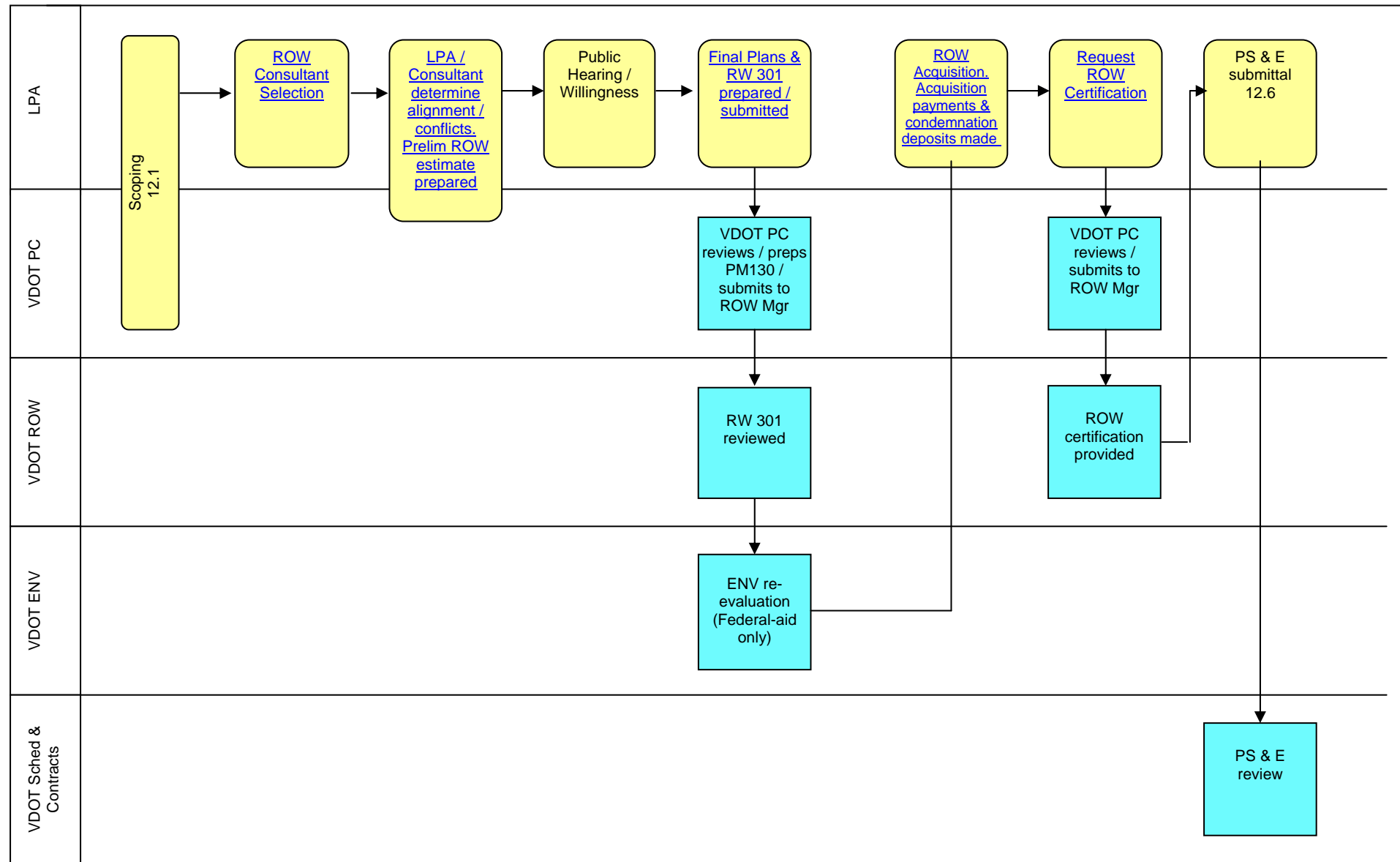


**PART 3**  
Standards and  
practices for LAP  
**Chapter 16**  
Right of Way

# Locally Administered Projects (LAP) Manual

## CHAPTER 16 – RIGHT OF WAY



# Chapter 16 - Right of Way Process

## Chapter 16 - RIGHT OF WAY

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## 16.1 INTRODUCTION

The Right of Way chapter outlines the processes and responsibilities associated with acquisition of rights of way; relocation of displaced individuals, businesses, farms, and non-profit organizations; right of way authorization and certification; the disposition of residue/surplus properties; and VDOT's responsibilities for oversight and certification of LPA activities for federal-aid projects.

## 16.2 APPLICABILITY

- All federal-aid projects.
- Projects with state aid participating in R/W process.
- Processes do not apply to state-aid projects, where no state-aid is used in R/W acquisition.
- Projects meeting the criteria outlined in [chapter 5](#), of this manual , where property is not acquired in the name of VDOT, and underlying fee will not be transferred to VDOT are the sole responsibility of the local government to meet applicable state code(s) relating to relocation, property acquisition, and eminent domain. For these projects the following processes are intended as informational and recommended practices. VDOT will require a certification statement from the local government that they have met all applicable regulations regarding relocation and the acquisition of the properties prior to financial reimbursements. Localities may be subject to post-project audits by VDOT.

## 16.3 SUMMARY

“Right of Way” refers to the real property rights which the LPAs must possess to construct transportation projects. The intent of this chapter is to provide the LPA project managers with resources and background information to gain a basic understanding of the federal-aid right of way process. This chapter can also be used as a guide for state aid procedures because Virginia Code requirements are very similar to federal requirements. **However, local governments active in relocation and property**

**acquisition for non federal-aid projects are solely responsible to meet State Code requirements applicable to them for their Capital Improvement projects regarding relocation, property acquisition, and eminent domain. VDOT does not provide certification of compliance, compliance oversight, or additional guidance for those projects.** LPAs will be required to submit a certification statement that they have met all regulatory requirements associated with relocation and property acquisition. Where LPA's do not have in-house expertise to ensure compliance with federal regulations pertaining to relocations and property acquisition, they must make it a priority to employ consultants that do and consult with VDOT whenever there are concerns about compliance. The LPAs who will be administering right of way acquisition and relocation must comply with the "[Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#)," as amended, found in Title 42 chapter 61 of the United States Code and the implementing regulations found in [49 CFR Part 24](#). **For federal-aid projects, federal requirements associated with relocation and property acquisition must be met and VDOT must certify that they have been met, even if federal-aid is not used for the actual acquisition of right of way for the project.** The Virginia Department of Transportation has developed a Right of Way Manual of Instruction, which is approved by FHWA and provides processes and procedures for federal-aid projects. The LPA is expected to obtain an up-to-date copy of this manual and be cognizant of its contents. **For federal-aid projects, VDOT is required by FHWA to certify the local government's compliance with the Uniform Act and retains final approval authority for relocation and property acquisition activities of the local government.**

Under Section 23 CFR 710.201(h), when Federal-aid is used in any phase of a locally administered project, the FHWA places oversight responsibility for the acquisition of right of way and the relocation of individuals, businesses and utilities with VDOT. As part of the oversight responsibility assigned to VDOT by FHWA, VDOT is required to monitor the LPA right of way appraisal, acquisition, and relocation activities on all federal-aid projects for compliance with applicable laws and regulations. This does not, however, exempt the responsibility of the LPA from following all laws and regulations. VDOT fulfills this obligation by a combination of methods to include, certifications of

compliance by the LPAs, on-going project monitoring and reviews, and post project assessments, which are described further in this manual.

Because of the responsibilities assigned to VDOT for federal-aid projects, the LPA must provide VDOT access to any and all records which demonstrate compliance with federal laws and regulations.

### **Key provisions to prevent conflicts of interest**

- Appraisals must be performed by a licensed appraiser in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) standards.
- The same individual who appraises the property may not perform the appraisal review.
- The same individual who performs the appraisal may not conduct the negotiation
- The Review Appraiser must be licensed and hired directly by the LPA.
- The same individual who performs relocation assistance calculations may not be the same person who reviews and approves these benefits. These individuals must be hired directly by the LPA.

## **16.4 PRELIMINARY RIGHT OF WAY PROCESS**

### **16.4.1 Introduction**

The LPA is responsible for maintaining complete and accurate parcel-specific records. These records are to be maintained for five years after indefeasible title is obtained. VDOT's [Right of Way and Utilities Management System \(RUMS\)](#) contains a forms and letters repository with templates of every sort of acquisition forms and letters. The use of the RUMS forms templates is encouraged.

### **16.4.2 Staff Augmentation/Consultants**

If the LPA does not have the qualified staff to perform the acquisition of the necessary rights of way, they may hire qualified Consultants. VDOT maintains a list of [pre-qualified appraisers](#) and consultant contracting firms that can be provided at the LPA's request. If the LPA hires a consultant, the LPA has the responsibility to monitor the consultant and

his/her activities and must be kept informed during all phases of the right of way process. It is the LPA's responsibility to ensure that the consultant is following all applicable laws, regulations, policies, and the processes contained in the VDOT Right of Way Procedures Manual. LPAs are not expected to meet those procedures, use of forms or information systems, or other instructions, specifically applicable to VDOT. If the LPA's city/county attorney is not representing the LPA in a condemnation, the LPA must coordinate through the [District Right of Way Manager](#) to have the Office of Attorney General assign a condemnation attorney to the case.

#### **16.4.3 Right of Way Cost Estimate**

An initial right of way (and utilities) cost estimate must be prepared at the scoping stage and entered into the VDOT Project Cost Estimating System (PCES). This estimate must be updated at least once every 90 days throughout the duration of the project development process. The estimate shall include the type of properties to be acquired and the number of parcels to be acquired on the project. It should include a breakdown of the types of relocations involved (i.e., number of residential, commercial, farms, etc.). The estimate should also include the estimated fair market value for the properties to be acquired as well as the anticipated relocation assistance costs.

#### **16.4.4 Notice of Intent to Enter**

Prior to entering property to ascertain its suitability for highway and other transportation purposes, a "Letter of Intent to enter upon Property" must be provided to each property owner, in accordance with the Code of Virginia (generally 15 days prior to date of entry), and personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. A copy of VDOT's form letters is available from the Right of Way and Utilities Management System (RUMS) forms repository and can be obtained by contacting the VDOT project coordinator.

#### **16.4.5 Right of Way Plans**

Preliminary surveys and design plans are used throughout the right of way process by R/W personnel. Preliminary surveys are needed to prepare appraisal drawings and

more detailed plans, showing Stations, property lines, existing and proposed right of way and limited access lines, existing and proposed easements acquisition and residue areas, and all improvements are needed for the appraisal and acquisition functions, as well as for public hearings.

Prior to obtaining authorization for federal right of way acquisition activities to begin, a final R/W Plan must be submitted to the VDOT project coordinator. This is typically done at the 60 percent plan design phase VDOT form [RW-301](#), found in appendix A of this chapter, provides a list of items that must be included in the final right of way plan. The title sheet must be signed by the LPA employee responsible for the project., indicating that the plans are complete and adequate for the acquisition of rights of way and for the relocation of utilities. A further explanation of the Right of Way Authorization process is contained in [Section 16.5](#).

## 16.5 RIGHT OF WAY PHASE AUTHORIZATION

Before the LPA may begin making offers to individual landowners to acquire any necessary property and commence with relocation activities, a federal authorization to begin the right of way phase must be obtained. During the period prior to issuance of right of way authorization, the LPA may perform title examinations, appraisals, appraisal reviews, and other preliminary work leading up to negotiation for and making an offer to purchase the property.



**To obtain the Right of Way Phase Authorization, the LPA must submit, to the VDOT project coordinator, the following:**

- A final set of Right of Way Plans, title sheet signed by the LPA Employee Responsible for the Project.
- A completed and signed [RW-301](#) Right of Way and Utilities Review Checklist.
- A cost estimate, including a utilities cost estimate, broken down by utility company.

After a review of the right of way plans and verification of funds, VDOT will issue a right of way authorization for the project. The authorization will be provided to the District Right of Way Manager who will, through the VDOT project coordinator, provide to the LPA. At this point the LPA may begin making offers to the individual landowners to acquire the necessary property and commence with relocation activities.

On projects where there are no federal or state funds involved, VDOT does not issue a right of way authorization.

*VDOT Responsibilities:*

*For Federal Aid Project:*

- *Complete [PM-130](#) and submit to District RW and Environmental Sections for review. For those items on the form which are not applicable to LPAs, note with a N/A*
- *Environmental will perform the environmental re-evaluation and notify the project coordinator of results of review as outlined in chapter/Section #.# of this manual*
- *Ensure the R/W Plans and [RW 301](#) have been submitted to Central Office L&D Division for review*
- *Ensure federal authorization is obtained and provide the LPA with a written notice that federal right-of-way authorization has been obtained and provide the LPA with a copy of the federal agreement*

*For State Aid/ VDOT Maintained projects:*

- *VDOT will review plans solely to verify that the LPA is only acquiring necessary lands to build and maintain the project*

## **16.6 RIGHT OF WAY ACQUISITION**

### **16.6.1 Fair Market Value**

Prior to commencing appraisal work on parcels required for the project, the appraiser must provide the owner or the owner's representative a certified letter of intent to enter upon the property for the purpose of inspection and allow them the opportunity to

accompany the appraiser on the inspection in accordance with Virginia Code requirements. The owner must also be given a written explanation of the LPA's land acquisition procedure. The LPA must use VDOT's brochure entitled "[A Guide for Property Owners and Tenants](#)" if they do not already have a VDOT approved brochure of their own.

All appraisers must be licensed and perform their work in accordance with Uniform Standards of Professional Appraisal Practices (USPAP). The appraiser must sign his/her report establishing fair market value of the property being acquired. A separate licensed appraiser must perform an appraisal review and signify by their signature approval or disapproval. The LPA project manager grants final approval to the appraisal by their signature.

### **16.6.2 Property Negotiations**

A written appraisal establishing just compensation must be approved as described in the previous section prior to the start of negotiations with the landowner.

At the first negotiation contact with the landowner, the LPA must provide the owner(s) with a copy of the approved appraisal and certified title examination. Documentation must be included in the project file to indicate that this action occurred for each parcel.

The written offer must be made in the full amount of the appraisal and contain a summary for its basis. Afterwards, the landowner must be given a reasonable time, generally a minimum of 30 days, to consider the offer.

A written diary of all contacts with the landowner and the events that occur must be maintained in the project file and be available for review by VDOT and/or FHWA.

If the landowner offers to donate their property, they must be notified that they are eligible for payment and the amount of that payment. This should be documented in the written diary of contacts.

All properties shall be acquired in the name of the LPA, and the LPA shall condemn under its own authority. Unless otherwise agreed to, underlying fee will remain with the LPA.

### 16.6.3 Relocations

It is often necessary for individuals, families, businesses, farms, and/or non-profit organizations to be displaced. A comprehensive program of services and benefits has been established to ensure that all displacees are relocated in a timely and successful manner and are treated fairly, consistently, and equitably under the federal Uniform Relocation Assistance and Real Property Acquisition Act. In order to maintain the project schedule, all relocations should be completed at least 90 days prior to the advertisement date for construction.

The following mandatory provisions must be met during the relocation process and are detailed further in VDOT's Right of Way Manual, Section 6.4.1:

- **The acquiring agency (State, LPA, private developer) must inform the potential displaced person at least 90 days in advance of the earliest date by which he or she may be required to move.**
- **Assurance by the acquiring agency (state, LPA, private developer) that a displaced person will not be required to move until the agency has made available at least one comparable, decent, safe and sanitary dwelling.**
- **The acquiring agency must provide a general, written information notice to all displacees which provides a general description of the agency's relocation program.**
- **The acquiring agency must advise, in writing, all occupants of improved property (residential and non-residential), after the initiation of negotiations, that they may be eligible for relocation benefits.**
- **The acquiring agency must provide relocation advisory services. This entails determining the needs of the person or business to be displaced and making every effort to meet the identified needs; explaining the relocation program and appropriate relocation assistance payments;**

**explaining the eligibility requirements for each relocation type; providing specific services such as (a) current listings, including sale prices or monthly rent, of replacement properties appropriate for residences, farms or businesses; (b) information concerning federal and state housing; (c) assistance in obtaining and completing applications or claim forms for relocation payments; and (d) transportation for displaced persons to inspect potential relocation housing, if needed.**

- **Provide relocation assistance payments, which are designed to compensate displaced persons for costs that have been imposed on them by federally funded projects. These payments fall into two broad categories (residential and nonresidential) with several subcategories. Included in the residential housing payments category are moving expense payments, replacement housing payments and last resort housing payments. Included in the nonresidential category are moving expense payments and reestablishment payments.**
- **The acquiring agency must inform the relocatee of his or her right to appeal the agency's determination of benefits under the relocation program.**

A Relocation Assistance Report is required on all projects. The report should indicate the impact the relocations will have on families, businesses, communities, employees, etc., and the associated costs. It should also indicate the time frame anticipated to complete the relocations. An example of the Relocation Assistance Report is found in [Appendix D](#). If the project has no relocations, the Relocation Assistance Report should indicate such.

Specific information regarding relocation assistance requirements can be found in [49 CFR Part 24](#) and the FHWA *Real Estate Acquisition Guide for Local Public Agencies* (<http://www.fhwa.dot.gov/realestate/lpaguide/index.htm> ) and also in the VDOT R/W Manual chapter 6.

## 16.7 RIGHT OF WAY CERTIFICATION PRIOR TO ADVERTISEMENT



Prior to project advertisement, a “[Right of Way Certification Letter](#)” (Appendix B) must be completed by the LPA. This also applies even if no right of way is required for the project. The Right of Way Certification Letter certifies that all right of way acquisition and relocation activities have been completed. The letter is to be completed prior to, and as a condition of, receiving authorization to proceed to advertise the project for construction. The LPA submits the letter to the VDOT project coordinator who, in turn, coordinates with the Central Office Right of Way Division to certify that the Right of Way and Utilities are ready for advertisement. A copy of this letter will be sent to the District Right of Way Manager.

Typically, the Right of Way Certification Letter is completed prior to the Plan, Specification & Estimate (PS&E) submittal.

### *VDOT Responsibilities*

- *When the LPA submits their Right of Way and Utilities Certification letter, the P.C. will forward the letter to the District Right of Way Manager, with a cover memo requesting Right of Way Certification for Advertisement.*
- *The District Right of Way Manager will forward the letter and cover memo to the Central Office Right of Way Division and to the Central Office Utilities Division, requesting Certification for Advertisement.*
- *After receiving a written notice of Right of Way Certification, the P.C. will forward the written notice to the LPA.*

## 16.8 PROPERTY MANAGEMENT

FHWA regulations for the property management function are found in [23 CFR 710](#) Subpart D. These regulations apply to all real property acquired by LPAs in connection with projects where Federal funds participate in any right of way costs for the project.

Federal funds can participate in the costs incurred in leasing, rental, maintenance, the disposal of improvements and the clearance of the property. Federal funds can also participate in the demolition of improvements, the elimination of pests, the removal of hazardous materials, and other work necessary to clear structures from the project area.

The LPA is responsible for the preservation of the improvements and for reasonable safety measures when it has acquired ownership and possession of the property. Acquired right of way must be maintained in a manner which will prevent, minimize, or correct problems such as illegal dumping or disposal of rubble, debris, etc. on cleared right of way until needed for construction.

## 16.9 CHANGES TO LIMITED ACCESS

Limited access highways are defined under [Section 33.1-57](#) of the Code of Virginia (1950), as amended. The power and authority of the Commonwealth Transportation Board (CTB) regarding limited access highways is established under [Section 33.1-58](#) of the Code of Virginia (1950), as amended and is reserved solely to the CTB.

Regulations for changes to limited access are found in Virginia Administrative Code Title 24, Agency 30, Chapters [80](#), [150](#) and [401](#). The regulations found in Chapters 80 and 150 apply to all changes in limited access as authorized by the Commonwealth Transportation Commissioner. All other changes to limited access are considered changes to limited access control as outlined in chapter [401](#).

LPAs are responsible for preserving and maintaining limited access as established for any highway incorporated into a City or Town, and must adhere to the aforesaid regulations of the Virginia Administrative Code and Section [33.1-58](#) of the Code of Virginia (1950), as amended.

LPAs must follow the regulations found in the aforesaid chapter [80](#) and [Land Use Permit Manual](#) for changes to limited access for any highway incorporated into a City or Town.

LPA's must request and receive approval for changes to or to discontinue limited access control from any highway incorporated into a City or Town under [Section 33.1-58](#) of the Code of Virginia (1950), as amended.



**The LPA will need to submit a request package to the project coordinator for any changes to limited access control (LAC) as outlined in 24 VAC 30-401.** Those generating the request or compiling the packages for submission to the District Office for review will need to include all items from the list below: Please see the said Policy ([24 VAC 30-401](#)) for who should be providing the Global Traffic Analysis, Environmental Report, etc.

1. Letter requesting the proposed LAC from the Requestor.
2. A summary of the proposed LAC to include: Citing its location(s), stationing, turning movements, length of the break, median breaks, whether left/right turn lanes will be required, their location, and if they are dual or single, whether acceleration/deceleration/transition lanes will be required and where, and any signalization required. Also to be included are conditions of approving the proposed LAC from a design standpoint.
3. A copy of the Global Traffic Analysis of the proposed LAC.
4. Approval of the said analysis and the plans for construction of the proposed LAC and any conditions of the proposed LAC approval from a traffic engineering standpoint.
5. A copy of the most recent project and acquisition project plan sheets marked with the proposed LAC location to include beginning and end stations and showing location of items in number 2 above.
6. Approval of the signalization portion of the said analysis and any conditions of the proposed LAC.
7. Copies of deeds or certificates with final order and recorded plats (in color) for the land and limited access rights VDOT acquired where the proposed LAC is located.
8. A copy of the Environmental Report regarding the proposed LAC.
9. A summary from the LPA's Environmental Section citing approval of the report and any conditions of the proposed LAC from an environmental standpoint. This

should include whether the location of the proposed LAC is within an air quality non-attainment area and if so whether the proposed LAC has been through the air quality conformity review, provide a copy of that report and cite the findings in the summary. Also if there is to be additional right of way acquired as a result of the proposed LAC, cite whether the area to be acquired was included in the original NEPA document for the project and provide that determination in the summary. If not included in the original NEPA document for the project then determine if one is needed and so state and provide a copy when complete.

10. Copies of the letter or resolution of support of the proposed LAC from the LPA.
11. Copies of the Public Notice(s) regarding the proposed LAC to include the closing date for comment and copies of any comments that were received.
12. Letter to the District Administrator from the LPA Right of Way Manager citing whether value will be added to the property adjoining the proposed LAC and a copy of the valuation in a format in accordance with USPAP standards supporting these findings.

The package when submitted to the project coordinator will be reviewed by the various District Sections with conclusions summarized and submitted to the District Administrator. A letter from the District Administrator to the Chief Engineer summarizing the findings and recommending approval or rejection of the proposed LAC will be accompany the package when submitted to the Chief Engineer.

FHWA has oversight of any limited access located on Interstate.. FHWA regulations for limited access are found in the Code of Federal Regulations 23, and [Subsection 645, Subpart B](#) (accommodation of utilities – please remove unless feel necessary) VDOT Central Office works with the FHWA regarding any LACC requests received from the District where FHWA will have any oversight.

## **16.10 FEDERAL POLICIES FOR RIGHT OF WAY COST REIMBURSEMENT**

### **16.10.1 Acquisitions**

The eligibility of right of way acquisition costs are generally determined by the limits of the right of way. In general, costs for parcels inside the right of way are eligible, those

outside are ineligible. However, there are some exceptions to the basic rule that must be dealt with on an individual basis (e.g., an improvement which needs to be removed would be eligible for reimbursement). VDOT's District Right of Way manager can provide additional information regarding these exceptions.

- Acquisition of Uneconomic Remnants: After Federal authorization has been granted for a project, if during the course of acquiring the right-of-way for the project, there is a case involving a partial acquisition of a larger tract of land that will leave the owner with an uneconomic remnant (little or no utility or value to the present owner), the acquiring agency must offer to acquire the remnant and no further federal authorization is necessary.
- Acquisition of Property Specifically For Exchange: Acquisition of property specifically for exchange occurs where the LPA agrees to obtain property for the grantor in exchange for the required right of way. This occurs primarily in connection with public utilities or public agencies where substitute property is acquired by the LPA to replace property required for the project. Both properties must be appraised. The costs of such acquisition are chargeable directly to the Right of Way Capital Outlay expenditure authorization. This type of acquisition is treated as acquisition of replacement property. **Without prior Federal approval, reimbursement cannot be obtained.**
- Functional Replacement: This involves the replacement of real property in public ownership, either lands or facilities, or both, acquired for a highway project with other lands or facilities which will provide equivalent utility. FHWA has specific procedures which must be followed and requirements which must be met if the costs for a functional replacement property are to be reimbursed. These procedures are discussed in detail in [23 CFR § 710.509](#).
- Generally, costs for the purchase of personal property are ineligible for Federal reimbursement.

Prior to requesting authorization to advertise a project for construction, the LPA must submit The Right of Way Certification ([Appendix 16-B](#)) to the VDOT project coordinator stating that all right of way has been acquired (including all relocations and building structures) and all utilities have been relocated (or provision for relocation has been

made in the construction of the project) or that construction is going to take place on existing right of way and no utilities are effected. The project coordinator will provide this information to the District Right of Way manager, who will forward this letter to the Right of Way and Utilities Division so that the project can be certified for advertisement. Additional details regarding Advertisement and Award Authorizations are found in [chapter 12.6](#).

#### **16.11 VDOT MONITORING AND COMPLIANCE VERIFICATION PROCESS**

In addition to on-going project approvals, LPAs will be subject to post-project audits to ensure compliance with applicable provisions of the Uniform Act for federal-aid projects. [Appendix C](#) of this chapter contains a checklist of specific items that may be subject to audit by VDOT and/or FHWA.

## 16.12 LOCAL GOVERNMENT SUBMITTALS/FILE DOCUMENTATION

<b>Task/Submittal/File Documentation</b>	<b>Locality Responsibility</b>	<b>VDOT Responsibility</b>	<b>Submittal Timing/Recordkeeping Requirements</b>
Right of Way Cost Estimate(s)	Prepare and submit to PM	N/A	Submitted at Scoping and updated every 90 days through PCES
Right of Way Authorization Submittal package ( <a href="#">16.5</a> )	N/A	N/A	Prior obtaining federal right of way phase authorization and before Right of Way acquisition activities begin;
Right of Way Authorization	N/A	Provide written authorizations of Right of Way activities	Provide written authorizations of Right of Way activities; authorizations generally will be issued within 15 business days of receipt of complete package by the LPA ( <a href="#">16.3</a> )
Right of Way and Utilities Certification for Advertisement and Construction ( <a href="#">16.7</a> ) ; Appendix 16B	N/A	N/A	Prior to obtaining authorization for advertisement and prior to submittal of PS&E Package
Right of Way Certification	Certify that R/W is complete	Approve certification for advertisement and construction	Concurrence with Certification will be issued within 5 business days of an acceptable certification from LPA ( <a href="#">16.7</a> ).

## 16.13 REFERENCES

- [23 CFR 771.129](#)
- [49 CFR 24](#)
- [23 CFR 645.111](#)
- [VA Code § 33.1-94](#)
- [42 USC chapter 61](#) (Uniform Act)
- [23 CFR 710](#)
- [23 USC](#)
- VDOT Right of Way Manual of Instructions
- [Real Estate Acquisition Guide for Local Public Agencies, FHWA](#)

**Appendix 16-A**  
**Right of Way Authorization Request**  
**RW-301**

Project:

<<(Project Number Text)>> \_\_\_\_\_

\_\_\_\_\_ UPC ID: <<(Upc Id)>> \_\_\_\_\_

**RIGHT OF WAY AND UTILITIES REVIEW CHECKLIST TO  
CONFIRM INCLUSION OF THE FOLLOWING ON RIGHT OF WAY PLANS:**

**NOTE: INDIVIDUAL LANDOWNERS ARE YET TO BE CONTACTED. CONTACT MAY RESULT IN FUTURE REVISIONS TO SUCH ITEMS AS LANDOWNER NAMES, PROPERTY LINES, TOPOGRAPY AND REVISIONS IN DESIGN TO MITIGATE IMPACTS TO INDIVIDUAL PROPERTIES. IF NOT APPLICABLE, PLEASE LEAVE YES AND NO BOXES BLANK AND INDICATE N/A UNDER COMMENTS.**

1. Termini correct and agree with PPMS

YES       NO

Comments:

2. Right of Way Data Sheet

YES       NO

Comments:

3. Plan note worded as "These plans are unfinished and are not to be used for any type of construction."

YES       NO

Comments:

4. Property owners' names, deed reference and acreage

YES       NO

Comments:

5. Parcel numbers, D-numbers, Sign numbers

YES       NO

Comments:

6. Existing right of way and/or prescriptive easement shown

YES       NO

Comments:

7. Existing utilities identified and located and utility companies listed on Sheet 3

YES       NO

Comments:

8. Topography (i.e., property and lot lines, cemeteries, septic systems, wells, landscaping, fences, above ground improvements, underground storage facilities, etc.)

YES       NO

Comments:

9. Affected structures and other improvements clearly located and identified, including those beyond the project limits but impacted by the acquisition

YES       NO

Comments:

10. Entrances (existing and proposed entrances, including alignments, grades and impact)

YES       NO

Comments:

11. Prior recommendations by Right of Way and Utilities Division have been incorporated in the plans

YES       NO

Comments:

12. Proposed right of way and proposed easements, including utility easements

YES       NO

Comments:

13. Metes and bounds surveys furnished for proposed rights of way/easements on properties as required for special properties (refer to *Design Manual* for specific section that addresses this issue)

YES       NO

Comments:

14. Mitigation/storm water management areas identified during scoping/PFI and Public Hearing are clearly labeled (this should be verified with the Environmental Division for mitigation and Location and Design Hydraulics Section for storm water)

YES       NO

Comments:

15. Sound wall assessment complete and walls/easements located on plans (this should be verified with the Environmental Division)

YES       NO

Comments:

16. Traffic control/signalization right of way/easements and roadway lighting identified (this should be verified with the Traffic Engineering Division)

YES       NO

Comments:

17. Entire property is shown for purchase of residue

YES       NO

Comments:

18. Total take/total acquisition properties shown in their entirety

YES       NO

Comments:

19. Proffers and dedications indicate on plans (Land Development review)

YES       NO

Comments:

20. Hazardous Materials Due Diligence Certification EQ-121 attached.

YES       NO

Comments:

**Appendix 16-B**  
**Right of Way Certification Letter**

Date

District Administrator/ Attn: Project Coordinator:  
District Address  
Project Number  
City

Subject: Project Certification

Dear District Administrator:

Reference is made to the master agreement between the {locality} \_\_\_\_\_ and the Virginia Department of Transportation (VDOT) dated \_\_\_\_\_. This project consists of: (complete description from beginning to end of the location and the type of project, i.e. relocation of families and businesses, curb and gutter, intersection improvement, etc.)

This will certify that all right of way has been obtained and that the locality has legal right of entry onto each and every parcel for the advertisement and construction of Project \_\_\_\_\_. (**OR:** This will certify no additional right of way is required for Project \_\_\_\_\_.)

Also, this will certify that utility conflicts on the above project have been adjusted. (**OR:** There are no known utility conflicts on this project. **OR:** Utility conflicts on the above project will be adjusted by the advertisement date, (date). **OR:** Utility work that is to be performed during highway construction will be covered by a special provision or utility plan inclusion in the contract assembly.)

All displacees have been offered comparable, decent, safe, and sanitary housing within their financial means open to all persons regardless of race, color, religion, sex or national origin. Also, all displacees were informed of the amount of supplemental payments available to them and provided sufficient time to negotiate for and obtain possession of housing. (**OR:** No persons, businesses or nonprofit organizations were displaced by the right of way acquisition for this project; therefore, relocation assistance was not required.)

There are no railroads affected by the proposed construction. (**OR:** The railroad agreement has been secured.

All buildings are vacant and available for removal by the road contractor. (**OR:** There are no buildings affected by the proposed construction.)

In addition, to the best of our knowledge, there are no contaminants within the soil on the right of way within the referenced project limits.

Further, all the right of way was acquired in accordance with VDOT Right of Way and Utilities Manuals of instruction. Any exceptions have been previously approved in writing

by VDOT. (If Federal Funds participate in this project, reference to FHWA requirements should also be included.)

---

Locality Representative

---

Date

Attachments: EQ-103 (attached by VDOT project coordinator)  
Construction Checklist (Criteria for Construction Authorization)

## **Appendix 16-C**

### **LPA Checklist**

## LPA Checklist for Uniform Act Compliance

**Local Government:**

**Project:**

<b>General Requirements</b>			
<b>PLANNING AND PREPARATION:</b>	Acceptable	Concern	N/A
Prepare parcel files			
Research title			
<b>REQUESTS AND APPROVALS:</b>			
Request authorization for incidental right of way reimbursement			
Apply for hardship/advance purchases (if any)			
Receive environmental clearances			
Receive authorization to acquire right of way			
<b>COMPLETING THE ROW PROCESS:</b>			
Provide notices of Public Hearings, as appropriate			
Provide landowners Statement of Rights			
Value property rights (Appraisal or Appraisal Waiver Process)			
Values reviewed (Appraisal or Appraisal Waiver Process)			
Develop Relocation Assistance Offers			
Send full appraisals 10 days before opening negotiations			
Provide good faith negotiations			
Offer Relocation Assistance			
<b>WRAPPING UP:</b>			
All parcels acquired or condemned			
Secure possession of all parcels			
Clear all properties			

<b>Parcel Specific Valuation Review</b>			
Project:	Parcel #:		
<b>Basics of Appraisal:</b>			
Owner offered opportunity to accompany			
5-year delineation of title provided			
Tenants identified and considered			
Adequate property information provided			
Appropriate selection of appraisal format			
<b>The Report:</b>			
Applicable approaches to value developed			
Discussion as to why approaches not developed			
Persuasive highest and best use analysis			
Adequate support for all conclusions			
Non-compensable items ignored			
Tenant owned improvements identified			
Allocation of major leasehold interests			
<b>Review Appraiser:</b>			
Reviewer competent for assignment			
Errors were identified			
Fair Market Value supported			
Differences between appraisals reconciled			
Appropriate actions taken on appraisal in adequacies			
<b>Appraisal Waiver (Compensation Estimates)</b>			
Uses of compensation estimates were appropriate			
Approved process utilized			
Competent person provided estimate			
Compensation Estimate reviewed			
<b>Other remarks:</b>			

<b>Parcel Specific Acquisition Review</b>			
Project:	Parcel #:		
<b>OFFERS:</b>			
Original offer not less than approved value			
Revised offers if original offer modified			
30-day and 90-day notices within offers			
Statement of Rights provided			
Appraisal sent 10 days before 1 <sup>st</sup> meeting			
Tenant offers			
<b>DOCUMENTATION:</b>			
Completed contracts or agreements			
Negotiation contact notes			
Copies of all negotiation correspondence			
Explanatory administrative settlement			
Breakdown of payments			
Applicable estimates			
Evidence of good faith negotiations			
Compensation estimates approved			
<b><i>Other comments or concerns:</i></b>			

<b>Parcel Specific Relocation Review</b>			
Project:	Parcel #:		
<b>GENERAL:</b>			
General Information provided			
Services offered and furnished to displacee			
Relocation benefits explained to displacee			
<b>NOTICES:</b>			
Comparable dwellings available at displacement			
Notice of eligibility issues			
90-day and 30-day notices issued			
<b>OFFERS:</b>			
Offers of all applicable benefits to owner			
Offer of all applicable benefits to tenant			
Replacement Housing Payment (RHP) or basis of offer provided in writing			
Replacement DSS (Decent, safe and sanitary) inspection prior to move			
<b>REIMBURSEMENTS:</b>			
Moving costs paid			
Appropriate incidentals paid			
Increased mortgage computed and paid			
RHP paid to owner			
RHP paid to tenant			
<b>CONCLUSIONS:</b>			
Appeal process explained			
Notice of eligibility issues			
90-day and 30-day notices issued			
Appellant notified in writing of determination			
Absence of discrimination			
<b>Other remarks:</b>			

**Appendix 16-D**  
**Relocation Report Sample Forms**



Should you have further questions, please advise.

cc: Ms. C. D. Akins

Mr. J. R. Cromwell (CO Environmental)

CO Civil Rights Division

, Residency Administrator

<<(Ld\_Engineer\_Name)>>

[District Environmental]

**MEMORANDUM**

DATE:		Route: <<(Route_Text)>>
		State Project: <<(Project_Number_Text)>>
TO:	Mr. <<(System_Rw_Util_Mgr_Name)>>	Federal Project No.: N/A
ATTN:	Mr. W. E. Meador	From: <<(Limits_From)>>
		To: <<(Limits_To)>>
FROM:		County: <<(Project_City_County_Name)>>
	<<(District_Name)>>	UPC: <<(Upc_Id)>>
RE:	RIGHT OF WAY – STAGE I RELOCATION ASSISTANCE REPORT	

**I. PURPOSE**

This report is an estimate of the number of families, persons, businesses, farms and non-profit organizations being displaced by the proposed project; an estimate of available decent, safe and sanitary replacement facilities and other information pertaining to relocation. This report and estimates are made without the benefit of individual contacts with the affected property owners. This report is being submitted per \_\_\_\_\_'s request dated \_\_\_\_\_.

The Environmental Quality Division will use this report for the purpose of making a determination as to the type of environmental document that needs to be prepared. The Right of Way Division will use this report in accordance with federal requirements to implement a relocation plan.

**II. ESTIMATE OF EXISTING CONDITIONS AND RELOCATION COSTS**

**A. Families**

1. Number of families displaced and average number of persons per family
  
2. Tenure of the occupant
  
3. Types of occupancy (owner/tenant)
  
4. Estimated income range
  
5. Minority and/or ethnic groups

6. Disabled persons
7. Elderly persons or large families
8. Effect on community
9. Impact on neighborhood and local housing market
10. Housing of Last Resort
11. Description of available housing in area

B. Businesses, Farms and Non-Profit Organizations

- displaced
1. Number and description of businesses, farms and non-profit organizations
  2. Type of occupancy (owner/tenant)
  3. Number of employees
  4. Effect on community and local economy
  5. Description of available replacement locations

The total estimated cost of relocation for this project is shown on the attached sheet.

**III. RELOCATION PLAN**

- A. Inspection of the project area

B. Federal or community programs planned for area that could affect replacement facilities.

**IV. GENERAL RELOCATION PLAN**

- A. Orderly and satisfactory relocation
  
- B. Special relocation advisory services
  
- C. Time required to complete relocation

We trust the above information is satisfactory for your needs; however, should you need additional data, please advise.

Attachment

cc: Ms. C. D. Akins  
Mr. J. R. Cromwell (CO Environmental)  
CO Civil Rights Division  
[District L&D Engineer]  
[District Environmental]  
    , Resident Engineer

RELOCATION ASSISTANCE REPORT

RELOCATION COST SUMMARY

ROUTE: <<(Route\_Text)>>  
 STATE PROJECT: <<(Project\_Number\_Text)>>  
 FEDERAL PROJECT: N/A  
 FROM: <<(Limits\_From)>>  
 TO: <<(Limits\_To)>>  
 County: <<(Project\_City\_County\_Name)>>  
 UPC: <<(Upc\_Id)>>

		NO. OF UNITS	MOVING COSTS	SEARCH COST	RE-ESTABLISH- MENT COST	REPLACEMENT HOUSING PAYMENT	TOTAL COST
Families	Owner		\$			\$	\$
	Tenant		\$			\$	\$
Individuals	Owner		\$			\$	\$
	Tenant		\$			\$	\$
Businesses	Owner		\$	\$	\$		\$
	Tenant		\$	\$	\$		\$
Farms	Owner		\$	\$	\$		\$
	Tenant		\$	\$	\$		\$
Non-Profit Organizations	Owner		\$	\$	\$		\$
	Tenant		\$	\$	\$		\$
PERSONAL PROPERTY			\$				\$
<b>TOTAL RELOCATION COST</b>			\$	\$	\$	\$	\$