

*Texas Department of Transportation  
Environmental Affairs Division*

## **Standards of Uniformity for Projects Without Federal Highway Administration Involvement**

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A Guide to Projects without FHWA Involvement

### **Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to Environmental Document Approval of Overall Project (All Project Types)**

**Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to Environmental Document Approval of Overall Project**

This Standard of Uniformity (SOU) applies to all projects incorporating parcels that were acquired through early acquisition, before environmental approval for the construction project. Even if federal funds are not used to purchase property, if there is *intent* to use federal funds on a project involving that property at any time in the future, the acquiring agency must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URARPA), as amended (commonly called the Uniform Act). Furthermore, if federal funds are used in any phase of the project, the rules of the Uniform Act apply (42 U.S.C. 4621(b), 4630, and 4655).

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
1			<p>The environmental document for a project incorporating right-of-way acquired in advance of the environmental process must establish that ownership of the acquired parcel did not influence the selection of the preferred alternative.</p> <p>The document includes a description of at least one alternative in addition to the preferred and “no build” alternatives.</p>	<p><a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a></p> <p>43 TAC 2.17(e)(1)</p>
2			<p>When an environmental document is prepared for a project using state funds to purchase early right of way, <b>and</b> the early acquisition has been approved under a Categorical Exclusion (CE) document prepared in accordance with the <a href="#">Standards of Uniformity for NFCEs for Early Right-of-Way Acquisition</a>, the environmental document can restate and/or summarize the information provided in the CE(s).</p> <p>Information provided in the original CE(s) may not be incorporated by reference alone and must be restated in the current environmental document.</p>	<p><a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a></p>
3			<p>The document specifies the locations of all parcels acquired through early acquisition. This includes maps, a description of the property acquired, and photographs. Maps should clearly indicate the location of the property acquired by early acquisition in relation to all the alternatives considered.</p>	<p><a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a></p>

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4				The document states the acreage amounts acquired through early acquisition and the number of parcels acquired.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
5				The document includes specific dates when parcels were acquired and specifies whether early acquisition was carried out by TxDOT, the LPA, the Toll Authority, etc.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
6				The document includes a description of the land use at the time the parcels acquired and specifies whether land use was commercial, residential, agricultural, or special use.  The document should also indicate whether the early acquisition influenced land use changes on adjacent properties.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
7				The document demonstrates that early acquisition of the parcels did not limit the evaluation of alternatives. It should identify any environmental constraints that precluded the selection of an alternative other than the preferred alternative.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
8				The document includes a description of the impacts to low income and minority communities as a result of any early acquisition activity.  If any mitigation measures are anticipated or have been carried out, they should be disclosed. If the early acquisitions did not impact minority or low income communities, this should be specifically stated.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
9				If early acquisitions involved business displacements, the document describes the type of each business displaced.  If any commercial operations were not able to remain in business, any impacts to	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>

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			<p>the community are disclosed.</p> <p>If the business(es) remained in operation, the document specifies where the business(es) relocated and whether or not the business(es) was able to relocate within its previous service area.</p> <p>The document specifies whether or not any special populations, such as the elderly or disabled, were affected if the business was not able to remain in operation within its previous service area.</p>	
10			<p>If early acquisitions involved residential properties, the document includes a discussion of the relocation efforts made.</p> <p>The document describes the market availability of comparable housing for the displacees at the time of the relocation, and confirms that all displaced persons were relocated to DS&amp;S housing within their financial means.</p> <p>If relocations are ongoing, the document discloses any issues encountered that may complicate the relocation process (i.e., no other Section 8 housing available in the neighborhood/community, displacements involving interdependent extended families that need to be relocated in close proximity to one another).</p>	<p><a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a></p>
11			<p>The document includes sufficient information to determine that the Uniform Act was followed in the acquisition of all parcels acquired through early acquisition. If any parcels were acquired by the LPA, certification to TxDOT that right of way was procured in accordance with the Uniform Act must be provided.</p>	<p><a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a></p>
12			<p>The document clearly states that all required records and complete documentation regarding the acquired parcels and relocations are available for</p>	<p><a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA</a></p>

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			inspection by TxDOT. The document also indicates where the records are housed.	<a href="#">and the Uniform Act</a>
13			The document clearly states that no properties that were acquired during early acquisition contained resources protected by Chapter 26 of the TPWD code.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
14			The document includes the current status of any resource/regulatory agency coordination required during the acquisition of the parcels, and the result(s) of such coordination.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>
15			The document clearly states whether or not categorical exclusion documents were prepared when the property was acquired.  If TxDOT environmental documents exist, the CSJ number of these documents is included.	<a href="#">FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</a>