

Adopted November 7, 2018

## **XIV. ADJACENT WAYS VALIDATION POLICY**

Per A.R.S. §41-1091 B: This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. §41-1033 for a review of the statement.

### **A. Valid Adjacent Ways Expenditures**

The SFB Division validates Adjacent Ways expenditures that:

- Construct, maintain, or improve any public way adjacent to any parcel owned or leased by a district.
- Construct sidewalks, sewers, utility lines, roadways and other improvements along such streets and intersections.
- Ensure the safe ingress to and egress from the public way.
- Maintain fire lanes and bus lanes, including signage and striping.

#### **1. Allowable ON-SITE Expenditures:**

- Curb-cuts providing access from the right-of-way on to the school district property;
- Bus Lane and/or Fire Lane providing safe ingress and egress for buses and emergency vehicles including only:
  - Curbs
  - Striping (including arrows and crosswalks)
  - Signage
  - Fire Lanes as defined by the local authority having jurisdiction (documentation required)

#### **2. Allowable OFF-SITE Expenditures:**

- Streets
- Gutters
- Sidewalks
- Driveways
- Bike Lanes
- Horse Trails
- Landscaping
- Screen walls
- Street lighting
- Fire hydrants
- Public utility lines (water, sewer, gas, electric, phone/data/cable)
- Relocating overhead lines underground
- City-imposed costs for improvement
- District and utility development fees
- Right-of-way improvement

## **B. Invalid Adjacent Ways Expenditures**

The [SFB Division](#) does not validate Adjacent Ways expenditures that:

- Use any portion of the monies for assessment for any construction, maintenance or other improvements to the school district's property.
- Maintain or replace parking lots, painting parking stalls and wheel-stops, lighting, gates, fencing, and fire hydrants on the school district's property.

### **1. Excluded ON-SITE Expenditures:**

- Parking lots (with exception of the aisle needed for a fire lane)
- Stall striping/wheel-stops
- Fencing
- Sidewalks [\(excluding student drop-off areas\)](#)
- Fire hydrants
- Gates
- Lighting
- Landscaping
- Upgrades/redundancies

## **C. Required Documents**

Five documents are required to submit an Adjacent Ways Validation request:

1. Aerial view of the school
2. Engineering project site plan
3. Proposed Adjacent Ways color overlay of the project site plan that delineates on-site and off-site work with legend
4. Selected proposal
5. Schedule of Values

Applications for validation requests are not considered complete and accurate unless all required documents are provided.

## **D. Validation Schedule**

Pursuant to A.R.S. 15-995:

If the entire project cost for the adjacent ways project is greater than fifty thousand dollars, the school facilities board shall approve or deny the project within sixty days after receipt of the filing of the project proposal by the school district and the expenditure shall not be made unless the school facilities board validates both of the following within sixty days after receipt of the filing of the proposal:

1. The project that is proposed to be funded by the assessment is in compliance with state laws relating to adjacent ways projects.
2. The proposal selected by the school district does not contain additional work that is not listed in the adjacent ways proposal submitted by the school district.

The 60 days starts from receipt of a complete and accurate request for validation.

School districts with Adjacent Ways expenditures less than \$50,000 should complete an application with the required information and documentation. These applications are not presented to the Board for approval or denial. The information is made available for the public on the [DivisionSFB](#) website.

~~DivisionSFB staff must receive complete and accurate applications for validation requests at least 15 business days before the next Board meeting to be considered at that Board meeting. Applications for validation requests received after that date will be held until the next Board meeting.~~

**E. [Report to the Board](#)~~Notification of Board Action~~**

~~DivisionSFB staff will present report validation requests on a monthly basis to the Board with information on with a recommendation for either approval or denial. After Board action is taken, DivisionSFB staff approval or denial will send the district a validation letter of approval or denial is sent to the district of approval or denial.~~

**F. [Appealable Agency Action](#)**

Pursuant to A.R.S. ~~41-570215-2002~~ subsection A.~~5.i7.j~~ and subsection ~~PO~~, Adjacent Ways Validation requests are an appealable agency action.

~~DivisionSFB~~ Staff shall notify a school district in writing before ~~denial review by the board~~ that the proposed project does not meet eligibility criteria. The written notification shall include documentation to support the staff's determination that the proposed project does not meet the eligibility criteria. The school district may directly appeal the staff's determination of ineligibility to the ~~executive~~ director ~~\_of the board~~. The school district may directly appeal the ~~executive~~ director's determination of ineligibility to the board.

A school district may appeal the denial of a request for monies or any other appealable ~~agency~~ ~~Division~~ action ~~by the school facilities board~~ pursuant to title 41, chapter 6, article 10. For the purposes of this subsection, "appealable agency action" has the same meaning prescribed in section 41-1092.