

VIRGINIA DEPARTMENT OF TRANSPORTATION

LOCATION AND DESIGN DIVISION

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-234.7
SPECIFIC SUBJECT: PROCESS FOR PREPARING/SUBMITTING PROJECT TITLE SHEET/RIGHT DATA SHEET FOR ACQUISITION OF PARCEL(S)	DATE: JUNE 24, 2011
	SUPERSEDES: IIM-LD-234.6
DIVISION ADMINISTRATOR APPROVAL:	Mohammad Mirshahi, P.E. Location and Design Engineer Approved June 24, 2011

Changes are shaded.

CURRENT REVISION

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- This memorandum has been revised in accordance with the Tier 1 / Tier 2 project approach.
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EFFECTIVE DATE AND APPLICATION

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- The memorandum is effective upon receipt. Instructions relative to the Tier 1 / Tier 2 approach are effective on July 1, 2011.
 - 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 Project Development 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 Project Development Process.
 - For instructions on responsibilities, and for examples of signature blocks (Tier 1 and Tier 2), see the VDOT Road Design Manual, Chapter 2F at: <http://www.extranet.vdot.state.va.us/locdes/Electronic%20Pubs/2005%20RDM/chap2f.pdf>
 - 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 “Partial 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.
- The Project Manager 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. - Current R/W and Utility detailed estimate from PCES – Estimate shall not be more than 6 months old.
 2. - Set of hard copy R/W plans (Title sheet and applicable Plan sheets for “Total Take” Parcel(s) and “Partial Take” Parcel(s)) and Preliminary R/W Acquisition Plats pertaining to R/W, “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 must be completed (including acreages) separating “Total Take” Parcel(s) from “Partial Take” Parcel(s), if applicable. The number of parcels shown must agree with the R/W estimate.
 4. - Right of Way and Utility Estimate (PCES) for “Total Take” and “Partial Take” Parcel(s).
 5. - Environmental Re-evaluation for Right of Way Authorization (Form EQ-201) for “Total Take” and “Partial Take” Parcel(s) (not applicable to Programmatic Categorical Exclusion projects)
 6. - 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).
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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> .

- For instructions on responsibilities, and for examples of signature blocks (Tier 1 and Tier 2), see the VDOT Road Design Manual, Chapter 2F at:
<http://www.extranet.vdot.state.va.us/locdes/Electronic%20Pubs/2005%20RDM/chap2f.pdf>