

Answers to the Right of Way Quiz

“Let’s Play Twenty (One) Questions”

1. TRUE.
2. FALSE. If federal aid funding is used for any phase of a project (e.g., construction, construction engineering then the Uniform Act applies for purchase, even if non-federal funds are used for the ROW purchase.
3. FALSE. If the land owner is paid for the ROW but you don’t retain documentation of the entire process, The Uniform Act is not followed. (Note: documentation is where noncompliant agencies in Kansas were most lacking, per the recent audit.)
4. FALSE. The Uniform Act also applies to acquiring temporary easements or right of entry for the project, even if donated. Temporary acquisitions also need to be fully documented.
5. TRUE. If you experience turnover during the process, you have to have thorough documentation throughout the process to pass onto the next person working on it. Even if you hire a consultant the LPA is ultimately responsible for complying with the Act.
6. FALSE. If federal money is used for any part of the project, the local acquisition practices must be changed to meet the Uniform Act, if they are different from the Act.
7. FALSE. The property owner (or official representative) is the only one who can sign ROW documents. An example is a federal building. An agency housed in the building cannot sign for it. In the case of some federal buildings, General Services Administration (GSA) is the proper signee.
8. TRUE
9. FALSE. “Just Compensation” is established and approved by the LPA’s governing body, not the appraiser.
10. FALSE. “Just Compensation” can be higher than the appraised value but not less.
11. TRUE, and approval must be documented.
12. FALSE. The LPA governing body does not need to approve an amount negotiated above the “Just Compensation” they previously approved.
13. FALSE. The Negotiator’s Log needs to include every contact you have with a landowner, with dates, and specific information about what was communicated. This includes communications such as phone calls, emails, and personal visits.

14. TRUE. (And an administrative settlement must be documented and signed by the negotiator and approved and signed by the LPA officer or designee.)
15. TRUE. The LPA must document the date the brochure was given to the landowner and how it was given to them.
16. FALSE. Even if a landowner donates the land for permanent or temporary use, they must still be given the option for an appraisal, and if waived it must be documented on the donation form.
17. FALSE. A review appraisal (that is, a second opinion by another appraiser) is only required if the original appraisal is more than \$10,000.
18. FALSE. All payments to the landowner must be made before the LPA takes possession of the property, that is, before any clearing or construction starts on the project.
19. TRUE. Official acquisition documents must be filed with, and recorded by, the County's Office of the Register of Deeds. All other acquisition documents should be kept with the project files.
20. TRUE.
21. FALSE. If there are questions about the ROW acquisition process, contact your KDOT BLP Project Manager or Nelda Buckley at KDOT's Bureau of Local Projects at (785) 296-0415.