

Property Owner FAQs

Public input is an important part of the Provo Westside Connector Environmental Impact Statement (EIS) process. Input from property owners and residents have helped the project team identify potential transportation solutions and community values to consider. During January and February 2009, the project team sought property owner feedback regarding the two potential roadway alignments identified for detailed study and circulated in a public newsletter in December 2008. The following questions represent recurring issues and concerns property owners addressed in their feedback to the project team. *Answers to these questions represent the best knowledge and current information available to the project team as of March 24, 2009.*

1. What is the need for this roadway?

An additional arterial roadway in southwest Provo is part of the current Provo City Master Transportation Plan, the Provo City General Plan, the Utah County General Plan, and the Mountainland Association of Government's Regional Transportation Plan. The proposed project also supports the goals of the Provo Municipal Airport Master Plan.

The primary purpose the project is to support the goals of these planning efforts, and provide an alternate east-west transportation facility that supports planned land uses and improves access and connectivity to southwest Provo and the airport. Secondary objectives of this project are to improve emergency service access, facilitate trail and bikeway connectivity, accommodate recreation access, and to support public transportation improvements.

2. Why is this roadway being studied?

Provo City has sought federal funding to help pay for the proposed roadway. The National Environmental Policy Act (NEPA) requires an evaluation of all federal actions that may affect the quality of the human environment. Provo City, the Utah Department of Transportation (UDOT), and the Federal Highway Administration (FHWA) are joint lead agencies in preparing an EIS for this proposed action.

An EIS is an official document designed to provide public disclosure of the decision-making process and anticipated impacts. The EIS includes looking at impacts of doing nothing—or a “no build” alternative—as well as “build” alternatives. The project team is currently evaluating the environmental impacts of the proposed alternatives. A complete Draft EIS is expected in late Spring 2009. The public will be invited to review the Draft EIS and attend a public hearing to submit comments.

3. Why not consider an alignment farther south than the ones selected for detailed analysis?

An alternative farther south than either of the build alternatives being studied would be cost prohibitive, due to the amount of roadway that would need to be built on bridge structures to minimize flood risk and avoid wetland impacts. This was evaluated as part of the alternatives screening process and will be summarized in Chapter 2 of the Draft EIS. After carefully considering all proposed alignments, only a fairly narrow area for the proposed roadway proved to effectively balance potential socioeconomic impacts and relocations with potential impacts to floodplains, wetlands, and farmlands.

4. Why is so much of the land south of the proposed alignments designated as wetlands?

By federal law, wetlands are defined and regulated under Section 404 of the Clean Water Act. Provisions of the act are jointly administered by the US Army Corps of Engineers (Corps) and the US Environmental Protection Agency. In some cases wetlands are easy to identify, as in the case of a cattail marsh. However, many seasonal wetlands have little or no surface water visible in dry years. The soils and vegetation must be examined closely by an expert to determine if the area will be considered jurisdictional wetlands by the Corps.

At least some placement of construction fill on wetlands will be unavoidable for any of the proposed build alternatives. To obtain a 404 Permit (issued by the Corps) the project team must minimize the amount of wetland impact to the extent possible. This involves refining roadway alignments and design features in an effort to minimize wetland impacts while meeting the identified needs of the project. Unavoidable wetland impacts must be mitigated, which can add significantly to the cost of project construction.

5. Why not consider an alignment that utilizes the existing dike near the airport?

Although the existing dike near the airport could potentially accommodate the Provo Westside Connector's tie-in with 3110 West, only a portion of the dike would be utilized due to the geometric design limitations of curving the roadway south. In addition, jurisdictional wetlands have formed around the dike. The proposed locations of where and how the roadway alternatives connect to 3110 West are an effort to avoid and minimize wetland impacts and maintain federally regulated design specifications.

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6. How will you accommodate for drainage, irrigation, and spring water?

Existing storm water drainages would be maintained and new storm water detention ponds would be constructed in key locations adjacent to the new roadway. Existing irrigation structures and springs would also be maintained.

7. How will I be able to access the southern portion of my land?

Existing access points for properties would be maintained. Many property owners have communicated their specific access needs, future property plans, and concerns with the project team. If you have any special needs or concerns regarding access, please contact Bethany Hyatt (801-288-3207 or hyatt@pbworld.com) to discuss these issues in more detail with the appropriate project team staff.

8. Will there be fences to keep people off my land?

At this point, the project team is only looking at general designs for the proposed roadway. Fencing is a specific construction detail that would be considered during final design, after the roadway is approved. It is anticipated that fencing would be provided, as required, to maintain the integrity of properties along the roadway corridor.

9. Will utilities be included as part of the new roadway construction?

The right-of-way acquired for the project would provide a new utility corridor for Provo City to extend and improve services within the study area. However, this project does not specifically include the development of any utilities. Utility expansion would only occur as warranted by development and as funding is available within the study area.

10. What kinds of development will the City allow once the roadway is built? Will I be able to develop my land south of the roadway? Where will development be allowed?

The City will continue its existing process of considering proposed developments as described in the City's General Plan. As is the case now, future development proposals will be considered on a case-by-case basis.

11. If UDOT only needs part of my property, how will I be compensated?

While the Provo Westside Connector would be a Provo City roadway, property acquisition will be administered by UDOT's Right Of Way Division.

In the event a project only impacts a portion of an owner's property, UDOT will pay fair market value for the land and improvements that are actually impacted. Owners may also receive compensation for other property rights that the department may need to acquire, such as easement rights. Compensation for proximity damages may also be warranted. Monetary compensation for partial impacts, including proximity damages, is only available to those whose property is directly impacted. The amount of compensation will be determined by an approved appraisal—or a value estimate—in full compliance with applicable regulations. The property may be purchased in total if determined appropriate on a case-by-case basis.

12. How is the value of my property determined?

By law, State agencies must pay "fair market value" for private property. In most cases the fair market value is based upon an approved appraisal completed by an independent Licensed and State Certified Appraiser. The appraiser evaluates the property and also researches the area for properties with similar characteristics that have sold recently. The property owner has the right to be present during the appraisal property inspection and can bring to the appraiser's attention any characteristics pertinent to the appraisal. In some cases the value is determined by an administrative process called a waiver valuation, or administrative compensation estimate. However, estimates are only used to establish the amount of the offer for low value, non complicated properties.

After the appraisal or estimate is complete, the State offers to acquire the property at fair market value, as determined by the appraiser's valuation, or the administrative compensation estimate. Under State law, UDOT's offer must be based on the fair market value and supported by documented justification. The agency will make every effort to reach an agreement with the owner during negotiations. The owner may provide additional information, and make reasonable counter offers and proposals for the agency to consider. Additional information about the property acquisition process is available on UDOT's web site (www.udot.utah.gov/go/rightofway).

13. How will this project affect property values?

It is impossible to predict exactly how property values may be impacted. However, general information about property owner's rights and UDOT's acquisition, appraisal, and relocation process can be accessed on the UDOT website (www.udot.utah.gov/go/rightofway).