

An aerial photograph of a two-lane asphalt road that curves through a dense, lush green forest. A single white car is visible on the road in the upper right quadrant. The text is overlaid on the center of the image.

ALDOT

Highway Right-of-Way

INFORMATION ON YOUR RIGHTS AND PRIVILEGES



Introduction

Increased transportation on Alabama's highways calls for the continual modernization of the highway system. The job of building and maintaining the state's roads and bridges has been assigned to the Alabama Department of Transportation (ALDOT).

To meet the demands of the traveling public, thousands of acres of land will be required, and many individuals and businesses will be affected as part of this program.

The purpose of this publication is to inform Alabama citizens about the acquisition process and their rights and privileges before, during, and after their property is acquired for highway purposes.

Visit our online FAQ at dot.state.al.us/publications/ROW/FAQ.html

Benefits of Better Highways

- Better highways provide greater security and safety for the motoring public.
- Modern highways are designed to eliminate common sources of vehicle crashes, including:
 - Sharp curves
 - Steep grades
 - Intersecting grade crossings
 - Roadside obstacles
 - Dangerous shoulders
- Features like longer sight distances, easier grades, and wider driving lanes contribute to savings in lives and property.
- Highway safety is a significant concern for travelers, including both Alabamians and tourists from across the country.
- Modern highways allow faster travel, reducing the time between the point of origin and destination.
- The success of Alabama's and the nation's enterprises relies on a modern highway system, which plays a critical role in today's economy.

By what authority can the state acquire your property?

Title 23, Section 45, Code of Alabama, provides that the Director of ALDOT shall have the authority to acquire the property rights deemed necessary by ALDOT for the construction of a State road, either by purchase or by the exercise of the right of

eminent domain as provided under the laws of this State.

Section 23, Constitution of Alabama of 1901, provides that *private property shall not be taken for or applied to public use unless just compensation be first made therefor.*

Determining Highway Locations

The process of determining the location of a highway begins with careful planning, design, and research conducted by engineers from ALDOT. This process requires many hours of work to ensure the best possible outcome.

As part of this effort, ideas and opinions are gathered from municipal, county, and regional officials, as well as from individuals and groups within the area.

In many cases, multiple routes are studied. The final selection may or may not involve acquiring your property.

Public hearings are held to provide all interested individuals with an opportunity to share their views and learn more about proposed routes. These meetings are an important part of the decision-making process.

Public Hearings

1. CORRIDOR PUBLIC HEARING

The corridor public hearing is held to give private citizens an opportunity to express their opinions about the proposed route location. Notice of the hearing is published in local newspapers, mailed to property owners in the project area, advertised on social media, and listed on ALDOT's website. Signs are also posted in the project area.

At the public hearing, ALDOT will present all known facts gathered from other agencies, along with views and comments regarding the social, environmental, and

economic impacts of the project. Information about alternate actions available to minimize adverse effects will also be shared.

The meeting will include a question-and-comment session, where attendees are encouraged to express their opinions.

After all data, comments, and facts are reviewed, the final route location is selected by ALDOT and approved by the Federal Highway Administration to serve the greatest public need.

2. DESIGN PUBLIC HEARING

Once the location of a route is approved, engineers from ALDOT begin designing and developing construction plans for the proposed improvement.

A design public hearing will be held at a time and location convenient for a large segment of the people affected by the project. The hearing will be advertised in the same manner as the corridor hearing, including local newspapers, social media, ALDOT's website, and signage in the project area.

This hearing provides a second opportunity during the preliminary design phase

for public involvement and input from interested agencies. At the hearing, ALDOT will present data to familiarize the public with the specific design features of the project. Information such as maps, exhibits, charts, and other graphic materials will be available for review and discussion.

The hearing will follow a format similar to the corridor hearing, allowing attendees to ask questions and provide feedback.

Once the design is approved, ALDOT engineers will proceed to the final design stage of the project.



Why is your property needed?

When selecting the final location and design of a proposed highway, many factors are carefully considered.

If your property falls within the selected area, ALDOT will evaluate all beneficial and adverse economic, social, and environmental impacts associated with the proposed route. The need

for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects are also taken into account.

Additionally, engineering, right-of-way acquisition, construction, maintenance, and operating costs are thoroughly considered as part of the decision-making process.

Who Contacts You About Buying Your Property?

The acquisition of property for highway purposes is managed by the Right of Way Bureau at ALDOT. Representatives from ALDOT or one of the five region offices will make personal contact with property owners and are known as right-of-way negotiators.

The right-of-way negotiator will discuss the potential effects of the highway project and explain the procedures involved in acquiring your property. They will also provide information on relocation assistance, property management, and related matters.

You will not be required to make a hasty decision, nor is it necessary for negotiations to be completed during the first contact. If you prefer to have another party represent you during negotiations, please inform the right-of-way negotiator.

It is to your advantage to share your comments and ask any questions about the acquisition process. If the negotiator identifies any overlooked element of value during negotiations, they will recommend to their supervisor that the offer amount be recalculated.



How Does The State Establish The Amount Of The Offer?

Article 1, Section 23, of the Constitution of Alabama, 1901, requires payment for the taking of private property for public use. Alabama Supreme Court case law indicates that this payment should be based on market value.

Market value is defined by Alabama law as: *The price the property would bring when offered for sale by a willing seller who is not forced to sell and which is sought by a willing buyer who is not required to buy, after due consideration of all elements affecting value.* (Code of Alabama Title 18-1A-172)

To establish the market value of your property, ALDOT obtains an appraisal conducted by an independent real estate appraiser or a staff appraiser. Both are experienced and well-qualified in their field.

The appraiser is instructed to provide an accurate report of the fair market value. Whenever possible, the appraiser inspects the property with the owner or

the owner's representative, allowing the owner to highlight any features that may add value to the property.

During the appraisal process, the appraiser will:

- Inspect the land and any buildings on the property.
- Take photographs and measurements.
- Compare similar property sales and listings in the area.
- Consider the replacement cost of any structures and rental income, if applicable.
- Investigate zoning regulations.

The appraiser then prepares a detailed report for ALDOT.

Upon receiving the appraisal report, experienced and qualified reviewing appraisers thoroughly examine it for completeness and accuracy. Using the appraisal(s) as a guide, the reviewing appraiser determines the amount to be offered to the property owner.



What happens if only part of your property is required?

When only a portion of your property is needed for highway purposes, several factors will impact the valuation and use of the remaining property. These factors will be explained by the right-of-way negotiator during their first contact with you.

In preparing an appraisal for a partial property acquisition, the appraiser considers any damages or benefits to the remaining property resulting from the highway project.

To determine the amount of compensation for the portion required, the appraiser will:

- Assess the value of the property before the acquisition.
- Evaluate the value of the remaining portion after the acquisition.

The difference between the pre-acquisition value and the post-acquisition value will determine the compensation amount to be paid to you for the required portion and any damages to the remainder of the property due to the acquisition.



Must you accept the state's offer?

While the state's offer is based on an appraisal prepared by an experienced and qualified appraiser, you are not required to accept it. If you are unsatisfied with the offer after discussing it with the negotiator, you should refuse to accept it.

In most cases, an agreement between the property owner and ALDOT is reached voluntarily. However, honest differences of opinion may arise regarding the value of the property being purchased for highway construction.

If you refuse the offer, it may become necessary for the state to acquire your property through the exercise of eminent domain, as outlined by Alabama law. In such cases, a petition for condemnation is filed in the Probate Court of the county where your property is located.

The Probate Court appoints a three-member commission to determine the value of the acquisition to be paid by ALDOT. The commission typically visits the property, hears testimony from both sides, and arrives at an estimated value.

If either you or the Department is dissatisfied with the value set by the commission, either party may request a trial in the Circuit Court. This action must be taken promptly, as the courts impose a time limit for such appeals.

The valuation set by the Circuit Court is binding on both parties unless it can be shown that some aspect of the court proceedings was irregular. In that case, an appeal by either you or ALDOT may lead to a second trial.

How long may you occupy the property acquired?

When ALDOT obtains title to your property, you are expected to vacate the property within 30 days after the transfer of title. However, you will not be required to vacate without at least 90 days of written notice from the Department specifying the date by which you must move.

If your property is acquired through condemnation, you must vacate within 30 days after the award is paid into Probate Court or within 90 days from the date indicated in your written notice, whichever period is greater.

You are not required to have legal representation unless you plan to appeal the Probate Court award or contest the state's right to acquire your property. ALDOT is obligated to cover the state's court costs associated with the exercise of its right of eminent domain.

You have the right to obtain legal representation at any time during negotiations; however, such representation will be at your own expense.

Will the department of transportation help you to relocate?

During negotiations for the purchase of your property, ALDOT's right-of-way negotiator and/or relocation agent will inquire whether you desire relocation assistance. If you do, they will collect certain information from you and explain the available assistance and how to obtain it.

All relocatees, whether businesses or families, are eligible for reimbursement of moving costs for personal property, regardless of whether they seek assistance in relocating.

The negotiator or relocation agent will provide you with current information on the availability, location, prices,

and rentals of similar properties that can be purchased or rented. These properties will be suitable in price, size, and condition, meeting decent, safe, and sanitary standards.

They will also explain the relocation payments and assist you in completing any required applications and subsequent claim forms.

Additionally, the negotiator or relocation agent will furnish you with a copy of the Department's Relocation Assistance Brochure, which outlines the eligibility requirements for moving costs and the various types of replacement housing payments available.



Conclusion

We hope this publication has answered some of the questions you may have as a property owner whose land may be required for highway improvements.

We recognize that many questions may remain unanswered. We encourage you to ask any unresolved questions during the acquisition process. The employees of ALDOT are always ready to assist and provide guidance.

The Right of Way Bureau at ALDOT is the official body authorized to act on behalf of the department in the appraisal and purchase of property needed for highway construction purposes.

Property owners should heed no notices other than direct communication from an authorized right-of-way representative of ALDOT. These representatives carry official identification cards and will be happy to present them upon request.

For more information, contact your ALDOT region office or visit the website at dot.state.al.us

North Region (256) 505–4955

Guntersville Area Serving: Cherokee, Cullman, Dekalb, Etowah, Jackson, Madison, and Marshall Counties

Tuscumbia Area Serving: Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan Counties

East Central Region (205) 327–4962

Birmingham Area Serving: Blount, Jefferson, Shelby, and St. Clair Counties

Alexander City Area Serving: Calhoun, Chambers, Clay, Cleburne, Coosa, Randolph, Talladega, and Tallapoosa Counties

West Central Region (205) 562–3099

Fayette Area Serving: Fayette, northern Greene, Lamar, Marion, Pickens, Walker, and Winston Counties

Tuscaloosa Area Serving: Bibb, Chilton, southern Greene, Hale, Perry, Sumter, and Tuscaloosa Counties

Southeast Region (334) 353–6850

Montgomery Area Serving: Autauga, Bullock, Butler, Dallas, Elmore, Lowndes, Lee, Macon, Montgomery, and Russell Counties

Troy Area Serving: Barbour, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike Counties

Southwest Region (251) 470–8200

Grove Hill Area Serving: Clarke, Choctaw, Marengo, Monroe, Washington, and Wilcox Counties

Mobile Area Serving: Baldwin, Conecuh, Escambia, Mobile Counties

Central Office (334) 242–6193

Statewide



For frequently asked questions visit
dot.state.al.us/publications/ROW/FAQ.html



**Alabama Department of Transportation
Right of Way Bureau**

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