

**Subject: PUBLIC INTEREST LETTERS**

**MEMORANDUM OF UNDERSTANDING**

This MOU implements the provisions of 23CFR635.309(b), (c), (g) and (h) for State Highway Projects. The statements required in these paragraphs are contained in a document called the Right of Way certificate (certificate), and need to be prepared prior to any bid advertisement. The certificate will be certified by the Right of Way Division's Property Management Supervisor and will be approved by the Right of Way Division Manager.

The Monthly Project Scheduling Team is responsible for reviewing individual projects to determine if the provisions of (c)(3) are applicable. When the team decides that those provisions are applicable a letter will be prepared justifying why it is in the public's interest to proceed with advertising the project. The letter will be signed by the Roadway Design Engineer and will include a brief description of each un-acquired tract sufficient to form a reasonable conclusion of the significance of the tract.

The Deputy Director-Engineering will review the public interest letter and give consideration to the following factors in determining if advertising the project is in the public interest.

1. The proposed starting date of the contract
2. The feasibility of moving the project to another letting
3. The number and significance of the remaining un-acquired tracts
4. The exact status in the acquisition process of the un-acquired tracts
5. The overall justification of exactly why it is in the public interest to have the project in a particular letting.

On those projects not involving residential or business displacees still in occupancy the Deputy Director's decision will be final. No approval is required by the FHWA.

The Contracts Section of the Construction Division will provide an information copy of all ROW certificates and public interest letters to the FHWA prior to each letting.

If a Residential or business displacee is still in occupancy the above-described letter will be presented to the FHWA for approval.

**ORIGINAL SIGNED BY:**

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Allan L. Abbott  
Director-State Engineer  
Nebraska Department of Transportation

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Bruce Lind  
Division Administrator  
Federal Highway Administration

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