



# ALABAMA DEPARTMENT OF TRANSPORTATION

## Bureau of County Transportation

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6206 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Robert Bentley  
Governor

John R. Cooper  
Transportation Director

March 3, 2015

### MEMORANDUM FY 2015-07

To: All County Engineers and Region County Transportation Engineers

From: Mr. D.E. Phillips, Jr., P.E.  
State County Transportation Engineer

By: Joshua A. Sanford  
Joshua A. Sanford, P.E.  
Design Section Engineer

RE: **Revision to Procedural Guidelines for County Projects/ County Road Design Policy**

Page 12.59 that contains the Right-Of-Way Encroachment Certification in the 2007 edition of the **Procedural Guidelines for County Projects** has been revised. Page 12.59 should be replaced with the newly revised page 12.59 provided in the attachment to this memorandum. In addition, example letters regarding encroachment removal notification for landowners and notice of fence on county right of way are attached as pages 12.59A and 12.59B as referenced in the updated County Road Design Policy. The non-contract items of work certification now shown as page 12.59C as is also attached. Please place the attached sheets in your copy of the 2007 edition of the **Procedural Guidelines for County Projects** in lieu of what is shown online on the Bureau of County Transportation webpage. These revised letters will be required on all applicable Bureau of County Transportation projects effective with the June 26, 2015 letting and thereafter.

Please feel free to contact me should you have any questions or comments concerning this matter.

DEP/JAS/lj  
Attachment

CC: Mr. Ed Austin, P.E., State Innovative Programs Engineer

PC: File

RIGHT-OF-WAY ENCROACHMENT CERTIFICATION

(Date)

Mr. D. E. Phillips, Jr., P.E.  
State County Transportation Engineer  
Alabama Department of Transportation  
1409 Coliseum Boulevard  
Montgomery, AL 36110-2060

Dear Sir:

RE: Project No. \_\_\_\_\_  
County No. \_\_\_\_\_  
County \_\_\_\_\_

This is to certify that any rights-of-way encroachments, as defined within the County Road Design Policy, have been removed.

Sincerely,

\_\_\_\_\_  
COUNTY ENGINEER

\_\_\_\_\_  
DATE

Cc: Region Engineer

ENCROACHMENT REMOVAL NOTIFICATION

\_\_\_\_\_ COUNTY  
COUNTY ENGINEERING DEPARTMENT  
\_\_\_\_\_, ALABAMA

(DATE)

Property Owner's Name & Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir or Madam:

A project has been scheduled for County Road \_\_\_\_, which will utilize Federal funding. During a review of the project, an encroachment was noted adjacent to your property on the County's right-of-way.

This encroachment does not conform to the County Road Design Policy for one or more of the following reasons: serves no benefit to the public or transportation related purpose, impairs or interferes with the free and safe flow of traffic, and/ or is inside the applicable clear zone. Therefore, this encroachment must be removed from the County's right-of-way.

Please contact this office at the number above to discuss this notice. Thank you for your cooperation.

Sincerely,

County Engineer

ENCROACHMENT DESCRIPTION:

\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL NOTES:

\_\_\_\_\_

RIGHT-OF-WAY WIDTH:

\_\_\_\_\_

NOTICE OF FENCE ON COUNTY RIGHT OF WAY

(DATE)

Property Owner's Name & Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir or Madam:

A project has been scheduled for County Road \_\_\_\_\_, which will utilize Federal funding. During a review of the project, a fence was noted in front of your property on the County's right-of-way.

At this time, the County is not requiring removal of the fence, but this letter serves as notice to you, the owner of the item, that the following provisions apply:

1. The owner of the fence may be assuming liability if the item remains on the County's right of way.
2. In the event that the fence needs to be replaced, upgraded, refurbished for any reason, including an act of God, it must be relocated and installed outside of the right of way.
3. The fence may be required to be removed or relocated off the right of way, in the future, if in the opinion of the County Engineer it interferes with or restricts the operation, maintenance, or improvement of the subject right of way.

It is the County's intent to record this notice in the \_\_\_\_\_ County Probate Office as an encumbrance to your property to ensure that if your property is sold, potential buyers are made aware of these provisions.

Please contact this office at the number above to discuss this notice. Thank you for your cooperation.

Sincerely,

County Engineer

ENCROACHMENT DESCRIPTION: FENCE-\_\_\_\_\_

RIGHT-OF-WAY WIDTH: \_\_\_\_\_

NON-CONTRACT ITEMS OF WORK CERTIFICATION

(DATE)

Mr. \_\_\_\_\_  
State County Transportation Engineer  
Alabama Department of Transportation  
1409 Coliseum Boulevard  
Montgomery, AL 36110-2060

Dear Sir:

RE: Project No. \_\_\_\_\_  
County No. \_\_\_\_\_  
County \_\_\_\_\_

This is to certify that all non-contract items identified in the Project Engineering Record (PER) to be completed prior to project letting and listed below, have been completed by county forces.

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Sincerely,

\_\_\_\_\_  
County Engineer

Cc: Region Engineer