all owners and tenants.
30. Transmits authorized negotiation list, offer letters, and calculations to assigned agent on project. Retains one copy of authorized negotiation list for Relocation Branch file.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Local Field Office	No: Revised: Page:	REL-PRO 6.116-4 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6-2: Relocation Assistance Field Office

Field Supervisor Relocation Branch

1. Based on the needs ascertained by the relocation agent in the initial stage (REL-PRO 6.116-3), determines if a field office is to be established, and recommends same to the Manager, Relocation Branch.

Manager, Relocation Branch

2. Requests approval from the Assistant Chief, Right-of-Way & Utilities Division, in establishing a field office. Informs FHWA when a field office will be established, if Federal funds are involved in the R/W costs.
3. When approval is received, works with Appraisal and Acquisition Branches to locate and secure a site.
4. When a site has been secured, instructs Field Supervisor or Relocation Agent to proceed with establishing a field office.

Field Supervisor or Relocation Agent

5. Establishes field office and takes immediate action to set up and maintain an accurate and current record of:
 - a. Improved parcels by name, parcel number and phone number of displacees.
 - b. Project correspondence, sign negotiation list, lease, parcel and other pertinent folders necessary for each project.
 - c. Lists of replacement dwellings and business locations available for sale or lease.
 - d. Current data for such costs as security deposits, closing cost, typical down payments, interest rates and terms.
 - e. Maps showing the location of schools, parks, playgrounds, shopping facilities and public transportation routes in the area.
 - f. Schedules and costs of public transportation where applicable.

**PROCEDURE STATEMENT
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Subject: Relocation Program on Projects Affected by a Major Disaster	No: Revised: Page:	REL-PRO 6.116-5 04/01/15 1 of 1
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

Manager, Relocation Branch

1. Receives notification that an area in which there is an active or pending relocation program has been declared a disaster area or continued occupancy poses a danger to the occupants.
2. Checks status of project to see whether location approval has been given by FHWA and whether negotiation has begun to determine whether the project should be handled under this procedure. If the determination is affirmative, takes Step 3. If the determination is negative, no relocation project can be undertaken under this procedure.
3. Sends a Relocation Agent to the site to assess and report the project situation in regard to relocation under disaster regulations.

Relocation Agent

4. Goes to the project location and determines whether any displacees will be entitled to assistance under the disaster procedure and reports to the Branch Manager accordingly.
5. Documents to show any displacees who are in "constructive occupancy" under disaster procedures; i.e., those who cannot reoccupy their homes by the start of negotiations, or if negotiations are underway, those who cannot reoccupy during the negotiation period.
6. Proceeds with relocation work under REL-PRO 6.116-17 except they inform the displacees that any insurance payments, government housing loan cancellations, or any benefits from any source provided as a result of the disaster, will be deducted from replacement housing benefits.
7. Informs displacees classified for assistance under disaster procedures that the official date of occupancy of the replacement dwelling will be the date of the contract, in those instances where the displacee contracts for new construction or where the State contracts to build Last Resort Housing.

**PROCEDURE STATEMENT
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Subject: Grave Relocation	No: Revised: Page:	REL-PRO 6.116-6 04/01/15 1 of 2
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Applies to:

Policy OP-GA 6-22: Right Of Way Clearance

NOTE:

Prior to beginning any grave relocation, check with the State Department of Health for current regulations. This does not pertain to pet cemeteries. In those instances, one is advised to thoroughly research the issue and conditions, and then proceed with caution.

Manager, Relocation Branch

1. Assigns agent to effect the grave relocation when it is determined that there are graves within the right-of-way.

Relocation Agent

2. Locates the next of kin and secures their consent to the relocation on State Health Department form, VS 182, in triplicate.
3. If no kin can be located or if consent cannot be obtained, returns the completed VS 182 to the Manager, Relocation Branch, who will request that the Legal & Business Services Division petition the court for permission to disinter and re-inter. Two copies of the court order will be furnished the undertaker who will perform the service.
4. Completes the applicant's section of the VS 182, contacts local undertakers and when possible obtains a minimum of two proposals, R/W 433, for the relocation. If the lower proposal is within reasonable limits, it is forwarded to the Supervisor for concurrence and approval of the Assistant Chief, Right-of-Way & Utilities Division.

Manager, Relocation Branch

5. Writes an award letter to the undertaker instructing him to proceed with the relocation.
6. Furnishes the undertaker with the original and one copy of the VS 182 and returns the third copy to the Supervisor for subsequent inclusion in the parcel file. (In the proposal, the undertaker must agree to secure the lots, secure the signature of the local Health Officer and the approval of the State Commissioner of Health).
7. Secures a properly signed claim, Form 324, and the itemized invoice, which will include the cost of the new grave lots.

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Subject: Grave Relocation	No: Revised: Page:	REL-PRO 6.116-6 04/01/15 2 of 2
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8. The undertaker will notify the Resident Engineer when the work has been completed. After inspection, the Resident will notify the Right-of-Way & Utilities Division that the work has been satisfactorily completed. The claim accompanied by the proposal, VS 182 and the Resident Engineer's verification of completion of relocation is forwarded to the Business Office for processing and payment.

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Delivery of State Warrants	No: Revised: Page:	REL-PRO 6.116-7 04/01/15 1 of 1
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Applies to:

State Warrants Policy of Legal and Business Services Division

Manager, Relocation Branch

1. In those cases where hand delivery is necessary, assigns a Relocation Agent to deliver directly to the payee. The Agent assigned is never the same one who obtained signatures on the claim. (Usually, warrants are sent by certified mail).

Relocation Agent

2. Receives warrant and two copies of claim form from the Legal and Business Services Division a.k.a. the Business Office. Delivers warrant to person to whom it is addressed. If that person cannot be found, returns it to the Relocation Branch Manager. Displacee signs one copy of claim receipt when warrant is delivered. Gets receipt for warrant from addressee when delivered.
3. Transmits a signed copy of claim receipt to Business Office immediately after warrant is delivered.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Computation of Replacement Housing Payment - Owner-Occupants of 90 Days – Comparable Existing Housing	No: Revised: Page:	REL-PRO 6.116-8 04/01/15 1 of 7
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.401

NOTE:

Reasonable trade-offs for specific features may be considered when the replacement dwelling is “equal to or better than” the displacement dwelling.

Comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if not possible, in a nearby or similar neighborhoods where housing costs are generally the same or higher.

49 CFR § 24.401(c), § 24.401(d), § 24.401(e), §24.404 - For the purpose of these procedures, "financial means" is obtained when the applicable replacement housing entitlement plus incidental expenses and the mortgage interest entitlement, is available to the displaced person to enable them to purchase a comparable replacement dwelling.

49 CFR § 24.403 - “Additional Rules governing Replacement Housing Payments” Completes Replacement Housing Payment Calculation, R/W 150, Section A, and R/W Form 150D, Comparable Housing Study, by analyzing the listing and selecting the most nearly representative of and equal to, or better than, the displacement dwelling. The asking price of the comparable less the appraised market value of the dwelling being acquired shall be the maximum replacement housing payment.

Manager, Relocation Branch

1. Receives from Manager, Appraisal Branch, reviewed appraisals (original and one copy) on parcels which are occupied by qualified displacees.
2. Assigns the RHP Calculation to a Replacement Housing Specialist. The Replacement Housing Specialist is an approved relocation agent other than the agent performing relocation assistance. It is the intent of ODOT that the person preparing calculations has no contact with the displacee, thereby alleviating any actual or perceived undue influence. Transmits assignment and copy of reviewed appraisal to Replacement Housing Specialist.

Replacement Housing Specialist

3. Reviews the Residential Interview Form, R/W 475A, for each displacee to obtain:
 - a. Continuous tenure of owner's residence
 - (1) An owner-occupant is defined as one owning, legally, or equitably:

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Computation of Replacement Housing Payment - Owner-Occupants of 90 Days – Comparable Existing Housing	No: Revised: Page:	REL-PRO 6.116-8 04/01/15 2 of 7
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- (a.) The fee simple estate
 - (b.) A life estate
 - (c.) A 99-year lease
 - (d.) A written lease with a remaining term of 50 or more years at the date of acquisition by the Department.
 - (e.) A contract purchaser of the forgoing estate or interest
 - (f.) An interest in a cooperative housing project which includes the right to occupy a dwelling
 - (g.) Who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law.
 - (h.) Any other interests including a partial interest, which in the judgment of the Department warrants consideration as ownership.
- (2) Must have occupied the residence at least 90 days prior to initiation of negotiations for the parcel.
- (a) Number in family, with age and gender of each member
 - (b) Housing requirements and/or special needs
4. Reviews the appraisal to determine:
 - a. Living area of dwelling
 - b. Market value of dwelling, including home site
 5. Contacts real estate brokers, individuals, public and private agencies that have properties for rent or sale in the immediate project area.
 6. Compiles a portfolio of all the available properties selecting only those which meet comparable dwelling requirements.
 7. Inspects, photographs, and measures each property to ascertain living area and that it is decent, safe, and sanitary as specified in REL-PRO 6.116-16.
 8. Completes Replacement Housing Comparable, R/W 114, for each property.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Computation of Replacement Housing Payment - Owner-Occupants of 90 Days – Comparable Existing Housing	No: Revised: Page:	REL-PRO 6.116-8 04/01/15 3 of 7
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9. Selects at least three listings when available, which are:
 - a. Decent, safe, and sanitary (REL-PRO 6.116-16).
 - b. Functionally equivalent; performing the same function, providing same utility.
 - c. Adequate in size to accommodate the occupants with respect to number of rooms and area of living space.
 - d. In areas not generally less desirable than the dwelling being acquired with regard to public utilities, public and commercial facilities and reasonably accessible to the displacee's place of employment.
 - e. In an equal or better neighborhood which is not subject to unreasonably adverse environmental factors.
 - f. On a site that is typical in size for residential development with normal site improvements, including customary landscaping.
 - g. Available on the market to the displaced person.
 - h. Within the displacee's financial means.
9. When the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum replacement housing payment is the selling price of a comparable replacement dwelling on a tract typical in size for the area less the acquisition price of the acquired dwelling and the tract on which it is located.
10. When the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum replacement housing payment is the selling price of a comparable replacement dwelling and the tract typical in size for residential use in the area less the acquisition price of the acquired dwelling plus the acquisition price of that portion of the acquired land which represents a tract typical in size for residential use in the area.
11. 49 CFR § 24.403(a)(3) - If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a buildable residential lot, the Department may offer to purchase the entire property.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Computation of Replacement Housing Payment - Owner-Occupants of 90 Days – Comparable Existing Housing	No: Revised: Page:	REL-PRO 6.116-8 04/01/15 4 of 7
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If the owner refuses to sell the remainder to the Department, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

12. When the acquired dwelling is located on a tract where the fair market value is established on a use higher and better than residential, the maximum amount payable is the selling price of a comparable replacement dwelling on a tract typical in size for residential use in the area less the acquisition price of the dwelling and that portion of the acquired land which represents a tract typical for residential use in the area.
13. 49 CFR § 24.403(a)(2) - If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, e.g. the site is significantly smaller or does not contain a swimming pool; the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

Oklahoma has numerous tornados each year. For safety reasons many Oklahomans may have cellars, storm shelters or safe rooms to protect themselves. If an owner-occupant had an attached (interior) or detached (exterior) cellar, storm shelter or safe room at their displacement site, it is reasonable to allow the owner-occupants to replace their attached or detached cellar, storm shelter or safe room in their replacement dwelling.

It is the intent of this procedure to allow replacement of the cellar, storm shelter or safe room with the same type of unit or functionally equivalent storm protection unit unless prohibited by restrictive covenants, local law, code or ordinance.

If the replacement dwelling utilized for the replacement housing calculation lacks an exterior cellar, storm shelter or safe room, the appraised value placed on the cellar, storm shelter or safe room shall be subtracted or carved-out from the acquisition cost of the displacement dwelling site for purposes of computing the payment. The Replacement Housing Specialist calculating the Replacement Housing Payment shall obtain a written estimate of the cost for replacing the cellar, storm shelter or safe room with a functionally equivalent unit at the replacement site to provide safety from tornados. The Replacement Housing Specialist must put the quote of the estimated cost for a functional cellar, storm shelter or safe room in the remarks section of the calculation and include the written estimate in the Replacement Housing Calculation. If the value carved out in the calculation is not adequate to replace the cellar, storm shelter or safe room at the replacement site and the owner actually replaces a similar functional cellar, storm shelter or safe room at their replacement site, the difference in the cost of the carved out cellar, storm shelter or safe room at the displacement site and the actual reasonable cost of a functionally equivalent storm protection unit at the

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replacement site may be reimbursed on an actual cost basis. Pre-approval is required if the owner wishes to replace this item at the replacement site. A not-to-exceed amount may apply if they elect to replace something superior to what they had at the displacement site.

If the owner had an attached or interior cellar, storm shelter or safe room that cannot be replaced in the replacement housing calculation with an equivalent space (attached or detached) providing the same protection, the Replacement Housing Specialist should only look for replacement housing with the required square foot living space and bedrooms necessary to cover the living quarters excluding the interior cellar, storm shelter, or safe room. The Replacement Housing Specialist calculating the Replacement Housing Payment shall obtain a written estimate of the cost for replacing the cellar, storm shelter or safe room with a functionally equivalent unit at the replacement site to provide safety from tornados. The Replacement Housing Specialist must put the quote of the estimated cost for a functional cellar, storm shelter or safe room in the remarks section of the calculation and include the written estimate in the Replacement Housing Calculation. Pre-approval is required but consideration will be given to addressing actual reasonable costs for a reasonable, functionally equivalent storm protection unit at their replacement site. A not-to-exceed amount may apply if they elect to replace something superior to what they had at the displacement site.

14. If two or more eligible occupants occupying the same single family dwelling unit move together to the same replacement dwelling unit, they will receive one payment for the relocation entitlement.

If two or more eligible occupants maintain that they are separate households residing in the same dwelling and advise ODOT they want to move to separate replacement dwellings, each occupant will be entitled to a separate calculation based on available DSS requirements for their family structure.

For calculation purposes, the full home site value of the acquired dwelling will be used in each calculation avoiding double payment. Each owner-occupant will only be required to spend their percentage of the FMV ownership plus the full RHP calculated for their family to receive their full Replacement Housing

Payment entitlement calculated. If they decide to purchase the comp or a replacement house costing the same as the comp used in the calculation, they will bear the cost exceeding their percentage of the FMV and the RHP calculated.

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Subject: Computation of Replacement Housing Payment - Owner-Occupants of 90 Days – Comparable Existing Housing	No: Revised: Page:	REL-PRO 6.116-8 04/01/15 6 of 7
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15. 49 CFR § 24.403(a)(7) - If the displacee occupies a dwelling on property with a joint residential and business use, only that portion of the acquisition price which is actually attributable to the displacement dwelling will be considered in computing the maximum replacement housing entitlement.
16. If the displacee occupies a unit in a Multi-family dwelling, only that area utilized by the displacee will be considered.
 - a. When units are reasonably equal in square footage, number of bedrooms, etc., divide total fair market value by number of units.
 - b. When units are not equal in square footage, but number of bedrooms is equal, use a percentage of total living area.
 - c. If number of bedrooms is not equal, prorate payments based on percentage of total number of bedrooms.
17. 49 CFR § 24.403(a)(5) - If the dwelling being acquired is owned by more than one person and if the dwelling is occupied by at least one of the owners, the maximum replacement housing entitlement is that amount which will enable the owner-occupant to purchase the same prorated share in the replacement dwelling that he/she had in the displacement dwelling.

To avoid a double payment, the full home site value of the acquired dwelling will be utilized in the replacement housing payment calculation. The owner-occupants occupying the acquired property will only be required to spend their prorated share of the FMV and the full replacement housing payment calculated to receive their maximum replacement housing payment entitlement. If the owner-occupants decide to purchase the comp used in the calculation or a replacement house costing the same as the comp, the owner-occupants will bear the cost exceeding their percentage of the FMV ownership and the replacement housing payment calculated.

18. Recalculation of a replacement housing payment will be made if the initial comparable used is no longer available to the displacee and similar housing cannot be provided for the amount previously calculated.
19. Completes Relocation Supplement form, R/W 117R, based on Replacement Housing Payment Calculation, R/W 150.
20. Reviews the Residential Interview Form, R/W 475A, for each displacee to determine if an increased interest payment calculation is necessary.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Computation of Replacement Housing Payment - Owner-Occupants of 90 Days – Comparable Existing Housing	No: Revised: Page:	REL-PRO 6.116-8 04/01/15 7 of 7
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21. Contacts lending institutions in the area to obtain current interest rates, points, and terms of mortgage in the area.
22. If the current interest rate is greater than existing interest rate of the owner, computes the estimated increased interest payment in accordance with REL-PRO 6.116-18.
23. Prepares one additional original Replacement Housing Comparable R/W 114 for each comp used (colored pictures) for Record's Center comp file.
24. Assembles and staples one original Replacement Housing Payment calculation packet with colored pictures arranged in order from top to bottom as follows:

R/W 117R, R/W 150, R/W 150D, example of the offer letter #35 with the appropriate information, other back up documentation to support the calculation, original colored pictures for the original calculation on R/W 114 form for each comp.
25. Makes two identical copied packets of the original packet. The two identical copied packets can be copies with black and white pictures.
26. Stack these three packets (original packet and two assembled packet copies) on top of the original Replacement Housing Comparable R/W 114 for Record's Center's comp file, R/W 475A and the review appraisal.
27. Transmits the completed assembled packets of the Replacement Housing Payment calculation, one additional original comp R/W 114 with (colored pictures) for the Record's Center comp file along with the reviewed appraisal to Manager, Relocation Branch.

Manager, Relocation Branch

28. Completes review and transmits (original and 1 copy of the appraisal) and calculations to Legal and Business Services Division a.k.a. the Business Office for preparation of the negotiation list and offer letter. Sends original R/W 114 to Records Center.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Computation of Down Payment Assistance - Payment - Owner - Occupants of Less Than 90 Days and Tenants of at Least 90 Days - Comparable Existing Housing	No: REL-PRO 6.116-9 Revised: 04/01/15 Page: 1 of 2
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.402

NOTE:

The down payment assistance payment is available to owner-occupants of less than 90 days and tenants of at least 90 days who purchase a replacement dwelling. This payment is the same amount as the computed rental assistance payment, however, the amount can be increased to any amount not to exceed \$7,200.00, provided the payment to a displaced less than 90 day owner-occupant shall not exceed the amount the owner would receive if he or she had met the 90 day occupancy requirement.

Manager, Relocation Branch

1. Receives from Manager, Appraisal Branch, reviewed and approved appraisals (original and 1 copy) on parcels with residential occupants.
2. Assigns the RHP Calculation to a Replacement Housing Specialist. The Replacement Housing Specialist is an approved relocation agent other than the agent performing relocation assistance. It is the intent of ODOT that the person preparing calculations has no contact with the displacee, thereby alleviating any actual or perceived undue influence. Transmits assignment and copy of reviewed appraisal to Replacement Housing Specialist.

Replacement Housing Specialist

1. If displacee is an owner, computes replacement housing payment as if they were in occupancy 90 days (see REL-PRO 6.116-8).
2. If displacee is an owner or tenant, computes a rental assistance payment (see REL-PRO 6.116-11).
3. The following limits shall apply to owner-occupants of less than 90 days.
 - a. If the Rental Assistance Payment entitlement is less than \$7,200.00, the down payment assistance payment cannot exceed \$7,200.00.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Computation of Down Payment Assistance - Payment - Owner - Occupants of Less Than 90 Days and Tenants of at Least 90 Days - Comparable Existing Housing	No: REL-PRO 6.116-9 Revised: 04/01/15 Page: 2 of 2
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- b. If the Rental Assistance Payment entitlement is more than \$7,200.00, the down payment assistance payment can exceed \$7,200.00 but cannot exceed the owner's maximum replacement housing payment originally calculated.
3. The full amount of the down payment assistance payment must be applied to the purchase price of the replacement dwelling and related incidental expenses.
4. Prepares one original Replacement Housing Comparable R/W 114 with (colored pictures) for each comp used in the calculation.
5. Assembles and staples one original Replacement Housing Payment calculation packet with colored pictures arranged in order from top to bottom as follows:

R/W 117R, R/W 150, R/W 150D, example of the offer letter #35 for owner-occupants only, if it is a tenant of low income include supporting documentation for income and Hud documentation for income limits, other back up documentation to support the calculation, original colored pictures for the original calculation on R/W 114 form for each comp.
6. Makes two identical copies of the original packet. The two identical copied packets can be copies with black and white pictures.
7. Stack these three packets (original packet and two assembled packet copies) on top of the original Replacement Housing Comparable R/W 114 for Record's Center's comp file, R/W 475A and the review appraisal.
8. Transmits the completed assembled packets of the Replacement Housing Payment calculation, one additional original comp R/W 114 with (colored pictures) for the Record's Center comp file along with the reviewed appraisal to Manager, Relocation Branch.

Manager, Relocation Branch

9. Completes review and transmits appraisal (original and 1 copy of the appraisal) and the calculations to Legal and Business Services Division a.k.a. the Business Office for preparation of the negotiation list and offer letter. Sends original Replacement Housing Comparable, R/W 114, to Records Center.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Computation of Replacement Housing Payment - Comparable New Construction – Owner Occupants and Tenants	No: Revised: Page:	REL-PRO 6.116-10 04/01/15 1 of 3
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.404(c)(iii)

Replacement Housing Specialist

1. If existing comparable housing cannot be utilized to compute the maximum replacement housing entitlement, the cost of constructing comparable housing will be used.
2. Examines appraisal to determine necessary characteristics of a comparable replacement dwelling and tract.
3. Gathers local market data by contacting builders, real estate brokers, and other available sources to determine:
 - a. Typical cost and size of available tract.
 - b. Basic sq. ft. construction costs of dwelling and items included by the local contractor.
4. For owner-occupants of 90 days, the maximum land and replacement housing cost shall be calculated based on the following, if applicable:
 - a. A tract typical in size for the area. In addition to the cost of the tract, the following costs will be included, if applicable:
 - (1) The installation of necessary utilities, such as septic and water systems, if not present on the replacement tract.
 - (2) Site preparation and leveling.
 - b. The cost to construct a comparable dwelling. The construction cost shall include the following, if applicable:
 - (1) The cost of the dwelling per sq. ft. including carpet, paneling, etc.
 - (2) Central heat and air conditioning.
 - (3) Fireplaces.
 - (4) Cellar.
 - (5) Porches.

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Subject: Computation of Replacement Housing Payment - Comparable New Construction – Owner Occupants and Tenants	No: Revised: Page:	REL-PRO 6.116-10 04/01/15 2 of 3
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- (6) Driveways and walkways.
 - (7) Customary landscaping.
 - (8) Other features necessary for comparability.
5. The fair market value established by the appraisal will be subtracted from the sum of the typical sized tract plus the cost to construct a comparable dwelling to arrive at the maximum replacement housing payment.
 6. For owner-occupants of less than 90 days and tenants of at least -days, the replacement cost of a typical sized home site and comparable dwelling will be calculated in accordance with Paragraph 4. The maximum replacement housing payment is the average monthly cost for rent and estimated utilities for a comparable dwelling less the monthly rent and estimated utilities at the displacement dwelling (see REL-PRO 6.116-11). The computed down payment is limited to \$7,200.00 or, for an owner of less than 90-days, the replacement housing payment if they meet the 90-day occupancy requirement (whichever is the lesser).
 7. Completes calculation of replacement housing payment based on new construction, or down payment assistance on R/W Form 150B.
 8. Reviews the Residential Interview Form, R/W 475A, for each owner occupant to determine if an increased interest payment calculation is necessary.
 9. Contacts lending institutions in the area to obtain current interest rates, points, and terms of mortgages in the area.
 10. If the current interest rate is greater than existing interest rate of the owner, computes the estimated increased interest payment in accordance with REL-PRO 6.116-18.
 11. Prepares one original Replacement Housing Comparable R/W 114 with (colored pictures) for each comp used in the calculation.
 12. Assembles and staples one original Replacement Housing Payment calculation packet with colored pictures arranged in order from top to bottom as follows:

R/W 117R, R/W 150, R/W 150D, or R/W 150B (new construction), example of the offer letter #35, other back up documentation to support the calculation, original colored pictures for the original calculation on R/W 114 form for each comparable (land and home site).

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13. Makes two identical copied and stapled packets of the original packet. The two identical copied packets can be copies with black and white pictures.
14. Stack these three packets (original packet and two assembled packet copies) on top of the original Replacement Housing Comparable R/W 114 (land and home site) for Record's Center's comp file, R/W 475A, and the review appraisal.
15. Transmits the completed assembled packets of the Replacement Housing Payment calculation, one additional original comp R/W 114 (land and home site) with (colored pictures) for the Record's Center comp file along with the reviewed appraisal to Manager, Relocation Branch.

Manager, Relocation Branch

16. Completes review and transmits appraisal (original and 1 copy of the appraisal) and the calculations to Legal and Business Services Division a.k.a. the Business Office for preparation of the negotiation list and offer letter. Sends original Replacement Housing Comparable, R/W 114 (land and home site), to Records Center.

PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Computation of Rental Assistance Payment - Owner – Occupants and Tenants of at Least 90 Days	No: REL-PRO 6.116-11 Revised: 04/01/15 Page: 1 of 5
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.402

NOTE:

For purposes of determining eligibility for relocation payments, the displacement date is the date the person moves or, if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project.

A comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance unless none is available. The comparable will be determined by the family composition at the time of displacement and the current housing program criteria, not the size of the unit currently occupied. The rental assistance payment would be computed on the basis of the person's actual out-of-pocket cost for the replacement housing.

For the purpose of these procedures, "financial means" is obtained when after the displacee receives rental assistance under this part, the person's monthly rent and estimated utility costs for the replacement dwelling do not exceed the person's base monthly rent and estimated utility costs for the displacement dwelling.

A utilities schedule is available at www.ohfa.org to assist with estimating utilities.

For Owner-Occupants income is not a consideration in this calculation.

Manager, Relocation Branch

1. Receives from Manager, Appraisal Branch, reviewed appraisals (original and one copy) on parcels which are occupied by qualified displacees.
2. Assigns the RHP Calculation to a Replacement Housing Specialist. The Replacement Housing Specialist is an approved relocation agent other than the agent performing relocation assistance. It is the intent of ODOT that the person preparing calculations has no contact with the displacee, thereby alleviating any actual or perceived undue influence. Transmits assignment and copy of reviewed appraisal to Replacement Housing Specialist.

Replacement Housing Specialist

3. Contacts real estate brokers, individuals, public and private agencies that have properties for rent in the area.

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Subject: Computation of Rental Assistance Payment - Owner – Occupants and Tenants of at Least 90 Days	No: Revised: Page:	REL-PRO 6.116-11 04/01/15 2 of 5
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4. Inspects, photographs, and measures each listing to ascertain that it is decent, safe, and sanitary. Ascertains the monthly rent of listing from the owner and notes which utilities are included in the rent.
5. Completes Replacement Housing Comparable, R/W 114.
6. Reviews the Residential Interview Form, R/W 475A, for each displacee to determine:
 - a. That the displacee has owned and occupied the dwelling or has been a tenant in legal occupancy for at least 90 days.
 - b. Length of occupancy
 - c. Number in family with age and gender of each member
 - d. Housing requirements and/or special needs
 - e. Monthly rent paid. If owner-occupant of at least 90 days, determine the amount of “Fair Market Rent” for the dwelling and site. Proper documentation, including but not limited to, statements from an appraiser, lease agents in area etc. is required.
 - f. If utilities are not included in the rent, the average monthly cost of utilities paid.
7. Verifies rental status and rental amount with landlord of dwelling being acquired to determine tenant’s eligibility.
8. 49 CFR § 24.206 - Eviction for cause must conform to applicable state and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation on negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the Agency determines that:
 - a. The person received an eviction notice prior to the initiation of negotiations and as a result of that notice, is later evicted:
 - (1) If landlord reports a tenant is not current in rent payments and has initiated “eviction proceedings”, tenant will be determined to hold “unlawful occupancy” and will be ineligible for relocation assistance pending the outcome of the court hearing.

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- (2) If landlord reports a tenant is not current in his rent payments but the landlord has not initiated eviction proceedings, the landlord's "implied consent" creates full eligibility status for tenant to receive relocation assistance.
 - (3) If a person is in occupancy without the permission or knowledge of the owner, occupant is considered to be in unlawful occupancy and not eligible for relocation benefits unless they can prove otherwise.
 - b. The person is evicted after the initiation of negotiations for serious or repeated violations of material terms of the lease or occupancy agreement.
 - c. In either case the eviction was not undertaken for the purpose of evading the obligation to make available the relocation payments and other assistance set forth in this part.
9. Selects three listings, if available, which are decent, safe, and sanitary and comparable to the unit being acquired. See REL-PRO 6.116-8 and REL-PRO 6.116-16 for specific requirements.
10. Completes Replacement Housing Payment Calculation R/W 150 as follows:
 - a. For tenant, analyze the rental comparable listings and select the most comparable.
 - b. For owner-occupants less than 90 days, calculate a rental assistance payment. If this owner elects to use the rental assistance payment as a down payment, the down payment cannot exceed the maximum Replacement Housing Payment the owner would have received had the owner been a 90 day owner-occupant.
11. To calculate rental assistance payment of the owner-occupants less than 90 days, use the market rent and estimated utility cost for the displacement dwelling. Determine the comparable replacement rent and estimated utility cost of the replacement dwelling. Subtract the market rent and estimated utility of displacement dwelling from the cost of the comparable rent and estimated utility to determine the monthly rent and utilities difference. Multiply the monthly difference of rent and utilities x 42 months to determine the rental assistance payment.

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Subject: Computation of Rental Assistance Payment - Owner – Occupants and Tenants of at Least 90 Days	No: REL-PRO 6.116-11 Revised: 04/01/15 Page: 4 of 5
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12. For tenants of at least 90 days, the maximum rental assistance payment shall be computed by deducting the monthly rent or market rent plus estimated utilities for the displacement dwelling (base monthly rent) from the monthly rent plus estimated utilities for a comparable replacement dwelling. The difference multiplied by 42 months is the maximum rental assistance payment except as noted as follows.
 - a. If the displacee refuses to provide appropriate evidence of income or is a dependent, the calculation shall be made based solely on the monthly rent and estimated utilities (base monthly rent) of the displacement. *A full time student or resident of an Institution may be assumed to be a dependent, unless the person demonstrates otherwise.*
 - b. If the tenant is classified as low income but the base monthly rent at the displacement dwelling is less than 30% of the tenant's average gross household income, use the actual amount of the base monthly rent.
13. The rent of the unit being acquired, or the comparable, will be converted to a monthly basis. The following factors will be used.
 - a. The weekly rate x 52 ÷ 12 = monthly rent.
 - b. Biweekly rate x 26 ÷ 12 = monthly rent.
14. For tenants of at least 90 days, if the average monthly gross household income from all sources is classified as low income by the U.S. Department of Housing and Urban Development and the base monthly rent for the displacement dwelling exceeds thirty percent (30%) of the tenant's average gross household income then:
 - a. The maximum rental assistance payment shall be calculated accordingly on R/W 150, Base Monthly Rent Section. The maximum rental assistance payment would be the monthly rent and estimated utilities for a comparable less 30% of the tenants average gross monthly income multiplied by 42 months.
15. Prepares one original Replacement Housing Comparable R/W 114 with (colored pictures) for each comp used in the calculation.

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Subject: Computation of Rental Assistance Payment - Owner – Occupants and Tenants of at Least 90 Days	No: Revised: Page:	REL-PRO 6.116-11 04/01/15 5 of 5
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16. Assembles and staples one original Replacement Housing Payment calculation packet with colored pictures arranged in order from top to bottom as follows:

R/W 117R, R/W 150, R/W 150D, other back up documentation to support the calculation, for tenants of low income include supporting documentation for income and Hud documentation for income limits, original colored pictures for the original calculation on R/W 114 form for each comp.
17. Makes two identical copied and stapled packets of the original packet. The two identical copied packets can be copies with black and white pictures.
18. Stack these three packets (original packet and two assembled packet copies) on top of the original Replacement Housing Comparable R/W 114 for Record's Center's comp file, R/W 475A, and the review appraisal.
19. Transmits the completed assembled packets of the Replacement Housing Payment calculation, one additional original comp R/W 114 with (colored pictures) for the Record's Center comp file along with the reviewed appraisal to Manager, Relocation Branch.

Manager, Relocation Branch

20. Completes review and transmits appraisal (original and 1 copy of the appraisal) and the calculations to Legal and Business Services Division a.k.a. the Business Office for preparation of the negotiation list and offer letter. Sends original Replacement Housing Comparable, R/W 114, to Records Center.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Computation of Replacement Housing and Rental Assistance Payments for Owner-Occupants and Tenants of Mobile Homes, Manufactured Homes And Recreational Vehicles	No: Revised: Page:	REL-PRO 6.116-12 04/01/15 1 of 4
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.502 and 49 CFR § 24.503

NOTE:

Except in extreme unusual circumstances, ODOT considers Mobile Homes as realty items.

The term Mobile Home includes manufactured homes and recreational vehicles used as residences. The relocation agent shall verify the mobile home is occupied as the primary place of residence.

Ownership or tenancy of mobile home (not the mobile home site) determines occupant's status as a 90-day owner or tenant: however, the mobile home must be occupied on the same site (or the same mobile home park) for the required 90 days to make the occupant eligible for the appropriate payment limitations (\$7,200.00 or \$31,000.00).

Manager, Relocation Branch

1. Receives from Manager, Appraisal Branch, reviewed appraisals (original and one copy) on parcels which are occupied by qualified displacees.
2. Assigns the RHP Calculation to a Replacement Housing Specialist. The Replacement Housing Specialist is an approved relocation agent other than the agent performing relocation assistance. It is the intent of ODOT that the person preparing calculations has no contact with the displacee, thereby alleviating any actual or perceived undue influence. Transmits assignment and copy of reviewed appraisal to Replacement Housing Specialist.

Replacement Housing Specialist

3. Contacts real estate brokers, individuals, public and private agencies that have mobile homes and/or sites for rent or sale in the area.
4. Inspects, photographs, and measures each listing to ascertain that it is decent, safe, and sanitary. See REL-PRO 6.116-16 for specific requirements.
5. Completes Replacement Housing Comparable, R/W 114.

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6. Reviews the Residential Interview Form, R/W 475A, for each displacee to obtain:
 - a. Length of residency and type of occupancy
 - (1) Displacee who owns mobile home at least 90 days, but rents mobile home site (occupied at least 90 days) would be considered an owner occupant of 90 days
 - (2) Displacee who owns mobile home less than 90 days, but rents site (occupied less than 90 days) would be considered owner-occupant of less than 90 days
 - b. Number in family, age and gender of each member
 - c. Housing requirements and/or special needs
7. Reviews the appraisal to determine:
 - a. Market Value
 - b. Classification of mobile home as real property (occupied) or personal property when on a sales lot
8. Computes the payment for owner-occupant of at least 90 days by one of the following methods:
 - a. If both mobile home and site are owned by the occupant and are acquired:
 - (1) The maximum replacement housing payment is the cost of a comparable mobile home and site less the acquisition price of the acquired mobile home and site.
 - (2) If the owner elects to rent, the rental assistance payment shall be the difference between the amounts determined by the State as necessary to rent a comparable mobile home and site plus estimated utilities of the acquired mobile and site for a period of 42 months. However, the computed rental assistance payment cannot exceed the amount that would have been paid had the displacee purchased a replacement dwelling site.

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- b. If the site only is acquired (usually because the mobile home is considered personal property).
 - (1) The maximum replacement housing payment will be the cost of a comparable mobile home site less the price of the acquired site.
 - (2) If the owner elects to rent, the rental assistance payment, limited to \$7,200.00, shall be the difference between the amount determined by the State as necessary to rent a comparable mobile home site and the market rent of the acquired site for a period of 42 months, not to exceed the amount they would have been paid had the displacee purchased a replacement site.
 - c. If the mobile home is acquired (because the owner-occupant rents the site):
 - (1) The replacement housing payment will be the difference (if any) between the cost of a comparable mobile home and the acquisition cost of the acquired mobile home plus the difference between the rental cost and estimated utilities for a comparable mobile home site for a period of 42 months.
 - (2) If the displacee elects to rent, the rental assistance payment, limited to \$7,200.00, will be the difference between the amounts determined by the State as necessary to rent a comparable mobile home and site plus estimated utilities and the market rent of the acquired mobile home and actual rent of site plus estimated utilities for 42 months, not to exceed the amount that would have been paid had the displacee purchased a replacement mobile home.
9. Computes the payment for the owner-occupant of less than 90 days by one of the following methods:
- a. If both the mobile home and site are acquired, the maximum rental assistance payment will be the market rent and estimated utilities at the displacement mobile home & site subtracted from the monthly rent and estimated utilities for a comparable replacement mobile home and site for 42 months.

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- b. If the site only is acquired, the rental assistance payment will be calculated as in 8b above based on the market rent of the site only.
 - c. If the mobile home only is acquired, the rental assistance payment will be calculated based on the mobile home only in accordance with 8c above plus the difference, if any, between the amount necessary to rent a comparable replacement site and the market rent at the acquired site.
10. Computes the maximum rental assistance payment for tenants of at least 90 days by subtracting the monthly rent plus estimated utilities of the acquired mobile home and site from the monthly rent and estimated utilities for a comparable replacement mobile home and site for 42 months.
11. If the mobile home and site is acquired and a comparable mobile home and site is not available, the replacement housing payment will be computed on the reasonable cost of a comparable conventional dwelling.
12. Prepares one original Replacement Housing Comparable R/W 114 with (colored pictures) for each comp used in the calculation.
13. Assembles and staples one original Replacement Housing Payment calculation packet with colored pictures arranged in order from top to bottom as follows: R/W 117R, R/W 150, R/W 150D, example of the offer letter #35 for owner-occupants only, if it is a tenant of low income include supporting documentation for income and HUD documentation for income limits, other back up documentation to support the calculation, original colored pictures for the original calculation on R/W 114 form for each comp.
14. Makes two identical copied and stapled packets of the original packet. The two identical copied packets can be copies with black and white pictures.
15. Stack these three packets (original packet and two assembled packet copies) on top of the original Replacement Housing Comparable R/W 114 for Record's Center's comp file, R/W 475A, and the review appraisal.
16. Transmits the completed assembled packets of the Replacement Housing Payment calculation, one additional original comp R/W 114 with (colored pictures) for the Record's Center comp file along with the reviewed appraisal to Manager, Relocation Branch.

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Manager, Relocation Branch

17. Completes review and transmits appraisal (original and 1 copy of the appraisal) and the calculations to Legal and Business Services Division a.k.a. the Business Office for preparation of the negotiation list and offer letter. Sends original Replacement Housing Comparable, R/W 114, to Records Center.

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Subject: Recalculations of Replacement Housing Entitlements	No: Revised: Page:	REL-PRO 6.116-13 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

Relocation Agent

1. If an offer letter has been delivered and one of the following circumstances exists, a recalculation of entitlement should be requested with a written explanation to the Field Supervisor.
 - a. Owner elects to rent.
 - b. Agent unable to locate comparable replacement within calculated amount within a reasonable amount of time as determined by the Field Supervisor.
 - c. Eligible displacee not included on negotiation list.
2. Completes R/W 447, Request for Recalculation, and forwards to Field Supervisor for approval.

Field Supervisor

3. Reviews R/W 447, Request for Recalculation, and notes approval by signing and forwarding to Manager, Relocation Branch.

Manager, Relocation Branch

4. Reviews and approves R/W 447, Request for Recalculation, and forwards to Replacement Housing Specialist for recalculation of entitlement. It is the intent of ODOT that the person preparing calculations has no contact with the displacee, thereby alleviating any actual or perceived undue influence.
5. Completes review and transmits calculation to Legal and Business Services Division a.k.a. the Business Office for revised offer letter and negotiation list.
6. Receives revised offer and negotiation list and forwards to Relocation Agent through Field Supervisor for delivery to displacee.

Relocation Agent

7. Delivers revised replacement housing payment offer if revised offer applies to a parcel which has already been secured, or if it does not involve a revision to fair market value.

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8. If negotiations for the parcel are still in progress, notifies Acquisition Agent so they can meet jointly with owner-occupant in presenting revised replacement housing payment offer.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

For a residential tenant, the 90 day time period does not begin until a listing of a comparable replacement dwelling has been provided.

Manager, Relocation Branch

1. Receives Negotiation List with Offer Letter and the Relocation Brochure attached. Checks to see if the information is correct and forwards it to Field Supervisor.

Field Supervisor

2. Receives packet and coordinates with the Acquisition Agent as to the initiation of negotiations on each parcel. Assigns the Relocation Agent to deliver the Offer Letter for residential tenants or R/W 450 for non-residential tenants and the Relocation Brochure to the tenant.

Relocation Agent

3. Receives notification from assigned Acquisition Agent that the fair market value offer to the fee owner has been made. Contacts tenant in person within ten (10) working days after the initiation of negotiations to deliver the tenant offer letter. If personal delivery is not possible, send the notice by certified mail (return receipt requested). If the initial contact is made by certified mail, personal contact must be made as soon as possible to explain the relocation benefits.
4. Verifies comparable dwelling listed in the offer letter to a residential tenant is still available. If it is not available, locates a comparable dwelling within the calculated amount and gives listing R/W 449, along with offer letter. Submits one copy of R/W 449 Listing Letter to Field Supervisor. If agent is unable to locate an available comparable dwelling for a residential tenant within the specified time period, advises the tenant they will not be required to vacate sooner than 90 days from the date a comparable dwelling is furnished to them.
5. If tenant currently occupying the property is not the same as the tenant for whom the offer letter was prepared:
 - a. Agent completes R/W 475A on new tenant. Date of occupancy must be noted.

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- b. Their tenant-landlord relationship has not changed and they are encouraged to continue paying rent to the owner.
 - c. The Department will not require them to move prior to the date specified in the 30-day notice.
10. Offers advisory assistance in accordance with REL-PRO 6.116-15.
11. Agent signs and dates offer letter and returns a copy to Field Supervisor to be forwarded to Manager, Relocation Branch.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

A displaced person can refuse relocation advisory assistance and relocation assistance payments yet still be eligible for payments if they occupy DSS housing in the required time frame and file a claim. ODOT shall not propose or request that a displacee waive their rights or entitlements to relocation assistance and benefits.

In the fall of 2004, condemnation case No. 96,978, or ODOT v. Little, was reviewed by the Supreme Court of the State of Oklahoma. The Supreme Court ruled, the Relocation Assistance Act (49 CFR part 24) is not the exclusive remedy for reimbursement of moving and related expenses in those jurisdictions where such expenses are recoverable in a condemnation proceeding. The 49 CFR allows for a maximum of \$10,000.00 to be paid in re-establishment expenses. Considering the Oklahoma Supreme Court's ruling, a business would be entitled to the amount it actually incurred in re-establishment expenses without a cap. Based on this ruling if a parcel is condemned, all relocation benefits for displacements will be paid in the Commissioner's Award through condemnation proceedings unless the displacee requests to receive their relocation benefits administratively.

If the Replacement Housing Payment is going to be paid administratively, to avoid a duplication of payment, the Relocation Branch will recalculate the adjustment to the RHP using the Commissioner's Award as the acquisition price to determine how the change in the acquisition price affected the Replacement Housing Payment. If a Replacement Housing Payment is going to be paid in advance of a final settlement, the Relocation Branch will have the displacee sign a Memorandum of Agreement to reimburse the State any excess funds previously paid if the final settlement causes the Replacement Housing Payment benefit to be reduced per REL PRO 6.116-17, paragraph 16, a., b, and c.

If a residential or commercial displacee goes to condemnation, the displacee can request to receive their relocation benefits administratively separate from the condemnation process and be paid through the Relocation Branch. The Relocation Agent will make sure the displacee receives all of the proper relocation advisory assistance needed by working through their attorney. The Relocation Agent will be able to conduct all the required inspections, obtain pre-approval for expenses and obtain all the required documentation, invoices, paid receipts to support the spend-to-get requirements to document the files.

If the relocation benefits are included in the Commissioner's deposit, the Relocation Agent will follow-up with the displacee's attorney to give relocation advisory assistance. The Relocation Agent will work with the displacee's attorney to verify their move, obtain

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the replacement address to verify occupancy and verify the replacement home is decent, safe and sanitary per REL-PRO 6.116-16. The Relocation Agent will request the attorney provide proof of relocation expenditures to document the spend-to-get requirements for the monies paid in condemnation to allow the displacee to purchase and occupy a D.S.S. replacement dwelling.

The Relocation Agent will conduct a decent, safe and sanitary inspection required by REL-PRO 6.116-16.

Legal Division will be responsible to document the file through discovery or any other legal means to answer the questions not currently available to help document the file.

For business displacements, if permitted, the Relocation Branch will work through the displaced businesses' attorney, to give relocation advisory assistance, obtain pre-approval for reestablishment expenses as needed and request documentation to support actual, reasonable and necessary expenses for business moving and reestablishment expenses so the file can be documented.

For residential displacements see REL-PRO 6.116-43.

For commercial displacements see REL-PRO 6.116-45.

Relocation Agent

1. Prior to offer, within 30 calendar days from Notice to Proceed or assignment, contacts all residential, commercial or personal property only displacees located within the proposed right-of-way in person. Conducts the interviews utilizing the R/W Form 475A Interview form.
2. Explains information about the proposed taking, plans, project, relocation benefits, different moving methods and answers questions. Gives continual on-going advisory assistance in person as the project progresses.
3. Inspects the parcels for the improvement locations above and below ground level for purposes of preparing the drive-out.
4. Submits the following forms to the Relocation Branch within 30 calendar days of the assignment or notice to proceed:
 - a. The R/W 453 "Improvement Status Report",
 - b. R/W 475A Interviews,
 - c. RW Form 1804, "Affidavit Verifying Lawful Presence in the United States",
 - d. R/W REL-Form 5 "Improvement Survey Questionnaire",
 - e. R/W REL-Form 6 "Identification of Real/Personal property"

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5. Assists the displacee in completing R/W Form 1804 "Affidavit Verifying Lawful Presence in the United States." No relocation services can be provided until this form is completed and signed by the displacee.
6. Gives the displacee R/W Form 1805 to be filled out. Provide a postage paid addressed envelope for their convenience. Requests the displacee mail the R/W Form 1805 to the External Civil Rights Division, Oklahoma Department of Transportation, Attention: Jenny Chong, Title VI Coordinator, 200 NE 21st Street, Room 1 C 4, Oklahoma City, OK 73105-3204.
7. Prior to the offer, makes arrangements to meet with the appraiser to discuss how the fixtures, furniture, equipment and inventory will be addressed thru the appraisal process on parcels requiring a determination of realty verses personal property. The discussion may include but not limited to the following examples:
 - a. PA systems, fixtures, pews, altar in churches
 - b. Paint booth in body shop
 - c. Coin changer or money machines
 - d. Furniture, fixtures, equipment in Laundromats
 - e. Bank drive up lane systems, teller systems, audio-video, drive-up-lane-drawer, pneumatic-air-tubes, security-window, special-envelope-depository-drop-box, uc80-drop-brick, built-in vaults, modular vaults, fireproof doors, deposit boxes, ATM system, entrance control doors and night depository box
 - f. Hydraulic conveyer system
 - g. Hydraulic car lifts
 - h. Calibration system in auto shop
 - i. Scales for semi-trucks
 - j. Restaurant menu board with PA order system
 - k. Restaurant furniture and equipment
 - l. Security and video systems
 - m. Communication systems
 - n. Equipment at businesses
 - o. Walk-in coolers
 - p. Smoke houses with personal property
 - q. Fuel pumps
 - r. POS system equipment
 - s. Motel furniture
 - t. Antennas on buildings
 - u. Above ground swimming pools
 - v. Satellite dishes
 - w. Cattle shuts/corral
 - x. Scales to weigh large animals
 - y. Loading shuts

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Manager, Relocation Branch

8. Receives authorized negotiation list with the tenant's offer letter, 90-day notice and copies of the Summary Statement of Just Compensation for all property to be acquired. Forwards this information to the assigned Relocation Agent through Field Supervisor.

Field Supervisor

9. Discusses the project with the Relocation Agent and attempts to determine any difficult relocation areas and proposed solutions.

Relocation Agent

10. Receives notification that the acquisition agent has made the offer on a parcel and performs the following relocation advisory assistance:
 - a. Contacts all the displacees again in person, within ten (10) working days after the offer has been made to the owner.
 - b. Re-explains the relocation benefits, payments, and procedures on how to qualify and apply for payments. Answers questions and gives relocation advisory assistance.
11. Performs the following functions for individuals or families:
 - c. Gives offer letter to tenant according to REL-PRO 6.116-14.
 - d. Explains the relocation payments in the offer letter and informs displacee that to receive the payments, they must:
 - (1) Move from the acquired property.
 - (2) Occupy a DSS dwelling unit. Dwelling must be verified as DSS by the Relocation Agent prior to occupancy.
 - (3) File claim for payment.
12. Explains that in order for them to receive the maximum authorized payment, they must spend the calculated amount for their replacement dwelling unit and estimated increased interest payment (if applicable).
13. Explains "comparable dwelling" criteria to the displacee.

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14. Informs displacee about the availability of consumer education literature on housing shelter costs and family budgeting.
15. Explains the different moving methods available.
16. Offers to furnish displacee with information booklets on FHA and VA inspection and home evaluations.
17. Assists displacee by giving current data on down payments, utility deposits, interest rates, etc.
18. Explains about available housing for low income families.
19. Provides displacee with maps which show parks, schools, playgrounds, shopping centers and public transportation with schedules and costs, upon request. Offers displacee transportation to inspect housing for which they are referred.
20. Tells about local ordinances pertaining to housing, building codes and open housing, upon request.
21. Provides current and continuing price and rental information on apartments and housing through multi-list, newspapers and contact with realtors. Furnish additional listings of comparable dwellings, if requested.
22. Maintains continual ongoing contact with displacee while they are actively seeking a replacement unit and throughout the relocation process.
23. Request re-calculation (form R/W 447) when owner elects to rent, or when replacement housing is no longer available and cannot be located within the previously calculated amount.
24. Advises displacee of their right to file an appeal.
25. Performs DSS inspections on potential replacement housing using Inspection Form, R/W 475B, according to REL-PRO 6.116-16.
26. Assists displacee in selecting a moving option or a combination thereof.
27. Helps displacee fill out claim and Verification of Move Form, R/W 475C.
28. Informs displacee they will need to provide first month's rent receipt to support rent supplement according to REL-PRO 6.116-17.

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29. Calculates the actual increased interest computation as soon as financing has been arranged on the replacement dwelling in accordance with REL-PRO 6.116-18.
30. Informs displacee they will need to provide the closing statement and a certified copy of Recorded Warranty Deed for replacement housing in accordance with REL-PRO 6.116-17.
31. Informs displacees (Husband and Wife) or (adults sharing the same dwelling) Rent Supplement and Replacement Housing Payment claims require both names on the claim and both of their signatures unless they sign a Head of Household Statement R/W Form 431.
32. Completes post Decent, Safe and Sanitary Inspection, R/W 475B. Completes all final documentation for processing a claim. Forwards all paperwork to the Relocation Branch for processing within 7 calendar days from the date the displacee signs the claim.
33. Offers relocation advisory assistance to any person occupying property adjacent to property acquired when it is determined by the Manager, Relocation Branch that substantial economic injury is caused by the acquisition. Advises person there are no monetary payments.
34. Performs the following functions for a **personal property only move, business, farm operation, or non-profit organization**:
 - a. After the offer letter to owners is delivered by Acquisition Agent, the relocation agent prepares and delivers offer letter (R/W 450) 90 day notice to tenants according to REL-PRO 6.116-14. This notice is given to those displacees who have personal property to move but did not receive a 90 day notice in their own name or business name.
 - b. As soon as possible after delivery of offer letters, complete the inventory of personal property, R/W Form 474, and agents estimate, R/W Form 480, in accordance with REL-PRO 6.116-25 and REL-PRO 6.116.27. Agent's estimates should be calculated in a timely manner to allow adequate time for the displacee to make informed decisions. All agents' estimates should be completed prior to the close out meeting.
 - c. Explains the applicable relocation benefits, different moving methods, reestablishment expenses and the procedures to qualify and apply for benefits. See REL-PRO 6.116-27 and REL-PRO 6.116-32.

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- e. Assists the commercial business displacee in locating a suitable replacement site and re-establishing the business. If listings are available provide listings for consideration.
 - f. Visits the new replacement site and helps the displacee determine what re-establishment modifications the business may need in order to re-establish the business. See REL-PRO 6.116-32.
 - g. Prepares a pre-approval request on behalf of the displacee requesting pre-approval of certain re-establishment benefits before any expenses are incurred.
 - h. Document how the expenses are eligible, reasonable and necessary by the Federal Regulations 49 CFR Part 24 and REL-PRO 6.116-32.
 - i. On parcels where a minimal (small) amount of personal property is stored outside in the field within the proposed right-of-way, not connected to a total displacement, requests Acquisition Branch to handle this personal property move as a cost-to-cure item when securing the parcel.
 - j. Signs or billboards are not handled in the Relocation Branch. Appraisal Branch and Acquisition Branch will handle the acquisition or relocation (cost-to-cure) to move signs located in the proposed right-of-way.
 - k. Verifies the move from the displacement site to the replacement site.
 - l. Verifies equipment or machinery has been reconnected when applicable.
35. Re-explains Oklahoma's relocation program and emphasizes services are available from the Small Business Administration for loans to purchase land and/or improvements to replace those being taken.
36. Advises the displacee business they may be eligible to receive reimbursement for actual expenses for searching for a replacement location, not to exceed \$2,500.00.
37. Helps displacee select a method of moving if not yet determined. REL-PRO 6.116-27.
38. Determines displacee's qualifications for an "In-Lieu-Of payment", if they so desire. REL-PRO 6.116-31.
39. Complete Commercial Interview Form, R/W 475A and have the displacee sign the form.

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40. Forwards all paper work to supervisor for processing.

41. Advises displacees that no relocation payments received under the Uniform Act shall be considered as income for the purposes of the Internal Revenue Code of 1986 or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law or State law.

Relocation Agent or Clerk

42. Posts all forms and forwards to the appropriate branches for processing.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

49 CFR § 24.2(8) - The displacee shall be advised the DSS inspection is for the sole purpose of determining eligibility for relocation payment. The approval of a dwelling does not provide any assurance or guarantee that deficiencies do not exist which may be discovered at a later date. It is the displacee's responsibility to protect their interest and investment in any replacement dwelling. Our standard practice is to first determine what the local housing code requirements are for the area. Then if there are no local housing code requirements we will determine the number of bedrooms required for the family composition using the following criteria unless other reasonable issues should be considered as determined and approved by the Manager, Relocation Branch:

- Move them as you find them unless they are clearly occupying non decent, safe and sanitary housing that is not acceptable for the number of occupants.
- ODOT will allow an infant thru the age of two to share a bedroom with the parents if necessary.
- ODOT will allow children of the opposite gender to share a bedroom up thru age five.
- Consider the number of occupants, the age and gender of each occupant and how they were occupying the displacement dwelling. If families consist of multiple children, different genders occupying the same bedroom at the displacement dwelling over the age of five, ODOT will allow two occupants of the same gender over the age of five to share the same bedroom at the replacement dwelling.
- Separate bedrooms should be provided at the replacement dwelling to occupants who had their own bedroom at the displacement dwelling.
- Single adults age 25 and older should have their own bedroom.

49 CFR § 24.7 If a family composition is made up of multiple extended families which live together as an acceptable practice of their culture or group for any particular number of reasons and they desire to keep that family arrangement after displacement, we may present a request to FHWA for a waiver from our standard policy to allow them to continue their living arrangements as they were when they were first contacted.

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Relocation Agent

1. Makes determination by visual on-site inspection that the replacement dwelling meets decent, safe and sanitary (DSS) criteria listed below:
 - a. Conforms with all provisions for existing structures established under State or local housing and occupancy codes and similar ordinances or regulations applicable to the dwelling, including lead based paint and lead based paint dust. When local codes, ordinances, or regulations do not exist, the minimum decent, safe and sanitary standards shall apply.
 - b. Clarifies the need to address the physical attributes of replacement housing for persons with physical disabilities beyond those dependent on a wheelchair.
 - c. Has a continuing and adequate supply of potable water. Hot water tank is vented and shows no evidence of leaks.
 - d. Has a kitchen, or an area set aside for kitchen use, which contains a sink in good working condition and connected to hot and cold water and an adequate sewage disposal system. The kitchen area shall have adequate space for the installations of a stove and refrigerator, and contain the appropriate service connection.
 - e. Has an adequate heating system, in good working order, which will maintain a healthful temperature of approximately 70 degrees in the living area under local outdoor conditions.
 - f. Has a bathroom, well lighted and ventilated affording privacy to a person within it, containing a lavatory basin and a bathtub or shower stall properly connected to an adequate supply of hot and cold running water, and a flushable commode, all in working order and properly connected to a sewage disposal system.
 - g. Has adequate and safe wiring system for lighting and other electrical services. Inspects for any obvious electrical hazards.
 - h. Appears to be structurally sound, weather tight and in good repair.
 - i. Has a safe, unobstructed means of egress leading to open space at ground level for each building used for dwelling purposes. Be free of barriers which would preclude reasonable ingress, egress, or use of the dwelling by a displaced person with a disability.

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- j. Adequate in size with respect to number of rooms and area of living space needed to accommodate the displaced person.
- 2. Performs a Pre-DSS inspection at the request of a displacee on the dwelling selected prior to occupancy.
 - a. Completes Inspection, R/W Form 475B.
 - b. Advises the displacee that the selected dwelling meets the DSS requirements.

OR

 - c. Advises the displacee of the DSS deficiencies that need to be corrected to be eligible for payment.
 - d. Advises the displacee, prior to signing a purchase contract, to include in the contract a contingency clause requiring the seller to repair any known and unknown DSS deficiencies detected during a home inspection prior to closing. If a pre-closing Professional Home Inspection reveals additional unknown DSS deficiencies not detected by the pre-DSS inspection, and the seller declines to correct the deficiencies, the displacees may cancel the purchase contract for reasons cited in the Home Inspection Report. In this case, a second Home Inspection may be reimbursed on the replacement dwelling actually purchased.
- 3. Performs a Post-DSS inspection after the displacee has occupied the dwelling.
 - a. Completes Inspection, R/W Form 475B.
 - b. Advises the displacee that the dwelling meets the DSS requirements.

OR

 - c. Advises the displacee of the DSS deficiencies that must be corrected within one year after the vacating date from the displacement dwelling to be eligible for payment.
- 4. Requests waiver of DSS requirements in the case of extreme hardship or extenuating circumstances. In rare instances, an exception can be made based on present living conditions, cultural values, or square footage requirement, provided there is satisfactory bedroom space based on the age and gender of the occupants.

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Manager, Relocation Branch

5. When a waiver is required, writes a letter of justification setting forth all pertinent facts for Assistant Chief, Right-of-Way & Utilities Division's signature and submittal to FHWA for approval.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.401

Manager, Relocation Branch

1. Receives the negotiation list from the Business Office, showing the replacement housing amount, together with tenant offer letters and replacement housing payment calculations.
2. Checks the following items pertaining to the negotiation list:
 - a. Verifies that the occupancy requirement for each displacee is satisfied by checking the Residential Interview Form, R/W 475A.
 - b. Checks to see that each eligible displacee has been placed on the negotiation list.
 - c. Verifies the replacement housing calculation is based on the displacee's eligibility category.
 - d. Requests calculation for any eligible displacee not on the negotiation list. Furnishes R/W 475A showing eligibility category.
 - e. Checks to insure that correct offer letter format has been used
 - f. Signs negotiation list when all data has been verified
3. Transmits negotiation list and packet to Chief or Assistant Chief, Right-of-Way & Utilities Division, for approval, if not previously included with Acquisition offer.
4. Upon receiving approved negotiation list, Summary Statement of Just Compensation and packet, tenant's offer letters, and relocation assistance brochure, assigns to Relocation Agent and gives negotiation packet to Field Supervisor.

Field Supervisor

5. Delivers packet to relocation agent after checking for accuracy.

Relocation Agent

6. Receives tenant's negotiation packet and a copy of initiation of negotiation letter from Acquisition Branch.

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7. Follows REL-PRO 6.116-14, Delivering Offer Letters to Tenants
8. Advises the displacee of their eligibility for a replacement housing payment if they occupy a decent, safe and sanitary dwelling within a one-year period and make application for the payment within an 18-month period, beginning on the latter of the following:

NOTE:

49 CFR § 24.401(2) - Displacee has 6 months after final adjudication to make application.

- a. The date the owner receives final payment for the dwelling being acquired in a negotiated settlement; or in the case of condemnation, the date on which the State deposits the required amount with the court for the benefit of the owner.
 - b. The date on which they are required to move as indicated on the State's written 30-day notice to vacate; or, the date on which they move, if earlier than the date on which they are required to move.
9. Assists the displacee in selecting the rent or purchase option which will be of greatest benefit to them.
 10. Verifies comparable dwelling listed in the offer letter is still available at the time of the offer. If it is not available, locates a comparable dwelling within the calculated amount and gives displacee a listing letter R/W 449 along with offer letter. If agent is unable to locate an available comparable dwelling within the specified time period, advises the displacee they will not be required to vacate sooner than 90 days from the date a comparable is furnished to them.
 11. If the comparable used in the calculation is not available at the time of the offer and an exhaustive search reveals there are no other comparable decent, safe and sanitary listings available within the calculated amount, request a recalculation of the replacement housing payment utilizing R/W 447.
 12. Determines that a comparable dwelling is available for the computed price at the time the displacee is actively looking for a replacement dwelling and that the same owner or tenant status as before displacement can be maintained. Continues to assist the displacee in finding the most suitable replacement dwelling available.

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13. Advises the displacee that, upon their request, a letter will be written to a financial institution or lending agency to explain that they will be eligible for the payment of a specific sum, provided they purchase and occupy an approved dwelling within the time limits described in step 8.
14. Informs the displacee that the replacement housing claim may be assigned to the seller, broker, or lending agency for use toward the purchase of a DSS dwelling. All eligible displacees must sign and assign the claims.
15. Informs the displacee that in hardship cases an advancement of funds may be made subject to the approval of the Manager, Relocation Branch. Such advanced payment will be made to an Escrow Agent upon completion of advance documentation which must accompany the claim.
16. Currently, the Relocation Branch is instructed the Commissioner's Award will include all relocation payments due the owner or tenant sent to condemnation. To avoid duplication of payments, no relocation payments will be processed from the Relocation Branch unless otherwise instructed. In the event the Relocation Branch is instructed to pay Replacement Housing Payments not included in condemnation, we will proceed with the instructions in number 17 as follows.
17. Notifies displacees in condemnation that the replacement housing payment can be paid to a property owner who moves in advance of determination of the State's final acquisition price. An advanced payment cannot be made until such time as the State deposits the Commissioner's Award for the property being acquired. The replacement housing payment may be calculated using the amount of the Commissioner's Award as the acquisition price. **Payment of such an amount may be made upon the owner-occupant's signed Memorandum of Agreement-Condemn, stating:**
 - a. Upon final adjudication, the replacement housing payment will be re-computed using the compensation determined by the court as the acquisition price.
 - b. If the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the re-computed replacement housing payment exceeds the price paid for, or the State's cost of a comparable dwelling they will refund to the State the excess amount. However, in no event, shall they be required to refund more than the amount of the advanced RHP. If the displacee does not agree to such adjustment, the payment will be deferred until the case is adjudicated, and computation will be based upon the court award as the acquisition price.
 - c. Advises the displacee that they must make application for payment within 6 months after final adjudication of the condemnation case.

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NOTE:

Steps 18 thru 34 describe the procedures to be followed when an **owner-occupant of 90 days purchases or rents** a replacement dwelling.

18. Explains to 90 day owner-occupant that the replacement housing payment is the amount, if any, which when added to the amount for which the State acquired their dwelling, equals the actual cost which the owner is required to pay for DSS dwelling.
19. Informs 90 day owner-occupant the amount they must pay for a replacement dwelling to qualify for their full entitlement.

NOTE:

The displacee may elect to move to a previously owned Dwelling. See REL-PRO 6.116-17, paragraph. 27.

20. 49 CFR § 24.401(d) - Informs 90 day owner-occupant that they may receive payment for the **increased interest rate** on their new mortgage. See REL-PRO 6.116-18.
21. 49 CFR § 24.401(e) - Explains that eligible **incidental expenses** to the purchase of a replacement dwelling are reimbursable. Reimbursement is based on closing costs claimed as shown on the closing statement or other evidence of incurred expense. The closing costs may include the following, but not limited to:
 - a. Legal and closing costs
 - b. Preparation of conveyance contracts
 - c. Notary fees
 - d. Surveys and plats
 - e. Recording fees or mobile home title fee. Mobile home registration fee or reoccurring fees are not reimbursable. Excise taxes on mobile homes are to be considered as part of the total purchase price of the mobile home for meeting the spend-to-get requirement.
 - f. Lender, FHA or VA application and appraisal fees

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- g. Loan origination or assumption fees that are not based on a percentage of the loan. See REL-PRO 6.116-18, par. 12, 13, and 14 for those expenses based on a percentage of the loan.
 - h. Fees for professional home inspection, certification of structural soundness, and termite inspection. Please review REL- PRO 6.116-16, paragraph 2, a, b, c and d.
 - i. Credit report
 - j. Title examination and opinion or title insurance not to exceed the costs for a comparable replacement dwelling
 - k. Escrow agent's fee
 - l. State revenue stamps (if paid by buyer and required by lender), transfer taxes, not to exceed the costs for a comparable replacement dwelling
 - m. Amortization schedule
 - n. Abstracting after closing
 - o. For other closing costs, see REL-PRO 6.116-18, par. 11 through 13, Increased Interest Payment.
22. When the **displacee elects to buy**, advises them they must secure a Buyer's Closing Statement, a Seller's Closing Statement, and, if applicable, Loan Closing Statement; all of which must have original signatures of the buyer, seller, broker and loan closer, and must contain the following information:
- a. Purchase price
 - b. Amount of earnest money
 - c. Amount paid at closing
 - d. Amounts paid for incidental expenses
 - e. Amount of prepaid items
23. Furnishes displacee with Form R/W 444 when the sale is between buyer and seller only. Instructs displacee that it must contain the information in paragraph 21 a, b, c, d and e of this procedure, and be signed by the buyer and seller.

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24. A certified copy of the recorded warranty deed with tax stamps affixed on the replacement property must be provided in the displacee's name within (10) ten calendar days after closing.
25. 49 CFR § 24.401(c)(2) - If the displacee **elects to retain their dwelling** as a replacement dwelling, the replacement housing payment, if any, shall be the amount by which the cost to relocate the retained dwelling and restore it to decent, safe and sanitary conditions exceeds the buyout offer for the dwelling, but not to exceed the computed maximum replacement housing payment. Documented costs to relocate may include the following:
- a. If a typical home site for the area is acquired for replacement land to support a DSS replacement house, the cost to acquire land of a typical homesite for the area can be utilized to meet the spend-to-get requirement. If the displacee is utilizing remainder land for the replacement home site, the per-acre FMV value of land acquired will be utilized to determine the amount of the land credit needed to support a DSS replacement dwelling on the remainder.
 - b. The cost to retain the dwelling from the Department (salvage value).
 - c. The cost to move the dwelling.
 - d. The cost incurred to make the dwelling DSS.
 - (1) A DSS inspection shall be done before and after moving the dwelling.
 - (2) If the dwelling was DSS prior to the move, only the cost incurred to put it back in the same condition shall be allowed.
 - (3) If the dwelling was not DSS prior to the move, the cost to bring it up to DSS standards will be allowed.
26. The RHP will be based on the cost incurred to move the dwelling, as supported by paid receipts, bills, or invoices and a completed R/W 444 (Closing Statement) or R/W 445 (Certificate of Construction Cost). A certified copy of the recorded deed for the land must also be included.
27. If the displacee **elects to relocate to a previously owned dwelling and site**, the RHP will be the amount by which the current fair market value of the previously owned dwelling exceeds the fair market value of the displacement dwelling, but not to exceed the computed maximum RHP.

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28. If the displacee **elects to build**, provide them with instruction sheet which outlines eligible new construction cost items. Advise them they must secure the following documents along with a **written request** for approval prior to construction:
 - a. A floor plan and estimate of cost of the replacement dwelling. (May be sketch or print.)
 - b. If displacee is to actually construct the dwelling, assurances must be provided that they are a qualified builder.
 - c. If displacee intends to act as General Contractor, they must submit a statement to this effect giving the percentage of cost they intend to charge.
 - d. If displacee intends to contribute self-labor, they must submit a list of the items of work they intend to perform.
29. Advises the displacee that to document the cost of a house built by the displacee or one where the displacee acted as general contractor or contributed labor, the displacee must provide proof of cost of materials and labor and of services rendered by him/her and others. The displacee's own labor may be proven by the physical existence of the items in place or the physical evidence of the finished work. Cost of materials and hired labor must be supported by receipts, invoices, canceled checks, time cards, etc., and copies of the subcontracts on contracted items. When the displacee's contributions of labor and expertise result in added value or the savings from serving as General Contractor, ODOT will permit the addition of features or upgrading of materials and features. They shall not be counted as betterments, but rather viewed as expenditures by the displacee.
30. Assists the displacee in obtaining:
 - a. Copy of the construction contract or R/W 445 to show the actual and total cost of the replacement dwelling. The Agent will obtain all receipts, bills, canceled checks, etc. The displacee will be provided with forms to tabulate all expenditures.
 - b. A copy of the closing statement or other evidence of ownership of the land which shows the purchase price.
31. The actual replacement housing payment is based on the total cost of a decent, safe and sanitary dwelling not to exceed the computed benefit.

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32. The per acre value of the replacement land whether previously owned or newly purchased shall be based on the current fair market value.

Manager, Relocation Branch

33. When a displacee elects to build a replacement dwelling or contracts to build a replacement dwelling, the Manager, Relocation Branch, will have final approval in determining the reimbursable cost necessary to construct a decent, safe and sanitary dwelling.

Relocation Agent

34. When the displacee **buys a mobile home**, secures the following:
- a. A copy of the installment contract which shows the sales price and down payment, and if applicable, a copy of recorded mortgage. If it is a cash transaction, a copy of Bill of Sale.
 - b. Copy of mobile home title in the name of the displacee
 - c. If applicable, receipts or other evidence and cost paid for septic systems or sewer, water systems, electrical and/or other energy systems required to make DSS.
 - d. If applicable, a certified copy of a recorded deed to the land
 - e. If applicable, a copy of contract with purchase price of the land and recorded mortgage.
35. 49 CFR § 24.402(f) - Explains to 90 day owner-occupant that they may rent replacement housing, rather than buying, if they choose; and that their rental assistance payment will be computed on the difference, if any, between the monthly rent their house would command on the open market plus average monthly utilities (base monthly rental) and the monthly rent of a comparable dwelling, plus estimated monthly utilities multiplied by 42 months. **Income is not a consideration.** Under no circumstances would the rental assistance payment exceed the amount that could have been received had the 90 day homeowner elected to purchase and occupy a comparable replacement dwelling.
36. If an owner-occupant **elects to rent**, a copy of the first month's rent receipt or copy of the lease must be submitted.

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NOTE:

49 CFR § 24.402 - Steps 37 thru 42 describe the procedures to be followed when an **owner-occupant of less than 90 days or a tenant of at least 90 days purchases or rents** a replacement dwelling.

37. Informs a tenant of 90 days and an owner-occupant of less than 90 days, he/she may be reimbursed for an amount to enable him/her to make a down payment on a replacement dwelling plus incidental expenses incurred in purchasing a replacement dwelling and the amount paid by the purchaser as points, origination or loan service fee and/or vendee loan funding fee. Reimbursement cannot exceed \$7,200.00, except as provided in last resort housing.
 - a. See REL-PRO 6.116-11 par. 7 for eligibility requirements for a tenant.
 - b. The down payment assistance payment is the amount the person would receive for a rental assistance payment if the person rented a comparable replacement dwelling.
 - c. The full amount must be applied to the down payment and incidental expenses as reflected in the Closing Statement, unless the displaced person contributes labor and materials as part or all of his matching funds. Prior approval must be obtained for this contribution.
38. Reimbursable incidental expenses as described in par. 21 of this procedure.
39. The actual down payment assistance payment will be the lesser of, except as provided in last resort housing:
 - a. \$7,200.00
 - b. The full amount of the down payment assistance payment must be applied to the purchase price of the replacement dwelling and related incidental expenses.
 - c. In the case of an owner-occupant, the amount they would have received if they met the 90 day occupancy requirement.
40. The following must be provided as proof of expenditure:
 - a. Copy of a signed buyers and sellers closing statement with original signatures.

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- b. Certified copy of a recorded warranty deed.
 - c. Incidental expenses must be shown on the closing statement or supported by receipts or canceled checks. Reimbursable closing costs paid by the buyer outside of closing must be supported by paid receipts and reimbursed after closing.
 - d. Acceptable proof of material or labor contribution as determined by Manager, Relocation Branch such as: proof of expenses incurred and hours of labor contributed.
41. If the displacee **elects to rent**, secures a dated, signed rent receipt for the replacement dwelling, or equivalent documentary evidence of rental. See REL-PRO 6.116-11 for eligibility requirements for a tenant. Explains to the displacee:
- a. That the actual amount of the payment, not to exceed \$7,200.00, will be determined by the lesser of:
 - (1) The rent paid by the displacee for the replacement dwelling, plus estimated utilities, or
 - (2) The amount determined by the State as necessary to rent a comparable dwelling plus estimated utilities.
 - b. All rental assistance payments will be paid in a lump sum payment unless otherwise requested by the displacee in writing.
42. If the tenant does not receive the full amount of the computed rental assistance entitlement within the first year after displacement and he/she moves to a dwelling which would qualify for remaining benefits, the tenant may apply for an additional rent supplement not to exceed the original total computed. Any additional rent supplements payment due must be applied for by the displacee.
43. If a tenant elects to buy replacement housing (within first year after vacating acquired dwelling) and previously received a rental assistance payment, insures that the rental assistance payment previously received is deducted from the amount to which he/she is entitled, an amount not to exceed \$7,200.00, all of which must be applied as down payment and incidental expenses.

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NOTE:

For all displacees making application for a replacement housing payment or rental assistance payment or down payment assistance payment, the following steps will apply:

44. Makes a DSS Housing Inspection, R/W 475B, on any dwelling selected by the displacee.
45. Verifies move from displacement dwelling. Completes Residential Verification of Move Form, R/W 475C. Verifies displacee occupied the replacement dwelling. Conducts a Post DSS inspection on R/W 475B form.
46. If a major disaster has occurred to the displacement dwelling prior to payment of the replacement housing payment, the Relocation Agent must obtain information from the insurance company concerning any payment due the owner for the loss, as any insurance proceeds payable to the displacee will be included in the acquisition cost of the displacement dwelling when determining the differential payment.
47. Assists displacee in making application for the payment for which he/she is eligible by completing claim. Both spouses' given names should be used.
48. Enters all required information into the Oracle Database. Transmits signed claim and supporting documents for audit to Relocation Agent or clerk not working with the displacee.

Relocation Agent or Clerk Not Working With Displacee

49. Audits claim and back up documentation. Transmits claim and back up documentation to Field Supervisor.

Field Supervisor

50. Verifies that the claim amount is on the authorized negotiation list and does not exceed the authorized amount on the negotiation list.
51. Reviews claim documentation. Verifies the R/W 475A (Interview) is attached and contains consistent information.
52. Transmits packet to Manager, Relocation Branch, for approval.

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Manager, Relocation Branch

53. Checks claim packet and signs to indicate approval. Sends to Assistant Chief, Right-of-Way & Utilities Division for processing.

Relocation Clerk or Relocation Agent

54. When necessary, sets up suspense file to initiate notices to tenants when claim is due for annual installments. See REL-PRO 6.116-24.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.401(d)

NOTE:

The dwelling being acquired by the State must be encumbered by a bona fide mortgage in effect for at least 90 days prior to initiation of negotiations and the replacement dwelling must be encumbered by a bona fide mortgage.

The increased interest payment is the amount of money required to reduce the mortgage on the replacement dwelling to a principal balance which will result in the same monthly payment(s) for the same remaining term that exists on the dwelling in which the owner currently resides.

The owner is advised of the approximate amount of the increased interest payment and the conditions that must be met to receive the payment in the initial offer letter.

Relocation Agent

1. Obtains from the owner, the following information on all mortgages against the acquired dwelling to compute the estimated increased interest payment.
 - a. Remaining Principal Balance(s)
 - b. Interest rate(s)
 - c. Monthly payment(s)

Replacement Housing Specialist

2. While calculating the replacement housing payment, reviews preliminary information furnished by the displacee and contacts loan companies to obtain current interest rates and points required for mortgages in the area of the comparable replacement dwelling(s).
3. Computes the estimated increased interest payment by a method approved by Manager, Relocation Branch. Estimate shall be in writing with a note stating "Estimate Only".
4. Forwards the estimated increased interest payment calculated with the replacement housing payment through the Manager, Relocation Branch for review.

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NOTE:

If unable to calculate estimated payment for inclusion in the initial offer the following procedures are to be used.

Relocation Agent

5. When preliminary mortgage information is available, computes estimated payment and delivers computation to the displacee. Explains it is only an estimate based on facts available at this time and in order to receive the full amount of the estimate, they must obtain a mortgage of at least the same amount as the balance of their present mortgage and for the same term.

Explains the actual amount will be computed as soon as they receive a loan commitment on their replacement dwelling. Also explains the documentation necessary for the actual payment calculations.
6. As soon as the displacee has chosen a replacement dwelling and secured a loan commitment, obtains the following:
 - a. Copy of the present mortgage(s) showing term, interest rate and monthly payment consisting of principal and interest.
 - (1) Includes all mortgages on subject property even though second mortgage was obtained for purposes unrelated to the dwelling
 - (2) Each mortgage is to be calculated separately
 - b. Copy of the proposed loan payoff statement showing principal balance remaining on the proposed date of payoff.
 - c. Copy of the new mortgage or loan commitment letter showing term, interest rate, principal, and loan services fee (points).
7. Re-compute the increased interest payment by a method approved by Manager, Relocation Branch, using a computed remaining term of the existing mortgage.
8. If the new mortgage actually obtained is less than the computed amount, the buy down shall be prorated accordingly.
9. This payment, along with the replacement housing payment should be made in advance of closing to an escrow agent or mortgage company; therefore, the following additional documentation is obtained:

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Increased Interest Payments	No: Revised: Page:	REL-PRO 6.116-18 04/01/15 3 of 4
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- a. Copy of the contract for purchase of the replacement dwelling signed by all parties
 - b. Escrow agreement signed by closing agent
 - c. Advance Replacement Housing Payment Agreement, adjusted to include increased interest and loan services fee payment.
 - d. Pre-closing DSS inspection of replacement dwelling
 - e. Excess Funds Certificate, R/W 489 if applicable
10. Follows REL-PRO 6.116-22 to process payment.
11. The following procedures apply to computing the increased interest and loan services fee payments:
- a. The interest rate on the mortgage for the replacement dwelling shall be actual rate, but not to exceed the prevailing interest rate charged by mortgage lending agencies in the vicinity unless justified. Written justification shall be submitted to Manager, Relocation Branch for pre-approval.
 - b. On partial acquisitions where the displacement dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value; except, the reduction shall not apply when the mortgagee required the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.
 - c. Where the displacement dwelling is located on a tract larger than normal for the residential use in the area, the interest payment shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. The reduction shall apply whether or not it is required that the entire mortgage balance is paid.
 - d. The interest payment on multi-use properties shall be reduced to the percentage ratio that the residential value of the multi-use property bears to the before value.
 - e. On highest and best use, the interest payment will be computed on residential use if the mortgage is based on such. If not, the interest payment will be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value.

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12. Also calculated with the increased interest payment, is the amount actually paid by the purchaser as points, a fee actually charged as origination or service fee and/or vendee loan funding fee, and/or mortgage insurance premiums on the amount refinanced. This amount is not to exceed an amount which would have been paid if the original mortgage balance was refinanced. The origination or services fee shall not exceed such fees normal to real estate transactions in the area.
13. The mortgage insurance premium will be eligible for reimbursement only in those instances when such an expense must be incurred to duplicate the owner-occupants mortgage status which existed prior to displacement. The reimbursable amount of a mortgage insurance premium payment which is added to the monthly principal and interest payment will be computed by determining the total premium due over the life of the loan discounted at the present savings rate with the actual payment in one lump sum.
14. An owner-occupant of at least 90 days, and a tenant of at least 90 days who purchases a replacement dwelling, may be reimbursed the amount required to be paid as points and/or origination of loan services fee and/or vendee loan funding fee, as outlined in REL-PRO 6.116-17 paragraph 36.
15. Forwards increased interest computation sheet through Manager, Relocation Branch to Assistant Chief, Right-of-Way & Utilities Division for approval.
16. Receives approved reimbursable payment and secures claim for entitlement.

Manager, Relocation Branch

17. Notifies the displacee who has obtained a variable interest rate mortgage on the replacement dwelling (or land, in some instances), that if the interest rate increases within a one-year period from the date of displacement, they may be eligible for an additional increased interest payment. The displacee must notify the Department of such increase and provide the following documentation:
 - a. Copy of notification from the mortgagee indicating the new interest rate.
 - b. The effective date of the increase.
 - c. Principal balance at time of increase.
18. If the displacee furnishes the required documentation, the additional payment will be calculated in accordance with the above steps, reduced by the amount previously paid.

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Subject: Last Resort Housing	No: Revised: Page:	REL-PRO 6.116-19 04/01/15 1 of 1
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.404

Manager, Relocation Branch

1. Last Resort Housing will be utilized, but not limited to, the following instances:
 - a. Comparable decent, safe and sanitary housing is not available for the displacee.
 - b. Comparable decent, safe and sanitary housing is not available for the displacee within his financial means, but the sales price or rental rate exceed the applicable \$31,000.00 or \$7,200.00 limitation.
 - c. Assistance to a displacee who is not eligible to receive a replacement housing payment because of failure to meet length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the person's financial means. Assistance shall cover a period of 42 months.
 - d. Change in status of the displacee with his or her concurrence from tenant to homeowner when it is more cost effective.

NOTE:

For a displacee who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent plus utilities for the displacement dwelling. Such rental assistance must be paid under replacement housing of last resort.

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Subject: Administrative Settlements and Overlooked Items	No: REL-PRO 6.116-20
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

Manager, Relocation Branch

1. On all projects, reviews any "Administrative Settlements" and "Overlooked Items" affecting a residential owner-occupied parcel with an existing Relocation Assistance Payment prior to it being sent to the Chief, or Assistant Chief, Right-of-Way & Utilities Division for approval. Determines what affect, if any, the proposed increase would have on the Replacement Housing Payment, utilizing RE-4802.
2. If the proposed increase does not affect the authorized Relocation Assistance Payment, indicates "No effect on Relocation Assistance Payments" on the "Blueie" or "Pinkie", initials and forwards to the Chief, or Assistant Chief, Right-of-Way & Utilities Division for approval.
3. If the proposed increase will affect an authorized Relocation Assistance Payment, determines the revised entitlements, indicates the revised amount on the "Blueie" or "Pinkie", initials and forwards to the Chief, or Assistant Chief, Right-of-Way & Utilities Division for approval.
4. Reductions to the FMV due to salvage retention will have no effect on the RHP calculations.
5. Receives all copies of approved "Administrative Settlements" and "Overlooked Items". Initials and forwards to Field Supervisors.

Field Supervisor

6. Initials revision and forwards to assigned Relocation Agent.
7. When the owner-occupant accepts an increase in the Fair Market Value settlement by way of a "blueie" thru Acquisition Branch, the Relocation Agent shall calculate the adjustment to the Replacement Housing Payment using relocation form RE4802. This calculation will show how the Administrative Settlement adjusted the Replacement Housing Payment.
8. In the event the owner-occupant's Replacement Housing Payment is reduced based on the Administrative Settlement, the Relocation Agent shall advise the owner-occupant of the reduced benefit and send a letter, REL-Form Letter 7, to the displacee advising them of their reduced Replacement Housing Payment benefit within (15) fifteen calendar days after the Fair Market Value is paid.

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Subject: Advanced Processing of Replacement Housing or Rental Assistance Claim	No: Revised: Page:	REL-PRO 6.116-21 04/01/15 1 of 3
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.207(c)

NOTE:

The relocation program is a reimbursement program and should be treated as such. Financial hardship requests are to be an exception. Partial payments may be made in rare instances.

Relocation Agent

1. Receives a request from the displacee for advanced processing of replacement housing or rental assistance claim.
2. Recommends approval of the displacee's request by preparing a memo to the Manager, Relocation Branch requesting approval to proceed with advanced processing of the replacement housing claim based on a documented financial hardship.

Field Supervisor

3. Recommends approval of the displacee's request by initialing memo.

Manager, Relocation Branch

4. Recommends approval to proceed with advanced processing by signing authorization memo.
5. Instructs Relocation Agent, thru Field Supervisor to proceed with obtaining the following documents.

PURCHASE

- a. Copy of Contract for purchase of the replacement dwelling signed by appropriate parties
- b. Pre-closing DSS inspection of replacement dwelling (R/W 475B)
- c. Loan commitment letter from the mortgagee, if applicable, for the replacement dwelling.
- d. Obtains Memorandum of Agreement-Condemn in accordance with REL-PRO 6.116-17, paragraph 16a and b, if applicable.

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RENT

- e. Copy of Advanced Rental Contract or written Rental Agreement signed by appropriate parties
- f. Pre-rental DSS inspection of replacement

Relocation Agent

- 6. Secures appropriate DOT Claim 324a for the authorized amount. Writes on the claim "Advance Processing of Replacement Housing Payment" or "Advance Processing of Rental Assistance Payment Claim". Also writes on claim "Hold Warrant" so the payment will be held in the safe until all the other appropriate documentation is submitted.
- 7. Submits with claim and the following documentation to the Manager, Relocation Branch for processing:
 - a. R/W 475A Interview form,
 - b. R/W 475B Pre D.S.S. form,
 - c. Updated R/W 475D Agent's Log,
 - d. W 9, Vendor Form,
 - e. R/W 1804 form "Affidavit Verifying Lawful Presence in the United States"
 - f. Copy of the pre-approval document for advance processing

Relocation Agent or Relocation Clerk

- 8. Relocation Agent or Clerk, not involved in the relocation, audits the file and submits the claim and backup documentation to the Field Supervisor for processing.
- 9. Records in Oracle the date this claim was processed and other pertinent information about the payment.

Field Supervisor

- 10. Verifies accuracy of relocation claim packet and that it is complete. Forwards to Manager, Relocation Branch for signature.

Manager, Relocation Branch

- 11. Checks claim packet to make sure the payment is properly documented, signs the claim and forwards claim to Assistant Chief, Right-of-Way & Utilities Division for processing.

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Relocation Agent

12. Advises the displacee the warrant is to be held in the Legal and Business Services Division a.k.a. the Business Office safe until the following documents are obtained:

PURCHASE

- a. Certified copy of the recorded Warranty Deed
- b. Closing Statement with original signatures
- c. R/W 475B Post D.S.S. Inspection
- d. Updated R/W 475D and other appropriate documentation

RENT

- e. Paid rent receipt
 - f. R/W 475B Post D.S.S. Inspection
 - g. Updated R/W 475D and other appropriate documentation
13. Completes R/W 475-C (verification of move) verifying the move from the displacement dwelling to the replacement dwelling.
 14. Submits R/W 475C and the above referenced appropriate documentation to the Relocation Branch. Request that the warrant be released by mail or hand delivery.

Manager, Relocation Branch

15. Forwards final documents to Legal and Business Services Division a.k.a. the Business Office for final audit and release of warrant.

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Subject: Advanced Payment of Replacement Housing Claim to Escrow	No: REL-PRO 6.116-22 Revised: 04/01/15 Page: 1 of 3
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.207

NOTE:

The relocation program is a reimbursement program and should be treated as such. Financial hardship requests are to be an exception. Partial payments may be made in rare instances.

Relocation Agent

1. Receives a written request from the displacee to make advanced payment of their replacement housing payment to be paid in escrow to closing agent or other appropriate third party on or before the date of closing. Agent then obtains the following documents:
 - a. Copy of Contract for purchase of the replacement dwelling signed by appropriate parties
 - b. Pre-closing DSS inspection of replacement dwelling (R/W 475B)
 - c. Loan commitment letter from the mortgagee, if applicable, for the replacement dwelling.
 - d. Good faith estimate of closing cost
2. Recommends approval of the displacee's request by preparing a memo to the Manager, Relocation Branch requesting approval to proceed with advanced payment based on documented financial hardship, with above documents attached.

Field Supervisor

3. Recommends approval of the displacee's request by initialing memo

Manager, Relocation Branch

4. Recommends approval to proceed with advanced payment by signing authorization memo.
5. Instructs Relocation Agent, thru Field Supervisor to proceed with obtaining the following documents:

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- a. Escrow Agreement signed by displacees and the closing agent. Closing agent agrees to provide within 10 days after closing:
 - (1) Copy of closing statement with original signatures of the buyers, sellers and real estate agents.
 - (2) Copy of the recorded warranty deed with tax stamps affixed and certified by the county clerk.
- b. Advance Replacement Housing Payment Agreement signed by the displacee indicating they will occupy the replacement dwelling within 10 days after date of closing.
- c. Excess Funds Certificate, R/W 489, if necessary
- d. Obtains Memorandum of Agreement-Condemn in accordance with REL-PRO 6.116-17, Para 16a and b, if applicable.

Relocation Agent

6. Secures advanced replacement housing payment claim executed by displacee assigned to closing Company. **Claim and supporting documentation must be submitted to Relocation Branch at least 30 days prior to closing.**
7. Submits claim and supporting documents along with the updated Agent's Log R/W 475-D for processing.

Manager, Relocation Branch

8. Checks claim packet to make sure the payment is properly documented and forwards claim to Assistant Chief, Right-of-Way & Utilities Division for processing and forwards documents to Records Center.

Relocation Agent

9. Within 10 days after closing, receives the following from the closing agent:
 - a. Certified copy of recorded Warranty Deed with tax stamps affixed
 - b. Closing Statement with original signatures.

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10. Within 10 days after closing:
 - a. Completes R/W 475-C (Verification of move from displacement dwelling)
 - b. Conducts a post DSS inspection on R/W 475B to verify occupancy and confirm the dwelling is still DSS after occupancy.
 - c. Logs the vacate date from R/W 475C and the date the replacement housing payment was paid into Oracle.
11. Reviews closing statement for compliance with escrow instructions and prepares reconciliation statement of closing costs. Forwards documents to Field Supervisor.

NOTE:

If overpayment to escrow has occurred, the relocation agent shall contact escrow agent and request refund to the Department.

Field Supervisor

12. Forwards to claim and back up documentation to clerk or relocation agent not assigned to the relocation.

Relocation Clerk or Relocation Agent not assigned to the relocation

13. Checks documentation and claim for accuracy. Signs and dates the back of claim and forwards to Field Supervisor.

Field Supervisor

14. Reviews closing documents and reconciliation statement for accuracy. Forwards closing documents and reconciliation statement to Manager, Relocation Branch for concurrence.

Manager, Relocation Branch

15. Reviews closing documents and reconciliation statement. Forwards closing documents to Records Center and notifies Legal and Business Services Division a.k.a. Business Office that all required documentation has been secured. Requests Business Office conduct a final audit of the payment that was paid to escrow.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.207

NOTE:

The relocation program is a reimbursement program and should be treated as such. Financial hardship requests are to be an exception. This includes moving plus transfer of utilities. Partial payments may be made in rare instances.

Relocation Agent

1. Receives a written request from the displacee to make advanced moving payment to them on or before the date of the move.
2. Recommends approval of the displacee's request by preparing a memo to the Manager, Relocation Branch requesting approval to proceed with advanced payment based on documented hardship.

Field Supervisor

3. Recommends approval of the displacee's request by initialing memo

Manager, Relocation Branch

4. Recommends approval to proceed by initialing memo
5. Copies of approval memo are distributed to the Relocation Agent authorizing them to proceed

Relocation Agent

6. Obtains Advanced Moving Payment (R/W 448) signed by the displacees indicating they will move from the dwelling acquired within 10 days after receipt of payment.
7. Secures claim form 324A. Write on the center section of the claim "Advance Payment". The claim packet and/or previous documents submitted to ODOT should include the following:
 - a. Signed claim 324a
 - b. Signed R/W 448
 - c. W 9 and Vendor Form
 - d. Pre-approval memo
 - e. R/W 475 A

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- f. R/W 475 D Agent's Log
 - g. R/W 1804 "Affidavit Verifying Lawful Presence in the United States"
8. Submits to the Relocation Branch the claim and backup documentation for processing.

Relocation Agent or Relocation Clerk

9. Relocation Agent or Clerk, not involved in the relocation, audits the file and submits the claim and backup documentation to the Field Supervisor for processing.

Field Supervisor

10. Verifies accuracy of relocation claim packet and that it is complete. Forwards to Manager, Relocation Branch for signature.

Manager, Relocation Branch

11. Checks claim packet to make sure the payment is properly documented. Signs claim and forwards claim to Assistant Chief, Right-of-Way & Utilities Division for approval. Forwards the backup documents to Legal and Business Services Division a.k.a. as the Business Office for processing.

Relocation Agent

12. Within 10 calendar days after receipt of payment, completes R/W 475-C showing displacee has vacated. Verifies personal property was moved from displacement site to replacement site.
13. Records vacate date and other pertinent information in Oracle and forwards updated log R/W 475D, R/W 475-C to Manager, Relocation Branch.

Manager, Relocation Branch

14. Forwards updated log R/W 475D and R/W 475C Verification of Move to Records Center.

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.402(b)(3)

NOTE:

All rent supplement benefits will be paid in a lump sum payment unless otherwise requested by the displacee in writing. Whenever annual installments are requested by displacee this procedure applies.

Relocation Clerk

1. Set up a suspense file to initiate notices to tenants when claim is due for annual installments. Suspense for 10, 22 and 34 months after the date the tenant moved into the initial replacement dwelling, as indicated on R/W Form 475C.
2. Prepares a letter prior to anniversary date reminding the displaced tenant to apply for next annual installment.
3. If displacee fails to respond to 1st letter after 30 days, prepare a final notice to be sent by certified mail. If the displacee still fails to respond, notifies Manager, Relocation Branch.

Manager, Relocation Branch

4. Instructs Relocation Agent to close file due to failure of the displacee to respond to installment notices. File may be reopened upon contact from displacee.
5. The full amount of the rental assistance entitlement for the displacee will be set the first year after vacating the acquired dwelling and vested, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.
6. The displacee may elect to have their annual installment paid as paid-up rent. The payment is assigned to the landlord so as to eliminate or reduce the out-of-pocket rent paid by the displacee.
7. If the displacee vacates the unit on which the Department has prepaid the rent, the next installment can be advanced to provide continuous supplement of their rent while the Department is collecting the unused rent. When the unused rent is recovered, the anniversary date will be extended to cover the amount refunded.
8. As soon as possible after a displacee vacates a unit on which unused rent is due, a letter will be sent to the landlord advising them of the amount due within 30 days.

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9. If the refund is not received within the specified period, a final notice is sent by certified mail. If landlord still fails to respond, the matter is referred to the Department's Attorney for collection.

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Applies to:

Policy OP-REL 6.1: Relocation Assistance Program 49 CFR § 24.301(e)

NOTE:

(Personal Property Only) 49 CFR § 24.301(e) Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or non-profit organization include expenses described in paragraphs (g) (1) through (g) (7) and g (18). Occasionally, a person may have personal property stored in the owner's building. In this case this procedure will apply and a separate 90 Day Notice (Joe Doe) offer letter should be given to the tenant as referenced in REL-PRO 6.116-14.

The estimated cost of moving the items to the replacement site is not to exceed 50 miles or as approved by the Manager, Relocation Branch. A qualified Relocation Agent, not assigned to the parcel, will prepare an Agent's Estimate on R/W 480. The Agent preparing the Agent's Estimate will obtain documentation of hourly rates and equipment rental rates for the project to be submitted at the start of the project or with each agent's estimate provided. An Agent's Estimate will be prepared on all personal property only moves.

The displacee should be offered the opportunity to select a moving method based on (REL-PRO 6.116-25) steps 8. a., b., or c. A combination of one or more types of moves may be selected. To allow the displacee to make an informed moving decision, the Agent's Estimate, bids or moving method should be submitted and approved prior to the close out meeting.

Relocation Agent

1. On properties with minimal amounts of personal property to be moved to the remainder (excluding buildings with personal property), the Relocation Agent coordinates with the Appraiser or Acquisition Agent to see if they paid them to relocate it. (For purposes of this procedure, advertising signs and billboards are addressed by Appraisal Branch and Acquisition Branch).
2. If the relocation of personal property is handled as a Personal Property Only move, the Relocation Agent will interview the displaced person as soon as possible and provide the following documentation and information to the displacee:
 - a. Complete the R/W 475A form Part I,
 - b. Complete R/W 1804 "Affidavit Verifying Lawful Presence in the United States."

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- c. Give them a Relocation Brochure
 - d. Explain the different moving methods outlined in 8.a., b., c. (1), (2), and (3) of this procedure.
3. For Personal Property Only tenant displacees, who did not receive an offer letter/ 90 day notice when the landowner received their offer letter, issue a 90 day notice (R/W 450 John Joe offer letter) within seven (7) calendar days after the landowner receives their offer letter. This also applies to those displacees who moved onto the property after the initiations of negotiations but before the property is secured.
4. The “John Doe” offer letter (R/W 450) establishes the effective date of the 90 day notice. All “John Doe” offer letters will be prepared in duplicate, signed in appropriate signature block and dated by the Relocation Agent. Relocation Agent forwards notice to Field Supervisor.
5. After the initiation of negotiations, requests the displacee permit the Relocation Agent inventory the personal property on inventory form (R/W 474) so a move cost estimate can be established and approved based on an Agent’s Estimate R/W 480.
6. The owner of the personal property can submit a certified inventory of the items to be moved; however, it must be verified by the Relocation Agent. If the displacee does not provide an inventory, the Relocation Agent makes a detailed inventory using Personal Property Inventory, R/W 474. The Summary of Just Compensation and the Appraisal Report should be used to verify that only personal property is inventoried.
7. Advises the owner of the personal property the Relocation Agent will need to verify the move of personal property from the displacement site to the replacement site.
8. Discusses with the owner the methods of moving the personal property as follows:
 - a. Commercial Move – The actual and reasonable documented cost of the move is provided by the services of a commercial mover. The Agency may approve a payment not to exceed the lower of two acceptable bids. All expenses must be supported by paid receipts in order to assure payment of the moving claim. Documentation will be subject to a strict audit.

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- b. Self-Move – A self-move payment may be based on one or a combination of the following:
- (1) For uncomplicated moves, an Agent's Estimate (R/W 480) will be prepared by a qualified Relocation Agent not assigned to the parcel. Documentation will be provided quoting sources that provided rates or estimates for specialty items to be moved. Hourly rates should not exceed the rates paid by a commercial mover to their employees. Rental rates for trucks and equipment will be based on the typical rates for the area. The estimate should include insurance for the move.

If commercial moving bids are utilized for calculating the Agent's Estimate, use the lower of the two bids and subtract the overhead and profit from the estimate.

If the displacee chooses the Agent's Estimate for moving the personal property, no paid receipts are required if he agrees to the move payment calculated.
 - (2) For complicated moves, an Agent's Estimate (R/W 480) will be prepared by a qualified Relocation Agent not assigned to the parcel. This estimate will include supporting documentation for the move cost. Two acceptable commercial moving estimates will be obtained. The lower of the two commercial moving estimates minus overhead and profit will be used for preparing the Agent's Estimate. Two estimates are required unless the Manager, Relocation Branch determines one estimate is acceptable. If the displacee chooses this option no paid receipts are required.
- c. Documented Self-Move - The move may also be supported by paid receipted bills for labor and equipment. Hourly rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.
9. Advises the displacee the Agency will make the determination if the inventory to be moved applies to the low value/ high bulk rules.
10. Submits Personal Property Inventory, R/W 474, to a Relocation Agent, not assigned to the parcel, to calculate a moving estimate on R/W 480. Advises the Relocation Agent of the distance the personal property is to be moved. A personal property inventory and Agent's Estimate is required for all personal property only displacements.

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Relocation Agent not assigned to Parcel

11. Prepares R/W 480 to determine an estimated moving amount and forwards to Field Supervisor.

Field Supervisor

12. Reviews and indicates approval of Agent's Estimate by initialing estimate and forwards to Manager, Relocation Branch.

Manager, Relocation Branch

13. Reviews and indicates approval of the Agent's Estimate by signing. If Agent's Estimate exceeds \$50,000.00, forwards to Assistance Chief, Right-of-Way & Utilities Division for approval. Sends copy of approved Agent's Estimate to Relocation Agent and original to Central Files.

Relocation Agent

14. Contacts the displacee and re-discusses the moving methods for moving the personal property. Offers the approved amount of the Agent's Estimate to the displacee.
15. At this time the relocation agent will present the displacee the different moving methods. The displacee must choose at least one of the moving methods. The Relocation Agent records the Selection of Move on the original Personal Property Only Form, R/W 475A, and Part II.
16. If the displacee is the owner of the land and the parcel is not secured, the Relocation Agent explains the parcel must be secured before payment can be made.
17. If the displacee is a tenant on the land, the Relocation Agent explains to the displacee they can proceed with the move once a moving method is selected.
18. If the displacee selects the Agent's Estimate moving method, the displacee and the Relocation Agent signs the R/W 433, Moving Proposal.
19. If the displacee chooses to move using a commercial mover, two bids will be obtained for consideration for pre-approval. Pre-approval is required prior to the move. The lower of the two bids will be considered for approval as long as they are reasonable and both are based on the same criteria.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Personal Property Only Moves	No: Revised: Page:	REL-PRO 6.116-25 04/01/15 5 of 6
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20. If displacee chooses to move the personal property on a documented self-move based on paid receipts for labor and equipment, a moving cost estimate shall be submitted by the displacee for pre-approval prior to the move.

The pre-approval request should indicate the move time, estimated hourly rates for labor and equipment fees to be charged. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity.

Equipment rental fees should be based on actual rental costs of the equipment but not to exceed the cost paid by a commercial mover.

The Relocation Agent will verify rates are reasonable for the area prior to submittal and make recommendations for approval or disapproval to Manager, Relocation Branch. If the estimate proposed is reasonable, the Agency will authorize and approve the move cost estimate.

21. Explains to the displacee they are to notify the Relocation Agent in advance of the move date to permit the agent to monitor the move.
22. Verifies inventory prior to actual move if the inventory was made 6 months prior to the relocation.
23. Upon completion of the move, the displacee shall support his claim for payment with a list of items which were actually moved on the R/W 474 "as moved inventory". If the items listed on the inventory deviated from the list of items actually relocated, the amount previously agreed to will be revised accordingly.
24. Receives notice the move is complete. Verifies the personal property was moved from the displacement site to the replacement site.
25. The relocation agent makes sure the information is complete on the original R/W 475A Personal Property Only form, parts I, II and III. Attaches all supporting documentation and copies of pre-approvals for reference.
26. If the displacee moved on an Agent's Estimate, submits the following for processing within seven (7) calendar days after the move is verified and the displacee signs the claim.
- a. A R/W 475A Personal Property Only, parts I, II and III
 - b. A copy of the signed R/W 433 (moving proposal)
 - c. An original R/W 474 "as moved inventory"
 - d. An original R/W 475D (updated agent's log)
 - e. A signed W9, Vendor form
 - f. A signed and notarized claim R/W 324A

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Personal Property Only Moves	No: Revised: Page:	REL-PRO 6.116-25 04/01/15 6 of 6
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- g. If not previously submitted, submit a copy of R/W 1804 (Affidavit verifying lawful presence in the United States).

- 27. For other types of moving methods, except for R/W 433 moving proposal, submit the same information within seven (7) calendar days after the move is verified and the displacee signs the claim. Include any other pertinent supporting documentation that was pre-approved in reference to the self-move, commercial move or documented paid invoices/ receipts required for that specific type payment.

- 28. Reviews and signs top line of the claim and forwards claim with supporting documentation to Field Supervisor.

Relocation Agent Not Performing Relocation or Clerk

- 29. Audits claim packet and presents to Field Supervisor.

Field Supervisor

- 30. Checks claim and documentation for accuracy and initials claim. Forward claim packet to Manager, Relocation Branch.

Manager, Relocation Branch

- 31. Checks to see that amount of claim are for the authorized amount and that the displacee is eligible for the moving expenses. Approves the claim by signing.

- 32. Sends claim and supporting documentation to Assistant Chief, Right-of-Way & Utilities Division for signature and processing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Residential Moving Cost	No: Revised: Page:	REL-PRO 6.116-26 04/01/15 1 of 4
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.301(b)

NOTE:

49 CFR § 24.302 - Explains the fixed rate Residential moving cost schedule method of payment. Persons with minimal personal possessions in occupancy of a dormitory style room or seasonal residence, whose residential move is performed by an agency at no cost to the person, the payment shall be limited to the Fixed Rate Residential Moving Cost Schedule approved by the Federal Highway Administration.

The estimated cost of moving the items to the replacement site is not to exceed 50 miles, or as approved by the Manager, Relocation Branch.

If the room count exceeds more than three rooms over what is listed in the appraisal, prior written approval by Manager, Relocation Branch is required.

Relocation Agent

1. Determines eligibility for residential moving expense reimbursement to displacee before move is made. Explains the four different moving options available to displacee for reimbursement of moving expenses.
 - a. Residential move utilizing a Commercial Mover.
 - b. Actual cost self-move will be supported by paid receipts/ paid invoices, and a ledger of hours worked. Prior to the move the displacee must submit an estimate of moving costs anticipated for pre-approval. Labor rates are limited to what a commercial mover would pay their employees.
 - c. Fixed Rate Residential Moving Cost Schedule.
 - d. Any combination of the above.
2. Inspects the residence and verifies the room count shown in the appraisal. Records the correct room count for moving purposes on the Residential Interview Form, R/W 475A. Prior to submitting a claim for the move, document the rooms counted in the Agent's Log R/W 475D. Itemize and list each room counted. If a room contains more than one room of furniture, document the contents and state the equivalent number of rooms in each room. Document the total number of rooms and amount of moving payment.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Residential Moving Cost	No: Revised: Page:	REL-PRO 6.116-26 04/01/15 2 of 4
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- a. If an actual cost move is requested, forward the displacee's request and estimate for an actual cost self-move to the Field Supervisor for pre-approval.

Field Supervisor

- b. Reviews the actual cost self-move request and forwards the request and estimates to Manager, Relocation Branch for pre-approval.

Manager, Relocation Branch

- c. 49 CFR § 24.301(i)(2) - Reviews estimates and approves or disapproves. Upon approval, advises agent to notify displacee they can begin move. Monitoring of the move is to be conducted commensurate with the cost and complexity of the move.

Relocation Agent

3. Explains the procedures to be followed if the displacee chooses to move on a Commercial Move.
 - a. An inventory is not required; however, the agent shall document whether the amount of contents is typical, less than typical, or more than typical for the size of the dwelling.
 - b. Obtains from at least two commercial movers (when possible) a signed copy of commercial mover's bid or estimate of cost to move including distance of move.
 - c. Forwards commercial bids or estimates and inventories to supervisor for prior approval.

Field Supervisor

- d. Reviews estimates and forwards to Manager, Relocation Branch with request for prior approval.

Manager, Relocation Branch

- e. Reviews estimates and approves or disapproves. Upon approval, advises agent to notify displacee they can begin move. Monitoring of the move is to be conducted commensurate with the cost and complexity of the move.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject:
Residential Moving Cost

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Relocation Agent

4. Under ODOT Policy Residential occupied Mobile Homes are treated as real property and acquired as real property and are not moved as personal property. 49 CFR § 24.301(c) - Explains in detail the procedure for a Mobile Home Documented Self-Move (if applicable). A mobile home includes manufactured homes and recreational vehicles used as residences. In addition to regulations in paragraph 4 or 5 above, allowable expenses include: permits, packing, unpacking, unblocking, leveling, blocking, and escorts. Tie downs, skirt dismantling and reinstallation can be included if necessary. Written estimates must be submitted for prior approval. If the cost of dismantling and reinstalling skirting exceeds the cost of new skirting, the new skirting cost can be allowed. Moving mobile homes will be paid at actual cost. In addition, a reasonable payment may be paid for packing and securing personal property as determined by the Manager, Relocation Branch.
5. Informs the displacee when it is necessary for him to store his personal property for a reasonable time (not to exceed twelve months), that the cost of such storage shall be eligible as a part of the moving costs when prior approval is obtained from the Manager, Relocation Branch. It is preferred to pay reimbursement to displacee after costs have been incurred.
6. Records the displacee's choice of the method of the move on the agent's log and initiates the selected procedures.
7. Verifies, upon notification from the displacee, that they have moved all personal property from the displacement site to the replacement site and the property is vacated.
8. Prepares claim DOT 324a, obtains a signed W9 and vendor form for moving expenses and assists the displacee in executing the claim within seven (7) calendar days after the displacee signs the claim. Submits updated agent's log R/W 475D with the claim packet. Either husband or wife may sign the claim and Agent will notarize claimant's signature.
9. Records displacee's new address and phone number on Residential Clearance Form, R/W 475C, having the displacee sign and fill out vacating date and the date of signing in his own handwriting.
10. Enters new mailing address of the claimant on the Warrant Mailing Information Sheet.

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RIGHT-OF-WAY & UTILITIES DIVISION**

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11. In the case of an actual cost documented self-move, transmits moving expense claim and other required documentation, including paid receipts, for all expenses shown on the claim to the Field Supervisor.

Field Supervisor

12. Checks claim and documentation for accuracy. Signs R/W 475C, and initials the claim. Forwards for auditing.

Relocation Agent or Clerk not working the Relocation

13. Audits the claim and all documentation to determine accuracy.
14. Initials the claim. Once it has been audited, transmits to Field Supervisor for review.

Field Supervisor

15. Reviews claim and back up documentation for accuracy. Forwards claim and back up documentation to Manager, Relocation Branch for approval.

Manager, Relocation Branch

16. Checks to see that the amount of the claim is correct and that the displacee is eligible, and signs the claim. Transmits claim to Assistant Chief, Right-of-Way & Utilities Division for processing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Commercial Moving Cost – Business, Farm Operation or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-27 04/01/15 1 of 8
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

Relocation Agent

1. Contacts the displacees for an interview just prior to the initiation of negotiations or as soon as possible after occupancy occurs but prior to the property being acquired. Explains the relocation benefits, time line of the project, gives the displacee a relocation brochure and answer questions about the benefits and the project.
2. After the offer is made to the owner of the property, contacts the tenants again to explain the relocation benefits, answers the questions and schedules time for an inventory so an agent's estimate can be calculated.
3. Delivers a "John Doe" offer letter R/W 450 immediately to any commercial tenant who moves on the property after the initiations of negotiations, but prior to the property being acquired, to start the 90 day notice. This also applies to any commercial tenant who did not initially receive a prepared 90 day notice.
4. Prepares all commercial tenant 90 day notices (RW 450) "John Doe" offer letters in duplicate, signed in the appropriate signature block and dated by the Relocation Agent. The R/W Form 475A Interview and R/W Form 1804 (Affidavit Verifying Lawful Presence in the United States) shall be completed on each new commercial tenant and submitted with the "John Doe" offer letter, R/W Form 450.
5. Enters the R/W 475 interview information and 90 day notice dates into Oracle and forwards this information to the Field Supervisor.
6. Advises the displacee to contact their relocation agent in advance of the approximate date of the move and permit the agent to make reasonable and timely monitoring inspections of the personal property at both the displacement and replacement sites.
7. Makes a detailed inventory using Personal Property Inventory, R/W 474. (The owner of a displaced business can submit a certified inventory of the items to be actually moved; however, it must be verified by the relocation agent). The inventory should be signed by the owner of the personal property or by his agent and the relocation agent. The Summary Statement of Just Compensation and Appraisal Report shall be used to verify that only personal property is inventoried. Realty vs. Personalty should be identified on (R/W REL-Form 6) and confirmed with appraiser.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Commercial Moving Cost – Business, Farm Operation or Non-Profit Organization	No: REL-PRO 6.116-27 Revised: 04/01/15 Page: 2 of 8
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NOTE:

The following information applies to moves from a business, farm or nonprofit organization and is described in 49 CFR Part 24, Subpart D § 24.301 (d), Paragraphs (g) (1) through (g) (7) and Paragraphs (g) (11) through (g) (18) of this section and § 24.303.

If the business chooses the “In-Lieu-of” Payment refer to 49 CFR Part 24, Subpart D § 24.305 Paragraphs (a) (1) through (6), (b) (1) through (4), (c) (1) through (2), (d) and (e) Fixed payment for moving expenses – non-residential moves.

8. Discusses with the displacee the following move methods of moving personal property as follows:
 - a. Commercial Move – The actual and reasonable documented cost of the move is provided by the services of a commercial mover. The Agency may approve a payment not to exceed the lower of two acceptable bids. All expenses must be supported by paid receipts in order to assure payment of the moving claim. Documentation will be subject to a strict audit.
 - b. Self-Move – A self-move payment may be based on one or a combination of the following:
 - (1) For uncomplicated moves, an Agent’s Estimate (R/W 480) will be prepared by a qualified Relocation Agent not assigned to the parcel. Documentation will be provided quoting sources that provided rates or estimates for specialty items to be moved. Hourly rates should not exceed the rates paid by a commercial mover to employees. Rental rates for trucks and equipment will be based on the typical rates for the area. This method excludes overhead and profit. If the displacee chooses this option, no paid receipts are required.
 - (2) For complicated moves, an Agent’s Estimate (R/W 480) will be prepared by a qualified Relocation Agent not assigned to the parcel. The estimate will include supporting documentation for the move cost. Two acceptable commercial moving estimates will be obtained. The lower of the two commercial moving estimates minus overhead and profit will be used for preparing the Agent’s Estimate. Two commercial moving estimates are required unless the Manager, Relocation Branch determines one estimate is acceptable. If the displacee chooses this option no paid receipts are required.

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- (3) Documented Self-Move – The move method shall be supported by paid receipted bills for labor and equipment. Hourly rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover. This move requires pre-approval of labor rates for Supervisor, Packers, Movers, and the estimated time to complete move, estimated cost for equipment, number of laborers, insurance and mileage. Reimbursement will be based on reasonable, actual expenses incurred and paid receipts. Move monitoring is required.
- c. Contract Move – to lowest bidder when the displacee does not wish to move himself, or prefers to bid on move rather than document a self-move. Move monitoring is required.
- d. “In-lieu-of” Payment - This type of payment may be selected when the displacee indicates his business cannot be moved without a substantial loss of existing patronage and if the business meets the “In-Lieu-of” payment requirements. If this payment is selected no other payments can be received. The “In-Lieu-of” payment to a non-profit organization or business and farm operation will not be less than \$1,000.00 or more than \$40,000.00.
- e. A combination of moving methods listed may be utilized with the exception of the “In-Lieu-of” payment. If the “In-Lieu-of” payment is selected, no other moving payments can be utilized.
9. Also advises the displacee that in addition to payments for moving personal property (excluding the in-lieu of payment) they may be entitled to certain incidental expenses if they meet the definition of small business, farm or non-profit organization. They may also be entitled to reestablishment expenses as outlined in REL-PRO 6.116-32.
10. Verifies Realty vs. Personalty with the appraiser on (R/W REL-Form 6) identification of Real/Personal Property form.
11. A personal property inventory is required in all cases, with the exception of an “In-Lieu-of Payment”. Submits Personal Property Inventory, R/W 474 and Identification of Real/Personal Property form (R/W REL-Form 6) to a Relocation Agent not assigned to the project to prepare an agent’s estimate.

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Subject: Commercial Moving Cost – Business, Farm Operation or Non-Profit Organization	No: REL-PRO 6.116-27 Revised: 04/01/15 Page: 4 of 8
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Relocation Agent Not Assigned to Parcel

12. Prepares an agent's estimate utilizing forms R/W 480, R/W 474 (as moved inventory) and (R/W REL-Form 6) Identification of Real/Personal Property. Forwards to Field Supervisor for review.

Field Supervisor

13. Reviews and indicates approval of Agent's Estimate by initialing estimate and forwards to Manager, Relocation Branch.

Manager, Relocation Branch

14. Reviews and indicates approval of Agent's Estimate by signing. If agent's estimate is over \$50,000.00, forwards to Assistant Chief, Right-of-Way & Utilities Division for approval. When approved, sends an approved copy to the Relocation Agent and the original to central file.

Relocation Agent

15. Contacts displacee and re-discusses the following methods of moving personal property. At this time the owner must choose a moving method and he records his choice on the R/W 476 form (Selection of Move). Informs the displacee when it is necessary for them to store their personal property for a reasonable time (not to exceed twelve months), that the cost of such storage shall be eligible as part of the moving cost when prior approval is obtained. It is preferred to pay reimbursement to displacee after cost has been incurred. Provide documentation for storage cost and paid invoice for reimbursement.
16. Initiates chosen method. (See listed procedure below for next step).
 - a. Agent's Estimate (Non-documented Self Move) REL-PRO 6.116-28
 - b. Documented Self-Move REL-PRO 6.116-29
 - c. Contract Move REL-PRO 6.116-30
 - d. "In-Lieu-Of" REL-PRO 6.116-31

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Commercial Moving Cost – Business, Farm Operation or Non-Profit Organization	No: REL-PRO 6.116-27 Revised: 04/01/15 Page: 5 of 8
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NOTE:

THE FOLLOWING STEPS ARE COMMON COMMERCIAL EXPENSES AND SHALL ALWAYS BE CONSIDERED, UNLESS USING “IN-LIEU-OF” PAYMENT.

FOR STEPS 14 THRU 26, THE AGENT OBTAINS PRE-APPROVAL FROM MANAGER, RELOCATION BRANCH WITH SUPPORTING DOCUMENTATION FOR ACTUAL REASONABLE AND NECESSARY EXPENSES.

17. In addition to payment for moving personal property, the displacee may be entitled to certain incidental expenses, such as: printing of stationery, business cards, and other advertising items remaining in stock at the time of the move where the address or phone number required change to a new address or phone number.
18. The displacee must provide a copy or picture of the old stationery, business cards or other advertising items such as hats, pens, shirts requiring address or phone number change. They must also provide a copy or picture of the new replacement stationery and business cards, other advertising items to show the address or phone number was changed. The displacee must submit a paid invoice/receipt for reprinting if expenses are based on actual cost reimbursement. Reprinting is limited to the amount remaining in stock or the minimum order required. The numbers of these items for reprinting are to be listed on the inventory.

If the displacee has a Yellow Page advertisement in the telephone book that becomes obsolete at the time of the move due to address or telephone number change, reimbursement may be made based on the months remaining on the life of the contract at the time of the move. To document this loss or obsolescence, the displacee must provide a copy of the contract showing the total cost previously paid with the paid invoice and a copy of Telephone Advertisement requiring the change in address or phone number. The number of months remaining on the contract at the time of the move may be reimbursed if the address or phone number changed.

Reimbursement may be made to the displacee for the remaining life of licenses, permits or certification, etc. at the time of the move when changing the address makes them obsolete and they cannot be transferred to the new address. Documentation is required to show when the license expires, cost of license and remaining life at the time of move.

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Subject: Commercial Moving Cost – Business, Farm Operation or Non-Profit Organization	No: REL-PRO 6.116-27 Revised: 04/01/15 Page: 6 of 8
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Search expense (not to exceed \$2,500.00) – Pre-approval is required for hourly labor rate. Displacee must provide documentation for receiving reimbursement for this expense. This reimbursement requires a log kept by the displacee of hours spent searching for a replacement location. The log should show the dates of searching, addresses searched, persons contacted, miles driven. Reasonable actual cost expenses may be reimbursed. If search requires motel expense and food while searching long distances, receipts/invoices identifying the expense must be submitted as documentation.

Obtains signed claim 324a, W9, vendor form and supporting documentation when applicable to process a claim for these expenses.

19. Reestablishment Expenses (see REL-PRO 6.116-32) 49 CFR § 24.304
20. A business, farm operation, or non-profit organization may decide not to move certain items of personal property, or to discontinue the operation. To be eligible for payment under the following two payment methods designated to compensate for some of that loss, the claimant must make a good faith effort to sell the personal property, unless ODOT determines that such effort is not necessary. The sales price, if any, and the actual reasonable cost of advertising and conducting the sale shall be supported by a copy of the bill of sale or similar documents and by copies of any advertisements, offers to sell, auction records and other data supporting the bona fide nature of the sale.
 - a. **Actual Direct Loss of Tangible Personal Property** is incurred as a result of moving or discontinuing the business, farm operation or non-profit organization. This payment is intended to be used for either going out of business or electing not to move a particular piece of equipment. The estimated cost to move and reconnect an item “as is” at the replacement site will not include upgrades for code requirements. The payment will be the **lesser** of, the fair market value of the item (in place “as is” value for continued use), less the proceeds from its sale, **or** the estimated cost of moving the items (as is) a distance of 50 miles. This does not include any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. Note: When payment for property loss is claimed for **goods held for sale**, the market value shall be **based on the cost of the goods to the business**, not the potential selling prices.

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Subject: Commercial Moving Cost – Business, Farm Operation or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-27 04/01/15 7 of 8
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- b. If bona fide sale is not effected under Paragraph 16a because no offer is received for the property or the Agency determined the sale is not necessary, and the property is abandoned, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at its location prior to the displacement or the estimated cost of moving the item 50 miles, whichever is lesser, plus the costs of the attempted sale, irrespective of the cost to the Agency for removing the item.
 - c. **Purchase of Substitute Personal Property** – If an item of personal property, which is used as part of a business, farm operation or non-profit organization is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the **lesser** of: The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; **or** the estimated cost of moving the item a distance of 50 miles and reinstalling the replaced item but with no allowance for storage.
 - d. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale and the Agency determines a sale is necessary, the owner will not be entitled to moving expenses, or losses, for the items involved.
- 21. If a concrete pad, foundation, pit, etc., exists as an integral part of an item of personal property and if the Appraisal Branch has classified the item as a fixture, then the cost of reinstalling the fixture will be reimbursable as a commercial moving expense.
 - 22. If a concrete pad, foundation, pit, etc., exists and is classified by the Appraisal Branch as real property, then the cost of reinstalling the item is not reimbursable as a commercial moving expense. However, if the displacee qualifies, the cost may be reimbursable under reestablishment expenses explained in REL-PRO 6.116-32.
 - 23. The displacee will be requested to submit a separate estimate for the cost to reinstall fixtures which are considered eligible for reimbursement.
 - 24. Modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property are reimbursable; however, the displacee will be requested to submit separate estimates and prior approval shall be obtained from the Department.

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25. Connections to available nearby utilities from the right-of-way to improvements at the replacement site (not related to personal property) are reimbursable as a commercial moving expense.
26. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site) are reimbursable as a commercial moving expense.
27. Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the Agency are reimbursable as a commercial moving expense.

Manager, Relocation Branch

28. If over \$50,000.00, submits estimated reimbursable cost with the estimates to relocate the personal property to the Assistant Chief, Right-of-Way & Utilities Division for approval.

Assistant Chief, Right-of-Way & Utilities Division

29. Assistant Chief will Approve or Disapprove

Relocation Agent

30. Receives approval and instructs the displacee to proceed with the move.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Agent's Estimate – (Non Documented Self Move) Commercial, Farm or Non-Profit Organization	No: REL-PRO 6.116-28 Revised: 04/01/15 Page: 1 of 2
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR 24.301(d)(2)

NOTE:

Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees shall be based on the actual rental cost of the equipment, but not to exceed the cost paid by a commercial mover.

Relocation Agent

1. Verifies inventory prior to relocation if the inventory was made 6 months prior to actual relocation date.
2. Prepares Moving Proposal, R/W 433, based on approved amount of Agent's Estimate, R/W 480. Offers the approved amount of the Agent's Estimate to the business owner for approval. The owner and relocating agent signs the Moving Proposal, R/W 433. Explains to the displacee he is to notify the relocation agent in advance of the approximate date of the move and permit the agent to monitor the move from the displacement site to the replacement site.
3. In the event reconnection costs for equipment were included in the estimate, verifies reconnection is complete. If reconnection is not complete, claim will only cover the part of the move that is complete. Once the reconnections are complete, the remaining cost for reconnecting the equipment can be reimbursed.
4. Upon completion of the move, the displaced person shall support his claim for payment with a list of the items which were actually moved to the replacement site. If the items listed on the inventory deviate to any significant extent from the list of items actually relocated, the amount previously agreed to will be revised accordingly.
5. Receives notice that move is complete. Verifies the move is complete at the displacement site. Verifies the personal property was moved to replacement site. Obtains signature on R/W 475C Verification of Move. Obtains notarized signature on DOT Claim 324a for authorized amount. Obtains signature on W9, Vendor form and submits them along with a copy of the signed and notarized R/W 433 Moving Proposal, R/W 476 Selection of Move, completed "as moved inventory" R/W 474, a copy of the updated Agent's Contact Log, R/W 475D, to Field Supervisor.
6. Reviews and signs top line of the claim and supporting papers. Submits backup documentation and claim for processing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Agent's Estimate – (Non Documented Self Move) Commercial, Farm or Non-Profit Organization	No: REL-PRO 6.116-28 Revised: 04/01/15 Page: 2 of 2
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Relocation Agent or Clerk not working the relocation

7. Audits claim packet and presents claim to Field Supervisor for review.

Field Supervisor

8. Checks claim and documentation for accuracy and initials claim.

Manager, Relocation Branch

9. Checks to see the amount on the claim is for the authorized amount and the displacee is eligible for the moving expenses. Approves the claim by signing.

Relocation Clerk

10. Sends claim and supporting documentation to the Assistant Chief, Right-of-Way and Utilities Division for processing. Forwards back up documentation to Legal and Business Services for processing.

**PROCEDURE STATEMENT
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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Commercial Documented Self-Move	No: REL-PRO 6.116-29
	Revised: 04/01/15
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 301(d)(ii)

NOTE:

Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees shall be based on the actual rental cost of the equipment, but not to exceed the cost paid by a commercial mover.

Relocation Agent

1. Contacts owner of the personal property and secures an estimate from them of the cost of the move and anticipated time involved.
2. Prepares estimate for the move. This estimate is completely separate from the R/W 480 that was prepared by another agent earlier.
3. Prepares memo re139725 (Actual Cost Commercial Move) and submits with the owner's estimate and relocation agent's estimate to Field Supervisor for review.

Field Supervisor

4. Reviews displacee's estimate and Relocation Agent's estimate of moving costs and forwards to Manager, Relocation Branch indicating approval of recommendation by initialing under Manager, Relocation Branch signature block.

Manager, Relocation Branch

5. Review estimate and recommends approval of documented self-move. If over \$50,000.00, forwards to Assistant Chief, Right-of-Way & Utilities Division for final approval.

Relocation Agent

6. When final approval is received, tells owner to begin moving. Supplies the owner with special forms to tabulate his expenses during the move. (Forms are contained in the "Informational Packet for Documented Self-Move"). Explains that every expense must be backed up by paid receipts or bills in order to be considered reimbursable. Explains to the displacee that reimbursement is based on actual and reasonable expenses incurred in the move.
7. Makes periodic checks to determine status of move. Logs all contacts. Surveillance shall be commensurate with the expenditure involved.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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8. Upon completion of the move, the owner of the displaced business shall support his claim for payment with a list of the items which were actually moved.
9. Receives notice that move is complete. Verifies move is complete at displacement site. Verifies personal property was moved to replacement site. Verifies reconnections of equipment have been completed if applicable. Obtains signed and dated R/W 475C verification of move (commercial clearance form) from displacee. Updates agent's log R/W 475D. Explains to displacee that they have 18 months from the vacating date in which to file for reimbursement of the actual and reasonable expenses.
10. Secures packet which included special forms and all supporting documentation for all actual and reasonable costs incurred. Has owner sign a certified statement saying total moving costs was the total of all reimbursable expenses.
11. Discusses moving amount with Field Supervisor and Manager to determine if an in-depth full audit of the moving claim will be necessary.
 - a. **If a full audit is not necessary**, agent secures a claim DOT 324a, W9, Vendor Form, audits claim, signs top line of the claim and forwards claim packet to Field Supervisor for review.
 - b. **If full audit is necessary**, continue to step 13.

Field Supervisor

12. The Field Supervisor reviews the claim and documentation for accuracy, signs claim and forwards packet to Manager, Relocation Branch for signature.

Manager, Relocation Branch

13. **If a full audit is necessary**, requests an audit be done. If audit is ok, requests the Relocation Agent secure a claim for payment.

Relocation Agent or Clerk not performing the relocation

14. Audits documentation, paid invoices/receipts for accuracy.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Commercial Documented Self-Move	No: Revised: Page:	REL-PRO 6.116-29 04/01/15 3 of 3
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Relocation Agent

15. Secures a signed, dated and notarized DOT 324a claim for the authorized amount from the displacee. Obtains displacee's signature on W9, Vendor form and submits the ("Informational Packet for Documented Self Move") paid invoices/receipts along with a copy of the R/W 476 Selection of Move, completed "as moved inventory", R/W 474, a copy of the updated Agent's contact log, R/W 475D.

Field Supervisor

16. Reviews documentation, initials the claim and forwards to Manager, Relocation Branch.

Manager, Relocation Branch

17. Checks to see that amount of claim is correct and that displacee is eligible for the moving expenses. Approves the claim by signing. Sends claim to Assistance Chief, Right-of-Way & Utilities Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: (Optional) Competitively Bid Commercial Move Process for Farm or Non-Profit Organization	No: REL-PRO 6.116-30 Revised: 04/01/15 Page: 1 of 3
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.301(d)

Relocation Agent

1. Submits a memo requesting the move be accomplished by competitive bids, along with the inventory and R/W 480 (Agent's Estimate) to Manager, Relocation Branch. If interim storage is required, prior approval by the Manager, Relocation Branch must be obtained and included as an item of the bid for a storage period not to exceed 12 months.

Relocation Account Clerk

2. Mails letter, re139969 (Commercial for a Contract Move) acknowledgment with list of qualified bidders to the displacee. The displacee is allowed to request removal or addition of any bidder's name if he can show just cause to do so.

Manager, Relocation Branch

3. Removes any bidders from the qualified list which the owner has protested within (10) days if cause is found to be justified. Adds any bidders, if determined qualified.
4. Solicits bids from a reasonable number of qualified bidders on bid solicitation letter, re337038 (Bid Solicitation Letter) and request bid proposal. Relocation agent furnishes bidders with a copy of the inventory form, R/W 474. Establishes a pre-bid date, if applicable (usually 2 weeks prior to scheduled bid opening). Pre-bid conference may be held on the parcel with all interested movers, displacee and relocation agent in attendance. Complicated moves may require mandatory attendance of bidders.

Relocation Agent

5. Attends pre-bid conference, answers and explains all moving questions.

Manager, Relocation Branch

6. Receives sealed bids in the central office and opens all bids at the specified time in the presence of no less than two witnesses.
7. Immediately prepares and signs a Bid Tabulation Sheet indicating the low bid. Has two witnesses sign and forwards it to Assistant Chief, Right-of-Way & Utilities Division for approval: Bids should be re-solicited when only one bid is received, and bids may be re-solicited if bids exceed the estimate.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: (Optional) Competitively Bid Commercial Move Process for Farm or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-30 04/01/15 2 of 3
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Relocation Account Clerk

8. Notifies successful bidder by mailing the appropriate Notice to Low Bidder letter. A copy of this notice is mailed to the displacee. Relocation Clerk sends the necessary papers to Relocation Agent.

Relocation Agent

9. Obtains the displacee's signature on a Contract prior to getting the signature of the low bidder. Relocation Agent returns the contract to the central office for approval. The Assistant Chief, Right-of-Way & Utilities Division will approve the contract.

Relocation Account Clerk

10. Transmits signed copies of the executed proposal or contract to the following:
 - a. Displacee
 - b. Successful bidder (if applicable)
 - c. Central files (original)
 - d. Relocation Branch files

Relocation Agent

11. Upon completion of the move, the Relocation Agent will verify the move is complete at the displacement site. The Relocation Agent will verify the personal property was moved to the replacement site. The Relocation Agent will verify equipment has been reconnected at replacement site. The displaced person shall support his claim for payment with a list of the items which were actually relocated, the amount previously agreed to will be revised accordingly.
12. Relocation Agent completes the move or Clearance Form, R/W 475C, updates agent's log R/W 475D, obtains a signed and notarized claim form DOT 324a, w9 and vendor form. Assists the displacee in claiming incidental expenses associated with the move. Secures documentation of all expenses listed on the claim. The agent signs the claim and forwards to the Field Supervisor.

Field Supervisor

13. Forwards to Clerk or Relocation Agent not assigned to the relocation.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: (Optional) Competitively Bid Commercial Move Process for Farm or Non-Profit Organization	No: REL-PRO 6.116-30 Revised: 04/01/15 Page: 3 of 3
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Relocation Clerk or Relocation Agent not assigned to the relocation

1. Checks documentation and claim for accuracy. Signs and dates the back of claim and forwards to Field Supervisor.

Field Supervisor

2. Reviews and initials claim and supporting papers and forwards to Manager, Relocation Branch.

Manager, Relocation Branch

14. Checks to see that the amount of claim is in accordance with the bid solicitation and that the displacee is eligible for the moving expenses. Approves the claim by signing.
15. Sends claims and supporting documentation to the Assistant Chief, Right-of-Way & Utilities Division for processing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: In-Lieu of Moving and Reestablishment Expenses - Commercial, Farm or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-31 04/01/15 1 of 4
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.305

Relocation Agent

1. Explains to the displacee of a business, farm operation, or non-profit organization, if the business qualifies to receive an in-lieu-of payment instead of receiving actual moving, related expenses, and reestablishment expenses, the payment will not be less than \$1,000 or more than \$40,000. Such payment, except for a non-profit organization, shall equal the average annual net earnings of the business at the displacement site.
2. Determines and documents commercial business displacee's qualification by verifying the following:
 - a. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and, the business vacates or relocates from its displacement site.
 - b. Cannot be relocated without a substantial loss of existing patronage (clientele or net earnings). Note: Assumed to meet this test unless Agency determines otherwise.
 - c. The business is not part of a commercial enterprise having more than three other entities which are not being acquired and which are under the same ownership and engaged in the same or similar business activities.
 - d. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
 - e. The business is not operated at the displacement site solely for the purpose of renting the site to others.
 - f. The business contributed materially to the income of the displaced person during the two taxable years prior to displacement, or other such period as determined by the Manager, Relocation Branch. Material contribution is defined in 49 CFR § 24.2(a)(7):
 - (1) Average annual gross receipts of at least \$5,000; or
 - (2) Average annual net earnings of at least \$1,000; or

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: In-Lieu of Moving and Reestablishment Expenses - Commercial, Farm or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-31 04/01/15 2 of 4
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- (3) Contributed at least 33 1/3 percent of the owner's average annual gross income from all sources; or
 - (4) Other criteria as determined to avoid hardship.
3. Determines and documents farm displacee's qualification by verifying that the farm contributed materially to the income of the operator and the farm is rendered unusable as an economic unit such that the farm operation could no longer be carried on profitably. Each individual case will have to be determined upon the particular circumstances. If the farm operator elects to discontinue operations, his decision would have to be reasonable in light of the circumstances if he is to receive this payment.

NOTE:

A displaced farm operator is one that has to relocate his farm operation because of the highway taking. This should not be confused with displacement from his residence. They are two distinct situations and should be treated separately.

- 4. Determines and documents a non-profit organization's qualification by verifying that it:
 - a. Is incorporated under the applicable laws of the State as a non-profit organization, and exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code.
 - b. Cannot be relocated without a substantial loss of existing patronage (membership or clientele). A non-profit organization is assumed to meet this test, unless the Agency demonstrates otherwise.
- 5. Assists in completing application for payment In-Lieu-Of Moving and Reestablishment Payment, R/W 484. Lists the reasons for eligibility or ineligibility for payment on an attached memorandum giving a full narrative report.
- 6. Determines amount of payment as follows:

NOTE:

When computing net earnings, if the business, farm or non-profit organization showed a loss, zero will be used for that year's earnings. If the average annual net earnings are determined to be less than \$1,000, even \$0 or a negative amount, the minimum payment of \$1,000 shall be provided.

- a. For a business or farm operation, obtains documentation in support of the annual net earnings before taxes for the past two taxable years.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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- (1) A copy of signed and dated Federal tax returns (Form 1040 or other appropriate form and schedule C) for the tax years in question will be used for this information. For documented and approved exceptions, other acceptable documentation could be a
- certified financial statement of a C.P.A. or licensed accountant or other methods determined acceptable by Manager, Relocation Branch. If tax returns are not provided, the displacee must provide written authorization for the Department to review the business records. The agent will personally verify the accuracy of substitute documents.
- (2) Earnings shall include any compensation paid to the owner, the owner's spouse or dependents of the owner. To determine the wages paid, it will be necessary to provide copies of the W2 for those individuals or the payroll records from the business. The owner of a sole proprietorship business does not receive a wage.
- b. For a non-profit organization, obtains documentation to support annual gross revenues less administrative expenses.
- (1) Gross revenues include membership fees, class fees, cash donations, tithes, and receipts from sales or other forms of fund collections, including building funds that allow the organization to operate.
- (2) Administrative expenses are rent, utilities, salaries, advertising, fund raising expenses, including pastor's salary (and paid allowances such as a car allowance) which are deducted from the gross income of the church.
- (3) Operating expenses for carrying out the purposes of the organization are not included in administrative expenses.
- (4) Any payment must be supported by financial statements.
- c. If the enterprise has been in operation less than two years, and is otherwise eligible and had income during such period, the payment shall be computed by projecting the net earnings to an annual rate.
- d. If the two taxable years immediately preceding displacement are not representative, request approval to use more representative tax years.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: In-Lieu of Moving and Reestablishment Expenses - Commercial, Farm or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-31 04/01/15 4 of 4
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7. Forwards application and supporting documents to Field Supervisor with recommendation for approval or disapproval.

Field Supervisor

8. Reviews application and supporting documentation and forwards to Manager, Relocation Branch with recommendation for approval or disapproval.

Manager, Relocation Branch

9. Reviews application and makes recommendation for consideration of Assistant Chief, Right-of-Way & Utilities Division.

Relocation Agent

10. When application receives final approval from Assistant Chief, Right-of-Way & Utilities Division, obtains signature on claim DOT 324a, W9, vendor form and R/W 475C when property is vacated. Verifies the personal property was moved to the replacement site when they did not discontinue their business operation.
11. If application is not approved, notifies displacee of disapproval and advises of other commercial moving payments. (See Procedures listed below)
 - a. Agent's Estimate REL-PRO 6.116-28
 - b. Documented Self-Move REL-PRO 6.116-29
 - c. Contract Move REL-PRO 6.116-30

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Subject: Reestablishment Expenses – Business, Farm Operation or Non-Profit Organization	No: Revised: Page:	REL-PRO 6.116-32 04/01/15 1 of 4
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Applies to:

Policy OP-REL 6.1: Relocation Assistance Program 49 CFR § 24.304

NOTE:

49 CFR § 24.304(b)(1) - The cost of a new “shell” structure is a Capital Expenditure and **not eligible** as a reestablishment expense, such as basic walls, additions to existing “shell” structure, site preparation, etc. required to complete the new “shell” structure. However, improvements and/or modifications to the “New Construction of Existing” replacement building may include the addition of **necessary** facilities such as bathrooms, room partitions, etc., if either required by Federal or local law, code ordinance or considered **reasonable and necessary** for the operation of the business.

Business reestablishment benefits cannot be applied toward modifying the same building or structure where the Department paid cost to cure or acquired structures retained for future use.

In addition to moving payments described in REL-PRO 6.116-28, 29, 30, a business, farm or non-profit organization may be eligible to receive a payment for expenses actually incurred in relocation and reestablishing such business, farm, or non-profit organization at a replacement site. CFR limits reestablishment payments to \$25,000.00. Oklahoma Case Law allows reasonable and necessary reestablishment expenses to exceed the CFR and these expenses may be federally reimbursable. Eligible, reasonable and necessary reestablishment expenses are determined by ODOT.

Due to the change in Oklahoma Case Law which allows reasonable and necessary reestablishment expenses to exceed the CFR, ODOT has determined it will be necessary for the displaced business, farm operations or non-profit organizations to reinvest an amount equal to the Fair Market Value paid for land and improvements pertaining to the displaced business operation.

Landlord businesses are not eligible for the fixed payment “in-lieu-of” actual moving expenses.

Reestablishment expenses are not intended to provide betterments. Consideration should be given to how they were doing business prior to displacement, the type of building they were occupying, size, code requirements, and condition of the replacement site to reestablish the business. This does not mean the replacement building is required to be exactly like the displacement building.

Landlord business operations that consist solely of leasing real estate to others at the displacement site may be eligible for certain reestablishment benefits. If property is unoccupied at the time of the offer, the landlord must prove the property has been

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leased within the last 12 months and is currently pursuing another tenant. If the displacement site is currently occupied, request proof the landlord is receiving rent. If a landlord business is trying to replace the residence that was acquired by the Department, the landlord shall reinvest the Fair Market Value into another decent, safe and sanitary residence in a good state of repair with the same square foot living space, number of bedrooms and number of bathrooms etc.

The Relocation Agent shall inspect the replacement residence and identify modifications that may be eligible for reimbursement such as replacing soiled or worn carpet or painting the inside to make it rentable. This does not mean they can change the carpet or paint just for esthetic reasons. If the replacement is larger than the displacement property, reimbursement cost may be limited to the same square footage documented at the displacement site unless supporting documentation is provided to show this was the only property suitable and available for replacing the business operation.

Relocation Agent

1. Inspects the replacement property prior to the displacee making financial commitments and modifications to the replacement property. Assists the displaced business to identify code requirements and modifications in order for the business to be reestablished. Determine how modifications can be documented as eligible, reasonable and necessary.
2. Prepares memo requesting pre-approval to Manager, Relocation Branch. Attach specific photographs relative to the pre-approval request to support reestablishment eligibility. Eligible reestablishment expenses must be reasonable and necessary as determined by the Manager, Relocation Branch. Any unique or unusual requests for approval will be submitted to the Assistant Chief, Right-of-Way & Utilities Division for pre-approval. Reestablishment expenses may include, but are not limited to the following:
3. Repairs or improvements to the replacement real property as required by Federal, State, local law, code, or ordinance as follows:
 - a. Modifications to the replacement property to accommodate the business.
 - b. Construction and installation costs for exterior signage to advertise the business.
 - c. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting. Document how these expenses are eligible, reasonable and necessary and are not for esthetic purposes.

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4. Advertising of the replacement location will be limited to \$2,500.00 for any and all forms of media advertising including but not limited to the following:
 - a. Banner at the old site
 - b. Newspaper ads
 - c. Radio ads
 - d. T.V. ads
5. Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
 - a. Lease or rental charges
 - b. Personal or real property taxes
 - c. Insurance premiums, and
 - d. Utility charges, excluding impact fees
6. Other items that the Manager, Relocation Branch considers essential to the reestablishment of the business.

NOTE:

Income tax records should be adequate to provide a record of the above costs prior to displacement. The costs of the new location can be estimated using various sources.

7. **Ineligible expenses** – The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible.
 - a. Purchase of capital assets, such as office furniture, filing cabinets, and machinery or trade fixtures.
 - b. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
 - c. Interest on money borrowed to make the move or purchase the replacement property.
 - d. Payment to a part-time business in the home which does not contribute materially to the household income.

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8. Receives approval from Manager, Relocation Branch. Informs displacee to proceed and that they will need to retain documentation for all expenses. If the displacee is performing work themselves they will be required to obtain pre-approval for labor rates from the Manager, Relocation Branch, and they will need to keep a log of days and hours spent working on the project with a description of the work being done.
9. Verify all reestablishment is completed. Obtain documentation of expenses and claim signed by displacee and forwards to Field Supervisor.

Field Supervisor

10. Forwards to claim and back up documentation to clerk or relocation agent not assigned to the relocation.

Relocation Clerk or Relocation Agent not assigned to the relocation

11. Checks documentation and claim for accuracy. Signs and dates the back of claim and forwards to Field Supervisor.

Field Supervisor

12. Reviews and initials claim and supporting papers and forwards to Manager, Relocation Branch.
13. Reviews claim and documentation for accuracy and signs and forwards to Assistant Chief, Right-of-Way & Utilities Division.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Property Management	No: Revised: Page:	REL-PRO 6.116-33 04/01/15 1 of 5
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Applies to:

Policy OP-REL 6-1: Property Management

Manager, Relocation Branch

1. Receives a copy of warrant letter with a thirty-day notice, if applicable, from Legal and Business Services Division a.k.a. Business Office, forwards to Field Supervisor. Vacate dates on thirty day notices should not fall during the week of Thanksgiving holiday or Christmas holiday.

Field Supervisor

2. Reviews thirty-day notice and forwards to assigned Relocation Agent with appropriate remarks.

Relocation Agent

3. Receives copy of thirty-day notice to vacate and verifies that:
 - a. Ninety-day notice has been delivered, and
 - b. Comparable replacement housing has been made available to the displacee in accordance with one of the following criteria:
 - (1) Comparable replacement housing is available; however, the displacee has declined listings because other housing has been selected or they have elected to build or relocate a retained dwelling. Agent's log should note existence of the comparable.
 - (2) Comparable replacement housing is available and listings have been given to displacee. Agent's log should note date listings are given to displacee and sends copies of listings to Records Center.
 - (3) Comparable replacement housing can only be made available through new construction, and the thirty-day notice to vacate will not be issued until agent confirms replacement dwelling is within thirty days of being ready for occupancy.
 - c. If necessary, an additional thirty-day extension can be granted. Written request should be made by displacee to Relocation Agent and forwarded to Field Supervisor. Relocation Agent forwards this request, the current agent's log, and a recommendation for an extension to Field Supervisor.

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NOTE:

If repairs to the acquired property are required for continued occupancy, the relocation agent shall ensure repairs are made and costs of the repairs shall be borne by ODOT. If possible, the agent should obtain two estimates and if not an emergency, obtain pre-approval from Manager, Relocation Branch prior to any repairs being made.

Field Supervisor

- d. Field Supervisor verifies that an extension will not interfere with project letting date or with need to clear the parcel for utilities. Forwards recommendation for approval or denial to Manager, Relocation Branch.

Manager, Relocation Branch

- e. If extension is granted, notifies displacee by letter of the extended vacating date, with copies to Field Supervisor and Agent. If extension is not granted, displacee may be pre-approved for actual cost of storage up to 12 months at a pre-approved storage facility. Paid invoices or receipts will be required.

Relocation Agent

- f. Advises displacee that only one extension can be granted. If further time is desired, a lease may be considered provided it will not interfere with letting date or utility relocation. However, for good cause, Manager, Relocation Branch may grant further extensions.

Field Supervisor

- 4. After vacating date has expired, instructs the assigned agent to lease the parcel in accordance with REL-PRO 6.116-34 or prepare a 10-day Notice to Quit.

Note:

If displacee is evicted by ODOT, the displacee is still entitled to full relocation benefits they have qualified for.

Relocation Agent

- 5. Personally serves Notice to Quit or gains possession by receipt of keys from owner. Makes visual inspection of acquired improvements with displacee if possible.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Property Management	No: Revised: Page:	REL-PRO 6.116-33 04/01/15 3 of 5
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- a. Performs an "Inspection and Inventory" using R/W 459, along with the Summary Statement of Just Compensation, R/W 129, noting any missing items or irregularities.
- b. Repeats the inspection at the expiration of any lease agreement, noting any missing items or irregularities from the previous inspection.
- c. Agent writes memo informing Field Supervisor that parcel is still occupied after expiration date of Notice to Quit.

Field Supervisor

6. Forwards memo through Manager, Relocation Branch and Assistant Chief, Right-of-Way & Utilities Division, from Chief, Right-of-Way & Utilities Division to Legal and Business Services Division a.k.a. Business Office for Collection and Eviction.

Relocation Agent

7. As appropriate:
 - a. Performs a complete inspection of the improvements on Improvement Status Report, Form 453.
 - b. Notifies Outdoor Advertising Control Branch when a sign located on a controlled highway has been acquired by completing R/W Form 493.
 - c. Requests removal of UST's by notifying Environmental Programs Division with standard memo when parcel is acquired and vacated. Send packet to Environmental Programs Division with standard memo, App Form 6, drawing prepared by appraiser showing location of UST on tract, 911 address and/or finding directions to locate the tract on the project.
 - d. Insures that all water pipes, commodes, hot water tanks, etc., are drained and winterized and utilities are disconnected.
 - e. Obtains two estimates for services as required in reference to security surveillance, lawn care, maintenance or boarding up buildings on a project and submits to Manager, Relocation Branch for approval of services, cost, duration of services required and time schedule for reimbursement of services.
 - f. Reports all cases of vandalism, fire, theft, or natural disasters to State-owned property to the Field Supervisor.

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8. Determines from interview, experience, or advice from local City or County Health authorities whether or not rodents are present. In those counties where there are no local health authorities, advice may be secured from the State Health Department.
 - a. Contacts the City or County Health authorities if rodents are present, to obtain their assistance in dispensing the necessary chemicals which can be purchased locally and charged to the project.
 - b. Obtain bids from local exterminating firms if no City or County facilities are available for dispensing. The bid will be awarded to the low bidder if within reasonable bounds. Solicits new bids when necessary until a reasonable bid is received.
 - c. If rodent control is needed, secure a statement from local health authorities as to the need for exterminating and the adequacy of treatment.
9. Notifies local police authorities giving a serial number, make and model of missing items when justified.
10. Submits a copy of police report to Manager, Relocation Branch.
11. Updates Improvement Status Report, R/W 453, on any plan changes that occur during the course of the project.
12. ODOT Relocation Branch will dispose of improvements by one of the following methods:
 - a. Holds public auctions in accordance with REL-PRO 6.116-35.
 - b. Prepares clearance contract according to REL-PRO 6.116-36.
 - c. Turns them over to the Division Engineer, using standard memo.
 - d. Request that they be made a part of the construction contract.
 - e. Solicits proposals for removal of improvements which interfere with utility relocations in accordance with REL-PRO 6.116-37.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Property Management	No: Revised: Page:	REL-PRO 6.116-33 04/01/15 5 of 5
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Manager, Relocation Branch

13. Receives all written reports and forwards to:
 - a. Project file
 - b. Records Center
 - c. Legal Division on missing items

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Leasing Real Estate to Displacee	No: Revised: Page:	REL-PRO 6.116-34 04/01/15 1 of 3
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Applies to:

Policy OP-REL 6-4: Property Management

Relocation Agent

1. Determines the feasibility of renting land and/or improvements when a request to lease is received from current occupant. Must obtain concurrence from the Utilities Branch that it will not interfere with utility relocation.
2. Computes the rental amount using a recapture rate of .0075 based on the appraised value offered for improvements and land taken (not the administrative settlement), or .0025 for land only. No lease will be initiated for less than \$100.00 per month. Any deviation from the amount computed by this method requires approval of the Assistant Chief, Right-of-Way & Utilities Division.
3. The maximum relocation assistance benefits due the displacees leasing back the property are based on the following:
 - a. For residential displacees, the maximum replacement housing payment is limited to the amount of the available comp shown in the offer letter or comp listing letter starting the Ninety Day Notice. The residential moving benefit is limited to the moving cost established at the time the parcel is secured.
 - b. For personal property only or non-residential displacements, the maximum moving benefit will be based on the **lesser of**:
 - c. The moving payment calculated based on the inventory present on the date the FMV payment is received by the owner,

OR
 - d. The amount previously agreed on and stated in the lease.
4. Obtains tenants' signature on Lease Agreement, and collects the first month's rent by cashier's check or money order (cash or personal checks accepted only by approval of the Assistant Chief, Right-of-Way & Utilities Division). Effective date should be 30 days after the vacating date set in the 30-Day Notice, however, the Manager, Relocation Branch may grant extensions of the vacating date for good cause.
5. Attaches checks or money order to Lease Agreement and forwards to Manager, Relocation Branch.

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NOTE:

If repairs to the leased property are required for continued occupancy, the Relocation Agent shall ensure repairs are made and costs of repairs shall be borne by ODOT unless otherwise stated in the lease. If possible, the agent should obtain two estimates and if not an emergency, shall obtain pre-approval from Manager, Relocation Branch prior to any repairs being made.

Manager, Relocation Branch

6. Initials Lease Agreement to indicate recommendation of approval and sends to Assistant Chief, Right-of-Way & Utilities Division for approval and signature. Forwards check or money order to Relocation Clerk.

Relocation Clerk

7. Assigns lease number obtained from the Lease Register; makes cross-reference to Relocation Branch files using project number, parcel number and the name of tenant.
8. Forwards payment of rent and original Lease Agreement to Legal and Business Services Division a.k.a. the Business Office. Keeps a copy for Relocation Branch. Sends a copy to Central Files and mails one copy to lessee.

Relocation Agent

9. Prepares a 30-Day Notice to Vacate for Manager, Relocation Branch signature when the letting schedule requires land and/or improvements be vacated. Sends by Certified Mail or personal delivery.

Manager, Relocation Branch

10. Has Relocation Agent deliver a Notice to Vacate to displacee at the expiration of the 30-day period above. If not vacated by the prescribed period, an eviction request is forwarded to Legal & Business Services Division.

Legal and Business Services Division a.k.a. Business Office

11. Business Office will send follow-up letters to tenants delinquent in payment of rent.
12. If the rent has not been received within a reasonable period of time, Business Office notifies Relocation Branch to prepare and serve Notice to Quit (10-Day Notice). In case this notice cannot be accomplished by personal service, posts a

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copy on front door of the residence and mails a copy by Certified Mail (return receipt requested) to the tenant.

Relocation Agent

13. If rent is not received at the end of this period, sends copies of 10 day notice to vacate and other pertinent supporting documents to Legal & Business Services Division in support of the Relocation Branch's request for eviction.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Public Auction of Improvements	No: Revised: Page:	REL-PRO 6.116-35 04/01/15 1 of 3
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Applies to:

Policy OP-REL 6-4: Property Management

Relocation Agent

1. Recommends improvements acquired, in connection with the acquisition of right-of-way, be sold at public auction.
 - a. Proposed letting schedule
 - b. Salability, and profitability to ODOT, considering cost to ODOT vs. sale profit
 - c. Public interest in improvements
 - d. NESHAP report indicates no asbestos containing materials were found during inspection and minimal damage was incurred by the inspection

Field Supervisor

2. Review agent's recommendation. Recommends approval or disapproval based on above criteria to Manager, Relocation Branch.

Manager, Relocation Branch

3. Reviews Field Supervisor's recommendation based on above criteria and approves or disapproves a public auction.

Relocation Agent

4. If auction is approved, prepares clerking sheets (R/W 410) on a parcel by parcel basis in a digital format from the Summary of Just Compensation (R/W 129) and from a physical inspection of the project for items to be sold at the auction. Items acquired, but are missing during the physical inspection, should be reported via memo to the Central File by the Agent with a copy to the relocation Public Auction file. Agent verifies and initials the list is complete and correct.
5. Prepares the Public Auction list, prospective buyer list, enlisting an auctioneer to conduct the sale, obtains tax codes for the area, notification to former owner(s), enlisting a person from the Comptroller's Office to attend the auction, notify State Auditor and Inspector, Public Auction Notice in local newspaper for two issues on the same day of consecutive weeks, the first to appear a minimum of ten (10) days prior to the sale. Also, prepare **after the sale** paperwork: Notice to Successful Bidder (R/W 408), Bill of Sale for each item (RW 409).

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6. Conducts pre-sale drive-out and checks improvements listed on Clerking Sheets. Notifies the Field Supervisor and Manager, Relocation Branch if items are missing that were present at the initial drive-out.

Field Supervisor

7. Coordinates activities at the sale and opens Public Auction with the following Pre-Sale announcements:
 - a. Any announcement made at the sale will supersede previous announcements.
 - b. All sales are subject to local and State sales tax.
 - c. Payment must be made by cashier's check or money order. We cannot take cash.
 - d. A specified number of calendar days will be given for the removal of the improvements. After that date, all remaining items will be considered abandoned and will again become property of the State of Oklahoma.
 - e. The purchaser must obtain any required permits to dismantle and/or move the improvements. Mobile homes are sold at the Public Auction for salvage only and not considered personal property for re-occupancy. Purchasers of mobile homes must obtain a new title if they choose to use the mobile home in a way that it would be classified as personal property.
 - f. Time and place where cashier's checks and money orders will be received by the State as payment.
 - g. A written Disclosure Statement will be given to every attendee formally notifying the bidders ODOT has no knowledge of any lead-based paint, mold or methamphetamine production in structure to be salvaged, moved or demolished.

Relocation Agent

8. Activities after the sale are as follows:
 - a. Issuing Notice to Successful Bidder
 - b. Enters sale information on Clerking Sheets
 - c. Completing and issuing Bills of Sale (RW 409), witnessing signatures, collecting sale funds

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- d. Balance Bills of Sale with funds received. Sends report to Comptroller, State Auditor and Inspector's Office and Division Engineer with copies of the Clerking Sheets.

- e. Prepares memo to ODOT Legal and Business Services Division reporting any items listed for sale that were missing at the time of the sale.

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Applies to:

Policy OP-REL 6-4: Property Management

NOTE:

The Special Provisions sent out to contractors for bid solicitation for improvement removal disposal includes a Disclosure Statement which formally notifies the bidders ODOT has no knowledge of any lead-based paint, mold or methamphetamine production in structure to be salvaged, moved or demolished.

Relocation Agent

1. Prepares the drive-out (R/W Form-453) Improvement Status Report within thirty (30) calendar days of the assignment to proceed with the project per Guidance Directive. Updates report and disposition status of improvements every Monday. The Improvement Status Report lists parcel numbers, station and offset distances, square foot measurements of appropriate items (size of signs or billboards, concrete bases, their legal status, registration number and advertisement) (houses, buildings, sheds, cellars), linear foot of appropriate items (septic lines, retaining walls) type of material for structures (metal, wood, rock, etc.) and type of foundation (concrete foundation, wood floor, etc.). The Improvement Status Report (R/W Form-453) tracks the disposition of all acquired improvements, signs, billboards, improvements paid to replace/ODOT to remove, owner paid to relocate, encroachments and UST's. Prepares separate specialty fencing inventory.
2. Prepares the Clearance/Removal list (R/W REL-Form 3) within ten (10) calendar days after all Authorized Negotiation Lists are completed on parcels requiring demolition. List will include parcel number, station and offset distances, 911 address, square foot measurements of appropriate items (size of signs or billboard, their advertisement and concrete bases) (houses, buildings, sheds, cellars); linear foot of appropriate items (septic lines, retaining walls) type of material for structures (metal, wood, rock, etc.) and type of foundation (concrete foundation, wood floor, etc.) for improvements to be removed by demolition contract. This information will be the measurements and materials stated in the official appraisal and in the case of multiple buildings on the same property, the buildings will be numbered the same as the appraisal whether it be a, b, c, or 1, 2, 3, addresses, or names (north building, south building), etc. The list of improvements is to be derived from the actual drive-out of the project, R/W 289, Appraisal, and Summary of Just Compensation identifying improvements to be removed. This demolition list shall not include encroachments to be removed by the owner or UST's to be removed by Environmental Programs Division.

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3. Prepare a cost estimate for demolition.
4. Create NESHAP list of improvements requiring inspection reports.
5. Utilize R/W REL-Form 2 check list for preparing NESHAP Packets. Prepares NESHAP packets within fifteen (15) calendar days after the parcels are signed to be secured, or within fifteen (15) calendar days after parcels are sent to condemnation. Attach the NESHAP packet documents listed on the check list to the R/W REL-Form 2 check list. Prepare NESHAP Packet on parcels with buildings or structures requiring inspection for asbestos. NESHAP request performed in least invasive manner possible. The following comments are for information about what transpires:
 - a. Abate for demo
 - b. Air Clearance for occupancy
 - c. If a contract is already in place, release for demolition if owners/tenants have been paid and the property is vacant. We cannot perform NESHAP until property is vacated. Turn in the keys as soon as the property is vacated.
 - d. NESHAP inspection reports are required on all structures acquired and being demolished or cleared by ODOT. The types of structures include but are not limited to houses, commercial buildings, mobile homes, sheds, barns, garages, well houses, cellars and basements.
6. Prepares a cover letter and transmit to Environmental Programs Division groups of NESHAP packets that are ready for inspection. The Environmental Programs Division handles the NESHAP inspections and if asbestos is found they also handle the removal of asbestos.
7. Tracks each parcel until all structures requiring NESHAP are completed. If no asbestos is found, Environmental Programs Division reviews the documentation for accuracy and prepares the claim. They send the Relocation Agent a copy of the NESHAP report, invoices and claim for processing. If RACM (regulated asbestos containing materials) are not present, hold until an Improvement Removal Contract is in place. The following is more information to assist in this process:
 - a. If RACM (regulated asbestos containing material) is present, Environmental Programs Division will request the abatement be handled through a contract from Purchasing Division. Environmental Programs Division issues the task order for abatement. Then notifies the Relocation Agent by e-mail when abatement is completed. NESHAP reports will be

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held by Environmental Programs Division until abatement is complete. After abatement contract is complete, NESHAP report will be given to the Relocation Agent who will release parcel(s) to demolition Contractor, Division Engineer, Resident Engineer, Relocation Branch Contract file and Central File. Environmental Programs Division reviews the documentation for accuracy and prepares the claim. Sends two copies of the NESHAP report, abatement documents, invoices and claim to the Relocation Agent for processing through Manager, Relocation Branch, Assistant Chief, Right-of-Way & Utilities Division. The parcel cannot be released for demolition until asbestos is removed. No re-entry is allowed.

- b. Once the NESHAP report comes back from Environmental Programs Division, a task order for demolition services can be given to an Improvement Removal Contractor if a contract is in place or released to Contractor.
8. Determines the need to dispose of acquired improvements by clearance contract based on such items as:
- a. Amount of lead time and proposed letting date for the project. The submittal for a clearance contract must be submitted to Office Engineer at least 90 days prior to the Transportation Commission's bid opening.
 - b. The estimated cost of removal of improvements interfering with utilities exceeds \$50,000.00.
 - c. Hazardous and/or public nuisance conditions exist.
 - d. Inability to economically dispose of improvements by public auction and/or Division forces.
9. Makes recommendation as to what contract is appropriate.

Manager, Relocation Branch

10. Recommends to Assistant Chief, Right-of-Way & Utilities Division approval to proceed with a clearance contract, listing:
- e. Reasons for the contract based on a needs assessment.
 - f. 911 Legal Address & Station Numbers of parcels to be cleared.
 - g. Estimated Cost exceeds \$50,000.00, is a public nuisance, or hazardous situation.

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- h. Participating status.
- i. Relocation target date.

Relocation Agent

11. Prepares a demolition list of all improvements on each parcel to be removed as previously stated in number two (2) of this procedure.
12. Submits a draft demolition list through the Division Engineer. Requests Erosion Control information from Division Engineer for ODOT's Demo Contract Special Provisions.
13. Receives approval to proceed from Assistant Chief, Right-of-Way & Utilities Division. Set up funds thru Programs Division. Change contract numbers to Program numbers.
14. Prepares a memo to Programs Division from Manager, Relocation Branch with attached approval memo from Assistant Chief, Right-of-Way & Utilities Division to proceed with the Clearance Contract requesting funding be set up for the Clearance Contract. Programs Division will set up the funding and assign a funding number for the Clearance Contract.
15. Request Mapping Branch to prepare one (1) Set of Half-Size (1/2 size) Colored Plans with answer to question if Federal Block is required. (Yes or No)
16. Request five (5) sets of colored plans from the Print Shop.
17. Enters Job in PES (Project Estimating System).
18. Submits complete packet to Office Engineer, Division Engineer & Resident Engineer ninety (90) calendar days before bid letting.
 - _____ Cover Sheet
 - _____ Special Provisions with Clearance Removal List
 - _____ Colored Plans (2 Sets)
 - _____ Form 103-1(a)99 (Bonding Requirement)
 - _____ Form 108-1(a)99 (Progress and Prosecution for Right-of-Way Clearance Contracts) if project is a multi-task order.
 - _____ Attached pamphlet from EPA regarding lead-based paint.
19. E-mail bid date to Planning Division (STIP).
20. Take sets of plans to Reproduction (approximately 10), log in project.

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21. Prepare NESHAP packets. The packet will include driving instructions, keys, and 1 set of plans, appraisal descriptions, and (mark out amounts with black marker).
22. After parcels are secured, paid, and displacees are moved, send NESHAP Packet and request for a task order for NESHAP inspection to Environmental Programs Division.
23. Pick up "Sample" Bid Packet from Office Engineer (1st of bid opening month).
24. Transmits Notice to Division Engineer ____ 1 Set ½ Size Plans and NESHAP Reports.
25. Transmits Notice to Resident Engineer ____ 1 Set ½ Size Plans and NESHAP Reports.
26. Attend Pre-Bid and Bid Opening.
27. Send bid sheet to Central Files, copy to Relocation Branch Supervisor and relocation project folder.
28. Obtains Chief's approval of low bidder.
29. Send memo to Office Engineer indicating approval/disapproval of bid with number of days allowed for removal). On multi task orders state number of days per Task Order, and also the total clearance days for completion.
30. Sends originals of proposed contract packet to Office Engineer for completion of bid packet including one small set of colored plans. (See Item 10)
31. After contract is approved through the Relocation Branch (send to Utilities after initialed.) NOTE: On multi-task order projects, add note at the bottom of the contract approval sheet that the Relocation Branch will issue all task orders after construction releases approval for work order.
32. Sends contract approval to Chief, Right-of-Way & Utilities Division.
33. Issue task orders through Manager, Relocation Branch for multi-task order projects as parcels are secured and vacated. Issue task orders on parcels interfering with Utilities first, if possible, or in most efficient manner possible.
34. Mail claim to contractor for signature.
35. Division Engineer/Phone/Residency _____

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- 36. Resident Engineer/Phone/ Residency _____
- 37. Construction Engineer/Phone/ Residency _____

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Applies to:

Policy OP-REL 6-4: Property Management

NOTE:

The Special Provisions sent out to contractors for bid solicitation for improvement removal disposal includes a Disclosure Statement which formally notifies the bidders ODOT has no knowledge of any lead-based paint, mold or methamphetamine production in the structure to be salvaged, moved or demolished.

This procedure addresses two Improvement Removal disposal methods based on Title 61, Section 103.5.

Relocation Agent

1. Prepares the drive-out (R/W Form-453) Improvement Status Report within thirty (30) calendar days of the assignment to proceed with the project per the Guidance Directive. Updates report and disposition status of improvements every Monday. The Improvement Status Report lists parcel numbers, station and offset distances, square foot measurements of appropriate items (size of signs, billboards, registration number, advertisement and their legal status), size of concrete bases, (square footage of houses, buildings, sheds, cellars), linear foot of appropriate items (septic lines, retaining walls) type of material for structures (metal, wood, rock, etc.) and type of foundation (size of concrete foundation, wood floor, etc.). The Improvement Status Report (R/W Form-453) tracks the disposition of all acquired improvements, signs, billboards, improvements paid to replace/ODOT to remove, owner paid to relocate, encroachments and UST's. Prepares separate specialty fencing inventory.
2. Prepares the Clearance/Removal list to be disposed of by ODOT on (R/W REL-Form 3) within ten (10) calendar days after all Authorized Negotiation Lists are completed on parcels requiring demolition. List will include parcel number, station and offset distances, 911 legal address, square foot measurements of appropriate items (size of signs, billboard, their advertisement and size of concrete bases) (square footage of houses, buildings, sheds, cellars); linear foot of appropriate items (septic lines, retaining walls) type of material for structures (metal, wood, rock, etc.) and type of foundation (size of concrete foundation, wood floor, etc.) for improvements to be removed by demolition contract. This information will be the measurements and materials stated in the official appraisal and in the case of multiple buildings on the same property, the buildings will be numbered the same as the appraisal whether it be a. b. c. or 1, 2, 3, addresses, or names (north building, south building), etc. The list of improvements is to be derived from the actual drive-out of the project, Appraisal, R/W 289 if available and Summary of Just Compensation identifying

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improvements to be removed. This demolition list shall not include encroachments to be removed by the owner or UST's to be removed by Environmental Programs Division.

3. Prepares a cost estimate for demolition.
4. Create NESHAP list of improvements requiring inspection reports.
5. Utilize R/W REL-Form 2 check list for preparing NESHAP Packets. Prepares NESHAP packets within fifteen (15) calendar days after the parcels are signed to be secured, or within fifteen (15) calendar days after parcels are sent to condemnation. Attach the NESHAP packet documents listed on the check list to the R/W REL-Form 2 check list. Prepare NESHAP Packet on parcels with buildings or structures requiring inspection for asbestos. NESHAP request is performed in least invasive manner possible. The following comments are for information about what transpires:
 - a. Abate for demo
 - b. Air Clearance for occupancy
 - c. If a contract is already in place, release for demolition if owners/tenants have been paid and the property is vacant. We cannot perform NESHAP until property is vacated. Turn in the keys as soon as the property is vacated.
 - d. NESHAP inspection reports are required on all structures acquired and being demolished or cleared by ODOT. The types of structures include but are not limited to houses, commercial buildings, mobile homes, sheds, barns, garages, well houses, cellars and basements.
6. Prepares a cover letter and transmit to Environmental Programs Division groups of NESHAP packets that are ready for inspection. The Environmental Programs Division handles the NESHAP inspections and if asbestos is found they also handle the removal of asbestos.
7. Tracks each parcel until all structures requiring NESHAP are completed. If no asbestos is found, Environmental Programs Division reviews the documentation for accuracy and prepares the claim. They send the Relocation Agent a copy of the NESHAP report, invoices and claim for processing.
 - a. If RACM (regulated asbestos containing materials) are not present, hold until an Improvement Removal Contract is in place.

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11. Obtains approval from the Field Supervisor through Manager, Relocation Branch to proceed with an Improvement Removal or QBS contract under \$50,000.00.
12. Prepares Request to Task Order Out Right-of-Way Services, Needs Assessment Work Sheet, Task Order Request for Services and Contractor Request for Task Order Approval with Attachment 2 "Task Order Requirements and Procedures"
13. Forwards these completed forms through Manager, Relocation Branch to Assistant Chief, Right-of-Way & Utilities Division for approval to proceed with contract. Files one (1) copy of these approvals in the Relocation Branch contract file.
14. Receives approval to proceed from Assistant Chief, Right-of-Way & Utilities Division.
15. Colors half-size (1/2 size) right-of-way plans and prepares Special Provisions specific to the project.
16. Contacts a QBS Contractor for their interest in bidding on the demolition contract.
17. Log project information in the Oracle Apex database under the current SFY contract by clicking on the "Create Task Order" button. Select the Contracting Company name from the drop down list. Complete all required information such as contract type, contract #, task order #, J/P #, county, bid amount and facilitator. The issue date for the task order will be the date that the Assistant Chief, signs Contractor's request for task order approval (Doc 5).
 - a. Task Order Request for Services and Contractor Request for Task Order Approval (completed down through the Scope of Services) with Attachment 2
 - b. Special Provisions specific to the project
 - c. Demolition clearance list that includes parcel number, station and offset distances, improvements to be removed, 911 legal address, including measurements and materials of structures
 - d. Colored half-size (1/2 size) set of plans
 - e. Pamphlet from EPA regarding lead-based paint
 - f. Copy of Attachment 2 "Required Completion Dates" (if known) from QBS Contract
 - g. Copy of Attachment 3 "Contractor's Bid Proposal" from the QBS Contract.

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- h. Copy of Attachment 4 “Contractor’s Personnel” from the QBS Contract including the Certificate of Licensed Asbestos Inspector
 - i. Copy of Attachment 5 “NESHAP Certificate”, if applicable
- 18. Receives Contractor’s response to the Request for Task Order Approval along with Attachment 3 and Attachment 4, and Attachment 5 (NESHAP Certificate), and a parcel by parcel breakdown.
- 19. Submits Contractor’s response to the Request for Task Order Approval and bid proposal along with the previous QBS forms pre-approved through Manager, Relocation Branch to Assistant Chief, Right-of-Way & Utilities Division for final approval to proceed with task ordering demolition services from the QBS contract.
- 20. Prepares two (2) Payment and Performance Bonds for the contractor to utilize in obtaining the Payment and Performance Bond. Request the approved Contractor provide a Payment and Performance Bond for price bid.
- 21. Receives (2) Payment and Performance Bond originals.
- 22. Sends one (1) original and two (2) copies of the pre-approvals for QBS, the approved Task Order Request for Services and Contractor Request for Task Order Approval with Attachment 2 and Payment and Performance Bond to Legal and Business Services Division a.k.a. Business Office to set up funding.
- 23. Sends one (1) copy of the approved Task Order Request for Services and Contractor Request for Task Order Approval with Attachment 2, Attachment 3, Attachment 4, and Attachment 5 NESHAP if applicable to the approved Contractor, Central Files, Administrative Program’s Officer R/W Contract File, Relocation Branch Contract file, Division Engineer and Resident Engineer.
- 24. As parcels are secured, vacated and ready for demolition, sends NESHAP reports along with task order and special instructions to the demolition contractor to begin work on parcels listed on the task order. Distributes one (1) copy of NESHAP report and task order to Central File, Administrative Program’s Officer R/W Contract File, Relocation Branch Contract File, Division and Resident Engineer.
- 25. Receives final inspection report, dump receipts, well plugging report, payroll and contractor’s invoice from the Resident Engineer. Enter completion date in Oracle Apex database.
- 26. Mail claim to contractor to sign, notarize and return to ODOT

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27. After the signed notarized claim is returned with all requested information, attach a copy of all the required documents supporting the claim with the invoice for the authorized payment. Process the claim with documents attached through the Chief Right-of-Way & Utilities Division to Legal and Business Services Division a.k.a. Business Office. Retain a copy of these documents in the Relocation Branch contract file. Send original copies to Legal and Business Services Division a.k.a. Business Office with claim for payment.
28. **Improvement Removal Contract Bidding Process under \$50,000.00** - If Improvement Removal Contract is used and bid solicitation is required, provides the following through the Manager, Relocation Branch to the Assistant Chief, Right-of-Way & Utilities Division:
29. Request to Task Order Out Right-of-Way Services and Needs Assessment Work Sheet
30. Receives approval to do Improvement Removal Contract bidding process under \$50,000.00. Sends a bid packet and the following information to all approved demolition Contractors requesting a sealed bid proposal to be opened at 2:00 p.m. on a specific date. Advise the contractors in the bid solicitation they must submit the Certificate of Licensed Asbestos Inspector if requested, Attachment 3 "Bid Proposal", Attachment 4 "Contractor's Project Personnel", Attachment 5 "Title VI Compliance Report of Employment". Advises the contractors if salvage value will be considered in the proposal on project. The packet should include:
- a. Special Provisions specific to the project
 - b. Demolition list that includes parcel number, station and offset distances, improvements to be removed, 911 legal address, including measurements and materials of structures
 - c. Colored half-size (1/2 size) set of plans
 - d. Copy of Emissions Standards for Asbestos if necessary and/or available
 - e. Pamphlet from EPA regarding lead-based paint
 - f. Attachment 2 – Requested Completion Dates (if known)
 - g. Attachment 3 – Contractor's Bid Proposal (parcel by parcel bid breakdown)
 - h. Attachment 4 – Contractor's Personnel and Certificate of Licensed Asbestos Inspector

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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- i. Attachment 5 – “Title VI Compliance Report of Employment”
31. Receives all sealed bids prior to 2:00 p.m. on the scheduled bid opening date. Bids are promptly opened at 2:00 p.m. on the scheduled bid opening date in the presence of two other witnesses. The bids received must include Attachment 3, Attachment 4, Attachment 5 and “Certificate of Licensed Asbestos Inspector”. This information is required to be attached when the bid proposal is received. If any of the required information is missing, the bid will be determined to be incomplete and invalid. The bids will be read and logged on the bid tabulation sheet and signed by the two witnesses as read. The Contract will be awarded to the lowest bidder, if within reasonable bounds. Total cost on all Improvement Removal Contracts cannot exceed \$50,000.00 for the entire project.
 32. Prepares memo to Assistant Chief, Right-of-Way & Utilities Division for approval to accept the bids as read naming the lowest bidder as the successful bidder who submitted all the required paperwork with their bid. In the event the lowest bidder failed to submit the required paperwork and bid prior to 2:00 p.m. on the scheduled bid opening date, this information will be noted on the recommendation for disapproval of that bid as an invalid bid response. The next low bid will be recommended for approval and acceptance as the successful low bid if that bidder submitted all the required paperwork with their bid by the required date and time.
 33. Upon receipt of approval of the successful low bid, forwards a R/W Contract Processing Request to Administrative Program’s Officer with the following information attached:
 - a. Copy of the approval to accept the low bid as read
 - b. Special Provisions specific to the project with the demolition list that includes parcel number, station and offset distances, improvements to be removed, 911 legal address, including measurements and materials of structures.
 - c. Attachment 2 – Required Completion Dates (if known)
 - d. Attachment 3 – Contractor’s Bid Proposal (parcel by parcel bid breakdown)
 - e. Attachment 4 – Contractor’s Personnel
 - f. Attachment 5 – “Title VI Compliance Report of Employment”

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Administrative Program's Officer

34. Prepares original Improvement Removal Contract for the Relocation Branch.

Relocation Agent

35. Receives one (1) original Improvement Removal Contract from Administrative Program's Officer with attached information previously submitted.
 - a. Makes two (2) copies of the original contract. Sends one (1) copy to the Relocation Branch contract file.
 - b. Sends two (2) original contracts and two (2) Payment and Performance Bonds (equal to price bid) to the contractor for notarized signature and execution.
36. Request the low bidder return the signed and notarized contracts with Payment and Performance Bond to the Relocation Agent by a specified date.
37. Receives the signed Contracts back from Contractor with required Payment and Performance Bond.
38. Sends two (2) original signed Improvement Removal Contracts around for signature.
39. Receives the two (2) original signed executed contracts back.
40. Sends one (1) original and 2 copies of the signed executed contract to Legal and Business Services Division a.k.a. Business Office to set up funding.
41. Sends the contractor one (1) original signed executed contract.
42. Sends one (1) signed executed contract, Payment and Performance Bond to the Relocation Branch contract file and to Administrative Program's Officer.
43. Sends one (1) copy of executed contract to both Division and Resident Engineers.
44. As parcels are secured, vacated and ready for demolition, sends NESHAP reports along with task order to demolition contractor to begin work with any special instructions required on parcels listed. Sends one (1) copy of NESHAP report and task order to Central File, R/W Contract File, Relocation Branch Contract File, Division and Resident Engineers.

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45. Receives final inspection report, dump receipts, evaluation and contractor invoice from Resident Engineer.
46. Upon satisfactory completion, mail claim to contractor to sign, notarize and return to ODOT.
47. After the claim is returned with all requested information, process the claim for the authorized payment with all required documents through Legal and Business Services Division a.k.a. Business Office. Writes clearance letter to clear project.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Functional Replacement of Real Property in Public Ownership	No: Revised: Page:	REL-PRO 6.116-38 04/01/15 1 of 4
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Applies to:

Policy OP-REL 6.1 Relocation Assistance program

NOTE:

23 CFR § 710.509 – General. When publicly owned real property, including land and/or facilities, is to be acquired for a Federal-aid highway project, in-lieu of paying the fair market value for the real property, the State may provide compensation by functionally replacing the publicly owned real property with another facility which will provide equivalent utility.

It is essential that the Federal Highway Administration (FHWA) have close communications with the State and the public agency to ensure success of the functional replacement program. Additionally, all entities should develop a mutual acceptable course of action plan. The following is provided for your guidance, under the concept of functional replacement.

Federal-aid funds may participate in functional replacement costs only if:

1. Functional replacement is permitted under State law and the Oklahoma Department of Transportation (ODOT) elects to provide it.
2. The property in question is in public ownership and use.
3. The replacement facility will be in public ownership and will continue the public use function of the acquired facility.
4. ODOT has informed the agency owning the property of its right to an estimate of just compensation based on an appraisal or fair market value and of the option to choose either just compensation or functional replacement.
5. FHWA concurs in ODOT's determination that functional replacement is in the public interest.
6. The real property is not owned by a utility or railroad.
7. The functional replacement cost of the improvements required to be replaced does not include increases in capacity or betterments.
8. The market value of the land taken when the public agency has lands upon which to relocate the facilities; or reasonable cost of acquiring a substitute site for the replacement facility.

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NOTE:

A pre-negotiation meeting should be held between the ODOT and the public agency to fully discuss the acquisition and its effect on the agency's property. The usual method of appraising and acquiring right-of-way and the alternate method of functional replacement should be addressed. If it is determined to request functional replacement of the facility, the following procedures shall apply:

1. If the public agency ascertains that functional replacement is a necessity to protect the general public welfare, it will initiate a request to ODOT that consideration be given to functional replacement of the facility in lieu of payment of fair market value. The request should fully explain why it is in the public interest to replace the facility. The request shall also include a statement that the public agency will accept the cost of a functional equivalent facility and the cost of a substitute site as just compensation.
2. Subsequent to receiving the request for a functional replacement from the owning public agency, and if ODOT concurs with the request, ODOT shall submit to FHWA, in writing requesting (1) approval of functional replacement and (2) that FHWA concurs the functional replacement is in the best interest of the public.
3. Subsequent to FHWA's approval, ODOT shall submit to FHWA a request for authorization to proceed with development of detail plans, specification and estimates (PS& E). ODOT shall include with the request, an estimate of the overall cost of accomplishing the functional replacement. The request by ODOT for authorization to proceed shall include the request and comments from the public agency and a summary of the meetings and discussions held between the State and the public agency concerning the replacement of the facility to be acquired.
4. Subsequent to receiving the request for authorization to proceed with the PS&E, FHWA shall review the request and recommend approval. On approval, FHWA shall issue an authorization to proceed with development of detailed PS&E's. The PS&E submission shall include the following:
 - a. Comments concerning the substitute site to be acquired, including the reasons the site was selected over other sites; an appraisal of the proposed site meeting FHWA appraisal standards, discussion of relocation problems, including the number of occupants to be displaced.
 - b. Maps or plats of the area showing the location of the acquired facility and the site of the proposed new construction.

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- c. Detailed plans of the building to be acquired and final detailed plans of the facility to be constructed.
 - d. Estimated cost of:
 - (1) Relocation of occupants to substitute site.
 - (2) Acquiring substitute site, including buildings if applicable.
 - (3) Construction of replacement buildings. The estimator shall give a final value per square foot.
 - e. All betterments that are required by existing code, ordinances or law shall be itemized. All betterments that are not required by existing code, ordinances or laws, but included in the final plans shall be itemized, their costs estimated, and the reason for the betterment explained. All furniture and unfixed equipment that are included in the estimate shall be itemized and their cost estimated.
5. FHWA must receive a written agreement between ODOT and the public agency that sets forth conditions and responsibilities of both parties before FHWA will concur in the award of actual construction.
 6. All construction must be in compliance with existing codes, laws and standards for the area in which the facility will be located.
 7. On completion of the PS&E, ODOT shall submit the PS&E assemblage, with their comments to FHWA requesting authorization to proceed with acquisition of the replacement site, solicitation of bids, and letting of the construction contract. At this time, FHWA will review the PS&E submission to determine if betterments are involved, and the limit of FHWA's participation in the cost of the replacement facility. If deemed necessary by the FHWA, a meeting should be held with ODOT and the public agency to discuss the limits of participation regarding betterments. All items of nonparticipation shall be specifically itemized in the authorization issued by FHWA.
 8. ODOT shall provide functional replacement funds to the Public Entity to reconstruct their replacement to meet code requirements.
 9. ODOT shall conduct periodic inspections to insure proper construction of the facility.
 10. ODOT's files shall contain a statement, signed by an appropriate official of the displaced public agency, certifying that a final inspection has been made and the

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replacement facility is acceptable as just compensation for the acquired property. FHWA will participate in the final inspection of the functional replacement facility.

Relocation Agent

1. After all requirements are met and approval is received to provide functional replacement to the Public Entity, conducts an interview on R/W Form 475A (Commercial Interview) with the Public Entity's designated manager who can make decisions and sign documents. The manager will be asked to sign the R/W Form 1804 "Affidavit Verifying Lawful Presence in the United States" and mail R/W Form 1805 to the Oklahoma Department of Transportation, Title VI Coordinator, 200 NE 21st Street, Room 1C5, Oklahoma City, OK 73105. REL-PRO- 6.116-38, REL-PRO 6.116-27 will be utilized to complete the relocation of the Public Entity.
2. In the event the Public Entity provides public housing and there will be residential displacements, a public meeting with individuals and families affected may be required prior to meeting with individuals to be displaced or designated person with Power of Attorney.
3. Conducts interviews with Residential displacee and/or their designated person with power of attorney, on R/W Form 475A. Residential displacees will sign the Form 1804 "Affidavit Verifying Lawful Presence in the United States" and mail in the Title VI Compliance Program Form 1805. Relocation advisory assistance will be given and benefits explained as they apply to their eligibility occupancy status. Procedures to be followed are REL-PRO 6.116-15, REL-PRO 6.116-17, REL-PRO 6.116-11, REL-PRO 6.116-26.
4. After the move is complete, verifies the move and requests the Public Entity's contact Manager sign the R/W Form 474 as moved inventory, R/W Form 475C Verification of Move, Vendors Information Form, W 9 Form and move Claim Form 324a for payment. Updates Relocation Agent's Log R/W Form 475D.
5. Submits the R/W Form 474 as moved inventory, R/W 475C Verification of Move, R/W Form 475D Agent's Log, R/W Form 1804 "Affidavit Verifying Lawful Presence in the United States" and the Vendors Information Form, W 9, move claim 324a for processing within 7 (seven) calendar days after claim is signed and move is verified.

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Subject: Illegal Sign Removal	No: Revised: Page:	REL-PRO 6.116-39 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6.4 Property Management

NOTE:

Oklahoma Statutes Title 69 Roads, Bridges and Ferries, Chapter 1 Oklahoma Highway Code of 1968, Article 12. Right-of-Way, Highway Advertising Control Act of 1972 – 69 O.S. 2001 § 1271. Legislative Intent – Authority of State Highway Department.

For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, while recognizing that outdoor advertising is a legitimate use of private property, it is hereby declared to be in the public interest to control the size, number, spacing, lighting, type and location of outdoor advertising devices, as hereinafter defined, in all areas within six hundred sixty (660) feet from the edge of the Right-of-Way of interstate and federal-aid primary highways located within urban areas, as hereinafter defined, in the State of Oklahoma and in all areas visible from the main traveled way of interstate and federal-aid primary highways located outside of urban areas in the State of Oklahoma. The Oklahoma Department of Transportation shall have the authority to implement and enforce this act, and may prohibit outdoor advertising devices in the control areas, and may regulate and permit certain outdoor advertising structures and devices in the control areas, within the limitations of this act and according to the standards and definitions set forth in this act.

69 O.S. 2001 § 1280. Acquisition of outdoor advertising and property rights by Department – Condemnation.

- D. Any outdoor advertising authorized under Sections 1274 and 1275 of this title which does not conform standards set forth in Sections 1274 and 1275 of this title except as provided in Section 1278 of this title, and any outdoor advertising prohibited by law and not subject to compensation under other terms of this section shall be public nuisance. The Department shall give notice by certified mail to the owner of the sign and to the owner of the land upon which the outdoor advertising is located, ordering the notified owners to cause the outdoor advertising to conform with rules relating to outdoor advertising or to remove prohibited outdoor advertising. If the owner of the sign or landowner fails to act within ninety (90) days after mailing of the notice, the Department may, at its discretion, remove the outdoor advertising device.
- E. All persons or businesses entities engaged in the outdoor advertising business, which includes but is not limited to, the erection, maintenance and selling of advertising space on and along the interstate and federal-aid primary highways of this state, shall not later than October 31, 1972, furnish the Director

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of the Department of Transportation a written inventory of all outdoor advertising signs, displays or devices erected and being maintained by the person or entity. The inventory shall include, with respect to each such sign, not less than the following information.

1. Location and dimensions of the sign;
 2. Distance from the nearest edge of the Right-of-Way;
 3. Date erected; and
 4. Name and address of the owner of the property on which the sign is located.
- F. For failure to comply with the conditions set forth in subsection E of this section, the Department may declare such outdoor advertising signs, displays or devices to be a public nuisance and remove them in the manner provided by subsection D of this section.

Manager, Relocation Branch

1. Receives copies of illegal sign notices from Outdoor Advertising Control Branch notifying the sign owner their advertising device is illegal.
2. Receives final notice from Outdoor Advertising Control Branch to remove advertising device.

Relocation Agent

3. Prepares appropriate demo contract based on procedures REL PRO 6.116-36 or REL PRO 6.116-37.
4. Sends notices to Demolition Coordinator for removal of advertising device by demolition.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Verification of Citizenship or Qualified Alien Status	No: Revised: Page:	REL-PRO 6.116-40 04/01/15 1 of 3
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program 49 CFR § 24.208

Reference:

49 CFR § 24.208 Aliens not lawfully present in the United States.

Manager Relocation Branch:

1. Ensure that every person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify in accordance with the provisions of 49 CFR § 24.208, and provide the Oklahoma Department of Transportation with a verification of lawful presence in the United States by executing an Affidavit before a notary public or other officer authorized to notarize affidavits under State law.

Relocation Agent

2. Present "Affidavit Verifying Lawful Presence in the United States" to the following: See sample form on page 3 of 3 of this procedure.
 - a. Individual displacee.
 - b. In the case of a family, each family member must certify or the head of the household may certify on behalf of other family members.
 - c. In the case of an unincorporated business, farm, or non-profit organization, each owner must certify or the principal owner, manager, or operating officer may certify on behalf of other persons with an ownership interest.
3. In the case of an incorporated business, farm or nonprofit organization, verify that the corporation is authorized to conduct business within the United States through a review of the articles of incorporation available through their respective Secretary of State's Office.
4. Prior to delivering any relocation payments or relocation advisory assistance either a notarized "Affidavit Verifying Lawful Presence in the United States" or articles of incorporation must be approved by the Manager of the Relocation Branch and on file with the Oklahoma Department of Transportation.

Manager Relocation Branch

5. Review articles of incorporation, "Affidavits Verifying Lawful Presence in the United States", alien's documentation, or other credible evidence, in a non-discriminatory fashion, and validate eligibility to receive relocation payments or relocation advisory assistance.

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Verification of Citizenship or Qualified Alien Status	No: Revised: Page:	REL-PRO 6.116-40 04/01/15 2 of 3
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- a. If approved, notify Relocation Agent to proceed with delivery of relocation benefits and advisory assistance.
- b. If denied, obtain verification of the alien's status from the local Bureau of Citizenship and Immigration Service Office or take other action as necessary.

**PROCEDURE STATEMENT
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Subject: Collection of Demographic Information	No: Revised: Page:	REL-PRO 6.116-41 04/01/15 1 of 2
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Applies to:

Policy OP-GA 6-2 Non-Discrimination Policy

Reference:

23 CFR § 200.9(b)(4) Federal Title VI policy states: Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.

Manager Relocation Branch:

1. Directs Agent to interview the tenants and present Form 1805.

Relocation Agent

2. Presents Form 1805 and self-addressed stamped envelope to property owner for completion.
3. Tenant is to send completed forms to: External Civil Rights Division, Oklahoma Department of Transportation, Attention: Jenny Chong, Title VI Coordinator, 200 NE 21st Street, Room 1 C 4, Oklahoma City, OK 73105-3204



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

Instructions for Title VI Compliance Program Form

This form is to be filled out by the property owner or tenant, and mailed to the External Civil Rights Division, Oklahoma Department of Transportation, Attention: Jenny Chong, Title VI Coordinator, 200 NE 21st St., Oklahoma City, OK 73105-3204.

23CFR § 200.9(b)(4) Federal Title VI policy states: Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.

(The following information is voluntary. This information is requested for federal record keeping purposes only.)

Job Piece Number Project Number

County Parcel Number

Please check one:

Owner Tenant

Gender: M _____

F _____

Name

Date

Religion

National Origin

Race:

- Asian
- American Indian or Alaska Native
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Pacific Islander
- Two or More Races
- White, Caucasian

“The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma.”

AN EQUAL OPPORTUNITY EMPLOYER

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject: Protective Rent	No: Revised: Page:	REL-PRO 6.116-42 04/01/15 1 of 2
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

If a rental property is vacant at the time of initiation of negotiations, or becomes vacant during the negotiations process, the Agent should evaluate the possibility of the property owner renting the property to another tenant prior to ODOT acquiring the property causing another displacement.

Relocation Agent

1. If the Agent determines there is a high probability of the owner renting the property to other tenants, Agent requests information to document the amount the owner was charging for rent. Agent sends a memo thru the Manager, Relocation Branch to the Assistant Chief, Right-of-Way and Utilities Division for approval to offer protective rent stating the property is vacant. Agent provides supporting documentation with the recommendation to pay protective rent. The following information will assist the Agent in requesting approval.
 - a. The documentation shall include the amount of rent the landlord has been charging. The protective rent will be limited to the amount the owner has been receiving for rent. Include in this memo the amount of rent and the timeline expected for paying protective rent.
 - b. If the property is vacant at the start of the initiations of negotiations, the protective rent will cover the time from initiation of negotiations until the date the property owner receives payment of the F.M.V.
 - c. If the property becomes vacant after the initiations of negotiations, Agent offers to pay protective rent from the date after the tenant vacated until the owner receives payment of the F.M.V.
 - d. If the property is currently vacant but has been rented in the past year, Agent requests the monthly rental rate the owner was collecting. Also advises ODOT if the owner is actively advertising the property for rent.
 - e. The amount of rent can be supported by old rent agreements, receipts, or tax returns from the past year. Protective rent is based on a 30 day period.

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Subject:
Protective Rent

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2. Receives approval to offer protective rent. Contacts owner and advises the owner the Oklahoma Department of Transportation will pay protective rent if the owner will agree to keep the property vacant until such time as the Department pays the F.M.V.
3. If owner of the property is agreeable to keep the property vacant, Agent prepares a Protective Rent Agreement for the owner to sign agreeing to keep the property vacant.
4. Agent explains to the owner protective rent payments are paid in arrears. Payments can be made monthly or in a lump sum after the F.M.V. is paid.
5. Secures Protective Rent Agreement. Depending on the arrangement for monthly payments or lump sum payment, the Agent will track this process, prepare claims DOT 324a, provide updated agent's log, w9 and vendor form.
6. Submits claims and all supporting documentation to the Relocation Branch for processing.

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Subject: Condemnation of Residential Displacees	No: Revised: Page:	REL-PRO 6.116-43 04/01/15 1 of 5
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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

In the event ODOT approves and advances additional funds after the Commissioners' Award deposit with the court, prior to going to a Jury trial, the Relocation Agent shall have the displacee sign a "Memorandum of Agreement – Condemn", RE 4850. This agreement mandates if replacement housing funds are advanced to help the displacee purchase and occupy a decent, safe and sanitary dwelling, they agree to reimburse the Oklahoma Department of Transportation any additional funds previously paid that is covered by the Jury Award.

Relocation Agent

1. Advises the residential displacee you will follow-up with them after the Commissioners' Award is deposited to verify their move from the displacement dwelling and obtain the keys.
2. Verifies the address where the displacee moved to. Performs a decent, safe and sanitary inspection on the replacement dwelling.
3. Determines if the deposit includes a moving payment. If a moving payment was included in the deposit, subtract out the estimated moving payment from the total deposit before calculating the Adjustment to the Replacement Housing Payment.
4. **For Residential Owner-occupants**, determine how the Replacement Housing Payment was affected by the Commissioners' Award deposit by performing the Administrative Adjustment calculation to the Replacement Housing Payment utilizing memo RE4800.
5. **If the displacee was the residential owner-occupant on the home site**, review the original offer with the Replacement Housing Payment to determine if the funds deposited with the court will be sufficient to allow the residential owner-occupant to purchase and occupy a qualifying decent, safe and sanitary replacement dwelling, plus incidental closing costs.
6. **If the displacee was a residential owner-occupant of a mobile home and a tenant on the land**, review the original offers to the property owner, mobile home owner-occupant's Replacement Housing Payment, Rental Assistance Payment and estimated closing costs to gain a perspective of how much it costs to acquire a comparable DSS dwelling. Determine if the funds deposited with the court minus the moving expenses are equal to or exceed the original offers to the property owner, mobile home owner-occupant's Replacement Housing Payment, Rental

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Assistance Payment and estimated closing costs. Determine if the displacee will have sufficient funds to purchase and occupy a qualifying decent, safe and sanitary replacement mobile home, estimated closing costs and site rental.

7. **If the displacee was a residential tenant**, review the original offers to the property owner, the tenant-occupant's Rental Assistance Payment minus moving expenses to gain a perspective on how much a comparable DSS dwelling cost prior to condemnation. Determine if the funds deposited with the court are equal to or exceed the original offer to the property owner and the tenant-occupant's Rental Assistance Payment minus moving expenses. Determine if the tenant-occupant will have sufficient funds to rent another qualifying decent, safe and sanitary replacement dwelling.
8. If the determination is made that the Commissioners' Award was or was not sufficient to cover the costs of comparable DSS replacement housing. Document the findings in reference to their occupancy status. Determine the costs for an owner-occupant to purchase and occupy or tenant-occupants to rent and occupy a decent, safe and sanitary replacement dwelling as compared to the original offer.
 - a. If all relocation benefits were included in the deposit, the Relocation Branch will rely on Legal Division to provide documentation thru discovery or any other legal means to help support and document how much they spent on replacement housing, incidental closing costs.
 - b. **Documentation for an owner-occupant** should support the difference in funding required to provide for adequate decent, safe and sanitary housing for the family structure and incidental closing costs after estimated moving expenses are subtracted out of the deposit.
 - c. **Documentation for a tenant-occupant** should support the difference in funding required to provide for adequate decent, safe and sanitary housing for the family structure after estimated moving expenses are subtracted out of the deposit.
9. Provide sufficient search documentation to support additional funding requested for a decent, safe and sanitary replacement dwelling if the Commissioners' Award was not sufficient. Submit the documentation in reference to sufficient or deficient funding for available DSS replacement housing. Use the original comp amount originally offered as part of your point of reference and basis for additional funding for what they are required to spend. If funding was deficient and additional funds are needed, recommend how much may be required to the Manager, Relocation Branch.

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10. If the Commissioners' Award was not sufficient, provide relocation advisory assistance and assist the displacee by searching for decent, safe and sanitary housing. Give additional listings if needed.
11. If the relocation benefits are included in the Commissioner's deposit, the Relocation Agent will follow-up with the displacee's attorney to give relocation advisory assistance. The Relocation Agent will work with the displacee's attorney to verify their move, obtain the keys, obtain the replacement address to verify occupancy and verify the replacement home is decent, safe and sanitary per REL-PRO 6.116-16.
12. If a residential displacee goes to condemnation, the displacee can request to receive their relocation benefits administratively separate from the condemnation process and be paid through the Relocation Branch. The Relocation Agent will give proper relocation advisory assistance needed by working through their attorney. The Relocation Agent will be able to conduct all the required inspections, obtain pre-approval for expenses and obtain all the required documentation, invoices, proof of purchase, paid receipts to support the spend-to-get requirements to document the files.
13. If the Replacement Housing Payment is going to be paid administratively, to avoid a duplication of payment, the Relocation Branch will recalculate the adjustment to the RHP using the Commissioners' Award as the acquisition price to determine how the change in the acquisition price affected the Replacement Housing Payment. If a Replacement Housing Payment is going to be paid in advance of a final settlement, the Relocation Agent will have the displacee sign a Memorandum of Agreement to reimburse the State any excess funds previously paid if the final settlement causes the Replacement Housing Payment benefit to be reduced per REL PRO 6.116-17, paragraph 16, a., b, and c.
14. The Relocation Agent will conduct a decent, safe and sanitary inspection required by REL-PRO 6.116-16.
15. Legal Division will be responsible to document the file through discovery or any other legal means to answer the questions not currently available to help document the file.

Manager, Relocation Branch

16. Depending on the outcome of the Relocation Agent's review and recommendations concerning the deposit with the court, the Manager, Relocation Branch may make a recommendation to the Assistant Chief, Right-of-Way & Utilities Division for approval of additional funding to cover the deficiencies for decent, safe and sanitary housing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Condemnation of Residential Displacees	No: Revised: Page:	REL-PRO 6.116-43 04/01/15 4 of 5
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Relocation Agent

17. **For Owner-occupants** - If additional funds are authorized, the maximum differential payment will be limited to the difference in what they received in the Commissioners' Award deposit for FMV minus moving expenses and what it could cost if they bought the comparable listed in the offer letter from the original calculation. The comp amount that was available at the time of the offer establishes the maximum limits of the differential payment. The actual reimbursement will be determined based on what they actually purchase and occupy up to the comp amount. The maximum payment can range from \$-0- to the maximum limit established by the comp depending on what they purchase and occupy. If they purchase a dwelling costing more than the comp, the difference will be their own expense.
18. **For tenant-occupants** – If additional funds are authorized for a tenant, the maximum limit will be based on the rental amount of the comp used in the original calculation. The comp establishes the maximum rent for the differential payment. Advises the residential tenant displacee of the additional funds and how much money they must spend on DSS replacement housing to qualify for the maximum additional funds available. If they rent a replacement dwelling costing more than the comp, the difference will be their own expense.
19. Advise the residential owner or tenant they will have up to one year from the date of the Commissioners' Award deposit to purchase and occupy or rent and occupy a qualifying decent, safe and sanitary dwelling.
20. Once approval to proceed is received for additional funds, prepare an Escrow Agreement and other documents associated with advance payment approval if applicable. Have the residential owner-occupant sign RE 4850 "Memorandum of Agreement" agreeing to refund back to the Department any excess funds provided by a Jury Award at a future date covering the same monies advanced by this agreement. The documentation for the file should include an R/W 475A Interview Form, R/W Form 1804, a pre decent, safe and sanitary inspection utilizing R/W 475B, claim 324a, R/W 475D Agent's Log, W 9 and vendor form.
21. After the residential owner or tenant locates a qualifying decent, safe and sanitary dwelling which would qualify them for the difference in funds, perform a DSS inspection on R/W Form 475B, prepare a packet and submit the following information:
 - a. Provide a calculation to show the difference in funds needed up to the approved amount in excess of the Commissioners' Award minus estimated moving expenses to allow them to purchase and occupy or rent and occupy qualifying decent, safe and sanitary replacement housing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Condemnation of Residential Displacees	No: Revised: Page:	REL-PRO 6.116-43 04/01/15 5 of 5
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- b. Attach documentation required in procedures REL-PRO 6.116-21 or REL-PRO 6.116-22 to process claims. Show how they qualified and are spending enough money to qualify for pre-approved additional funding. Document how they have a contract to purchase and occupy, or a rental agreement to rent and occupy a replacement dwelling.
22. Assist the displacee with filing a claim 324a for the difference in additional funds to obtain qualifying decent, safe and sanitary replacement housing, incidental closing costs.
23. After the displacee moves and occupies a qualifying replacement dwelling, conduct and submit a R/W 475B post decent, safe and sanitary inspection along with a R/W 475C Verification of Move and updated R/W 475D agent's log.
24. Complete R/W Form 459 "Property Inventory and Inspection Report" and submit to the Relocation Branch.
25. After closing, prepare a reconciliation statement on closing costs advanced to escrow. Collect all closing documents, closing statement with original signatures, certified copy of the recorded warranty deed, R/W Form 475B DSS Inspection, R/W Form 475C Verification of Move, R/W Form 475D Agent's Log. Submit for review and final audit.

Relocation Agent or Clerk not performing relocation

26. Relocation Agent or clerk not performing the relocation audits the file and back up documentation. Forwards to Field Supervisor for review.

Field Supervisor

1. Reviews closing documents and reconciliation statement for accuracy. Forwards closing documents and reconciliation statement to Manager, Relocation Branch for concurrence.

Manager, Relocation Branch

2. Reviews closing documents and reconciliation statement. Forwards closing documents to Records Center and notifies Legal and Business Services Division a.k.a. Business Office that all required documentation has been secured. Requests Business Office conduct a final audit of the payment that was paid to escrow.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

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Applies to:

Policy OP-REL 6-1: Relocation Assistance Program

NOTE:

Temporary Waiver of the Title 49 of the Code of Federal Regulations (CFR) § 24.401(b)(1) methodology for calculating Replacement Housing Payments RHP) for displaced homeowner-occupants supersedes the waiver of issued September 25, 2012, and shall remaining in effect through December 31, 2016 unless otherwise extended or rescinded in writing by FHWA Office of Real Estate Services. All over requirements of 49 CFR Part 24 continue to apply.

A displaced owner-occupant who holds a negative equity in what is commonly referred to as “upside-down” mortgages where the fair market value of the property (or just compensation) is less than the outstanding debt (the mortgage).

Relocation Agent

1. Determines if the displacee holds a negative equity, is current on their mortgage payments, could continue to remain on the property, and could pay the periodic mortgage payments until the real property values recover to eliminate the negative equity, if not disrupted by a federally funded highway project requiring displacement.
2. Determines if the deposit includes a moving payment. If a moving payment was included in the deposit, subtract out the estimated moving payment from the total deposit before calculating the Administrative Adjustment to the Replacement Housing Payment.
3. **For Residential Owner-occupants**, determine how the Replacement Housing Payment was affected by the Commissioners’ Award deposit by performing the Administrative Adjustment calculation to the Replacement Housing Payment utilizing memo RE4800.
4. **If the displacee was the residential owner-occupant on the home site**, review the original offer with the Replacement Housing Payment to determine if the funds deposited with the court will be sufficient to allow the residential owner-occupant to purchase and occupy a qualifying decent, safe and sanitary replacement dwelling, plus incidental closing costs.
5. **If the displacee was a residential owner-occupant of a mobile home and a tenant on the land**, review the original offers to the property owner, mobile home owner-occupant’s Replacement Housing Payment, Rental Assistance Payment and estimated closing costs to gain a perspective of how much it costs to acquire

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a comparable DSS dwelling. Determine if the funds deposited with the court minus the moving expenses are equal to or exceed the original offers to the property owner, mobile home owner-occupant's Replacement Housing Payment, Rental Assistance Payment and estimated closing costs. Determine if the displacee will have sufficient funds to purchase and occupy a qualifying decent, safe and sanitary replacement mobile home, estimated closing costs and site rental.

6. **If the displacee was a residential tenant**, review the original offers to the property owner, the tenant-occupant's Rental Assistance Payment minus moving expenses to gain a perspective on how much a comparable DSS dwelling cost prior to condemnation. Determine if the funds deposited with the court are equal to or exceed the original offer to the property owner and the tenant-occupant's Rental Assistance Payment minus moving expenses. Determine if the tenant-occupant will have sufficient funds to rent another qualifying decent, safe and sanitary replacement dwelling.
7. If the determination is made that the Commissioners' Award was or was not sufficient to cover the costs of comparable DSS replacement housing. Document the findings in reference to their occupancy status. Determine the costs for an owner-occupant to purchase and occupy or tenant-occupants to rent and occupy a decent, safe and sanitary replacement dwelling as compared to the original offer.
 - a. **Documentation for an owner-occupant** should support the difference in funding required to provide for adequate decent, safe and sanitary housing for the family structure and incidental closing costs after estimated moving expenses are subtracted out of the deposit.
 - b. **Documentation for a tenant-occupant** should support the difference in funding required to provide for adequate decent, safe and sanitary housing for the family structure after estimated moving expenses are subtracted out of the deposit.
8. Provide sufficient search documentation to support additional funding requested for a decent, safe and sanitary replacement dwelling if the Commissioners' Award was not sufficient. Submit the documentation in reference to sufficient or deficient funding for available DSS replacement housing. Use the original comp amount originally offered as part of your point of reference and basis for additional funding for what they are required to spend. If funding was deficient and additional funds are needed, recommend how much may be required to the Manager, Relocation Branch.
9. If the Commissioners' Award was not sufficient, provide relocation advisory assistance and assist the displacee by searching for decent, safe and sanitary housing. Give additional listings if needed.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Manager, Relocation Branch

10. Depending on the outcome of the Relocation Agent's review and recommendations concerning the deposit with the court, the Manager, Relocation Branch may make a recommendation to the Assistant Chief, Right-of-Way & Utilities Division for approval of additional funding to cover the deficiencies for decent, safe and sanitary housing.

Relocation Agent

11. **For Owner-occupants** - If additional funds are authorized, the maximum differential payment will be limited to the difference in what they received in the Commissioners' Award deposit for FMV minus moving expenses and what it could cost if they bought the comparable listed in the offer letter from the original calculation. The comp amount that was available at the time of the offer establishes the maximum limits of the differential payment. The actual reimbursement will be determined based on what they actually purchase and occupy up to the comp amount. The maximum payment can range from \$-0- to the maximum limit established by the comp depending on what they purchase and occupy. If they purchase a dwelling costing more than the comp, the difference will be their own expense.
12. **For tenant-occupants** – If additional funds are authorized for a tenant, the maximum limit will be based on the rental amount of the comp used in the original calculation. The comp establishes the maximum rent for the differential payment. Advises the residential tenant displacee of the additional funds and how much money they must spend on DSS replacement housing to qualify for the maximum additional funds available. If they rent a replacement dwelling costing more than the comp, the difference will be their own expense.
13. Advise the residential owner or tenant they will have up to one year from the date of the Commissioners' Award deposit to purchase and occupy or rent and occupy a qualifying decent, safe and sanitary dwelling.
14. Once approval to proceed is received for additional funds, prepare an Escrow Agreement and other documents associated with advance payment approval if applicable. Have the residential owner-occupant sign RE 4850 "Memorandum of Agreement" agreeing to refund back to the Department any excess funds provided by a Jury Award at a future date covering the same monies advanced by this agreement. The documentation for the file should include an R/W 475A Interview Form, R/W Form 1804, a pre decent, safe and sanitary inspection utilizing R/W 475B, claim 324a, R/W 475D Agent's Log, W 9 and vendor form.
15. After the residential owner or tenant locates a qualifying decent, safe and sanitary dwelling which would qualify them for the difference in funds, perform a DSS

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inspection on R/W Form 475B, prepare a packet and submit the following information:

- a. Provide a calculation to show the difference in funds needed up to the approved amount in excess of the Commissioners' Award minus estimated moving expenses to allow them to purchase and occupy or rent and occupy qualifying decent, safe and sanitary replacement housing.
 - b. Attach documentation required in procedures REL-PRO 6.116-21 or REL-PRO 6.116-22 to process claims. Show how they qualified and are spending enough money to qualify for pre-approved additional funding. Document how they have a contract to purchase and occupy, or a rental agreement to rent and occupy a replacement dwelling.
16. Assist the displacee with filing a claim 324a for the difference in additional funds to obtain qualifying decent, safe and sanitary replacement housing, incidental closing costs.
 17. After the displacee moves and occupies a qualifying replacement dwelling, conduct and submit a R/W 475B post decent, safe and sanitary inspection along with a R/W 475C Verification of Move and updated R/W 475D agent's log.
 18. Complete R/W Form 459 "Property Inventory and Inspection Report" and submit to the Relocation Branch.
 19. After closing, prepare a reconciliation statement on closing costs advanced to escrow. Collect all closing documents, closing statement with original signatures, certified copy of the recorded warranty deed, R/W Form 475B DSS Inspection, R/W Form 475C Verification of Move, R/W Form 475D Agent's Log. Submit for review and final audit.

Relocation Agent or Clerk not performing relocation

20. Relocation Agent or clerk not performing the relocation audits the file and back up documentation. Forwards to Field Supervisor for review.

Field Supervisor

1. Reviews closing documents and reconciliation statement for accuracy. Forwards closing documents and reconciliation statement to Manager, Relocation Branch for concurrence.

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Manager, Relocation Branch

2. Reviews closing documents and reconciliation statement. Forwards closing documents to Records Center and notifies Legal and Business Services Division a.k.a. Business Office that all required documentation has been received. Requests Business Office conducts a final audit of the payment that was paid to escrow.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
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Subject:

Condemnation of Businesses
Reestablishment Expenses – Business, Farm
Operation or Non-Profit Organization

No: REL-PRO 6.116-45
New 04/01/15
Page: 1 of 1

Applies to:

Policy OP-REL 6.1: Relocation Assistance Program 49 CFR § 24.304

NOTE:

Relocation benefits will be included in the condemnation award deposit for all benefits such as Search Expenses, moving benefits and reestablishment benefits unless the business owner requests their relocation benefits be paid administratively through the Relocation Branch. If they request their relocation benefits be paid separately from the condemnation award then the Relocation Branch will work through their attorney to provide relocation advisory assistance and pre-approve the relocation benefits and reestablishment benefits and pay the claims for actual, eligible, reasonable and necessary expenses and document the file accordingly with paid invoices and receipts.

If the Commissioners' Award includes all the relocation benefits, moving and reestablishment benefits, the Relocation Branch will work through their attorney to provide relocation advisory assistance as needed. The Relocation Branch will rely on Legal Division's discovery process and any other legal means to document what they were paid for in regards to relocation benefits, and obtain proof of expenditures for actual, eligible, reasonable and necessary expenses to document the file.

The following normal procedures will be followed as much as possible with the Legal Division assistance and the attorney providing the information that is needed to document the file.

For relocation advisory assistance follow procedures REL-PRO 6.116-15.

For moving cost documentation we will follow procedures REL-PRO 6.116-27, REL-PRO 6.116-28, REL-PRO 6.116-29 and the Federal Regulations 49 CFR.

For Reestablishment Expenses we will follow procedures REL-PRO 6.116-32 and the Federal Regulations 49 CFR.

VOLUME II

SECTION VI

OUTDOOR ADVERTISING CONTROL BRANCH INDEX OF PROCEDURES

OUTDOOR ADVERTISING CONTROL PROGRAM

OAC-PRO 6.117-1	SIGN INVENTORY PROCESS
OAC-PRO 6.117-2	DETERMINING INTENT OF AN ADVERTISING DEVICE
OAC-PRO 6.117-3	LICENSING PROCESS
OAC-PRO 6.117-4	PERMITTING PROCESS
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JUNKYARD CONTROL PROGRAM

OAC-JYC-PRO 6.117-1	JUNKYARD CONTROL PROGRAM
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**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Sign Inventory Process	No: Revised: Page:	OAC-PRO 6.117-1 04/01/15 1 of 4
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Applies to:

Employees of the OAC Branch and/or service providers taking inventory of signs and sign locations along regulated routes in the State of Oklahoma.

Policy:

According to Federal Law, States are required to provide effective control of outdoor advertising located adjacent to regulated routes. To ensure effective control inventory of signs and sign locations is a necessary tool. Refer to Title 23 CFR §750.705, Title 69 O.S. 2001 §1271 & OAC §730:35-5-1.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Implementation of Process:

Transportation Specialists & Contract Inventory Personnel

The control of outdoor advertising extends to signs located within 660 feet of the nearest edge of the right-of-way within urban areas and in all areas visible and intended to be read from the main traveled way of all regulated routes outside of urban areas. Transmittal 156 of the Federal-Aid Highway Program Manual requires the state to establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of a regulated route. (See OAC-PRO 6.117-7.)

In 1972, when the State/Federal Agreement was signed, one of the steps taken to assist in conducting a proper inventory was by having all of the regulated routes flown and having aerial photographs produced. (Routes were flown in late 1972 and early 1973.) Each roadway was driven and existing signs were issued sign file numbers and documented on the aerial photographs. Significant information for each sign was recorded, including the legal description of the location, to assist in determining the property owner. (Legal descriptions were ascertained from the aerial photographs.) Signs were measured and photographed. The sign owners or, in cases where the sign owner could not be determined, the landowners were notified of the new law and given five years to register the identified signs.

Sign inventories have been continued since the original inventory. Existing signs are inspected to ensure compliance and any new signs are pursued for compliance. Aerial photographs have been updated and are still being used. Filing systems of both hard copy files and electronic files are maintained to document signs, sign locations, and sign

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owner information. GPS coordinates are obtained on any new sign sites or existing if not already recorded in the database. Verifications are also made on existing coordinates when making site inspections during a sign inventory.

Regulated routes may also be videotaped from the highway, to span the right-of-way and capture surrounding areas. These video logs may be used for technical and legal purposes.

Upon review of the inventoried signs, each sign is then adjudicated to its proper classification code and handled accordingly.

The inventory process will encounter known signs, absent signs, and new signs. Known signs are signs which will already have an assigned sign file number and a Registration Number if the sign has been registered or permitted. Absent signs are actually locations where a documented sign previously existed or has not yet been constructed. This could include signs which were registered (both conforming and non-conforming,) illegal or exempt. New signs will either be exempt or illegal. Depending on the classification of the sign or location the process can differ to a degree. The process relative to each sign category is as follows:

Registered Conforming Signs or Sign Locations:

Verify sign and take new digital photographs which include views of the front and back and some of the surrounding area. In the case of site where a sign has not yet been built or has been removed, a photo of the registered location (as ascertained by photos in the file) is to be taken to confirm removal, record of not being built and/or failure to have a permanent marker with tag attached in place. For existing signs, confirm whether or not the registration tag is attached to the structure and is visible from the highway. This finding should be notated in the Billboard Field Entry Database (BFED). GPS data is to be gathered if not previously available. Any noticeable discrepancies regarding sign dimensions are to be listed in BFED along with any other comments deemed appropriate.

Registered Non-Conforming (Grandfathered) Signs:

Verify sign and take new digital photographs which include views of the front and back of structure and some of the surrounding area. Dimensions of the sign are to be confirmed. Any discrepancies with original size or type of structure are to be properly documented in the BFED. GPS data is to be gathered if not previously available, unless a sign appears to have been moved from grandfathered location, then it should be GPS located again for comparison to original data. Confirm whether or not the registration tag is attached to the structure and is visible from the highway. This finding should be notated in the BFED. If a grandfathered sign has been removed, or has become dilapidated,

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destroyed or appears to be abandoned, it should be photographed and documented in the BFED and red flagged for immediate attention in the OAC Branch.

Existing Illegal Signs:

Verify sign and take new digital photographs which include any advertising display and some of the surrounding area. Message content on the sign should be legible in photographs. Keep in mind that this information can be useful for enforcement purposes. GPS data is to be gathered if not previously available. Any change to the sign or immediate area should be notated in the BFED.

New Illegal Signs:

Once a sign has been identified as a new illegal, the sign location is to be documented on the aerial photograph and assigned a new sign file number. A Sign File Number consists of four to five numerical digits then a dash with a following two digit number. Sign File numbers are assigned based on the Division in which the sign is located. The beginning number in a sign file series will almost always be the Division number. New Sign File Series Nos. are retrieved from the Sign File Assignment tracking log maintained on the V:Drive in the OAC Branch, and can be obtained thru OAC personnel. This number should be placed on the aerial and tied to all sign data. Take new digital photographs which include any advertising display and some of the surrounding area. The surrounding area should include any buildings or possible business activities, and registered signs if located within conflicting spacing distance. Message content on the sign should be legible in photographs. Keep in mind that this information can be useful for enforcement purposes. Ascertain the legal description of sign location utilizing the aerial photograph and document in the BFED Collect GPS data and enter in the appropriate field. Also if the sign is located within an approximate 600 ft. distance, the name of the business should be entered in the field provided in BFED. Any other obvious disqualifiers which could cause the sign to not be eligible for registration, such as a nearby park, cemetery or playground, should also be noted in the comments field of the BFED.

Exempt Signs:

There are five categories of exempt signs. Those categories are on premise signs, church and civic/service organization signs that do not exceed eight square feet, public utility signs, freedom of speech signs and signs located on tribal land held in trust. These signs are allowed to remain in place without a permit. With the exception of on-premise signs, these types of signs are usually assigned a sign file number and documented on the aerial. In the case of on-premise signs, they are only inventoried if the on-premise status is questionable, or if previously registered. For all other exempt signs, photographs are to be taken, only if the advertisement content has changed,

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however they are not required to be GPS located. The classification of "EXPT" is given to these signs and the reason for exemption should be noted in the BFED.

Sign Inventory Notification:

Prior to commencement of a major sign inventory proper notification is to be served to the following parties:

- Appropriate Field Division Engineer(s)
- ODOT Director and Chief Engineer
- ODOT Legal Division

The official notification will inform the parties of the proposed timeline, the area to be inventoried, the company performing the inventory and will advise of the regulatory authority pertaining to outdoor advertising control. As the inventory progresses each from one field division to the next each Division Engineer will be notified in writing again just prior to commencement of actual field work in their respective areas.

Review of Inventory Data:

Upon completion of field data entry, the service provider will notify ODOT of data waiting for ODOT review and approval. ODOT will then review each and every entry for accuracy and completeness along with the photos taken by inventory crew to ensure they meet contractual requirements. After review, if the sign file data is found to be accurate and complete OAC personnel then accepts the data in essence approving the sign site for payment to the service provider. If the entry is not accurate or is found to be lacking the sign site is not approved and the service provider can either take action to remedy the issue or if not applicable the sign site is simply not included in the payment claim. A report of each section of highway by county is ran to use as a checklist for review purposes. These notated reports are then used by the Branch Manager in review of invoices. Each and every sign file is accounted for prior to the signing of any claims for payment.

Routine Surveillance:

On June 30, 2013 a comprehensive statewide sign inventory was completed. This inventory provided ODOT with a sound base upon which effective control is to be administered. Although a continuous vigilance of observation for any new illegal signs is to be maintained by all inspectors in their respective jurisdictions, statewide surveillances will be conducted by contracted sources no less than every two to four years as long as federal funding remains available. (The time frame in which the follow-up to the inventory completed in 2013 is to be performed could possibly take longer depending upon MAP-21 determination.) A new statewide sign inventory commenced in January of 2014, by a contracted firm.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Determining Intent of Advertising Device	No: Revised: Page:	OAC-PRO 6.117-2 04/01/15 1 of 2
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Applies to:

Inspectors in the OAC Branch and/or service providers taking inventory of signs and sign locations along regulated routes in the State of Oklahoma. OAC Branch Manager and Supervisor in review of potential sign sites which applicant claims will not be advertising to the main-traveled way of a regulated route although will be located within 660 feet of the right-of-way.

Policy:

According to Federal Law, States are required to provide effective control of outdoor advertising located adjacent to and within 660 feet of regulated routes. To ensure effective control it is necessary for States to determine if the intent of an advertising device is to be read from the main-traveled way of a regulated route. Refer to Title 23 CFR §750.705 (g) and Title 69 O.S. 1991 §1271, 1272 & 1275 (c)(3).

Oversight & Final Decision:

Manager, Outdoor Advertising Control Branch

Field Review:

Transportation Specialists, and Contract Inventory Personnel

The control of outdoor advertising extends to signs located within 660 feet of the nearest edge of the right-of-way within urban areas and in all areas visible from the main traveled way of a regulated route outside of urban areas. Although all signs within this prescribed area are subject to State control not all signs are intended to be read from the main-traveled way of a regulated route. The Oklahoma Administrative Code defines main-traveled way as the traveled portion of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas. Title 23 CFR §750.705(g) requires the State to establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of a regulated route. By utilizing the following criteria it is determined whether or not a state permit is required of a sign located within 660 feet of the right-of-way of a regulated route.

Criteria and Considerations Used for Determining Intent of an Outdoor Advertising Device

- Message content (Does message specifically direct or guide regulated route traffic, such as exit now or next right?)

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OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Determining Intent of Advertising Device	No: Revised: Page:	OAC-PRO 6.117-2 04/01/15 2 of 2
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- Are there any physical obstructions?
- Distance from the regulated route in relation to the size, angle, structure type and placement of the sign.
- Exposure time (For example, signs which allow only a few seconds viewing time on a 55 miles per hour route would not be deemed advertising to the main-traveled way of a regulated route.)
- The sales value of the sign attributable to advertising circulation on the controlled highway under the criteria of an independent circulation audit agency where such is available. (How is the advertisement availability described? To be seen from the regulated route or referencing a side street etc.)

Request for OAC Review

Any individuals wishing to have a sign site declared exempt from permitting requirements due to not advertising to a regulated route can request an OAC review by submitting a written request which includes the following:

- Location description
- Photo of the intended sign site and surrounding area if necessary
- Diagram of size, angle and placement of intended sign
- Statement advising of the intended route to which the sign will be advertising

OAC personnel will then make a field inspection of the site (unless deemed unnecessary by the Branch Manager,) to make observations for determination. Determination will be sent to the applicant in writing.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Licensing Process	No: Revised: Page:	OAC-PRO 6.117-3 04/01/15 1 of 4
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Applies to:

Persons, firms or companies who wish to engage in the outdoor advertising business by the erection and/or maintenance of outdoor advertising signs, displays or devices in the adjacent or controlled area of any regulated route. Any sign owner who uses their signs to display advertisement other than their own is required to obtain an outdoor advertising license.

Policy:

Refer to Title 69 O.S. 2001 §1277 and OAC §730:35-5-4.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Administrative Procedures:

Administrative Assistant

All Application forms for licenses can be obtained through the Outdoor Advertising Control Branch.

Processing of New Licenses:

The initial application fee for an Outdoor Advertising License is \$400. Upon receipt of a new license application (Form No. AP-L-100,) the Administrative Assistant reviews for completeness then forwards to the Branch Manager for approval.

Once the Branch Manager has reviewed then initialed and dated the new license application signifying approval, it is returned to the Administrative Assistant for processing.

All out-of-state applicants are required to have an in-state agent for service of process. All out-of-state corporations, companies, LLC's or LP's must be registered with the Oklahoma Secretary of State.

Administrative Assistant then enters the information into the database (unless already in use as an independent owner number) which automatically generates and assigns a new owner number to this applicant. The application fee is then processed using the Oracle Outdoor Advertising database.

Once new license has been printed, the original license and the fee receipt are mailed to the owner. A copy of the license and the file copy of the receipt are automatically generated to the Oracle Outdoor Advertising database.

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Processing of License Renewals:

PHASE I – The Notification Process

Outdoor Advertising Licenses expire June 30th of each year. The renewal fee is \$200 and is not pro-rated for any part of the year.

On June 1 (or nearest working day,) of each year the Administrative Assistant runs the License Renewal report utilizing Billboard Reports in the Oracle Outdoor Advertising database. (A copy of this report is provided to the Comptroller's office to assist in their receipt of payments.) Once this report is printed, the Administrative Assistant then utilizes Billboard Reports again this time to generate letters/invoices advising of renewal for each license holder.

The following items are then mailed out to the licensees:

- Renewal letter/invoice
- License Renewal form (Form No. AP-LR-100)

The renewal notice advises the licensee that their license needs to be renewed by June 30th. It further advises that failure to meet the June 30th deadline will cause a fifty dollar penalty fee to be imposed for every month thereafter. Delinquent payment is determined by the post mark of the envelope received.

PHASE II – Receipt of Renewals

Upon receiving payment for renewals, the Administrative Assistant reviews and ensures that the submittals are complete. A complete renewal submittal will consist of:

- An executed check or money order for the correct amount.
- A completed notarized license renewal form.

Processing Complete Renewal Submittals:

- Executed check or money order is processed according OAC-PRO 6.117-15 (Deposits/Receipts Process.)
- The payment is entered into the system by utilizing the "Receipts" program in the Oracle Outdoor Advertising database. (This option is specifically for the purpose of processing fee transactions.) By utilizing this option the license will be automatically updated in the system and a receipt of payment provided.

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- After entry of payment, the Administrative Assistant then prints out the new license that is automatically generated by Oracle, and copies of both the license and receipt are automatically saved to the database. A copy of the license, completed renewal form and file copy of receipt are placed in the appropriate owner file.
- The new license and receipt are then mailed out to the licensee.

Processing Incomplete Renewal Submittals:

A renewal submittal can be incomplete for various reasons. Those reasons along with proper means of address are as follows:

- **Incorrect or incomplete payment:** If check or money order is made out for the incorrect amount or not properly executed, the complete submittal is to be returned to the licensee along with a letter advising of requirement(s.)
- **Renewal form is omitted or incomplete:** When the renewal form is either omitted or is not completed, the form is returned (or a new form, if it was omitted,) along with a letter advising of the issue. However, the fee is applied and the receipt and a copy of the renewal form (if received,) is held in a designated area by the Administrative Assistant.

Processing of Late Renewals:

If a permit renewal is received with post-mark date later than June 30th, the submittal is returned to the licensee along with a letter advising that the submittal did not meet required deadline, and therefore an appropriate late fee will need to be applied to the renewal. This is the normal procedure unless the late submittal included the prescribed late fee, which then the processing would be handled as provided above. Any returned fees will be sent UPS or certified mail.

PHASE III – Final Notice for Renewal

On September 1st of each year the Administrative Assistant will run the Expired Licenses Report utilizing the Oracle Outdoor Advertising database, and gives to the Branch Manager for review. The Branch Manager makes a determination on whether or not there are any licensees that do not require renewal. The Expired Licenses Report provides the following:

- A list of all licenses still not renewed
- Letters advising of final notice to renew license or risk cancellation and possible sign permit revocation if not renewed by August 31st.

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- An invoice for each license including penalties

As with the original notices, an extra set of invoice copies are made and given to the Comptroller's office. The Administrative Assistant then copies the letters onto letterhead and matches each with its corresponding invoice, then gives to the Branch Manager for final review and signature.

Since the Final Notice letter prescribes a time-frame it is mailed certified for proof of receipt. The following items are included:

- Final Notice letter which includes invoice for both renewal fee and penalties
- License Renewal Form

The Administrative Assistant then pulls each owner file and places a copy of the Final Notice letter in file, then places in the holding area to be held until September 1st. For any licenses which are not received and post-marked no later than August 31st, a list of all signs permitted under that license are pulled and placed in the Field Verification drawer to be reviewed by an inspector. Any signs that are operating under an expired license are deemed illegal and given ninety days to be removed.

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Applies to:

All signs, except for signs considered exempt, located in the adjacent or controlled area of any regulated route, are required to be registered and permitted by the Department.

Policy:

Refer to Title 69 O.S. 2001 §1271 et. seq. and OAC §730:35-5-1 et. seq.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Administrative Procedures:

Administrative Assistant

To assist the Department with effective control of signs that are constructed in the state, a permitting process was put into place. Requirements and standards for obtaining sign permits can be found in both the statutes and the Oklahoma Administrative Code. Applications for sign permits can be obtained through the Outdoor Advertising Control Branch. (Form AP-100)

Receipt of New Permit Applications

Upon receipt of a new permit application the Administrative Assistant first reviews the application for completeness. At initial receipt of an application the following items are required:

- A fully completed, notarized application form
- If applicant is not the owner of the property upon which the proposed sign is to be located then written land use consent, from the owner of record, must be submitted
- At least two photographs of the staked or marked location of proposed site
- If location is zoned, then official zoning confirmation must be submitted – Form Z504 is the most common and acceptable form of verification.
- If the location is not zoned and applicant is conforming off of a business then a diagram depicting the business in correlation with the proposed site must be included

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- Application fee of \$100.00

It is then given to the Branch Manager or Supervisor to be reviewed for acceptance. Once the Branch Manager or Supervisor has reviewed then initialed and dated the new permit application signifying acceptance, it is returned to the Administrative Assistant for processing. The application fee is processed according OAC PROC 6.117-15 (Deposits/Receipts Process.)

The Administrative Assistant then enters the application fee using "Receipts" in the Oracle database, and prepares a Temporary Working File (TWF) placing the applicable Owner and Division numbers on the application and determining and placing the control section on the application. The following forms are added to the folder to be used by the inspector when processing the application:

- ▶ Project Conflict Review
- ▶ Business or Zoning Review (depending on the type of Commercial/Industrial area designated on the application)
- ▶ TWF Checklist.

The Administrative Assistant then calendars the TWF for the requisite 60 day time frame and gives the folder to the Branch Manager or Supervisor for further project review.

At this time the Branch Manager or Supervisor runs and reviews the Project Management Division's report of any highway projects scheduled along the route Oracle BI Program report for any possible conflicts with the proposed sign location and the eight year construction plan. The Project Review form is completed and both documents are then placed in the file, which is then placed in appropriate field drawer for further processing.

Processing of Permit Renewals

Permit renewals are processed quarterly each year. The holder of the permit is sent notification for any permits expiring at the first of the month advising that they will expire at the end of said month. For any permit renewals that are not paid, the permit holder is given a second (final) notice two months after the first notice, and if not paid by the end of that final month, the permit is cancelled. Any signs operating under expired permits are deemed illegal and are required to be removed or re-permitted under a new permit number. The following is a schedule of permitting renewal periods:

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Quarter	First Notice	Expiration of First Notice	Second (Final) Notice	Permit Cancellation Effective
1	March 1	March 31	May 1	June 1
2	June 1	June 30	August 1	September 1
3	September 1	September 30	November 1	December 1
4	December 1	December 30	February 1	March 1

PHASE I – The Notification Process

At the first of each quarter the Administrative Assistant runs Permit Renewal Report utilizing Oracle Billboard Reports. The report provides the following:

- A list of all permits expiring at the end of said month
- Invoices in letters format advising the permit holders of pending expiration(s)

The Administrative Assistant runs the “Permits Expiring” report and delivers it to the designated agent in the Comptroller’s office to assist in their receipt of payments. The renewal letter/invoice is then mailed to the permit holders.

PHASE II – Receipt of Renewals

Upon receiving payment for renewals, the Administrative Assistant enters the payment using “Receipts” in the Oracle database. After entry, a new Permit is automatically generated. New permits and receipts are mailed to the permit holders.

PHASE III – Final Notice for Renewal

At the first of the second month following the original notice (see table at the beginning of Renewal Section,) the Administrative Assistant will run the Expired Permit Report Oracle Billboard Reports. This report provides a list of all permits still requiring removal and notates any red-flagged permits. This report is given to the Branch Manager for review to address any red-flag issues. A Final Notice letter is then prepared and sent certified mail to the respective permit holders advising of a final thirty day period in which to maintain pay renewal fee(s) and maintain permits to avoid cancellation.

Transfer of Permits/Registration

Permits or registration of signs can be transferred to different owners. The transfer process requires that the registration certificate (title) be duly executed on the back side, clearly stating to whom the permit is being transferred. The completed registration certificate along with land use consent for the new sign owner and a twenty-five dollar

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(\$25.00) fee must be submitted to the Outdoor Advertising Control Branch. A new registration certificate is then issued to the new sign owner. A cover letter advising that the transfer has been completed along with the new registration certificate (title) is then sent to the new owner. In the case of a legal nonconforming or grandfathered sign being transferred, guidelines for maintenance and repair are also included. Also at the time of transfer of any LNRM (legal nonconforming without a permit,) classified signs, they are reclassified to SNQP (legal nonconforming with permit,) status.

Failure to Construct Sign Structure

If permit holder fails to construct a sign structure by the end of the second renewal session, the permit & registration for the site can be cancelled. A certified letter advising of the cancellation must be sent to the permit holder upon determination. If the permit holder chooses to maintain the site, written request providing valid reason for lack of structure can be submitted to the OAC Branch for consideration. If no valid reason can be provided the permit holder can submit a new sign permit application with complete updated documentation for processing if they choose to continue maintaining the site. This action can also be applied to signs determined to be discontinued.

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Applies to:

Signs located adjacent to regulated routes which are outside zoned or un-zoned commercial/industrial areas and are not listed on the 1972 inventory and do not qualify either as on-premise, directional or official signs and notices required or authorized by law. Signs erected within zoned or un-zoned commercial/industrial areas without the benefit of a permit or which are erected or maintained not in accordance with permit requirements.

Policy:

Signs deemed illegal are required to be brought into compliance by either being permitted/registered or removed within ninety days of receipt of notice. Refer to Title 23 USC §131(r), Title 23 CFR §750.705 and Title 69 O.S. 2001 §1271 et. seq.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Implementation of Process:

Transportation Specialists

Brief History of Illegal Sign Removal Procedures

During the largest span of the OAC Program, the removal of illegal signs was pursued through the district court system by the Department's General Counsel Division. In April of 2010, the Department attempted to utilize a new policy on the removal process of illegal signs. The new policy allowed for physical removal of illegal signs by state forces utilizing contract personnel, then recouping the removal costs from the sign and/or land owners upon failure of the sign and/or landowner to remove the sign after receipt of proper notice. This change in procedures was put in place under the direction of Legal and Business Services Division who was now responsible for legal oversight of the OAC Program. However, it was eventually determined that removal of signs located on private property would need to be accomplished by an official Judge's decree. Upon being granted, a Declaratory Judgment directed the defendant(s) to remove the illegal sign structure within 15 days. If sign was not removed within 15 days the Declaratory Judgment further authorized the Department to go onto the private property and remove the sign without liability. This ruling also allowed for the Department to recoup removal costs from the defendant(s).

Determining Responsible Party of Illegal Signs

The first course of action upon the discovery of an illegal sign is to determine the owner of the sign (if possible) and owner(s) of the property upon which the sign is located.

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Ownership of property can be researched utilizing the “PVPlus” website of which the OAC Branch has two User IDs secured.

Notification Process

Once a sign has been determined to be illegal the following schedule of notices is implemented utilizing certified mail or some other type of delivery confirmation method:

- 90 day original notice of illegal.
- 30 day courtesy/reminder notice.
- Final notice.

90 Day Original Notice

This first notice advises the sign and land owners of the illegal sign. Within the notice the following specific information is to be stated:

- The sign file (or reference) number assigned to the sign
- The sign location
- Reference of violation with statutory reference
- Response sheet for recipients to provide proper response if they deem necessary
- Language advising of ramifications if sign is not removed or otherwise brought into compliance within prescribed time.

The letter will also include possible remedies for the illegality of the sign. Examples of such are as follows:

- Obtain a permit for the sign if it meets requirements
- Adjust sign to meet an exempt classification
- Remove the sign (this remedy is always provided due to it being the ultimate requirement if no other viable solutions are available.)

The file is then held until receipt of delivery is returned then information is entered into the Illegal Tracking log and file is held in the applicable “Check-in-Field” drawer.

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30 Day Courtesy/Reminder Notice

If no active response is received from the recipient within 60 days of the 90 day allotted period, a reminder notice, also known as the thirty day notice, advising of the impending deadline is sent to all parties. This notice is to allow a final 30 days in which action can be taken by the recipient(s). A field inspection is not necessarily required prior to sending this notice unless the OAC Branch has been advised sign has been removed or otherwise resolved.

Final Notice

If no response is received by the end of the ninety day time frame and the sign is confirmed to still be illegal and in existence, the file is forwarded to Legal and Business Services Division for legal recourse. The final notice advises the sign and land owners of this decision and further supplies them with contact information for that Department. Prior to reaching this determination a photo is taken of the sign for confirmation purposes. A copy of this photo is included in the file sent to Legal & Business Services Division.

Award of Declaratory Judgment for ODOT

Upon receipt of Declaratory Judgment from Legal & Business Services Division, the OAC Branch will schedule a site inspection of sign upon expiration of the 15 day timeframe in which sign and/or land owner is to remove the sign. If the sign has been removed, a photo of the sign site is taken and immediately forwarded to Legal & Business Services Division along with written affirmation of the removal. However if the sign is still in place then a confirmation photo is taken and forwarded along with the following documentation to the Department's Relocation Branch:

- A completed "Illegal Sign Requiring Contractor Removal" form*
- Copy of the Declaratory Judgment
- Copy of the Illegal Sign File Title Page
- Sign Information printout from Oracle database
- Select photos including any helpful overhead views (Photos should provide front and back views of the sign structure and surrounding area)
- Copies of notifications to sign and/or property owners including receipts
- Property ownership confirmation documents

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- Any other documentation which might benefit the contractor or provide insight they might need to be made aware of

Once the complete packet has been assembled it is then emailed to the Relocation Branch Manager with courtesy copies provided to the Assistant Chief of Right-of-Way & Utilities Division, and Supervisor of the Relocation Branch. Upon their receipt, the Relocation Branch will begin the removal process with demolition contract crew. Once removal has been completed and an invoice received from the contractor, it will be paid by the Relocation Branch and a copy of the claim forwarded to Legal & Business Services Division for pursuit of recouping the costs.

All costs for legal and removal services are documented and tracked by the OAC Branch Manager upon claim copies received from Legal and Business Services for contract attorney firm(s) and the Relocation Branch for contract demolition crews.

** This form provides an area to be completed concerning whether or not local law enforcement assistance or escort is recommended. The OAC Branch Manager will determine if this is a necessary precaution. If yes, then the OAC Branch will need to speak with the appropriate local law agency to ensure proper contact information is provided on the form.*

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Subject: Management of Legal Nonconforming Signs	No: Revised: Page:	OAC-PRO 6.117-6 04/01/15 1 of 2
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Applies to:

Signs which were lawfully erected, but do not comply with the provisions of State law or regulations passed at a later date or which later fails to comply with State law or regulations due to changed conditions.

Policy:

Legal Nonconforming signs are to be handled according to rules and regulations set forth in Title 69 O.S. 2001 §1273 & 1278 and OAC §730:35-5-3

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Implementation of Procedures:

Transportation Specialists & Administrative Assistant

A legal nonconforming or a “grandfathered” sign is required to remain substantially the same as it was on the effective date of the State law or regulations. Reasonable repair and customary maintenance of the sign, including a change of advertising message, is not a change which would terminate the nonconforming rights. The ODOT defines customary maintenance as improvements that only include change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing vegetation (not on the right-of-way,) reinforcing the structure with banding or nails, and repairing the apron or catwalks. The sign may continue as long as it is not destroyed or abandoned. The ODOT’s definitions of these two categories are as follows:

Destroyed: When damage to a sign exceeds fifty percent of the structure.

Abandoned: When a sign is in need of substantial repair, or which is overgrown by trees or other vegetation not on the highway right-of-way, or is otherwise no longer being utilized as an outdoor advertising device, for a period of one year. Leasing information shall not be considered advertising content for the purposes of this definition.

Once a sign has been determined to be destroyed or abandoned the legal nonconforming rights are terminated and the remainder of the structure is required to be removed. (See OAC-PRO 6.117-8, Abandoned and Discontinued Signs for more specific procedures.) The only exception to this rule is for signs that have been destroyed due to vandalism and other criminal or tortuous acts.

A damaged grandfathered sign may be repaired as long as the damages do not exceed fifty percent (50%) of the physical structure. The Department requires a written request

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be submitted prior to actual repairs. The request for repair approval should include the following:

1. The sign registration number
2. An itemized list of repairs
3. The approximate cost of repairs
4. A photo of the damaged sign

Upon receipt of the request the Administrative Assistant will then pull the file and give to the Branch Manager or Supervisor for review. If repair requests do not exceed fifty percent of the overall structure a letter granting repair is sent to the sign owner requesting that a photo be submitted after repairs have been made. If it is determined a sign can't be repaired, the sign owner will be notified in writing citing reason for denial.

A grandfathered sign can be sold, leased or otherwise transferred without affecting its legal status, but its location may not be changed. A grandfathered sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming location but cannot be reestablished at a new location as a nonconforming sign.

When a grandfathered sign is transferred, copies of guidelines for maintenance and repair are to be sent to the new owner along with the new registration certificate. Any existing grandfathered signs classified as LNRM (legal nonconforming without a permit,) at the time of a transfer, will be reclassified to SNQP (legal nonconforming with a Class B permit,) upon transfer.

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Applies to:

Signs found to be encroaching on State rights-of-way.

Policy:

Signs found to be encroaching on State rights-of way are to be removed in a timely and efficient manner. Refer to Title 69 O.S. 2001 §1208, 1209 & 1211; Maintenance Directive No. 6.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Field Review:

Transportation Specialists

When a construction project has been submitted to the Right-of-Way & Utilities Division in order to start acquisition and relocation activities, the Relocation Branch makes an initial drive-out of the project and prepares a Project Inspection Report. During the initial drive-out one of the items to be inspected is the signage along the highway. Signs are identified by their corresponding centerline stationing, offset distance from the centerline, advertisement, and registration number, if registered. The Relocation Branch, or their service provider, contacts the Outdoor Advertising Control Branch in order to determine the current status of the sign. If a sign is determined to be encroaching on the present right-of-way, the Relocation Branch Personnel prepares and sends an internal memorandum to the Field Division Engineer pursuant to Department Policy D-202-1, Removal of Encroachments. The Field Division will then be responsible for sending the Notice and Demand to the owner(s).

In the case of registered signs being located upon property purchased for highway construction projects, the Appraisal Branch will include the Registration Number in paperwork forwarded to the Acquisition Branch. Upon purchase of the sign, the Acquisition Branch will include the Registration Number on the claim sent to the Business Office for processing. Upon issuance of warrant, the Outdoor Advertising Control Branch will be sent a copy of the Warrant letter when mailed to the sign owner. The Outdoor Advertising Control Branch will then monitor the sign for removal and process accordingly.

In the case of signs found to be encroaching during an inventory, a photo of the sign will be taken, and location description notated. OAC Branch personnel will then complete a "Notification of Possible Sign Encroachment" (form no. ENC-100,) and it and a photo will be forwarded to the appropriate Field Division for handling. The file will be held until official response is returned to the OAC Branch. If the matter is resolved the file will be

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uploaded to the "Encroachment Notifications" folder on the V:Drive. If the sign is determined to not be an encroachment it is processed as an illegal sign. If sign is found to be allowed under a landscape agreement it is re-adjudicated to LDSC classification.

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Subject: Abandoned and Discontinued Signs	No: Revised: Page:	OAC-PRO 6.117-8 04/01/15 1 of 2
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Applies to:

Signs found to be in a state of abandonment or discontinued use.

Policy:

Signs found to be abandoned or no longer displaying products or service advertising contents for a period of one year shall be considered abandoned or discontinued and removed at the expense of the sign owner. Refer to OAC §730:35-5-3.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Site Reviews:

Transportation Specialists & Contract Inventory Personnel

Upon discovery of an abandoned (applies to legal nonconforming/grandfathered signs,) or discontinued (applies to legal conforming signs,) sign, a notice shall be sent to the sign owner advising of a one-year review process which commences upon date of OAC Branch discovery. Files are then red-flagged in the database according to their status and entered into the Field Review log for monitoring.

Definitions of abandoned and discontinued signs are as follows:

- Abandoned - a registered sign in need of substantial repair, is overgrown by trees or other vegetation not on the highway right-of-way, or is otherwise no longer being utilized as an outdoor advertising device for a period of one (1) year, shall be considered "abandoned" and any nonconforming or grandfather status granted by the Highway Advertising Control Act shall be terminated.
- Discontinued - a registered sign not displaying products or service advertising contents for a period of one (1) year shall be considered discontinued and removed at the expense of the sign owner.

If sign owner provides photographic evidence of sign in use or if field personnel determine sign back in use, then it is released from red-flag status and all previous rights are fully re-instated. (Considering no other violations are discovered.) In review of "Abandoned" signs, leasing information does not qualify as proper advertising content. In review of "Discontinued" signs, leasing information is acceptable as proper advertising content.

If at the expiration of the one-year designated period the sign is found to still be in a state of abandonment or discontinued use and the OAC Branch has not received any

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photographic evidence to support a change, the sign is then deemed illegal. Any registration rights or values are revoked and removal of the sign is required. Illegal notification is handled as described in OAC-PRO 6.117-5 REMOVAL OF ILLEGAL SIGNS.

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Subject: No Lease Affidavit Processing	No: Revised: Page:	OAC-PRO 6.117-9 04/01/15 1 of 2
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Applies to:

Sign owners/permit holders who fail to fulfill contractual agreements with land owners.

Policy:

Upon failure of a permit holder to make lease payments or other agreed upon compensation to the land owner, or when the lease for the use of the land is cancelled for any other lawful reason, the Department shall, upon submission of a sworn affidavit and such other proper documentation as may be necessary, revoke the permit. Refer to OAC §730:35-5-6(h)

Oversight:

Branch Manager, Outdoor Advertising Control Branch

Administrative Processing:

Administrative Assistant

Affidavit Review Process

Upon receipt of an affidavit from a land owner alleging failure of a permit holder to fulfill contractual agreement, the Administrative Assistant will do the following:

- Ensure the affidavit is complete: the document has been notarized, the sign location is referenced and there is mention of notification to the permit holder
- Pull the applicable sign file
- Confirm legitimacy of the property ownership via PvPlus, the County Clerk or Assessor's office
- Give the file and affidavit to the Branch Manager for review

Affidavit Processing

The Branch Manager will then determine if the affidavit warrants issuance of a revocation letter. If yes, the Branch Manager will then give file back to the Administrative Assistant advising as to the type of letter which is to be sent to the permit holder and courtesy copied to the land owner. There are two types of "No Lease" notifications which are served. The first type of notice is to address a permit where there is no sign structure in place. This type of notification is handled as follows:

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- A letter is sent by either certified mail or known facsimile to the permit holder advising they have ten days to submit proof of land use consent or supportive documentation confirming contractual compensation has been made.
- If no response is received the permit is then cancelled.
- Due to no sign being in place the file is simply closed and no field inspection is warranted.

The second type of notice addresses permits which have existing sign structures in place. This type of notification is handled as follows:

- A letter is sent by either certified mail or known facsimile to the permit holder advising they have ten days to submit proof of land use consent or supportive documentation confirming contractual compensation has been made.
- In this notice the permit holder is advised that if no proof of compensation or viable argument can be made, the sign is to be removed within ninety days.
- Upon expiration of the sixty days the sign is scheduled for a site inspection to confirm whether or not the sign has been removed.

If sign has been removed the file is simply closed. However, if the sign still remains the sign is deemed illegal and the Illegal Notification process begins and is handled as described in OAC-PRO 6.117-5 REMOVAL OF ILLEGAL SIGNS.

Actions taken when Permit Holder Responds to Affidavit within the prescribed ten day time frame with evidence

If a permit holder submits proper documentation supporting their right to continue maintaining a permit at the subject site, the OAC Branch will then issue a notice to both parties of the Department's position to refrain from further action allowing the parties to resolve their issues thru the court system. Until resolution none of the following will take place within influence limits of the subject site:

- Issuance of any new permits
- Acceptance of new permit applications
- Renewal of existing permits

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Relocation Permit Process	No: Revised: Page:	OAC-PRO 6.117-10 04/01/15 1 of 2
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Applies to:

Registered signs requiring relocation to accommodate a highway construction project.

Policy:

Refer to Title 69 O.S. 2001 §1273 & 1275(c)(4) and OAC §730:35-5-12(c)(4)&(5)

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Site Inspection Procedures:

Transportation Specialists

For the purpose of providing a method and opportunity to minimize the cost of acquiring legally erected outdoor advertising signs to be taken when the state purchases land under eminent domain, the Director of the Department of Transportation shall have the option to approve the issuance of permits for outdoor advertising signs visible from interstate and freeway primary facilities which are to be erected less than one-thousand feet from another such sign. Permits issued pursuant to this option shall be only for the purpose of providing a relocation site for a sign being taken by the state, and in no case shall such permits allow an outdoor advertising sign to be erected less than distance provided for in this title from another such sign.

Qualifications of a Relocation Permit

- ▶ Relocation of the sign must be required to accommodate a highway construction project.
- ▶ The sign being replaced must be in good standing with the Outdoor Advertising Control Branch.
- ▶ Proper settlement documentation must be submitted to ensure relocation of the sign provides actual savings to the Department.
- ▶ The proposed relocation site must be comparable to the original location.
- ▶ The square footage of the new sign can't exceed the square footage of the taken sign.
- ▶ New site must meet all other regulatory aspects as stipulated in state and federal outdoor advertising control regulations. (See Phase II of Permitting Procedures, OAC-PRO 6.117-4.)

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Subject: Relocation Permit Process	No: Revised: Page:	OAC-PRO 6.117-10 04/01/15 2 of 2
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Special Allowances for a Relocation Permit

Considering that the sign is being required to be relocated to accommodate a highway construction project special circumstances are allowed. Some of those are as follows:

- ▶ The original sign is not required to be removed prior to acceptance of an application designed to relocate the existing billboard.
- ▶ In most instances, the application fee is waived. An exception to this rule would be if a permit application fee were to be specified in the relocation costs paid to the sign owner.
- ▶ The OAC Branch will expedite relocation applications if possible.

Signs Involved in Condemnation Proceedings

Purchase or settlement of signs which have been condemned due to being located upon parcels of property which could not be acquired thru normal acquisition procedures, can still be negotiated by the Legal & Business Services Division utilizing the Relocation Permit process. The sign owner would have to be willing to agree to a lesser relocation cost as opposed to the Fair Market value of the sign. In cases where an immediate relocation site could not be ascertained, a preservation of rights to relocate to a comparable location at the lesser spacing could be granted. Any of these terms would be mentioned in the settlement agreement.

Processing of Relocation Permit Application

All other processes to permit and register a relocation sign site follow procedures found in OAC-PRO 6.117-4, Permitting Procedures except for the permit classification. A permit issued for a relocation sign site is classified as a CLAR (Class A Relocation,) which is defined as follows:

This permit is granted to provide relocation to a sign acquired under eminent domain and in accordance with Title 69 O.S. §1275(c)(4) & (5). The sign location must meet all current requirements except for spacing between registered signs. (Spacing is based on pre-November 1, 2001 standards.)

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RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Processing of Sign Permit Applications	No: Revised: Page:	OAC-PRO 6.117-11 04/01/15 1 of 7
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Applies to:

Applicants seeking to obtain a Class A permit for an outdoor advertising sign location.

Policy:

Refer to Title 69 O.S. 2001 §1271 et. seq. and OAC §730:35-5-1 et. seq.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Site Inspection Procedures:

Transportation Specialists (Inspectors)

To assist the Department with effective control of signs that are constructed in the state, a permitting/registration process was developed. Requirements and standards for obtaining sign permits can be found in both the statutes and the Oklahoma Administrative Code. Applications for sign permits can be obtained through the Outdoor Advertising Control Branch. (Form AP-100.) Upon acceptance of an application it is placed in a folder along with all accompanying documentation and assigned a Temporary Working File No. (TWF.) (For guidelines on accepting or declining new applications see OAC-PRO 6.117-4.) The TWF is then placed in the appropriate Field drawer for further processing. Each TWF is allotted sixty (60) days in which to be completed unless otherwise directed. The beginning of the sixty day time-frame ensues upon complete submittal of the application. Each inspector is responsible for ensuring time-frames are met for their respective territories. (Logs are kept on-line for constant review and updating.) The following guidelines detail steps taken during the permit application field processing and review.

Field Inspections

When preparing to make an on-site inspection of a proposed site, the inspector takes the appropriate aerial photograph to document proposed sign location. Upon arrival at the site the inspector will take the following steps:

- ▶ Take a photo of the staked or marked site and surrounding area if deemed necessary.

- ▶ Place the proposed site on the aerial photograph. (This can be ascertained by measuring the distance from a fixed point such as section line road or intersecting driveway, using the measuring wheel.)

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- ▶ Obtain GPS coordinates of proposed sign location and document accordingly. This reading should be obtained while standing at or as near to the proposed site as possible.

- ▶ Conduct physical distance measurement to confirm whether or not the proposed site is within 500 ft. of a public park, cemetery, public forest or playground.

Class "A" permitted sign locations must be located in a commercial or industrial area. Commercial or industrial area is defined as either being zoned for commercial or industrial activities under the authority of any state zoning law, or city or county zoning ordinance of the state or not zoned but being located within 600 ft. of a commercial or industrial activity. (For more information refer to Definitions in OP-OAC 6-2.) The field review process is slightly different depending upon which type of commercial or industrial area the proposed location is to qualify from.

In Zoned Areas:

If the application is notated that proposed site is zoned the inspector will need to complete a Zoning Review form (ZR-501,) which will require review of the surrounding area for compliance and support verification. Property upon which signs are to be erected within the control area must be zoned comprehensively for business, commercial or industrial activities under the authority of any state zoning law, or city or county zoning ordinance of this state. In areas which have been recently rezoned or land use does not appear to coincide with the current zoning, review minutes of the zoning/re-zoning hearing and application. Verify whether or not purpose of rezoning appears to be legitimate. Zoning of areas which have no visible indications of development, are separated from the primary urban area under which authority they are zoned and areas which are being primarily used for agricultural, ranching or residential purposes are to be scrutinized carefully. The property must have means to support commercial or industrial activities. Visit with local zoning authority to confirm the comprehensive development plan for the area to ensure the current zoning complies with the plan. However, areas which reflect strip or spot zoning granted strictly for the purpose of outdoor advertising are not acceptable.

Zoning designations such as agricultural, residential or any other type of zoning not intended for commercial or industrial activities are not acceptable for outdoor advertising purposes. PUD, SPUD and Corridor zoning designations can be utilized if the underlying zoning remains as commercial or industrial or if a development plan designates the proposed sign site as commercial or industrial. If the underlying zoning remains as any of the types of zoning mentioned at the beginning of this paragraph then PUD, SPUD or Corridor zoning is not acceptable.

To determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising law or regulations, the following factors are to be taken into consideration:

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- expressed reason for zoning
- zoning for the surrounding area
- actual land use
- existence of plans for commercial or industrial development
- proper access to property
- availability of utilities (water, electricity, sewage) in the newly zoned area, and
- whether or not the property is being assessed in accordance with zoning.

In Un-zoned Commercial or Industrial Areas:

If the application is notated that proposed site is un-zoned but list a business from which to conform, the inspector will need to complete a Business Review form (BR-505.) Photographs of the business are to be taken to document the activity and qualifying (or non-qualifying) aspects of such activity. A photo of any hours posted and identification signage should also be included. To qualify a commercial industrial activity must be located within 660 ft. of the nearest edge of the right-of-way and shall be equipped with all customary utilities, facilities and open to the public regularly or regularly used by the employees of the business as their principal work station or which due to the nature of the business is equipped, staffed, and accessible to the public as is customary. The activity must be clearly identified and recognized as a business from the main-traveled way. The majority of the business activity must be conducted on the premises during normal business hours. Permit applicant may be required to provide sufficient documentation to demonstrate the status of the activity as a qualifying commercial or industrial business.

The inspector is to measure the distance from the proposed sign site to the nearest edge of a regularly used area of said activity. This distance cannot exceed 600 ft. To determine the boundaries of an un-zoned C/I area, measure 600 ft. along the highway in each direction and a corresponding zone directly across a primary highway which is not also a limited or controlled access highway. However an un-zoned area shall not include land on the opposite side of an interstate or dual-laned limited access primary highway from the commercial or industrial activity establishing the un-zoned commercial or industrial area. All measurements shall be made from the edge of a regularly used building, parking lots, storage or processing areas of the commercial or industrial activity, not from the property lines of the activity and shall be along or parallel to the edge of the pavement of the highway.

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None of the following, but not necessarily limited to the following, shall be considered commercial or industrial activities for the purpose of outdoor advertising:

- outdoor advertising structures
- agricultural, forestry, ranching, grazing, farming, and related activities, including but not limited to wayside fresh produce stands
- transient or temporary businesses and activities
- activities more than six hundred sixty (660) feet from the nearest edge of the right-of-way
- activities conducted in a building principally used as a residence
- local, county, state or federal governmental offices or entities
- recreational activities which are designed to present park-like or pastoral aesthetic features to the travelling public. (Including but not limited to golf course greens and fairways, hunting club acreages, or other such type activities.)

During review of a proposed site utilizing an un-zoned C/I area for conformance the inspector must conduct physical distance measurements to determine whether or not a proposed site is located within 500 ft. of any of the following:

- church
 - school
 - historical battlefield
 - rest area
- or
- within 300 ft. of a building used primarily as a residence. If yes, then the applicant will need to obtain a statement of written consent allowing the sign, from the owner of the building.

In review of a commercial or industrial activity, the inspector should visit with someone on site if possible. Notate any surrounding activities or usage of adjacent properties.

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Spacing from any Registered Signs:

When applicable, physical distance measurements need to be conducted to determine whether or not proposed site meets spacing requirements from another registered sign location. The distance between signs can differ depending on the location and type of roadway the proposed location is adjacent to. Those spacing distances are as follows:

Inside Incorporated Municipalities on Non-Divided Routes

- No less than 300 ft. on the same side of the roadway
- No less than 100 ft. for signs on the opposite side of the roadway

Outside Incorporated Municipalities on Non-Divided Routes

- No less than 300 ft. either side of the roadway

Inside & Outside Incorporated Municipalities on Divided Routes

- No less than 1000 ft. on the same side of the roadway (Unless the permit application is designated for a Relocation Permit. If this is the case the distance is to be no less than 500 ft. For more information refer to OAC-PRO 6.117-10.)

In the case of an area outside of any incorporated municipalities and adjacent to a divided highway, the inspector might need to conduct a physical distance measurement to determine whether or not the proposed site is located within 500 ft. of an access ramp. Signs are prohibited in this area. The measurement is to begin at the point where the highway widens (physical gore point.)

ODOT's 8 Year Plan Review:

If the proposed location coincides with property possibly involved with the Department's eight year plan, the inspector will need to make necessary investigation into potential conflict to determine whether or not applicable. Right-of-Way plans and/or discussions with the local resident engineer are viable resources to be used. In questionable areas the inspector should conduct a physical measurement from the centerline of the roadway to the proposed site. If it is determined that there is a valid conflict the inspector will address accordingly to the applicant in writing. All attempts to ensure the Department does not accrue unnecessary additional expenses should be made at this time by the approval of a new sign structure in an area targeted for purchase.

Review of Land Use Consent

The inspector will review the submitted land use consent to determine the following:

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- That the site listed on the consent coincides with the proposed site &
- That the owner(s) listed on the consent is/are the owner(s) of record by confirming using PvPlus. A printout of the property card and map with parcel ownerships listed and the sign site notated.

Permit Denial or Issuance

After field review has been completed the inspector then presents findings to the Branch Manager. The decision is then forwarded to the applicant as follows:

- ▶ **Denial:** Applicant's original documents are returned along with a letter advising of reason(s) for rejection. Applicant is afforded appropriate time in which to obtain required documents or resolve reason(s) for rejection. The letter stating denial is sent by facsimile, UPS or certified mail to document receipt of denial.
- ▶ **Approval:** The inspector assigns registration and sign file numbers to the approved sign location and enters into the Oracle Outdoor Advertising database. After database entry the inspector then prints out the Permit & Registration Certificate. A letter advising of the approval and any further stipulations or requirements is sent to the applicant along with the Permit, Registration Certificate and the Registration tag. The tag is a 4.5" x 7" metal placard which is to be placed on the sign and visible from the highway. This tag serves to identify the sign.
- ▶ **Procedural Continuance:** In cases where a determination requires further review or investigation of a proposed site, this option allows for additional time beyond the requisite 60 day time frame. The inspector prepares a letter advising of this decision listing specific reason(s) for the continuance. The period of time extended depends on the issue at hand. Normally an additional 60 days is applied, however depending on the circumstances, the time frame could be less or more. This time-frame is left to the discretion of the Branch Manager. A procedural continuance is utilized when the Department requires the additional time to review a proposed location.
- ▶ **Applicant's Request for Extension of Time:** Additional time beyond the requisite 60 days in which to complete the application process can be granted upon written request from the applicant if approved by Branch Manager. Reason for needing the additional time must be included in the written request, and a letter granting or not granting the requested extension signed by the Branch Manager or Supervisor is then sent to the applicant. An extension of time is utilized when the applicant needs additional time in which to provide information or documentation necessary to complete the application process.

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- ▶ **New Consideration:** If the applicant wishes to contest the denial, a new consideration can be requested through General Counsel. For further direction refer to OP-OAC-6-15.

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Subject: Determining On-Premise Signage	No: Revised: Page:	OAC-PRO 6.117-12 04/01/15 1 of 4
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Applies to:

All signs located in adjacent areas within six hundred sixty (660) ft. from the nearest edge of the right-of-way and which are visible from any ODA regulated routes.

Policy:

Refer to Title 69 O.S. 1991 §1271 et. seq. & OAC §730:35-5-14

Oversight:

Manager, Outdoor Advertising Control Branch

An “on-premise” sign advertises the activities conducted upon the property upon which they are located and signs advertising the sale or lease of the property on which they are located. Although on-premise signs are considered exempt from the OAC permitting & registration requirements an on-premise can be classified for tracking purposes if deemed beneficial. The classification for an on-premise sign is “ONPR”. Identifying the sign in the system allows for any review information or historical data, such as the sign at one time being a registered sign to be available should any questions ever arise. It is also useful in avoiding unnecessary data collection when such a sign is encountered during a sign inventory.

Characteristics of an on-premise sign

1. A sign will be considered to be on-premise if it meets the following requirements:
 - The sign must be located on the same premises as the activity or property advertised.
 - The sign must have as its purpose:
 - the identification of the activity, or its products or services or
 - the sale or lease of the property on which the sign is located, rather than the purpose of the general advertising.
2. A sign will be considered to be on-premise if erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm.

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Premises Test

The following criteria shall be used in determining whether a sign is located on the same premises as the activity or property advertised.

- The premises on which an activity is conducted is determined by physical facts rather than property lines. Generally, it is defined as the land occupied by the buildings or other physical uses essential to the activity including such areas as are arranged and designed to be used in connection with such building or uses.
- The following will not be considered to be a part of the premises on which the activity is conducted and any signs located on such land will be considered “off-premise” advertising:
 - Any land which is not used as an integral part of the principal activity. This would include but is not limited to, land which is separated from the activity by a roadway, highway or other obstructions and not used by the activity and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility even though it might be under the same ownership.
 - Any land which is used for, or devoted to a separate purpose unrelated to the advertised activity. For example, land adjacent to or adjoining a service station, but devoted to raising crops, residence, or farmstead uses other than commercial or industrial uses having no relationship to the service station activity would not be part of the premises of the service station, even though under the same ownership.
 - Any land which is at some distance from the principle activity
 - Any land which is in closer proximity to the highway
 - Any land which is developed or used only in the area of sign site or between the sign site and the principle activity
 - Any land which is occupied solely by structures or uses which are only incidental to the principle activity, and which serve no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes. Generally, these will be facilities such as picnic, playground, or camping areas, dog kennels, golf driving ranges, skeet ranges, common or private roadways or easements, walking paths, fences, and sign maintenance sheds.

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- When a sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configurations of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land.

Purpose Test:

The following criteria shall be used for determining whether a sign has as its purpose (1) the identification of the activity located on the premises or its products or services, or (2) the sale or lease of the property on which the sign is located, rather than the business of outdoor advertising.

- Any sign which consists solely of the name of the establishment is an on-premise sign.
- A sign which identifies the establishment's principle or accessory product or services offered on the premises is an on-premise sign. An example of an accessory product would be a brand of tires offered for sale at a service station.
- When an outdoor advertising device (1) brings rental income to the property owner, or (2) consists principally of brand name or trade name advertising, or (3) the product or service advertised is only incidental to the principle activity, it shall be considered the business of outdoor advertising and not an on-premise sign. An example would be a typical billboard located on the top of a service station building that advertised a brand of cigarettes or chewing gum which is incidentally sold in a vending machine on the property.
- An outdoor advertising device which advertises activities conducted on the premises, but which also advertises, in a prominent manner, activities not conducted on the premises, is not an on-premise sign. An example would be a sign advertising a motel or restaurant not located on the premises with a notation or attachment stating "Skeet Range Here", or "Dog Kennels Here". The on-premise activity would only be the skeet range or dog kennel.
- A sale or lease sign which also advertises any product or service not located upon and related to the business of selling or leasing the land on which the sign is located is not an on-premise sign. An example of this would be a typical: "This Property for Sale"; "Smith's Motel; 500 Rooms, Air Conditioned, Turn Right 3 blocks at Main Street".

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Accessory vs: Incidental

To qualify for on-premise exemption the advertisement display must identify the establishment or the establishment's "accessory" or "principal" products or services rather than a product or service that is only "incidental". An accessory or principal product or service is that which is directly related and important to or an integral part of the establishment. An incidental advertisement would be a secondary service or product, only marginally associated with the purpose of the on-site establishment.

Per the FHWA guidelines the allowed amount of space on an on-premise sign which can be used for incidental product or service display is not to exceed 20% of the overall facing. The incidental allowance could also include sponsorship emblems, insignia or logos.

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Subject: Scenic Byway Program	No: Revised: Page:	OAC-PRO 6.117-13 04/01/15 1 of 1
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Applies to:

Any routes of roadway officially designated as a State Scenic Byway.

Policy:

Refer to OAC §730:35-5-16(b) and Title 23 §131(c)&(s) USC

Oversight:

Manager, Outdoor Advertising Control Branch

Enforcement:

All employees in the Branch

Scenic Byway Prohibition

Off-premise advertisement is prohibited adjacent to routes of highway which are officially designated as state or federal scenic byways under the National Scenic Byways Act. This applies only to portions of scenic byways which coincide with the regulated routes. Any applications for new permitted sign sites adjacent to an official scenic byway will be denied and a letter advising the applicant of the scenic byway status will be returned along with the application.

Signs in Existence Prior to Designation of the Scenic Byway Status

Registered and permitted sign sites already in place prior to the official designation of a Scenic Byway route will be honored as long as the sign and permit are maintained in accordance with state and federal regulations. Signs or permitted sites not approved for LED/Digital or Tri-Vision technology prior to the scenic byway designation shall not be allowed to upgrade to such display type.

Exemptions to the Prohibition

According to Title 23 §131 only the following types of signs are allowed within the control area of any roadway officially designated as a Scenic Byway.

- Directional (Class C, refer to definitions for more information,) and official signs
- On-premise signs
- Signs advertising “free coffee” installed by nonprofit organizations

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Subject: Changeable Electronic Variable Message Signs (CEVMS)	No: Revised: Page:	OAC-PRO 6.117-14 04/01/15 1 of 3
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Applies to:

Signs utilizing electronic technology which are located adjacent to all ODA regulated routes of roadway.

Policy:

Refer to OAC §730:35-5-12(c) 5 & 6.

Oversight:

Manager, Outdoor Advertising Control Branch

Field Inspections & Notification Process:

Transportation Specialists (Inspectors)

The following types of technology are allowed for conforming registered signs as long as they adhere to the prescribed guidelines as outlined in these procedures.

Tri-Vision Displays

Signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position are commonly known as tri-vision faces or multiple message signs. The use of these types of signs are allowed provided the following criteria is met:

- Rotation of one (1) panel to the next can be no more frequent than every eight (8) seconds
- The actual rotation process must be accomplished in four (4) seconds or less.
- Sign must be in compliance with all other aspects of state and federal laws and regulations including but not limited to the prohibition of flashing, intermittent or moving lights allowed.

Only one tri-vision unit can be used per facing.

LED or Digital Displays

LED (light emitting diode) or other types of digital displays are electrically operated providing high-resolution color images, complex visual arrangements, rich variation in color, with a vast amount of different images. Operational characteristics include electric power and remote control through a computer terminal using specialized software.

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In addition to all other state and federal outdoor advertising regulatory the guidelines for this type of technology are as follows:

- Change from one display to the next must be accomplished with static displays only; no scrolling, fading or other type of animation.
- Each display must remain in place no less than eight (8) seconds.
- Brilliance of illumination is limited to 6000 nits during the day and no brighter than 500 nits from dusk till dawn.
- All controls for digital signs including illumination and operational requirements shall be programmed so that any malfunction shall cause the sign to default to a static operation mode.
- Signs shall not cause beams or rays of light from being directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, nor shall such sign obscure or interfere with the effectiveness of an official traffic sign, device or signal, or cause an undue distraction to the traveling public.
- Signs shall not be located as to obscure or otherwise interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
- Must be in compliance with all other aspects of state and federal laws and regulations, including but not limited to the prohibition of any flashing, intermittent or moving lights.
- Signs are limited to one LED/digital display per facing.
- Signs utilizing LED/digital technology must be pre-approved by the Department before installation. Existing permitted sign sites can be upgraded to allow such technology upon written approval. Request for upgrade must be submitted to the Department along with a copy of current land use consent. The Department will review the eight year construction plan and ensure there are no outstanding issues causing the sign location to not be in compliance with outdoor advertising regulations. Upon approval or denial a written notice will be sent to the sign owner requesting the upgrade. If upgrade is denied the reason(s) for denial will be included in the notice.

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Safety Hazard Enforcement

In instances when a CEVMS is found to pose an immediate danger to the traveling public discretionary measures can be taken such as requesting the threat be adjusted or dismantled in less than the normal ninety day period. For further instruction for

processing of illegal notifications refer to OAC-PRO 6.117-5. A continued pattern of any violations referenced in this Procedure could cause the CEVMS option for the offending sign to be permanently revoked.

Brilliance Complaints

Upon receiving a complaint of a sign being overly bright the subject sign file, if applicable, will be pulled and placed in the field request drawer and the inspector for that area is to be notified. Considering the possible safety risks an overly bright display could pose, these complaints are to be reviewed at the earliest moment possible.

Using the Canon Luminance Meter LS-110, the inspector will make the appropriate review of the sign displays. At the sign site, the inspector should take several measurements while positioned as close to perpendicular to the sign facing as safely possible. Since a luminance meter basically measures a "spot area" of a target, you do not have to necessarily measure the complete facing. A general distance standard of approximately 500 ft. from the sign is appropriate.

If found to be in violation of the luminance standards listed in this Procedure, the sign owner is to be notified in writing immediately with mandate for compliance with requirements specified. Although the notification will provide the typical ninety day time-frame in which to resolve the matter, the letter will include a statement encouraging the sign owner to address the violation(s) immediately to avoid possible liability issues. Further instruction for processing of illegal notifications can be found in OAC-PRO 6.117-5.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Deposits/Receipts Process	No: Revised: Page:	OAC-PRO 6.117-15 04/01/15 1 of 3
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Applies to:

Designated employees in the OAC Branch who receive and process fees.

Policy:

Refer to Title 730:35-5 of the Oklahoma Administrative Code and Policy Directive No. B-202-1.

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Administrative Procedures:

Administrative Assistant and other Branch employees when necessary.

For the purpose of this procedure the term “money” means checks, money orders or purchase orders. Any payees submitting cash are required to be directed to the Comptroller’s office for submittal of payment. Guidelines outlined in this procedure are related to “Deposits” only. For guidance on processing fee transactions for OAC functions refer to applicable activities.

Processing of Monetary Items:

Once money is received and determined acceptable for deposit; immediately enter necessary information into receipt of money log located on the U Drive: Comptroller/ Receipt Log/ OAC. (Example provided: 6.117-15 Attachment 1) The log is password protected. (Password available to select personnel.) For each deposit, print two copies of the log identifying only the items being taken for deposit. One copy is for Comptroller and one copy is kept for the branch along with a copy of each check being deposited. Each check is to be endorsed on the back with the Comptroller depository stamp which is retained at the Administrative Assistant’s station. (Example Provided: 6.117-15 Attachment 2) Money and Receipt log is to be taken to Comptroller immediately upon receipt and given to the Comptroller personnel authorized to receive walk-in deposits. Log will be initialed by both the Administrative Assistant and the Comptroller personnel. If money is determined not acceptable for deposit, it is returned to the payee by certified mail with a letter providing explanation for the non-acceptance.

After deposit has been made the Administrative Assistant checks the branch’s inbox in the Comptroller’s office to see if there are any receipts from deposits made or receipts from checks the Comptroller Division receives through the mail and automatically deposits.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Deposits/Receipts Process

No: OAC-PRO 6.117-15
Revised: 04/01/15
Page: 2 of 3

**6.17-15 Attachment No. 1
(Receipt Log)**

<u>DIVISION</u>	<u>DATE</u>	<u>PAYOR</u>	<u>CHECK DATE</u>	<u>CHECK# / CASH</u>	<u>AMOUNT</u>	<u>JOB PIECE</u>	<u>DESCRIPTION</u>
OAC	1/12/2015	Verna M. Bates	12/14/2015	1549	100		Application
OAC	1/12/2015	Allen Entz	1/7/2015	1434	100		Application
OAC	1/12/2015	Griesel D. K.	1/5/2015	8929	20		Permit
OAC	1/12/2015	Brad E Collier	1/2/2015	1276	100		Application
OAC	1/12/2015	Tish TV Service	12/31/2014	12239	20		Permit
OAC	1/12/2015	Circle RR Inc.	12/31/2014	8653	20		Permit
OAC	1/12/2015	Stokely Outdoor Advertising, Inc.	12/30/2014	11352	20		Permit
				Total=	380		

ae

RECEIVED

JAN 12 2015

**COMPTROLLER
DIVISION**

HR

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject:
Deposits/Receipts Process

No: OAC-PRO 6.117-15
Revised: 04/01/15
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**6.17-15 Attachment No. 2
(Comptroller Depository Stamp)**

PAY TO THE ORDER OF
State Treasurer and Official Depository
OF OKLA.

JAN 30 2015

DEPT. OF TRANSPORTATION
Highway Depository Account 1345

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Mail Services Process	No: Revised: Page:	OAC-PRO 6.117-16 04/01/15 1 of 1
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Applies to:

Designated to employees in the OAC Branch who deliver or retrieve mail on behalf of the Branch which commonly includes submittal of fees.

Policy:

Refer to Title 730:35-5 of the Oklahoma Administrative Code

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Administrative Procedures:

Administrative Assistant

Mail Services :

As a general rule the Branch mail is taken to and retrieved from the mailroom twice daily. ODOT's mailroom is located in the basement in Room No. G7. The Administrative Assistant, along with a co-worker serving as an escort, delivers outgoing and retrieves incoming mail. The normal time-frame for the mail room visits are 9:30 to 10:00 in the morning, and 2:15 to 2:30 in the afternoon. The OAC Branch's mail box is number 20, and a designated combination code is necessary to unlock the box. (Each Branch employee is provided the correct combination sequence.)

Once back at desk the Administrative Assistant opens, sorts, and disperses mail in accordance with OAC Branch policies and procedures. For any monies received refer to OAC-PRO 6.117-15.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Permit Revocations of Un-built Sign Locations	No: Revised: Page:	OAC-PRO 6.117-17 04/01/15 1 of 1
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Applies to:

Permitted sign sites having no structure constructed by the end of second renewal term.
(Four years after issuance.)

Policy:

Refer to Title 69 O.S. 1991, §1277 C.

“After July 1, 2014, the Department of Transportation shall have the authority to revoke a permit issued under Sections 1271 through 1288 of this title if the permit holder fails to construct a sign at the permitted site prior to the second expiration date of the permit, or the permitted site is determined by the Department to be a discontinued sign site.”

Oversight:

Manager & Supervisor, Outdoor Advertising Control Branch

Actual Site Reviews:

Transportation Specialists (Inspectors)

This regulation is utilized on a case by case basis only. This discretionary tool allows un-built locations to be addressed when encountered during a secondary field review, such as but not limited to receipt of a new sign permit application or other sign consideration which might fall within the prescribed spacing area of the un-built site. The procedures outlined in this document apply only to registered, permitted sign sites which have never had actual advertising devices installed at the approved sites. For cases in which a registered, permitted sign has been removed and a structure no longer exists, refer to OAC-PRO 6.117-8, Abandoned and Discontinued Signs.

Steps to take Upon Discovery:

1. Take photos of the site to be sent to the permit holder.
2. Confirm that permit has been renewed at least twice.
3. Review the file and confirm that there is no evidence of an actual sign ever being in place. (The letter will allow for the permit holder to prove otherwise.)
4. Determine the property owner by using PvPlus.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Permit Revocations of Un-built Sign Locations	No: Revised: Page:	OAC-PRO 6.117-17 04/01/15 2 of 1
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5. Prepare a "90 day Un-built Permit Cancellation" letter to the permit holder and courtesy copy the property owner. This notice provides the option for the permit holder to provide evidence of a structure previously being built at the location. If they provide sufficient evidence to support this position then the site will be treated as discontinued and will be placed in review status as opposed to un-built. (OAC-PRO-6.117-8.)
6. If no response is received from the permit holder by the end of the 90 day time-frame, the permit will be cancelled. No follow up will be required by the OAC Branch.
7. If the permit holder is able to install a sign prior to the 90 day expiration, the registration and permit will be considered in good standing and both the permit holder and property owner will be notified in writing accordingly.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Request For New Consideration	No: Revised: Page:	OAC-PRO 6.117-18 04/01/15 1 of 1
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Policy:

New Considerations are to be granted to applicants appealing the denial of the issuance, renewal or transfer of a sign permit, or denial of exemption status.

Scope:

In the event that the Outdoor Advertising Control Branch determines that a permit should not be issued, renewed or transferred, or that an exempt classification should be denied, the applicant is to be notified in writing with some form of receipt confirmation. (Certified Mail delivery or facsimile.)

If the applicant wishes to request a new consideration on the matter, they must do so within 15 days of receiving the notice of denial. The new consideration request should be in writing and addressed to the Department's General Counsel where it will be forwarded to the appropriate party for handling. When a new consideration is requested, the request is evaluated by the appointed Department representative (Reviewer). The Reviewer shall provide the applicant and the Outdoor Advertising Control Branch an opportunity to submit written arguments and evidence as well as to appear and make oral presentations. Upon complete review of all presented evidence and any additional investigation deemed necessary, the Reviewer shall make a written recommendation to the Executive Director who may review the evidence and who shall issue the final decision of the Department.

Responsibilities:

Executive Director

Appoint reviewer for New Consideration process. Make any necessary final decisions on behalf of the Department.

General Counsel

Receive requests for new considerations and forward to Reviewer, who is appointed by the Executive Director, after recording receipt.

Reviewer (Director of Finance and Administration)

Function as the liaison between the applicant and the Outdoor Advertising Control Branch and serve as Reviewer for the new consideration. Arrange the date, time and location for New Consideration reviews advising pertinent parties accordingly. Provide recommendation to the Director after concluding all reviews and investigations.

Manager, Outdoor Advertising Control

Responsible for maintaining a working knowledge of the laws, regulations, statutes, and rules that are relevant to the issue at hand. Represent the OAC Branch before, during or any time necessary as witness to the Branch's involvement and rules and practices applicable to the outdoor advertising control program.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: "Focus on Safety" Program Participation	No: Revised: Page:	OAC-PRO 6.117-19 04/01/15 1 of 3
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Applies to:

Branch Safety Coordinator & Inspectors

Policy:

Refer to the ODOT Safety Manual which is mandated under Department Policy Directive A-301-1

Objective:

The support of management is critical for the success of any program. Management is strongly encouraged to utilize the Focus on Safety key accident prevention components as a tool. The key components will assist in preventing accidents and reducing and controlling unnecessary costs related to employee accidents and injuries. Every accident prevented saves both direct and indirect costs, allowing funds to remain in the operating budget where most needed. Those key components are:

- Accident Investigation
- Accident Investigation Follow-up
- Target Safety Training and Accident Prevention

To promote and maintain safety in the work unit, ODOT developed the Safety Incentives Award Program. This program rewards applicable individuals or groups who have established exceptional safety records, while encouraging safe work practices along with increased productivity.

Responsibilities:

Branch Manager

Serve as the Branch Safety Coordinator (BSC). Ensure each employee is equipped with the knowledge and proper equipment to be effective in a safe and protected manner. Further develop and enforce safe work area practices and philosophy for the branch, encouraging a safe work environment. The BSC is responsible for researching and preparing materials and agenda for the monthly safety meetings and conducting those meetings accordingly.

Inspectors

Attend monthly mandatory safety meetings and any additional safety training sessions as may be required by the BSC. Adopt a safety minded work ethic staying knowledgeable of Department safety policies and practices. Bring any potential hazards or ideas for improvement to the program to the attention of the BSC.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: "Focus on Safety" Program Participation	No: Revised: Page:	OAC-PRO 6.117-19 04/01/15 2 of 3
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Safety Meetings

Branch safety meetings are held at least once a month, more if the BSC determines it prudent. At the beginning of each year a mandatory list of six safety topics is issued by ODOT's Safety Manager. As long as each topic is addressed at some point throughout the twelve month period it is at the discretion of the BSC to decide when along with determining what the remaining meeting topics should be based on the safety needs for the branch. The time and place of each safety meeting is announced by the BSC and each attendee is requested to sign off on the agenda for record keeping purposes. Once completed the signed agenda is then emailed to the Department Safety Manager, with the original and copies of any meeting documents retained in the branch filing system.

Employee Eligibility:

1. Employees must physically work six months or more in the year to be eligible for a safety award. Employees on extended leave (30 days or more) or who retired without physically working the previous six months are not eligible for a safety award.
2. Employees meeting any of the following criteria are eligible to receive a safety award:
 - a. Perform 20% of duties where there is a high risk for accident or injury including:
 - (1) heavy lifting (50 lbs. or more)
 - (2) tower climbing; or
 - (3) other high risk job duties approved by the Division Head and Safety Manager.
 - b. Work 20% of the time in a hazardous or dangerous environment including:
 - (1) existing roadways;
 - (2) rights-of-way;
 - (3) construction zones;
 - (4) mechanic shops, sign shop, print shop, laboratories or warehouses;

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: "Focus on Safety" Program Participation	No: Revised: Page:	OAC-PRO 6.117-19 04/01/15 3 of 3
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- (5) other environments/locations approved by the Division Head and Safety Manager.
 - c. Drive on official ODOT business an average of 1,000 miles per month or more.
 - d. Assigned duties include the research and development of safety programs or presenting safety training to employees covered under (a) (b) or (c). These duties must be on the PMP.
3. ODOT employees meeting the Award Eligibility Requirements are included in the Focus on Safety Incentive Awards.

Gift card safety awards are issued at the beginning of each calendar year.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Junkyard Control Program	No: Revised: Page:	OAC-JYC-PRO 6.117-1 04/01/15 1 of 3
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Applies to:

Persons, firms or corporations who establish, operate or maintain a junk/salvage yard, scrap metal processing facility or automobile graveyard located within 1,000 ft. of the right-of-way of any regulated route.

Policy:

Refer to Oklahoma Administrative Code 730:35-3 and Title 69 O.S. 1251 et al.

Responsibilities:

Manager & Supervisor, Outdoor Advertising Control Branch

Responsible for maintaining a working knowledge of the laws, regulations, statutes, rules, and policies regarding the Junkyard Control Program and making proper determinations concerning the status of sites qualifying for regulatory oversight.

Transportation Specialists (Inspectors)

Responsible for obtaining necessary data and photographs of sites and presenting to the Manager or Supervisor for review. Maintains log tracking the timelines issued for illegal sites. Provides advice and guidance to the owners to ensure compliance, meeting them on-site when necessary. Each inspector is responsible for their respective territories.

Legal & Business Services Division

Responsible for filing any Writs of Assistance necessary to instigate legal proceedings against owners found to still be in violation of the Junkyard Control Program after prescribed time frame has expired.

Illegal Notification Process:

Upon discovery of an unlawful junk/salvage, scrap metal processing facility or automobile graveyard, the owner of such operation or property shall be notified of violation with specific reason(s) cited in writing with some form of receipt confirmation. (Certified mail or facsimile.) The notice will include a prescribed time of ninety (90) days in which to rectify the illegal issue(s) cited in the notification. This notice will advise the owner that if additional time is necessary in which to rectify the illegal issue(s) time can be granted upon written request. The letter shall further explain that if the matter has not been resolved after the expiration of ninety (90) days or the extension of such time as authorized by the Department, the owner will be guilty of a misdemeanor and upon conviction thereof shall be fined Ten Dollars (\$10.00) for each day such violation continues after the expiration of the ninety-day notice or extension thereof.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Junkyard Control Program	No: Revised: Page:	OAC-JYC-PRO 6.117-1 04/01/15 2 of 3
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If no viable response is received from the recipient within 60 days of the ninety day allotted period, a reminder notice, also known as the thirty day notice, of the impending deadline will be sent with some form of receipt confirmation. (Certified mail or facsimile.) If no response is received by the end of the ninety day time frame and the site is confirmed to still be unlawful, the owner will then be sent a final notice by certified mail advising that file is being forwarded to the Legal and Business Services Division for handling.

Requests for Clearance Letters

Requests from owners of junk/salvage yards or metal processing facilities to receive a letter of Clearance from the Department to be given to the Used Motor Vehicle and Parts Commission are handled as follows.

- First determine whether or not the location falls within the control area of a regulated route. If it does not, then a letter advising of this finding explaining the activity is exempt from our regulations is to be prepared and sent to the appropriate party.
- If the location falls within the control area of a regulated route then the applicant is sent an "Application for Highway Beautification Clearance" to complete and return. (See OAC-JYC-PRO 6.117-1-Attachment)
- If the location is situated upon property zoned Industrial by an official zoning authority, a letter of clearance can be issued immediately.
- In instances where screening is already in place, photos supporting this condition can be submitted with the completed application. A letter advising the applicant that based on the photos submitted, clearance is granted, however an inspector will review the area when next in the area.
- In instances where screening is not in place but intentions to install screening are pending, a site plan detailing the location and type of screening to be used can be submitted with the application. If screening plans are found to appear acceptable per Highway Beautification requirements, a letter advising the applicant that based on site plan submitted clearance is granted, however an inspector will review the area when next in the area. If screening plans as rendered on the site plan do not appear to meet Highway Beautification regulations, the applicant is advised as how to correct the insufficient findings.
- In instances where the screening is not in place nor is a site plan included with the application, the applicant is advised in writing that a field inspection will need to be made by the Department prior to issuing a letter of clearance. A field inspection is then scheduled.

OAC-JYC-PRO 6.117-1 – Attachment

Oklahoma Department of Transportation

For Official Use Only	
DATE	Applicant Name/Number

Application for Highway Beautification Clearance
For Junk/Salvage Yards or Metal Processing

Application is hereby made by the undersigned to have their business inspected by ODOT to ensure compliance with Title 69 O.S., Section 1251 et seq. and with the rules and regulations of the State Transportation Commission.

Part I Business Owner/Operator Information

NAME: _____ CONTACT: _____
(Person, Firm or Corporation) (Name of Primary Contact Person)

ADDRESS: _____
(Mailing Address) (City) (State) (Zip Code)

_____ (Physical Address) (City) (State) (Zip Code)

TELEPHONE NO.: (_____) _____ CELL NO.: (_____) _____

FAX NO.: (_____) _____ E-MAIL ADDRESS: _____

Part II Business or Facility Information

NAME OF BUSINESS: _____
(Also list previous name of business if it was pre-existing.)

TYPE OF BUSINESS: Junk or Salvage Yard Scrap Metal Processing Facility Other: _____

ADDRESS: _____
(Mailing Address) (City) (State) (Zip Code)

_____ (Physical Address) (City) (State) (Zip Code)

TELEPHONE NO.: (_____) _____ DATE BUSINESS WAS ESTABLISHED: _____
(If not yet established enter intended date.)

Location Description:

COUNTY NAME: _____ CITY NAME: _____ NEAREST HWY. _____ SIDE OF HWY. _____

NEAREST INTERSECTING HWY. _____ DIR. FROM INTERSECTION: _____ DISTANCE FROM INTERSECTION: _____ DISTANCE FROM R/W: _____
N.S.E.W. Miles Tenths Feet

PART III Industrial Area Qualifications

Is property upon which the business/facility is located zoned for industrial use?
 Yes No

If yes, a Zoning Confirmation form must be completed & submitted with application. (Form Z-JY or it's equivalent.) Yes No

Who is the Zoning Authority? _____

If property is unzoned, is the business/facility located within 1000 ft. of another industrial activity located on the same side of the highway? (Activity must also be located within 300 ft. of the highway right-of-way.) Yes No

If yes, what is the name of the business? _____

Note to Applicant: If your business is located in an area that is zoned anything other than industrial or is unzoned and not within 1000 ft. of a qualifying industrial business, you will need to have any wrecked or inoperable vehicles, parts or junk as defined in Title 69 O.S. 1253, screened from view of the highway. If your business is located in such an area and is not yet screened, you will need to submit a site plan that details your screening intentions. Please be sure to list the approximate dimensions of the business and the type of screening you intend to use.

Signature of Applicant or Representative _____

Date _____

VOLUME II

SECTION VII

**PROJECT MANAGEMENT BRANCH
INDEX OF PROCEDURES**

PM-PRO 6.118-1	PROJECT SCOPING (INITIATION, KICK-OFF, TEAM MEETING)
PM-PRO 6.118-2	ENVIRONMENTAL DOCUMENT PROCESSING
PM-PRO 6.118-3	RIGHT-OF-WAY & UTILITIES DIVISION PLAN REQUIREMENTS
PM-PRO 6.118-4	NEW PROJECT AND REVISION PROCESSING
PM-PRO 6.118-5	PROJECT AGREEMENTS WITH LOCAL PUBLIC AGENCIES FOR REGULAR PROJECTS
PM-PRO 6.118-6	FUNDING AUTHORIZATION
PM-PRO 6.118-7	PROJECT SCHEDULING, STATUSING AND TRACKING
PM-PRO 6.118-8	PLAN REVISION REQUEST
PM-PRO 6.118-9	PROJECT MANAGEMENT MEETINGS
PM-PRO 6.118-10	PROJECT MANAGEMENT DATABASES
PM-PRO 6.118-11	RENEWAL OF RIGHT-OF-WAY GRANTS

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Scoping (Initiation, Kick-off, Team Meeting)	No: PM-PRO 6.118-1
	Revised: 04/01/15
	Page: 1 of 1

Applies to:

Policy OP-GA 6-25: Cost Estimates and Relocation Impact Analyses

Project Managers

1. Participate in ODOT's multi-disciplinary team for the evaluation of projects from their inception.
2. Attend project planning meetings and make site inspection.
3. Provide input as required for right-of-way and utilities needs.
4. Provide estimates when requested.
5. Prepare and negotiate a personal services contract for scoping estimates as required.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Environmental Document Processing	No: PM-PRO 6.118-2
	Revised: 04/01/15
	Page: 1 of 1

Applies to:

NOTE:

Before any project proceeds to the appraisal process, Environmental Clearance must be obtained.

Manager, Project Management Branch

1. Obtains a copy of the completed environmental document prior to preparing funding estimates and requesting funds. Review document for the following:
 - a. Proper approval
 - b. Ensure that any proposed mitigation requirements in regard to right-of-way and utilities are appropriately completed. These include but are not limited to; additional right-of-way, tree plantings, wetlands creation/restoration/preservation.
 - c. Ensure that any right-of-way relocation pre-planning or other environmental justice issues have been addressed.
 - d. Ensure that any mitigation requirements related to the removal of hazardous materials is addressed or that the ODOT avoids the acquisition of any contaminated property.
 - e. Identify any seasonal restrictions on construction or ground disturbing activities.
 - f. Identify any underground storage tank (UST) issues.
 - g. Ensure that any proposed utility installations meet mitigation requirements such as "raptor friendly" power poles.
 - h. Ensure that ground disturbing activities associated with any endangered insects or species are addressed appropriately relative to demolition or utility relocation activities.
 - i. Identify any property owners or businesses that provided negative comments during the environmental comment period.
2. Provide one copy of the environmental document to the Acquisition Branch for the BIA when the ODOT is acquiring property from a Native American allottee. Refer to 25 CFR § 169.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Plan Requirements	No: PM-PRO 6.118-3
	Revised: 04/01/15
	Page: 1 of 4

Applies to:

Policy OP-GA 6-1: Project Scheduling

Manager, Project Management Branch

1. Receive construction plans and distribute according to the following:
 - a. **Construction Plan Submission for Preliminary Plan Field Review Meeting shall include the following:**

- 1 half size set of plans (Title, typicals, detail sheets, P&P's and survey data sheets)
- 2 CD-ROM or Electronic Files of DGN & PDF submitted to X:/rdyjobs
- Cover Letter

Distribution is as follows:

Mapping Branch

- 1 CD-ROM
- 1 half size set of plans (Title, typicals, detail sheets, P&P's and survey data sheets)

Utilities Branch

- 1 CD-ROM

- b. **Construction Plan Submission for R/W and Utility Meeting shall include the following:**

- 2 CD-ROM or Electronic Files of DGN & PDF submitted to X:/rdyjobs
- 1 half size sets of plans (Title, typicals, detail sheets, P&P's and survey data sheets)
- Cover Letter

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Plan Requirements	No: Revised: Page:	PM-PRO 6.118-3 04/01/15 2 of 4
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Distribution is as follows:

Mapping Branch

- 1 CD-ROM
- 1 half size set of plans (Title, typicals, P&P's and survey data sheets)

Utilities Branch

- 1 CD-ROM

c. Construction Plans for R/W Submission shall include the following:

- 5 half size sets of plans (Title, typicals, detail sheets, P&P's and survey data sheets)
- 2 CD-ROM including all electronic files for the project
- Electronic Files of DGN and PDF files submitted to x:/rdyjobs

NOTE:

All plans should be stamped "Proposed R/W", dated accordingly and have a cover letter.

Distribution is as follows:

Mapping Branch

- 1 half size set of plans (Title, typicals, detail sheets, P&P's and survey data sheets)
- 1 CD-ROM
- Electronic Files submitted to x:/rdyjobs

Utilities Branch

- 1 CD-ROM

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Plan Requirements	No: Revised: Page:	PM-PRO 6.118-3 04/01/15 3 of 4
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Project Management Branch

- 1 half size set of plans

Appraisal Branch

- 1 half size set of plans

Relocation Branch

- 1 half size set of plans

Assistant Chief

- 1 half size set of plans

d. Revised Construction Plans for R/W Submission shall include the following:

- 1 half size set of revised plan sheets
- 2 CD-ROM including all electronic files for the project
- Electronic Files of DGN and PDF files submitted to x:/rdyjobs

NOTE:

All plans should be stamped "Proposed Revised R/W", dated accordingly and have a cover letter identifying changes.

Distribution is as follows:

Mapping Branch

- 1 CD-ROM
- 1 half size set of revised plan sheets

Utilities Branch

- 1 CD-ROM

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Right-of-Way & Utilities Division Plan Requirements	No: PM-PRO 6.118-3
	Revised: 04/01/15
	Page: 4 of 4

e. Construction Plan Submission for Final Field Review Meeting shall include the following:

- 2 CD-ROM

Distribution is as follows:

Mapping Branch

- 1 CD-ROM

Utilities Branch

- 1 CD-ROM

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: New Project and Revision Processing	No: PM-PRO 6.118-4
	Revised: 04/01/15
	Page: 1 of 3

Applies to:

Policy OP-GA 6-1: Project Scheduling

Manager, Project Management Branch

New Project Processing

1. Receive project submissions from Roadway Design Division. Review scope, size, type and project requirements. Check submittal for sufficient number of plans, cross sections and documents. Standard Construction Plan Submission includes:
 - a. 5 half size sets of plans (Title, typicals, P&P's and survey data sheets)
 - b. 2 CD-ROM and electronic submission of appropriate drawing files

Distribution is as follows:

- a. Mapping Branch – 1 half size set of plans & CD-ROM
 - b. Appraisal Branch – 1 half size set of plans
 - c. Relocation Branch – 1 half size set of plans
 - d. Utilities Branch – 1 CD-ROM
 - e. Project Management Branch – 1 half size set of plans
 - f. Assistant Chief – 1 half size set of plans
2. Project submission is to be processed by reviewing and checking the following for information pertinent to Right-of-Way & Utilities Division activities:
 - a. General correspondence file
 - b. Transportation Commission agenda item when project was set up
 - c. Plan in hand reports
 - d. Environmental clearance and any required mitigation items. If mitigation measures are required, notify the appropriate Branch that will be responsible for fulfilling the requirements.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: New Project and Revision Processing	No: Revised: Page:	PM-PRO 6.118-4 04/01/15 2 of 3
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- e. Advertisement on the Statewide Transportation Improvement Program (STIP)
 - f. If project is within a corporate city limits, there is a need for a Right-of-Way, Public Utility and Encroachment Agreement.
 - g. Identify let date for R/W, Utility and Construction projects
 - h. Accuracy of project number, job piece number and description of location
3. On submission transmittal, note the following:
 - a. New Project, initial and date in top right hand corner
 - b. Established durations and target dates or attach the Project Management Report with appropriate record of durations and target dates or note that target dates are "To Be Determined" TBD.
 - c. Branch specific directions for reviewing plans, providing estimates and other notes and dates considered appropriate
 - d. Agreement required and entity (if any)
 - e. Let dates
 - f. Any other notes and dates considered appropriate
4. Distribute plans
5. If R/W plans and documents are a part of the project submission, send all to the Mapping Branch for distribution.
6. Distribution of submission transmittal:
 - a. Original to Records Center
 - b. R/W & Utilities Division Branches (1 to Acquisition) (1 to Appraisal) (1 to Mapping) (1 to Relocation) (1 to Utilities)
 - c. Pending Estimate File
7. Posting of Submission to:
 - a. Right-of-Way & Utilities Division's Project Management Database

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: New Project and Revision Processing	No: Revised: Page:	PM-PRO 6.118-4 04/01/15 3 of 3
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8. Prepare estimating forms for use in compiling project estimates for programming funds.
9. Notify any Local Public Agency of their potential financial obligations for the Right-of-Way and Utility portion of the project as well as other responsibilities.

Revision Processing

1. Receive revised project plan sheet submissions from Roadway Design Division.
2. Note on transmittal the branch to receive revised plan sheets, any pertinent information, date and initial. Submit a copy of transmittal to Records Center.
3. If revisions are a request of the Mapping Branch, forward sheets and submission transmittal to Mapping.
4. If revisions are a result of design changes, forward sheets and submission transmittal to Mapping and Utilities.
5. In all revised sheet submissions, if cross sections are received, forward to Utilities Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements With Local Public Agencies For Regular Projects	No: Revised: Page:	PM-PRO 6.118-5 04/01/15 1 of 9
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Applies to:

Policy OP-GA 6-9: Project Agreements

Reference:

69 O.S 2011 § 1205 – Acquisition Policy
69 O.S Supp. 2011 § 1401 – Use of Highways, Right-of-Way and Easement by Public Utilities and Cable Television System – Consent, Terms and Conditions
69 O.S. 2011 § 1402 – Interference with Public Use by Public Utilities Forbidden
69 O.S. 2011 § 1403 – Public Utilities on State Highways – Location and Removal
Oklahoma Administrative Code – 730:20-1-2 – Acquisition and Clearance of Right-of-Way
69 O.S. 2011 § 1208 – Structures in Right-of-Way or Street Prohibited – Public Nuisance
69 O.S. 2011 § 1209 – Removal of Structures by Highway Commission
69 O.S. 2011 § 1210 – Culverts, Driveways, Mailboxes and Stock-Pass Fences Excepted-Approval by Commission
69 O.S. 2011 § 1211 – Violation A Misdemeanor – Punishment – Interference with Abatement
Oklahoma Administrative Code – 730:20-1-5 – Control of Encroachments
69 O.S. 2011 § 901 – Construction, Improvement or Maintenance of Municipal Streets, Signs, Lights, etc.
Oklahoma Administrative Code – 730:35-1-11 – Department Maintenance within Municipalities

Manager, Project Management Branch

1. Upon receipt of a revised 8-Year Construction Work Plan, identify projects within a corporate city limits and direct the preparation and delivery of an “Advance Notice Letter” to all Local Public Agencies (LPA) potentially involved.
2. An “Advance Notice Letter” shall include: (See Example letter in this procedure)
 - a. Name of Mayor or other town official
 - b. Address
 - c. Citations and copies of references listed above
 - d. Example of a standard project agreement
3. Forward to Chief, Right-of-Way & Utilities Division for review, approval, and signature.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements With Local Public Agencies For Regular Projects	No: Revised: Page:	PM-PRO 6.118-5 04/01/15 2 of 9
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Manager, Project Management Branch

1. Upon receipt of construction plans for R/W Submission, identify projects within a corporate city limits and direct the preparation and delivery of a Right-of-Way, Public Utility and Encroachment Agreement. Determine type of agreement based on initial funding allocation, population of governmental entity and functional classification of highway. Types of Agreements are as follows:

50/50 Agreement

- Projects submitted to Right-of-Way & Utilities Division within a City's Corporate Limits. City responsible for ½ of the State cost.

80/20 Agreement

- Projects submitted to Right-of-Way & Utilities Division where a City will participate in 20% of the cost.

90/10 Agreement

- Projects submitted to Right-of-Way & Utilities Division where a City will participate in 10% of the cost along an Interstate Route.

Project Manager

2. Prepare four (4) copies of the Right-of-Way, Public Utility Encroachment Agreement(s) with applicable project numbers, and description for Local Public Agency(s) involved.
 - a. Four (4) copies are to be delivered to the LPA
 - b. One (1) copy goes to the Branch File
 - c. One (1) copy goes to Records Center with a copy of Utility estimate (Initial and date in top right hand corner of agreement)
3. Prepare a Project Agreement Packet consisting of the following:
 - a. 4 copies of the Agreement
 - b. 1 half size set of construction plans
 - c. 1 copy of current applicable State Statutes and Administrative Codes
 - d. 1 copy of the Utilities Branch cost estimate
 - e. 1 half size set of right-of-way plans, if available

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements With Local Public Agencies For Regular Projects	No: Revised: Page:	PM-PRO 6.118-5 04/01/15 3 of 9
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NOTE:

Right-of-way acquisition activities should not commence until the R/W, Public Utility and Encroachment Agreement has been executed unless approval to proceed has been given by the Chief, Right-of-Way & Utilities Division.

4. Prepares cover letter for signature by Manager, Project Management Branch, and receipt of delivery memo to be included with packet. See example letters in this procedure.
5. Contacts Town/City's Mayor or Manager for scheduling a delivery date and time.
6. Prior to delivery of the Project Agreement to the City, the Project Management Branch will provide written notice either by internal memorandum or e-mail to the Field Division Engineer, Project Management Division, Chief, Right-of-Way & Utilities Division, and Assistant Chief, Right-of-Way & Utilities Division. The notice shall identify the basic project information, date of the anticipated meeting with the City, and the estimated amount of the City's financial participation. Whether by internal memorandum or e-mail, a hardcopy shall also be retained in the Records Center project correspondence file as well.
7. Delivers Project Agreement Packet, explains the underwriter's financial obligation as determined in the utility cost estimate and explains the general scope of project.
8. Upon receipt of executed agreement from the LPA, verify agreements are the same that were sent. Verify information on the agreements, checking for date executed and all required signatures and seals. Transmit to Chief, Legal & Business Services Division for signature.

Chief, Legal and Business Services Division

9. Sign agreements as to form and legality and forwards to Chief, Right-of-Way & Utilities Division.

Chief, Right of Way & Utilities Division

10. Sign all agreements, for the Director, and return to Project Management Branch.

Project Manager

11. Verify all necessary signatures have been obtained. Forward to Business Office for distribution.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Agreements With Local Public Agencies For Regular Projects	No: Revised: Page:	PM-PRO 6.118-5 04/01/15 4 of 9
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12. Post the date agreements are received and signed to Project Management Database. Scan and save executed copy of agreement to appropriate project folder on Y:/Drive.
13. In the event a delivered agreement is not received back from the appropriate entity within a few weeks, telephone contact should be made to determine current status. Notify the Assistant Chief and Chief if no response from LPA.
14. At 30 days and 60 days beyond initial delivery of agreement, an official written notice of reminder with a non-inflammatory/non-abrasive approach shall be delivered to the entity. See example letter in this procedure.
15. At 90 days beyond initial delivery of agreement, an official written notice of reminder with a strong warning of jeopardizing this and future projects shall be delivered to the entity by certified mail. See example letter in this procedure.



OKLAHOMA DEPARTMENT OF TRANSPORTATION

**200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org**

Date

Mayor First and Last Name, City/Town of Name
Address
City, Oklahoma Zip Code

Re: Advanced Notice Letter for Local Commitment For Future State Highway System Project
Federal Project No. , Job Piece No. , County, Highway
Description:

Dear Mayor Last Name:

The Department is pleased to advise you that a project is being planned that will be of interest to your community. Priority State Highway System projects such as this represent a substantial investment of time and resources by the Department and require that the State & local entities work together on multiple issues such as completion of the environmental process, coordination of preconstruction activities, relocation of utilities, removal of encroachments, and long term maintenance of the facility. The currently proposed schedule for the necessary preconstruction activities is as follows; Begin Right-of-Way in Federal Fiscal Year , Utilities in Federal Fiscal Year and Construction letting date is scheduled for Federal Fiscal Year .

The City/Town may be required to participate in some of the costs associated with the relocation of utilities, will be required to remove any encroachments within existing public right-of-way inside the City Limits, and perform some of the necessary maintenance of the completed facility. Just prior to the Department commencing the right-of-way acquisition process, the City/Town will be asked to execute a Project Agreement which will stipulate the conditions under which the Department and the City/Town will interact. The City/Town's participation in some of the costs for the relocation of utilities is based on State law; 69 O.S. 2011 § 1205, 69 O.S. 2011 § 1401, 1402, & 1403 and the Oklahoma Administrative Code, 730:20-1-2. The City/Town will also be asked to remove any encroachments within public right-of-way inside the City/Town Limits relative to the project location. This responsibility is based on 69 O.S. 2011 § 1208, 1209, 1210, & 1211 and the Oklahoma Administrative Code, 730:20-1-5. Responsibilities for maintenance are addressed in 69 O.S. 2011 § 901 and the Oklahoma Administrative Code, 730:35-1-11.

Copies of a standard Project Agreement and of the statutes & regulations referenced above are attached for your review. If the City/Town does not have the funds available to participate in this priority public project based on the currently proposed project schedule, then the City/Town should notify the Department as soon as possible to ensure that scheduling changes can be effected.

If you have questions regarding project scope or timelines please contact Project Manager, Project Management Division. For questions specific to right-of-way and utilities, please contact Kristen Wallace at (405)522-2214.

Sincerely,

Kurt A. Harms
Chief, Right-of-Way & Utilities Division

Page 2 of 2

Mayor Last Name

Date

attachments: Standard Project Agreement

69 O.S. 2011 § 1205

69 O.S. 2011 § 1401, 1402, & 1403

OAC 730:20-1-2

69 O.S. 2011 § 1208, 1209, 1210, & 1211

OAC 730:20-1-5

69 O.S. 2011 § 901

OAC 730:35-1-11

cc: Director of Engineering
Field Division Engineer
Strategic Asset & Performance Management Division
Project Management Division
Right-of-Way & Utilities Division
Records Center



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

Date

Name

Town or City

Street Address or PO Box

City, State Zip

RE: Delivery Letter for Right-of-Way, Public Utility and Encroachment Agreement
Federal Project No. _____, Job Piece No. _____, County, _____ Highway
Description:

Dear Mayor Name,

Four originals of the subject agreement with the attached utility cost allocation are being provided for your information and processing for this project. The project consists of Description.

Please have the city clerk place his/her seal on all four of these documents and return the signed agreements to our office: **Oklahoma Department of Transportation, R/W & Utilities Division, Room 3-B4, 200 N.E. 21ST Street, Oklahoma City, OK 73105-3204.** A pre-addressed and stamped envelope has been provided for your convenience.

I have also included a card for Mr. Simon Winlock, Utilities Branch Supervisor. Mr. Winlock can answer any questions you may have about the utility cost estimate.

If you have any questions please contact me in writing at the above address, by telephone at Project Manager Phone # or via E-mail at Project Manager Email.

Sincerely,

Name, Project Manager
Right-of-Way & Utilities Division
Project Management Branch

Attachments

cc: Division Engineer, Division #
Records Center
Project File



OKLAHOMA DEPARTMENT OF TRANSPORTATION

**200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org**

Date

Name

City or Town

Street Address or PO Box

City, State Zip Code

RE: 30/60 Day Notice Letter for Right-of-Way, Public Utility and Encroachment Agreement
Federal Project No. , Job Piece No. , County, Highway

Description:

Dear Mayor Name

This letter is to remind you that the agreements for the subject project are now due (4 executed copies of attachment). These agreements must be executed by the City and the Department before the Right-of-Way & Utilities Division can proceed with right-of-way acquisition and the relocation of utilities.

If the City is experiencing difficulties regarding the commitments stipulated in the agreement, please notify me in writing of these issues so that they can be addressed expeditiously.

If you have any questions please feel free to contact me in writing at the above address, by telephone at Project Manager Phone # or via E-mail at Project Manager email address.

Sincerely,

Name, Project Manager
Right-of-Way & Utilities Division
Project Management Branch

Attachment: Right-of-Way, Public Utility and Encroachment Agreement

cc: Division Engineer, Division
Records Center
Project File



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

Date

Name

City or Town

Street Address or PO Box

City, State Zip

RE: 90 Day/Final Notice Letter for Right-of-Way, Public Utility, and Encroachment Agreement
Federal Project No. , Job Piece No. , County, Highway
Description:

Dear Mayor Name,

We have made several attempts to secure a signed Right-of-Way, Public Utility and Encroachment Agreement from the City or Town for the referenced project. This was done to comply with Oklahoma Administrative Code 730:20-1-2(4). Since the City or Town chooses not to sign the attached Agreement, the Department has three options to consider.

- 1) Postpone the project until a signed Agreement is received from City or Town.
- 2) Cancel the project and remove it from the Department's Eight Year Construction Program.
- 3) Proceed with the project as scheduled and comply with Oklahoma State Statute Title 69, Section 1205(c), which requires the Department to invoice City or Town for a 10% share of the actual cost to remove and relocate utilities within the limits of the municipality on privately owned rights-of-way.

The fate of this project will be determined by the Department's upper management.

If you have any questions, I can be reached at (405) 521-2661 or by e-mail at kharms@odot.org.

Sincerely,

Kurt Harms, Chief, Right-of-Way & Utilities Division

KH/kw

Enclosures: R/W, Public Utility, & Encroachment Agreement
Oklahoma Administrative Code 730:20-1-2(4)
Oklahoma State Statute Title 69, Section 1205(c)

cc: Director of Engineering
Division Engineer
Chief, Legal and Business Services Division
Manager, Utilities Branch
Project Management Division
Project Correspondence File
Records Center

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Funding Authorization	No: Revised: Page:	PM-PRO 6.118-6 04/01/15 1 of 1
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Applies to:

Policy:

OP-GA 6-10: Programming Projects for Federal Aid
OP-GA 6-25: Costs Estimates and Relocation Impact Analyses

Manager, Project Management Branch

1. Receive estimates from Mapping Branch, Appraisal Branch, Relocation Branch and Utilities Branch. Calculate variables such as administrative settlements, condemnation awards, staking, acquisition fees and administrative/contingencies.
2. Complete estimate using estimating forms, (rural or urban) for right-of-way and utility projects.
3. Provide project estimates to the Project Management Division for transmittal to Programs Division for authorization of funding.
4. Copy of estimates to Records Center and Assistant Chief.
5. Update Project Management Report database.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Scheduling, Statusing and Tracking	No: PM-PRO 6.118-7
	Revised: 04/01/15
	Page: 1 of 2

Applies to:

Policy OP-GA 6-1: Project Scheduling

Manager, Project Management Branch

1. While processing new projects, a schedule of operation must be prepared to ensure the letting of projects. Target dates are set for functions of the Right-of-Way & Utilities Division in the Plan Development Process that fall on the Critical Path.
2. Target dates are set for Mapping Branch, Appraisal Branch, Acquisition Branch, Legal Division (Condemnation), Relocation Branch and Utilities Branch.
3. Basic durations per function on normal projects are as follows:

	<u>Rural Projects</u>	<u>Urban Projects</u>	<u>Projects with Federal Land Acquisitions</u>
Mapping	40	60	See Rural/Urban
Appraisal	60	80	140
Acquisition	60	80	140
Condemnation	60	80	See Rural/Urban
Relocation	40	60	See Rural/Urban
Utilities	80	120	See Rural/Urban

4. Durations must be adjusted and customized on a per project basis based on complexity, geographic location and scheduled PS&E Date.
5. Statusing of projects is the daily maintaining of the Program Management Report database to show the progress and completion of each activity.
6. Utilize the Program Management Report to continually update the status of the various pieces of information in the report. Issue updated reports on at least a monthly basis.
7. Schedule and coordinate monthly Program Management meeting to obtain current project information.
8. Provide Project Management Division with a copy of the Program Management Report.
9. Advise Project Management Division's Project Managers of complications that will impact project schedules.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Project Scheduling, Statusing and Tracking	No: Revised: Page:	PM-PRO 6.118-7 04/01/15 2 of 2
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Project Managers

10. Identify and maintain a working knowledge of all projects within your specific geographical field divisions.
11. Build and maintain a calendaring system to ensure that on a daily basis various project tasks and target dates are identified.
12. Check with various branches to ensure completion of activities as scheduled.
13. If activities are not completed as scheduled, prepare a recovery plan and provide solutions in coordination with Branch Managers.
14. Maintain a balance sheet of contract amounts for tracking invoices and supplements on all Task Orders completed by the Project Management Branch.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Plan Revision Request	No: Revised: Page:	PM-PRO 6.118-8 04/01/15 1 of 1
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Applies to:

Policy OP-MAP 6-2: Right-Of-Way Plans and Related Materials

Manager, Project Management:

1. On all projects requiring the use of a multi-service Contract or Task Order, receive Revision Request from Service Provider or Branch initiating the Revision. Stamp request with Project Management Branch stamp and initial to indicate receipt.
2. Initial and date for the Project Management Branch.
3. Circulate for each Branch listed on the request.
4. Once you receive the request with all approval, make 2 copies and distribute as follows:
 - a. Mapping (Original)
 - b. Project Management Branch
 - c. Records Center

NOTE:

Fencing and ownership requests do not require every Branch's approval. See Form MAP-04 in procedure MAP-PRO 6.114-12.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Project Management Meetings	No: Revised: Page:	PM-PRO 6.118-9 04/01/15 1 of 8
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Applies to:

Manager, Project Management

1. Provide direction, control and support of all monthly Project Management Meetings as outlined below:
 - a. Project Development Meetings (These meetings are held on a monthly basis and are available for all projects, but primarily focus on Projects requiring the use of a multi-service Contract or Task Order, i.e. Appraisal, Acquisition and Relocation) (Attended by Supervisors and Project Facilitators)
 - (1) Utilize attached Project Development Meeting Agenda attached to this procedure.
 - (2) Review previous month's notes to ensure all issues have been resolved or are being appropriately addressed.
 - (3) Review Status Reports for each functional area
 - (4) Discuss outstanding issues, contract compliance, target dates, billing, etc...
 - (5) Email the Meeting Minutes to the following:
 - (a) Chief, Right-of-Way & Utilities Division
 - (b) Assistant Chief, Right-of-Way & Utilities Division
 - (c) All Right-of-Way & Utilities Division Branch Managers
 - (d) Those in attendance
 - (e) Service Provider
 - (6) Make 2 Copies and distribute to:
 - (a) Project Correspondence File
 - (b) Records Center

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Project Management Meetings	No: Revised: Page:	PM-PRO 6.118-9 04/01/15 2 of 8
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- b. Project Initiation Meetings (These meetings are held on an as needed basis and are available for all projects, but primarily focus on Projects requiring the use of a multi-service Contract or Task Order, i.e. Appraisal, Acquisition and Relocation) (Attended by Branch Managers and Project Facilitators)
 - (1) Utilize attached Project Initiation Meeting agenda attached to this procedure.
 - (2) Review plans on sheet to sheet and parcel by parcel basis.
 - (3) Facilitate discussion based on the agenda.
 - (4) Email the Meeting Minutes to the following: (See Examples)
 - (a) Chief, Right-of-Way & Utilities Division
 - (b) Assistant Chief, Right-of-Way & Utilities Division
 - (c) All Right-of-Way & Utilities Division Branch Managers
 - (d) Those in attendance
 - (e) Service Provider
 - (5) Make 2 Copies and distribute to:
 - (a) Project Correspondence File
 - (b) Records Center
- c. Program Management Meeting (This meeting is held on a monthly basis) (Attended by all Branch Managers)
 - (1) Provide 1 paper copy of the Program Management Report to the following:
 - (a) Chief, Right-of-Way & Utilities Division
 - (b) Assistant Chief, Right-of-Way & Utilities Division
 - (c) All Right-of-Way & Utilities Division Branch Managers
 - (d) Legal & Business Services Division

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DIVISION**

Subject: Project Management Meetings	No: Revised: Page:	PM-PRO 6.118-9 04/01/15 3 of 8
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- (e) Project Management Division
- (f) FHWA Realty Office



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

Project Development Meeting Agenda

Date:
State Job No.: () Const., () R/W, () Utilities
County:
Description:
R/W Project Manager:
Service Provider:
SP Project Manager:

1. Sign-In Sheet

2. Project Overview

Due Dates **BIA Due Dates**
(Date if revised) (Can remove if no BIA)

Execution and Notice to Proceed By
Notice of Interest Letters Mailed and Staking Completed
Appraisal Reports completed
Appraisal Reviews completed
All Waiver Calculations to Acquisition Branch
Acquisition Offers Made
All Paperwork for Secured/Condemned Parcels Date
Relocation Completion Date

Appraisal Review Contract through:

3. Project Management Branch

Project Agreement with:
Agreement Executed Date:
Plans Received:
Funds Authorized: RW: UT:
Outstanding Issues:

4. Mapping Branch (Not in Contract)

_____ %

Construction Plan Information:
R/W Plans Completed:
Revisions or Easements Needed:
Outstanding Issues:

5. Appraisal Branch

_____ %

All Appraisal Reports Completed:
All Appraisal Reviews Completed:
Minimum lot size/Proximity issues:
Outstanding Issues:

6. Acquisition Branch

_____ %

All Acquisition Offers Made:
Closeout Meeting Date:
All Parcels to Acquisition:
Outstanding Issues:

7. Relocation Branch

_____ %

Number of Residential Relocations:
Number of Commercial Relocations:
Number of Personal Property Moves:
All Relocation Offers Made:
All Parcels Vacated:
Outstanding Issues:

Scheduled Vacate Dates for Occupied Parcels:
Property Management Issues:
Project Completion:
Demolition:
Temporary Fencing Needed?
Items of no Value Identified?
Outstanding Issues:

8. Utilities Branch (Not in Contract)

_____ %

Proposal Due Date:
Work Time / Calendar Days Necessary:
Revision or Easements Needed:
American Burying Beetle Mitigation Issues:
Outstanding Issues:

9. Contract Issues:

Scope of Work:
Schedule/Deliverables:
Compensation/Supplemental:

Contraction Staffing:
Changes in Project Staffing:
Staffing Issues:

Next Meeting Date will be scheduled on

xc: Chief, R/W
Assistant Chief, R/W
Service Provider
Legal & Business Services Division
R/W Branch Managers, Supervisors, Team Members
Project Correspondence File
Records Center



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
www.odot.org

Project Initiation Meeting Agenda

Date:
State Job No.: () Const., () R/W, () Utilities
County:
Description:
R/W Project Manager:
Service Provider:
SP Project Manager:

1. Sign-In Sheet

2. Project Development Schedule Overview

Due Dates

Execution and Notice to Proceed By
Notice of Interest Letters Mailed and Staking Completed
Appraisal Reports completed
Appraisal Reviews completed
Waiver Calculations to Acquisition Branch
Acquisition Offers Made
All Paperwork for Secured/Condemned Parcels Date
Relocation Completion Date

Appraisal Review Contract through:

3. Project Management Branch

Project Agreement with: Status?
Agreement Executed Date:
Plans Received:
Funds Authorized: RW: UT:
Compliance Date: Mapping: UT:
Service Provider Task Order/Contract Issues:
Schedule/Deliverables
Compensation/Supplemental
Pass Through Costs
Scope of Work:
Staffing: Changes/Issues
Environmental Document Review:
Mitigation Requirements
Seasonal Work Restrictions
Underground Storages Tanks
Evidence of Contamination or Hazardous Waste/Materials
Outstanding Issues:
Schedule/Deliverables:

4. All Branches

Review Right-of-Way Plans (per page)
Section Lines
Platted Areas

- Property Lines, Lots, Blocks, Delineation of Ownership
- Present Right-of-Way
- Proposed Right-of-Way
- Permanent Takings
- Temporary Takings
- Temporary to remove improvements
- Access Control
- Improvements
- Ownership Sheet
- Other

Review Construction Plans (per page)

- Title Sheet
- Typical Section
- Survey Data Sheets
- Retaining Wall/Sound Wall
- Outdoor Advertising
- Legal/Permitted/Illegal
- Bridge

Plan & Profile Sheets

- Limits of Access/No Access (Existing & Proposed)
- Vertical Alignment
- Horizontal Alignment
- Improvements
- Encroachments within Existing RW
- Drainage Structures
- Top of Cut or Toe of Slope
- Present RW
- Proposed RW
- Detours
- Driveways
- Fencing

5. Mapping Branch (Not in Contract)

_____%

- Right-of-Way Documents
- Instruments of Conveyance
- Ownership Information
- Plot Plans
- Misery
- Other

6. Appraisal Branch

_____%

- Improvements
- Damages (Proximity/Severance/Minimum Lot Size)
- Master Addenda
- Identify Complex Parcels (BIA/COE/BLM)
- Cost to Cure
- Access control
- Ingress/Egress
- Signs
- Service Lines
- Oil/Gas Wells
- Cell Towers
- Ownerships

Combining Parcels
BIA Tracks
Government Tracts
Ownerships Requiring a 2nd Appraisal
Outstanding Issues

7. Acquisition Branch _____ %

Waiver Calculations
Paperwork Submission
Crop Damages
Outstanding Issues

8. Relocation Branch _____ %

Number of Residential Relocations:
Number of Commercial Relocations:
Number of Personal Property Moves:
Property Management Issues
Functional Replacement
Temporary Fencing Needed
Items of no Value Identified
Underground Storage Tanks (UST's)
NESHAP/Abatement
Demolition
Outstanding Issues

9. Utilities Branch (Not in Contract) _____ %

Existing Utility Information Sufficient
Conflict Assessment
Sufficient Right-of-Way
Field Meetings:
Proposals Due Date:
Work Time / Calendar Days Necessary:
Review of Cross Sections
Revision or Easements Needed?
American Burying Beetle Mitigation Issues
Outstanding Issues

Next Meeting Date will be scheduled on

- ec: Chief, R/W & Utilities Division
- Assistant Chief, R/W & Utilities Division
- Service Provider
- Managers
- Supervisors
- All Attendees
- Legal & Business Services Division
- xc: Project Correspondence File
- Records Center

PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject: Project Management Databases	No: Revised: Page:	PM-PRO 6.118-10 04/01/15 1 of 1
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Project Management Branch

1. Databases are used to track various project activities and histories of Division performance.
 - a. Project Management Database:
 - Used to track projects, their target dates, status projects, project history and programming information.
 - Tracks the need, type and status of agreements for regular projects.
 - Tracks the type of certification letter, date sent to FHWA/Officer Engineer, problem parcels and comments, utility information sheet date, name of utility company and out by date.
 - Tracks type of estimate/scoping/programming, estimate due date, date sent to and received from Appraisal, Mapping, Relocation and Utilities Branches.
 - Tracks Evaluations of service provider performance.
 - Tracks project numbers, job description, let date, environmental clearance and date plans received.
 - Tracks completion dates, project assignment and provides project specific comments.
 - b. Cost History Database: The Business Office sends a printout of closed projects that are added to a database according to a set criterion that categorizes each project according to geographic location, type of highway and population. This database provides a historical perspective of R/W and Utilities cost for roadway and bridge projects, useful for estimating when a site inspection and/or plans are not available.

**PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION**

Subject: Renewal of Right-of-Way Grants	No: Revised: Page:	PM-PRO 6.118-11 04/01/15 1 of 1
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Applies to:

Manager, Project Management Branch

1. Develop and maintain a database of all rights-of-way that are secured through a grant of years.

These areas can include: (This is not a comprehensive list)

- Sovereign Indian Territory
 - Arkansas River Bed
 - Platt National Park
 - Military Installations
 - Bureau of Land Management
 - Army Corps of Engineers
2. One year prior to expiration of a grant, Manager, Project Management Branch is to prepare a letter of intent to the appropriate entity in order to avoid any trespass situations and provide notice to the following:
 - Assistant Chief, Right-of-Way & Utilities Division
 - Managers, (Mapping, Appraisal, Acquisition)
 3. Submit a request to Mapping Branch to verify ownership (identifying any property splits) and prepare all appropriate applications/documents for the grant renewal.
 4. Upon receipt of renewal documents, notify the Assistant Chief, Right-of-Way & Utilities Division so that a determination can be made whether the renewal will be handled by in-house Right-of-Way personnel or whether the use of an approved Service Provider will be required.
 5. Once a determination is made, notify Manager, Legal and Business Services Division to re-open the Right-of-Way project and provide them the anticipated cost.
 6. Forward renewal documents to the appropriate parties (i.e. Appraisal and Acquisition Branch or approved Service Provider).