**OVERVIEW**

**of the**

**RIGHT-OF-WAY PROCESS**

**for**

**LOCALLY MANAGED PROJECTS**

The ROW documentation process actually begins long before the ROW acquisition process. It takes place during project scoping and continues through the development of the Conceptual plans. This is when investigations are done to determine the location of the existing ROW. Typically this work is done by a registered land surveyor or engineer. The existing ROW is plotted on the Conceptual plans and this will serve as the basis for determining ROW impacts, which extend outside the existing ROW limits, throughout the life of the project. In those cases where there is work to be done within a State Highway ROW the Conceptual plans and any support documents should be sent to the VTrans ROW Chief of Plans & Titles for review and concurrence before moving into detailed design and the ROW acquisition process. This is particularly important if a “Historic” ROW is being used on a project.

The Right-of-Way (ROW) acquisition phase of the project development process typically begins after the completion of Preliminary (detailed design) Plans and at, or near, the completion of the federal National Environmental Policy Act (NEPA) review. A NEPA clearance, which usually results in a Categorical Exclusion (CE) for small uncomplicated projects, will be required in order to set up (program) the federal ROW funds.

The first step in the ROW acquisition process is the development of draft ROW plans and documents (typically easements). These can be prepared prior to setting up (programming) the federal ROW funds using Preliminary Engineering (PE) funds. The draft ROW plans and documents must be submitted to the VTrans ROW section for review and approval.

Once the draft ROW plans and documents are approved and the ROW funding is programmed the municipality can proceed with the appraisals and/or appraisal waiver valuations, which must be submitted to the VTrans ROW section for review and approval. For those projects where property is being obtained by donation the municipality can have the property owner(s) sign the easements and these will be submitted to VTrans as a part of the ROW clearance request package.

For ROW acquisitions, both permanent and temporary, where the anticipated value of the taking is under $10,000 (up to $25,000 in some cases) the municipality can use an appraisal waiver valuation process which can save a fair amount of time and money versus full appraisals.

Once the appraisals and/or waiver valuations are approved the municipality can move forward with ROW negotiations, acquisitions and condemnation (when necessary).

When the negotiations are completed and the deeds are signed the municipality will submit a ROW clearance package to VTrans. The ROW clearance package should include the following items:

* ROW certification signed by municipal attorney
* Signed and recorded easements/quit-claim deeds
* Final Right-of-Way Plans (entered into municipal land records)
* Dedication and Acceptance documentation (when appropriate)
* Condemnation Order (when appropriate)
* Mortgage Releases (when appropriate)
* Executed Leases (when appropriate)
* Memorandums of Agreement (MOA’s) (when appropriate)
* Section 1111 Permit or Letter of Intent (when within State Highway ROW)
* All deeds signed with compensation being waived (donations)
* Current (valid) Categorical Exclusion (CE)

Once all of the required ROW documentation has been submitted the VTrans ROW Chief will issue a ROW clearance certification which is required to set up (program) the federal construction funding before the municipality can advertising for construction bids.