

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



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| To: Counties and Cities | Date: November 4, 2022 |
| From: Local Systems Bureau | I.M. No. 3.710 |
| Subject: Project Development Certification Instructions | |

Contents: This Instructional Memorandum (I.M.) provides information related to the *Project Development Certification* (PDC) ([Form 730002](#)). It includes a description of its purpose, submittal and review procedures, and instructions for completing the form. This I.M. also includes the following attachments:

[Attachment A](#) – Project Development Certification Process Flowchart

Purpose

This form is used by Iowa Department of Transportation (Iowa DOT) to verify that a Local Public Agency (LPA) project is ready to begin the letting process. It is required for any LPA project let by the Iowa DOT. This form is also required for any LPA Federal-aid project that is let locally. It is the responsibility of the LPA to ensure that the information submitted on this form is accurate. If inaccurate information is submitted, serious consequences can result, including project delays, increased costs, and possible loss of Federal funding. The LPA or their authorized representative should review this form and these instructions carefully before it is signed and submitted.

If there are any questions regarding right-of-way acquisition or relocation issues (Items 4 and 5), please contact the [Local Public Agency Coordinator](#) in the Iowa DOT Right of Way Bureau for assistance. For any other questions related to this form, please contact the Administering Bureau.

Submittal and Review Procedures

The steps involved in the PDC review and approval process are shown on [Attachment A](#) – Project Development Certification Process Flowchart.

For projects let by the Iowa DOT, the PDC form should be received by the Iowa DOT Administering Bureau by the date listed in [I.M. 3.010](#), Project Development Submittal Dates and Information. However, if the Railroad, Utility, Right-of-Way, and Relocation clearances listed on this form have not been obtained by the submittal date shown in I.M. 3.005, the PDC may be submitted to the Administering Bureau as late as the Thursday before the 1st Tuesday, 2 months prior to the Iowa DOT letting date. If these clearances have not been obtained by this date, the project will not be submitted for letting, unless a Public Interest Finding to enter the letting process without the remaining project clearance has been requested by the LPA and approved by the Administering Bureau. Refer to [I.M. 3.720](#), Public Interest Findings, for guidance concerning justification of Public Interest Findings for project clearances.

For Federal-aid projects that are let locally, the PDC form should be submitted with the LPA's request to advertise for bids or solicit quotes. For more information, refer to [I.M. 5.120](#), Local Letting Process – Federal-aid.

Instructions for Completing the PDC Form

The LPA shall complete the PDC form according to the following instructions.

Instructions

Railroads:

- 1.a. Check "Yes" if any railroad crossings or property are within or adjacent to the project limits. Crossings or property are considered adjacent to the project limits if any construction equipment, personnel, or materials will be located within 50 feet of the centerline of the outermost track.
- 1.b. Check "Yes" if the project requires any work on railroad facilities or railroad right-of-way.

Work on railroad facilities includes construction, reconstruction, relocation, or modification to any of the following: rails, ties, ballast, crossing material, railroad signals and / or crossing gates, or any other equipment owned or operated by the railroad company.

Work on railroad right-of-way includes construction, reconstruction, relocation, or modification to any features located on property owned by the railroad. Examples of such features include, but are not limited to: roadway, trail, or sidewalk pavement, grade separation structures (either over or under the tracks, regardless of who owns the structure itself), drainage structures, or utilities.

Note: If question 1.b is checked “Yes,” the LPA shall contact the railroad company to determine what type of an agreement is needed. Depending on the railroad company and the type of work proposed, the agreement may be a simple letter of permission signed by the appropriate officials from the railroad company and the LPA, or it may be a formal agreement between the LPA and the railroad company. For additional guidance, refer to [I.M. 3.670](#), Work on Railroad Right-of-Way.

- 1.c. Check “Yes” if the railroad requires an agreement. If the railroad does not require an agreement, please check “No” and explain the reason the railroad provided for not needing an agreement.
- 1.d. Check “Yes” only if the agreement between the LPA and railroad company has been signed by all parties. If “Yes,” include a copy of the fully signed railroad agreement along with the PDC.

If “No,” the project will not be submitted for letting at the Iowa DOT unless a Public Interest Finding is requested and approved to justify submitting the project for letting without a signed railroad agreement. Because railroad agreements can take a considerable amount of time to be developed and approved, the Iowa DOT will not usually accept a project for letting that has a railroad agreement pending. However, if negotiations for a railroad agreement are underway and it is likely that an agreement will be fully executed before the 1st Tuesday, 1 month prior to letting, the Administering Bureau may approve the LPA’s Public Interest Finding for this condition. Otherwise, the project will be rescheduled for a later letting.

For a Federal-aid project let locally, the Iowa DOT will not grant approval to advertise for bids or solicit quotes until the railroad agreement is signed.

Utilities:

- 2.a Check “Yes” for any known utility relocations or adjustments, regardless of whether they are publicly or privately owned.
- 2.b Check “Yes” only if all the known affected utilities have been physically relocated so that construction may proceed without any foreseeable utility conflicts.
- 2.c. Check “Yes” only if all the known affected utility companies involved have been notified in writing of the proposed improvements. If multiple notices have been issued, give the earliest date.
- 2.d. Check “Yes” only if the affected utility companies must relocate their facilities, as required by an existing permit, franchise agreement, or executed relocation agreement between the affected utility and the LPA.

If “No,” the project will not be submitted for an Iowa DOT letting unless a Public Interest Finding is requested and approved to justify submitting the project for letting without a signed utility relocation agreement.

Usually, privately owned utilities are allowed on public right-of-way because of an existing permit or franchise agreement. These typically specify that if relocation of these utilities is required due to roadway work, the costs of such relocation shall be borne by the utility owners.

Privately owned utilities located in private easements (i.e., not in the existing public right-of-way) are usually not required to relocate at their own expense, but instead the LPA shall bear these costs. When such utilities must be relocated to accommodate roadway work, a separate utility relocation agreement

between the LPA and the affected utility will be required. This agreement shall address the costs and proposed schedule for the relocation work.

For public utilities that are owned and operated directly by the LPA (e.g., water lines, sanitary sewers, storm sewers, etc.), this question shall be answered "Yes" since these utilities are under the direct control of the LPA. No formal permit or agreement is required.

Municipal utilities that are publicly owned, but are operated separately from the LPA's governing authority should, for the purposes of this question, be regarded as private utilities. In such cases, the utility will usually be required to move at its own expense according to the existing permit or franchise agreement with the agency having jurisdiction over the roadway. If no such permit or agreement exists, a separate utility relocation agreement will be required between the municipal utility and the LPA.

If all the affected utilities have not been relocated, the project may enter the letting process, provided that both of the following conditions are met:

1. All affected utilities have been notified.
2. All of the affected utilities are required to relocate by an existing permit, franchise agreement, or an executed utility relocation agreement with the LPA.

If these conditions are not met, the Iowa DOT will not usually accept the project for an Iowa DOT letting. However, if negotiations for a utility relocation agreement are underway and it is likely that an agreement will be fully executed before the 1st Tuesday, 1 month prior to letting, the Administering Bureau may approve the LPA's Public Interest Finding for this condition. Otherwise, the project will be rescheduled for a later letting.

For a Federal-aid project let locally, the Iowa DOT will not grant approval to advertise for bids or solicit quotes until all required utility agreements have been signed.

Primary Highway:

- 3.a Check "Yes" if the contractor will need access to primary highway right-of-way at any time during construction, including the installation of traffic control devices or for use as a staging area. "Yes" should also be checked if entrances to a primary highway are added, removed, or relocated.
- 3.b Check "Yes" if all the applicable permits for work on Iowa DOT rights-of-way, including extensions of primary highways within cities, have been obtained. For assistance in determining what type of permit is required, contact the appropriate District Engineering Operations Technician. All necessary permits must be approved prior to any work beginning on primary highway right-of-way. If the anticipated date of the permit cannot be confirmed with the appropriate District office, the project may not be submitted for an Iowa DOT letting. For a Federal-aid project let locally, the Iowa DOT may not grant approval to advertise for bids or solicit quotes until an anticipated date of the permit is confirmed with the appropriate District office.

Right-of-Way:

- 4.a Check "Yes" if any type of property rights (permanent or temporary easements or fee title property acquisition) are required for the project. Enter the **number** of parcels that have been acquired or have been scheduled for condemnation that require permanent right-of-way, easements, or access rights. If none, enter zero. **Complete all blanks.**
- 4.b. Enter the **number** of parcels that have been acquired or have been scheduled for condemnation that require temporary easements. If none, enter zero. **Complete both blanks.**

A parcel is considered "acquired" only when the LPA has physical possession of the parcel. In other words, the LPA presently has legal right to use or occupy the parcel. In the case of condemnation, a parcel is considered acquired when the payment of just compensation has been deposited with the county Sheriff. Otherwise, the parcel is considered acquired as of the possession date specified in the executed agreement between the property owner and the LPA.

If any parcels are not either acquired or scheduled for condemnation, the Iowa DOT will usually not accept the project for an Iowa DOT letting. However, if negotiations are underway for a parcel that is not being condemned and it is likely that an acquisition agreement will be fully executed before the 1st Tuesday, 1 month prior to letting, the Administering Bureau may approve the LPA's Public Interest Finding for this condition. Otherwise, the project will be rescheduled for a later letting.

For a Federal-aid project let locally, the Iowa DOT will not grant approval to advertise for bids or solicit quotes until all required parcels have been acquired or scheduled for condemnation.

Enter the number of parcels that were acquired using appraisals. Enter the number of parcels that were acquired using the Waiver Valuation Provision. The Waiver Valuation Provision may only be used for minor, uncomplicated acquisitions where compensation to the property owner does not exceed \$10,000 (not including damages for fence, crops, etc.). The Waiver Valuation Provision may also be used for minor, uncomplicated acquisitions that are between \$10,001 and \$25,000; however, if the landowner requests an appraisal at any time during the process, the LPA shall provide an appraisal. For additional guidance and instructions concerning the Waiver Valuation Provision, refer to [I.M. 3.600](#), Right-of-Way Acquisition.

- 4.c. Check "Yes" if compensation was offered to all property owners.
- 4.d. Check "Yes" if any property owners chose to donate ROW.

Relocation:

- 5.a Check "Yes" if any persons, personal property, or businesses must be relocated because of the proposed project.
- 5.b. Enter the **number** of residential and business relocatees. If none, enter zero. Also enter the number of residential and business relocatees that have not yet been relocated. If none, enter zero. **Complete all three blanks.**

Environmental and Cultural Resources:

- 6.a Check "Yes" only if all the applicable Environmental Clearances, Permits, and Forms have been obtained. All of the applicable Environmental I.M.s should have been followed. This certification statement is required because of [Iowa Code 263B.5](#).
- 6.b Check "Yes" only if everything the Contractor must do to comply with the applicable Environmental Clearances, Permits, and Forms has been shown in the project plans, specifications, proposal, or some other document the Contractors will be able to access.

Title VI Assurances

- 7.a. Please review [I.M. 1.070](#) to ensure the Title VI Assurances are following all the guidelines. Check "Yes" if the Title VI Assurances have been addressed. Check "No" if they haven't, and ensure compliance with Title VI prior to letting.

LPA Contact Information:

List the LPA representative who will be signing the Construction Contract, and include this person's title, email address and phone number.

LPA Certification:

An LPA official must sign and date this form. Since the certification is important to the project development process, serious consequences may result from inaccurate or incomplete information. The LPA may have their consultant assist in the preparation of the form, but the LPA is responsible for the accuracy of the information.

This information will be provided to bidders to inform them which parcels have not yet been acquired and / or when they will be acquired. After the project is advertised, bidders may inspect the project site; therefore, it's critical that this information be complete and accurate.

Right-of-Way Acquisition Exceptions:

Parcel No.: Enter the parcel number, as shown on the plans, of any parcels scheduled for condemnation. If parcel numbers are not used, leave this field blank.

Station to Station / Side: Enter the approximate station ranges and side (left or right) of any parcels scheduled for condemnation.

Date of Condemnation Hearing: Enter the date of each parcel's condemnation hearing. The date of the condemnation hearing shall be at least 2 weeks prior to the letting date. If for any reason the hearing is canceled or rescheduled to a date less than 2 weeks prior to letting, the project will be rescheduled for a later letting.

Date Warrant Will be Deposited and Physical Possession Will Occur: Enter the estimated date when the payment of just compensation will be deposited with the county Sheriff. This date indicates when the contractor may have access to the parcel. This date shall be prior to the letting date.

Relocatee Exceptions:

Parcel No.: Enter the parcel number for each relocatee. If parcel numbers are not used, leave this field blank.

Name / Owner or Tenant: Enter the name of each relocatee and indicate if they are the owner of the parcel or a tenant.

Station to Station / Side: Enter the approximate station ranges and side (left or right) for each parcel with relocatees.

Vacation Date Per Notice: Enter the vacation date given to the relocatee by the LPA. Iowa law requires that at least 90 days' notice be provided. The vacation date shall be prior to the letting date.