

VIRGINIA DEPARTMENT OF TRANSPORTATION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: RIGHT OF WAY AUTHORIZATION PROCESS FOR PROJECTS WITH TOTAL TAKE & PARTIAL TAKE PARCEL(S); PROJECTS WITH PARTIAL TAKE PARCELS ONLY	NUMBER: IIM-LD-234.5
SPECIFIC SUBJECT: PROCESS FOR PREPARING/SUBMITTING PROJECT TITLE SHEET/RIGHT DATA SHEET FOR ACQUISITION OF PARCEL(S)	DATE: NOVEMBER 14, 2008
	SUPERSEDES: IIM-LD-234.4
CHIEF ENGINEER APPROVAL: Malcolm T. Kerley, PE Chief Engineer Approved November 14, 2008	

Changes are shaded.

CURRENT REVISION

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- Revised Right of Way Signature Block.
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EFFECTIVE DATE AND APPLICATION

- The memorandum is effective upon receipt.
 - Please include this memorandum with other policy memorandums from Location and Design, Programming, Scheduling and Contract, Right of Way, Structure and Bridge, and Environmental Divisions. The instructions herein have been discussed with the noted Divisions and are to be considered as their instructional memorandum. These instructions will be evaluated and revised as appropriate.
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PROCESS FOR PROJECTS WITH "TOTAL TAKE" AND/OR "PARTIAL TAKE" PARCEL(S)

- "Total Take" is identified as the acquisition of right of way that requires the purchase of an entire parcel due to accessibility concerns, lack of an economically viable remnant, appraisal issues, etc. under the Concurrent Engineering Process.
- "Partial Take" is identified as the acquisition of right of way which involves only acquiring a portion of a parcel.

- The approval and acquisition process requires distinctly separate title sheet signature blocks, as well as a separate “Request for Approval” and “Notice to Proceed for Right of Way Acquisition”.
- Requests for Approval of “Total Take” and/or “Partial Take” Parcel(s) must include ALL applicable properties in the original request and in the time frame allotted in the Concurrent Engineering Process.
- The District Right of Way Manager will be responsible for providing the information for the Right of Way Data Sheet.
- The Location and Design Division will be responsible for:
 - Obtaining the Federal Identification Base Numbers from the Project Pool prior to the Location and Design or Design Public Hearing/Willingness.
 - Submitting requests for “Total Take” Parcel(s) immediately after Design Approval (Activity 49X) and immediately after Field Inspection (Activity 65X) for “Partial Take Parcel(s).
- Project Title Sheets (for projects with both “Total Takes” and “Partial Takes”) must show a “Total Take” Signature Block and a “Partial Take” Signature Block.

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION (TOTAL TAKES)				
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DATE		PROGRAMMING DIVISION DIRECTOR		
DATE		STATE LOCATION AND DESIGN ENGINEER		
DATE		CHIEF FINANCIAL OFFICER		
DATE		CHIEF ENGINEER		

APPROVED FOR RIGHT OF WAY	
DATE	CHIEF OF POLICY AND ENVIRONMENT

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION (PARTIAL TAKES)	
DATE	PROGRAMMING DIVISION DIRECTOR
DATE	STATE LOCATION AND DESIGN ENGINEER
DATE	CHIEF FINANCIAL OFFICER
DATE	CHIEF ENGINEER

APPROVED FOR RIGHT OF WAY	
DATE	CHIEF OF POLICY AND ENVIRONMENT

- Project Right of Way Data Sheets (for projects with Total Takes and Partial Takes) must show a “Total Take” Tabulation Block and a “Partial Take” Tabulation Block.

PROCESS FOR PROJECTS WITH “PARTIAL TAKE” PARCEL(S) ONLY

- It is imperative that projects with “Partial Take” Parcel(s) only follow these instructions.
- The following Title Sheet Signature Block should be used when only “Partial Take” Parcel(s) are involved (no “Total Take” Parcels).

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION	
DATE	PROGRAMMING DIVISION DIRECTOR
DATE	STATE LOCATION AND DESIGN ENGINEER
DATE	CHIEF FINANCIAL OFFICER
DATE	CHIEF ENGINEER

APPROVED FOR RIGHT OF WAY	
DATE	CHIEF OF POLICY AND ENVIRONMENT

- Estimates in RUMS and PCES must be verified to agree.
 - For additional information on Title Sheet preparation see “TIPS FOR PREPARING TITLE SHEET FOR SIGNATURES”, available at:
<http://www.virginiadot.org/business/locdes/reference-guides.asp>
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iPM ACTIVITIES

- iPM is used to insure that projects are in compliance with federal certification acceptance (CA) requirements and is to be used for all projects. At the Right of Way stage, iPM should contain entries to show that public hearing requirements have been satisfied, the environmental document has been approved and the location and design features have been approved, either by the Commonwealth Transportation Board or by the Chief Engineer. All dates are to be recorded in iPM within one week of the completion of the activity.
 - iPM activities are to reflect the appropriate elements; i.e. element 51T, 52T and 60T (total Take) and elements 51, 52 and 60P (Partial Take).
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REVIEW OF PLANS PRIOR TO SUBMISSION FOR RIGHT OF WAY APPROVAL

- Prior to submitting the plans for Approval for Right of Way Acquisition for “Total Take” Parcel(s) and/or “Partial Take” Parcel(s), the Designer is to carefully review the plans for accuracy and completeness, including a check of construction limits, right of way lines, easements, alignments, grades, typical sections, drainage, etc. All approved Preliminary Field Inspection, Value Engineering, Public Hearing and Field Inspection (Partial Takes only) recommendations are to be included in the plans.
- The Right of Way Data Sheet must include the total acreages of affected “Total Take” and “Partial Take” Parcel(s), fee taking, remainder, and the area of permanent and temporary easements as provided by the Right of Way Division and Location & Design Utilities Section.
- Any proffers are to be noted (Yes or No) on the Right of Way Data Sheet in the "Proffers" column.
- See Road Design Manual, page 2F-1, for instructions for depicting parcel and demolition numbers.

REQUEST FOR RIGHT OF WAY AUTHORIZATION FROM FHWA (when applicable)

- FHWA Authorization is required on all projects where right of way acquisition or utility adjustments will utilize any federal funding. The Project Manager is responsible for providing all data to the Programming Division a minimum of thirty days prior to Activity 51T for “Total Take” and Activity 51 for “Parcel Take” (See Reference Guide for “Right of Way Plans”, available at <http://www.virginiadot.org/business/locdes/reference-guides.asp>)
- FHWA Authorization should be requested after the environmental document has been approved by the FHWA and Design Approval has been granted. The Right of Way Division may begin acquisition procedures as soon as the Notice to Proceed for Right of Way Acquisition for Total Take and/or “Partial Take” Parcel(s) are issued.
- Location and Design Division is responsible for submitting the following to the Right of Way Division for Right of Way Authorization for “Total Take” and/or “Partial Take” Parcel(s):
 1. - Title Sheet with two signature blocks. If project has both “Total Take” Parcel(s) and “Partial Take” Parcel(s), two signature blocks are required as described. If project has only “Partial Take” Parcels, only one signature block is required as described.
 2. - “Total Take” Parcel(s), individual parcel numbers must be shown in the signature block. For “Partial Take” Parcels, the Right of Way termini must be shown on the plans. Termini will begin with the beginning of the first parcel and end with the last parcel including necessary easements.
 3. - Right of Way Data Sheet (including acreages) separating “Total Take” Parcel(s) from “Partial Take” Parcel(s), if applicable.
 4. - Applicable plan sheets for “Total Take” Parcel(s) and “Partial Take” Parcel(s).
 5. - Right of Way and Utility Estimate (PCES) for “Total Take” and “Partial Take” Parcel(s).
 6. - Environmental Re-evaluation for Right of Way Authorization for “Total Take” and “Partial Take” Parcel(s) (Form EQ-201).
 7. - City Resolution (for Urban Projects)
- The Urban Manager is responsible for the following:
 1. City Resolution (for Urban Projects) submitted to Location and Design Division
 2. Prepare “Draft” Form PD-3 (for Urban Projects) and submit to Programming Division.
- The Programming Division is responsible for the following.
 1. Review SYIP, Project Limits, R/W Data Sheet and R/W estimate for consistency.
 2. Review “Draft” Form PD-3 (for Urban Projects)
 3. Reviewing STIP for estimate compliance
 4. Assigning full Federal Identification Numbers and entering into iPM and FMIS
 5. Securing Federal Authorization for “Total Take” and/or “Partial Take” Parcel(s).

6. Notifying the Location and Design Division Project Manager when Federal Authorization is received from FHWA for “Total Take” and/or “Partial Take” Parcel(s).

SUBMITTAL OF REQUEST FOR RIGHT OF WAY APPROVAL AND FUNDING VERIFICATION FOR “TOTAL TAKE” AND/OR “PARTIAL TAKE” PARCEL(S)

- Plans are to be processed in accordance with the following:
- ELECTRONIC SUBMISSION OF RIGHT OF WAY PLANS, available at <http://www.virginiadot.org/business/locdes/reference-guides.asp> .
- The Programming Division Director will recommend approval of funding for Right of Way Acquisition by signing the project title sheet and returning it to the Location and Design Division. The Funding Verification Form PD-4 will be distributed to R/W Division and others as appropriate.
- The State Location and Design Engineer will recommend approval of the engineering plans for Right of Way Acquisition by signing the project title sheet.
- The Chief Financial Officer and Chief Engineer will recommend approval for Right of Way Acquisition by signing the project title sheet.
- Following the recommendation for approval, the Chief of Policy and Environment will approve the project for Right of Way Acquisition by signing the project title sheet and Form LD-95 or LD-96.
- Following receipt of Form LD-368 from the Location and Design Division, Programming Division will issue the State Authorization Form D-3. Right of Way Division will then issue the Notice to Proceed for Right of Way Acquisition.

RIGHT OF WAY APPROVAL

- Immediately upon signing, the original signed title sheet for “Total Take” and/or “Partial Take” Parcel(s) will be filed in the VDOT Location and Design Plan Library.
- The Project Manager will be notified by e-mail that the plans for “Total Take” and/or “Partial Take” Parcel(s) have been signed, and the date of signing.

- The **typewritten** names of the signers, and date signed (i.e. John W. Doe, signed April 7, 2008), will be inserted into the “Total Take” and/or “Partial Take” Signature Blocks of the .dgn version of the project title sheet.
- The electronic .dgn version of the title sheet for “Total Take” and/or “Partial Take” Parcel(s) will depict the latest version of the sheet from which the designer will create a .tif file for the “current drawings” folder on the Falcon web server. This .tif file shall not have signatures (only typed names and dates).