

APPENDIX E – CORRIDOR PRESERVATION PROCESS

The Utah Department of Transportation Corridor Preservation Process

The Intermodal Surface Transportation Efficiency Act of 1991 formally introduced the concept of corridor preservation, requiring states to consider “preservation of rights of way for construction of future transportation projects...and identify those corridors for which action is most needed to prevent destruction or loss.”

While strongly promoted at the federal level, it has been left to the individual states to develop techniques and programs for corridor preservation. The Utah Department of Transportation (UDOT) has developed a program that enables the state and local municipalities to preserve future transportation corridors by acquiring rights of way that meet certain eligibility requirements.

If you are interested in selling your property to the state for corridor preservation purposes, you must meet the following requirements to be eligible:

Bare Ground and/or Imminent Development

- Your land must be vacant (without constructed improvements), and soon to be developed.
- Your land is in a corridor that UDOT or the local municipality has identified for preservation.

Hardship

Health and Safety Considerations:

- Advanced age – needs care or assistance from others.
- Ambulatory defects or diseases – where present facilities are inadequate or cannot be maintained by the owner.
- Major disabilities or equivalent disabilities.
- Doctor’s recommendation to change climate or physical environments.
- Non-decent, safe, and sanitary housing such as overcrowded living conditions if the occupancy level did not exceed decent, safe, and sanitary standards at the time the owner originally bought the property.

Financial Considerations:

- Probate or other litigation.
- Loss of employment.
- Retirement causing financial inability to maintain current residence, or purchase of retirement home.
- Pending mortgage foreclosure.
- Job transfer that creates a need to move.

- Financial Distress involving personal or business circumstances.
- Substantial Burden such as maintenance, taxes, and/or rehabilitation costs.
- Monetary Loss – Income or vacant properties. Eligible when the proposed project is the immediate cause of a monetary loss. The owner must demonstrate that the project creates an adverse impact upon business profitability or upon property. Non-transportation issues to be considered are:
 - Inability to obtain financing
 - Inherent risk of ownership associated with this type of property.
 - Other outside factors affecting the profitability of the business operation or property ownership.
 - Local governmental regulations affecting development or rehabilitation, such as requiring the owner to set aside right of way from development, without the requirement for dedication.

Application Process

If you believe you may qualify for advanced acquisition, you must apply for a Hardship Acquisition. Please follow the steps below in order to be considered for advanced acquisition using the Corridor Preservation Funds:

1. Completely fill out the Hardship Acquisition Questionnaire and attach all necessary documentation.
2. If needed, a letter may accompany the Questionnaire if further information is needed to describe your hardship.
3. The letter or questionnaire must include the property owner's name, address of the property and a telephone number.
4. In the documentation, please state the reason you believe you qualify for advanced acquisition, the estimated market value of the property and what steps, if any, you have taken to sell the property on the open market.
5. Please submit the information packet to:

Utah Dept of Transportation
 P. O. Box 148420-8420
 Salt Lake City, UT 84114
 Attn: Dian McGuire

Re: Corridor Preservation Fund

6. Upon receipt of your letter, you will be contacted by a UDOT representative that will explain the process to you.
7. An appraisal will be ordered by UDOT at no cost to you. The appraiser will be a qualified appraiser and will contact you directly. You have the right to accompany the appraiser during their site visit. This could take approximately 30 days.

8. A review appraiser will be hired to go over the appraisal report. The reviewer will review the report and validate the integrity of the report and help determine market value. This process may take 7 to 10 days.
9. Once UDOT has received the reports from both appraisers, your completed application packet will be evaluated at the next monthly Advisory Council meeting. The Advisory Council is a group of representatives from each of the Metropolitan Planning Organizations (MPOs), UDOT, and appointed members from the Transportation Commission.
10. If the Advisory Council recommends approval, your application will then be considered by the Transportation Commission for acquisition approval. The Transportation Commission meets monthly and may review your application the same month as the Advisory Council.
11. If the Transportation Commission approves your application, a UDOT representative will contact you with an explanation of the acquisition process. In the event of denial, you will receive a letter explaining your rights of appeal.
12. Please note that the advanced acquisition program using Corridor Preservation Funds is a voluntary process. Should you and the Department of Transportation be unable to reach an agreement on the terms of sale, the Department may withdraw their offer without any further obligation.

If you have additional questions concerning this process, please contact Dian McGuire at 801-633-6370 or dmcquire@utah.gov