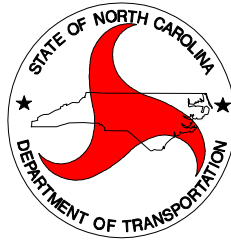


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**GUIDELINES FOR AGREEMENT PROCESS  
AND REIMBURSEMENT TO NCDOT BY  
MUNICIPALITY/DEVELOPER**



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## **Assumptions**

- A. Developer has met zoning regulations and has obtained or is in the process of obtaining all necessary permits.
- B. Local municipality has reviewed and/or approved proposed site plan.
- C. When needed, traffic impact analysis (TIA) has been performed.
- D. The TIP project will be affected by the proposed improvements.
- E. No encroachment and/or driveway permit has been issued.

## **The Process**

### **1- Developer Sends Request to Division/District**

All requests are submitted to the District Engineer's office. The District Engineer reviews the request and determines if the development falls within the limits of an active TIP project. He then asks the Division Engineer to have all appropriate personnel review the Developer's request before an encroachment and/or driveway permit can be issued.

### **2- Is there sufficient time to incorporate design changes into the active project before NCDOT lets the project for construction? Yes or No.**

In this step, the Division Engineer decides whether NCDOT or municipality/developer will be responsible for making the design revisions. This is dependent on the stage of the project; i.e. prior to let, during construction, etc.

#### **IF yes:**

The Division Engineer/Project Engineer (design) will determine which DOT personnel should review the request. The Division Engineer/Project Engineer (design) will also determine at what stage of the project the enhancements should be added (prior to R/W acquisition, after R/W acquisition has begun, or after project is let to contract).

#### **IF no:**

The request will be handled as a construction revision.

### **3- If there is not sufficient time to make changes, incorporate changes as a construction revision by supplemental contract agreement.**

### **4- Before Let – Highway Design Branch Responsible for Coordinating**

If the TIP project has not been let and it is more than 9 months before letting, the Division Engineer should send the request to the appropriate Project Engineer within the Highway Design Branch for review.

## **5- After Let – Resident Engineer Responsible for Coordinating**

If the TIP project has been let or it is too late to incorporate changes into design, the Division Engineer will request that the Resident Engineer coordinate the necessary steps for the Developer to make the improvements according to NCDOT standards. The Developer will be responsible for all costs associated with the revisions and for dedicating and/or acquiring all additional right-of-way and/or easements necessary for the proposed improvements. The Division Construction Engineer and Resident Engineer will be responsible for contacting the appropriate DOT personnel for any recommendations on the proposed site plan and confirm that the following conditions have been met:

- Confirm that the proposed design meets NCDOT standards.
- Determine who will prepare estimates for implementation of enhancements. Assure sufficient detail has been provided on plans, i.e. grades, alignment, topographic info, etc.
- Review quantity calculations of revised items for completeness and accuracy. Confirm that Highway Design plans have been prepared using compatible software to include in as-built if prepared by a consulting firm.
- Require that a Professional Engineer licensed to practice in North Carolina seal all revised plans.
- Coordinate with other NCDOT involved Units assuring that their plans are revised acceptably as well.
- Submit review comments and follow up as necessary to receive acceptable plans for the revision.
- The Resident Engineer must submit a cost estimate for all revised items to Design Services to obtain figures for use in reimbursement negotiations. Assure Agreement Section receives a copy of the estimate.
- All deeds, plats, and/or approved site plan including any dedicated R/W has been recorded with the appropriate governing board.

OR

If the TIP project has been let and construction has not occurred in the vicinity of the proposed development, the Division Engineer should send the request to the appropriate Project Engineer within the Highway Design Branch for review.

## **6- Consult with appropriate NCDOT parties that will be involved.**

- The Project Engineer (Design) will determine the location within the TIP project limits that will be affected by the proposed development.
- After this has been determined, the site plan should be forwarded to Congestion Management for review.
- When recommendations have been received from Congestion Management, the Project Engineer (Design) prepares a rough drawing showing these recommendations.
- At this time, the Project Engineer (Design) coordinates with other DOT units as deemed necessary by the proposed improvements.

- Once determination has been made as to what additions or changes are to be incorporated in the TIP Project plans, an estimate is prepared to reflect the additional cost.
- A copy of the Design, the estimate, and recommendations will be forwarded to the Division Engineer for review with the Developer.
- The Division Engineer/Project Engineer (Design) will determine if a scoping meeting between appropriate units and municipality/developer needs to be held.

**7- The Division Engineer decides to incorporate changes into the project. Yes or No.**

If, after reviewing all necessary requirements including costs, the Division Engineer/Project Engineer (Design) is satisfied with the proposed improvements, the Division Engineer/Project Engineer (Design) will decide whether or not to include in the project.

**IF yes: Proceed to Step # 8.**

**IF no: The process Ends** and the developer will be responsible for construction of his improvements and obtaining approval of NCDOT.

**8- Does the Developer concur with cost? Yes or No.**

The Developer will be responsible for the design and construction costs associated with the improvements due to his development and dedicating and/or acquiring R/W and/or easements needed.

**If yes:** The Division Engineer/Project Engineer (Design) incorporates changes within the project and notifies the appropriate NCDOT personnel. At this point, the design and agreement processes begin.

**If no: The process Ends** and the Division Engineer notifies the appropriate NCDOT personnel of requester's decision. The developer will be responsible for construction of his improvements.

**9- Division Engineer and Developer sign a Letter of Intent**

- Both the Developer and Division Engineer will sign a letter of intent.
- The Division Engineer will forward a copy of this letter to the District Engineer, the Highway Agreements Section and the Highway design Branch.
- The District Engineer can issue the driveway permit and/or encroachment permit with a contingency statement in case a final agreement fails to get executed.

**10- A copy of the Letter of Intent is sent to the Highway Design Branch.**

The Division Engineer will send a copy of the letter of intent to the Highway Design Branch to initiate the design changes.

- 11- **Send Agreement Section** one copy of the Letter of Intent to Start Agreement Process.
- 12- **Agreement is drafted and sent to the Highway Design Branch and the Division for review.**
  - Once the Highway Agreement Section has received a signed letter of intent, a Contract Officer will draft an agreement to include detailed requirements of the Developer and the estimated costs.
  - This draft agreement will be forwarded to the Division Engineer and the Project Engineer (Design) for review to verify that all areas of concern are included.
  - After comments have been received from the Division Engineer and the Project Engineer (Design), a final agreement is sent to the Division Engineer for execution by the Developer.
- 13- **Agreement approved, executed copies are sent to the Division and the Highway Design Branch with payment schedule.**
  - At this stage, the Developer should provide payment with the executed agreement to the Division Engineer.
  - The Division Engineer forwards the agreement and payment to the Contract Officer for his use in obtaining Board approval and the Attorney General's approval.
  - After approval, the agreement will be executed by either the State Highway Administrator or the Deputy Secretary for Transportation and returned to the Contract Officer.
  - Copies of the executed agreement should be forwarded to the Division Engineer for distribution to the Developer and appropriate personnel within the Division and to the Project Engineer (Design) and other appropriate DOT personnel.
- 14- **Highway Design Branch makes the necessary design changes.**
  - Once a signed letter of intent has been received, the Project Engineer (Design) will start to incorporate all necessary changes to reflect the recommendations of all the Units within the Highway Design Branch.
  - If the TIP project has not been let nor is within 9 months of letting and plans have already been sent out for Right-of-Way acquisition, a R/W revision is the only revision necessary. (The Developer will be responsible for dedicating and/or acquiring all additional right-of-way and/or easements necessary for the proposed improvements). The plan revisions will not be sent out until the Project Engineer (Design) has received an executed agreement.
  - If the TIP project has not been sent out for Right-of-Way acquisition, then one of two things must occur:

- 1) If recommendations are made for an interim period, the Developer will be responsible for constructing these improvements and dedicating and/or acquiring all R/W and/or easements needed. The recommendations for the final roadway should be constructed by DOT. The Developer should be given credit for any interim improvements that will remain in place for the final condition and only reimburse the State for final improvements that were not part of the interim recommendations (i.e.- if a right turn lane was recommended for both the interim and final phase of the project, then the Developer should not have to pay for the right turn lane in the final phase; however, any other recommendations for the final phase will need to be reimbursed).

OR

- 2) If no interim recommendations were made for the interim period, the Developer will be responsible for reimbursement to the State for improvements required for the final roadway and dedicating and/or acquiring all R/W and/or easements needed.
- If the TIP project has been let and construction has not occurred in the vicinity of the proposed development or it is within 9 months of letting, both a R/W revision and construction revision will be necessary. The Developer will be responsible for dedicating and/or acquiring all additional right-of-way and/or easements necessary for the proposed improvements. The plan revisions will not be sent out until the Project Design Engineer has received an executed agreement.

**15- Changes are incorporated into the project.**

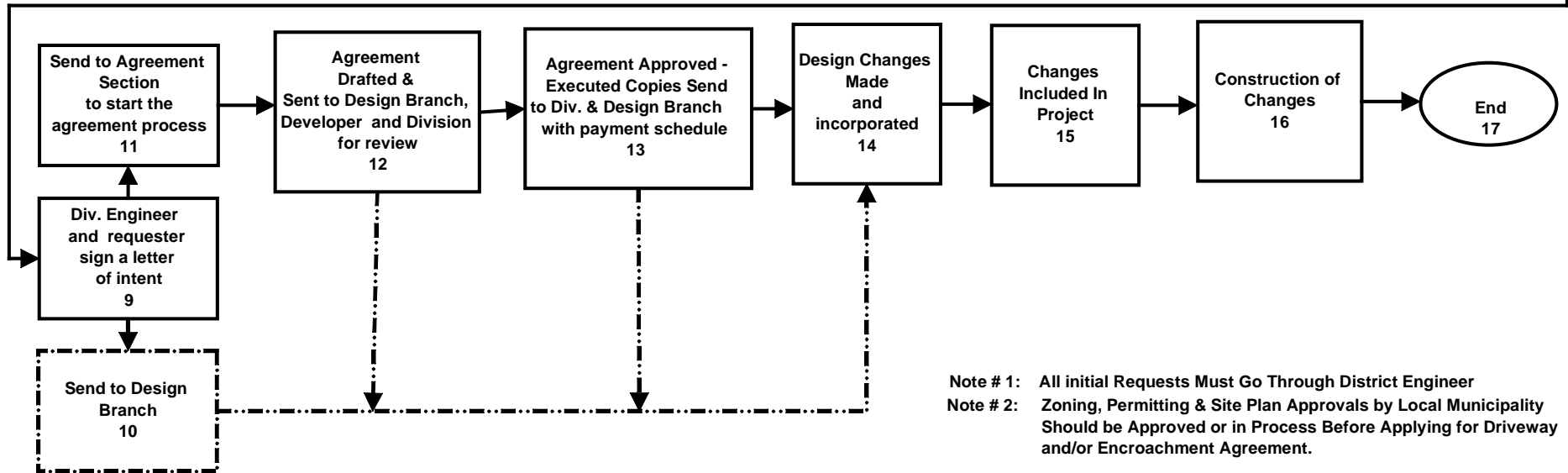
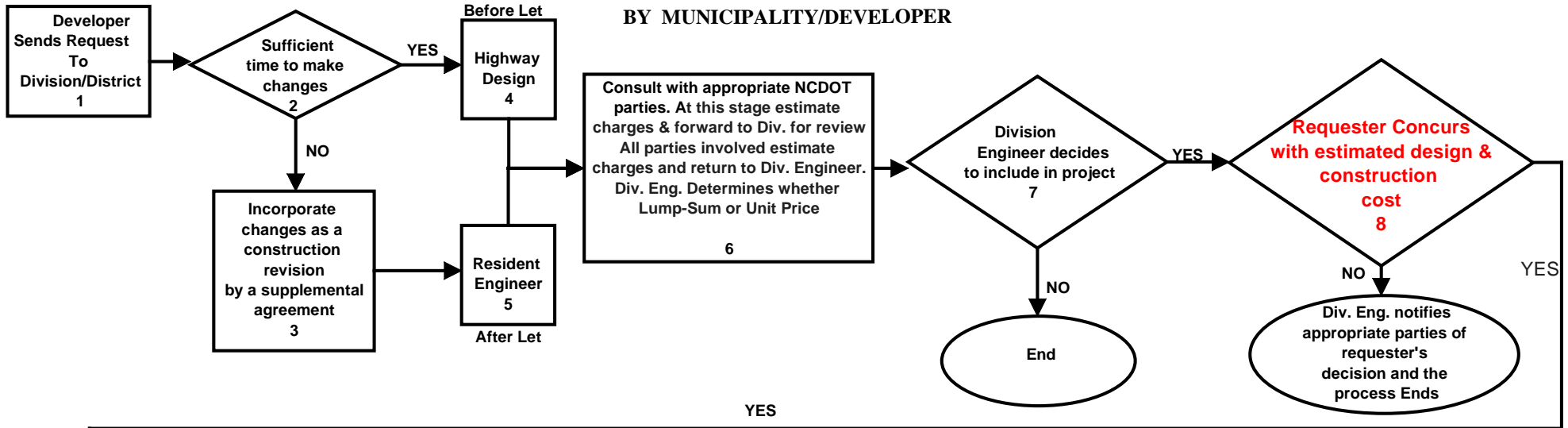
Once the executed agreement has been received by the Project Engineer (Design), R/W and/or construction revisions should be sent out. The R/W Branch should confirm that properties have been acquired and recorded properly.

**16- Construction of Changes.**

- For a Let project, construction changes will be made after execution of the construction revision.
- For a project that has not been Let, plan changes are incorporated into the Bid Plans and will be built as part of the construction project.

**17- Process ends.**

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Note # 1: All initial Requests Must Go Through District Engineer  
 Note # 2: Zoning, Permitting & Site Plan Approvals by Local Municipality Should be Approved or in Process Before Applying for Driveway and/or Encroachment Agreement.