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# Water Distribution Lines/Arkansas Department of Transportation Highway Expansion: Washington Water Authority Pulaski County Arkansas Circuit Court Complaint Seeking Compensation

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The Washington Water Authority (“WWA”) filed a September 15th Complaint for Declaratory and Injunctive Relief (“Complaint”) against the Arkansas Department of Transportation (“ADOT”) and City of Farmington (“Farmington”) in the Circuit Court of Pulaski County.

The Complaint relates to highway widening work that WWA states ADOT and Farmington will be undertaking in Washington County, Arkansas.

The Complaint states that WWA is a division of the Rural Development Authority of Washington County, Arkansas. It is stated to maintain and operate water facilities and provide water services to 7,300 customers in Washington County, Arkansas.

ADOT and Farmington are stated to be involved in the widening of an approximately two-mile stretch of Highway 170 located in or adjacent to Farmington to three 12-foot lanes. The work is stated to require that both sides of the road have five-foot-wide sidewalks. Further, the work is stated to require the relocation of utility assets including a WWA water distribution line.

WWA states that it has owned and maintained the water distribution line for many years. The water distribution line is stated to be located within private easements acquired and owned by WWA.

The Complaint alleges that WWA’s outside engineering firm has provided a cost estimate of \$1,517,292 to remove and relocate the water distribution line. Both ADOT and Farmington are stated to have concluded that WWA is not entitled to compensation from this relocation. WWA alleges that ADOT has in the past, pursuant to its Utilities Internal Policies and Procedures Manual compensated other utilities in similar circumstances.

The Complaint requests:

- Declaration that ADOT’s rules and the Arkansas Constitution require that WWA be justly compensated for the required relocation of its water distribution line and taking of easements rights
- An award of costs associated with the action that the Court deems equitable

- A preliminary injunction be issued against ADOT and Farmington and any other third parties prohibiting them from paving over or near WWA's water distribution line or from disturbing or otherwise encroaching upon its easements right at issue unless and until the utility is afforded just compensation

A copy of the Complaint can be downloaded [here](#).