



# Right-of-Way

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# Presentation Overview

- When do State/Federal Regulations Apply?
- Before the ROW Process Begins
- The Valuation Process
- Basic Acquisition Policies
- The Relocation Process
- Parcel Closing
- Property Management
- Right of Way Certification

# When do State/Federal Regulations Apply?

- **Any** State/Federal funds in any portion of the project
- Even if no State/Federal funds in ROW
- State/Federal requirements very similar
- State law always applies
- If in doubt, let's check it out!

A top hat with a red and white striped band and a blue band with white stars, resembling the American flag. The hat is overflowing with numerous US dollar bills of various denominations, including \$100, \$50, and \$20 bills, which are spilling out from the top. The background is a soft, light blue gradient.

**Non-compliance  
with the law  
means NO  
Federal dollars**

# Before the ROW Process Begins

- Clearances come first!
- L-2 letter from LPA Coordinators
- Define your right-of-way needs
- Before you advertise your project for construction you must have:
  - Environmental decision, if required
  - ROW Certification (PDC)
  - Utility agreement

# The Valuation Process

- Waiver Valuation or Appraisal?
- First, Waiver Valuation Process (Compensation Estimates)
- Great, if used correctly!
  - Prepared by Acquisition Agent
  - Simple, minor, low value
  - Less than \$25,000
  - Over \$10,000, Appraisal may be requested
  - Agency approval necessary

# The Valuation Process

(continued)

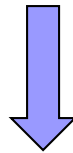
## ■ Second, Appraisal Process

- Appraiser must hold a State license
- Qualified for the specific problem
- Competent reviewer, must hold a State license
- Agency official determines “Offer of Just Compensation”
- Send full copy to owners
- 10 day wait to start negotiations

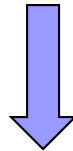
# Key Elements of the Valuation Process

Appraisal or Waiver Valuation

Fair Market Value



Review Appraisal - WV Admin. Approval



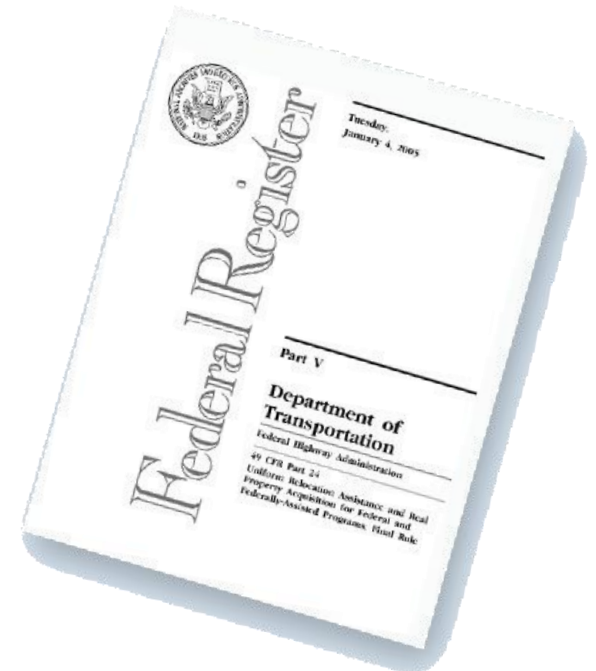
Just Compensation

P.L. 91-646, as amended Title III, Section 301



# Basic Acquisition Policies

- Expeditious acquisition
- Notice to owner
- Offer of Just Compensation established prior to meeting with owner
- Prompt written Offer to Purchase with summary statement



49 CFR 24.102  
49 CFR, Appendix A, 24.102

# Basic Acquisition Policies

(continued)

- Basic negotiation procedures
- No coercive action
- 90-Day Notice
- Payment before possession
- Conflict of interest
- Documentation of negotiations – Record of Contacts

49 CFR 24.102

# The Relocation Process

- All acquiring agencies are required to provide (Iowa Code Section 6B.42(1))
- Owners and tenants displaced qualify
- A displacee includes all personal property owners with property on lands used for the project
- Includes all personal property that must be moved

# Relocation Payments and Services

## Residential:

Advisory Services

Fixed or Actual  
Moving Costs

Replacement Housing  
Payments

## Nonresidential:

Advisory Services

Fixed or Actual  
Moving Costs

Business  
Reestablishment  
Expenses

Related  
Nonresidential  
Expenses

**Note: Persons not lawfully present in the US are not eligible for relocation payments or advisory services. 49 CFR 24.208**

# Parcel Closing

- Obtain releases for any encumbrances
- Prepare settlement statement and deed
- Pay just compensation to the property owner
- Pay the property owner's incidental expenses for the transfer of title
- Payment before Possession

# Property Management

## ■ Purchase Preferences

- Iowa Code Section 306.23
- Applies to all lands acquired for highway (street/road) projects

# Right of Way Certification - PDC

- Certifies all ROW processes are in compliance with state and federal regulations, the ROW is clear, and the agency has possession of all necessary property rights

# Right of Way Certification

(continued)

- Exceptions

- Condemnations

- If certifications cannot be signed by the DOT

- Reasons will be provided

- Concerns need to be addressed



# FHWA Tutorial Links

<https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=6>

## Federal-aid Essentials for Local Public Agencies

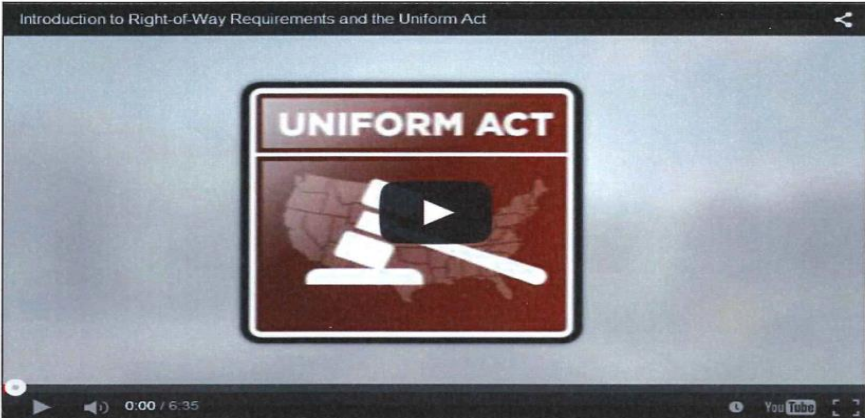
*Federal-aid Simplified.*

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### Right-of-Way

# Introduction to Right-of-Way Requirements and the Uniform Act

All project right-of-way requirements must be met when Federal-aid is used



**RIGHT-OF-WAY**  
Although the videos in this section can be viewed in any sequence, the titles are arranged in a recommended or preferred order for your convenience.

- Introduction to Right-of-Way Requirements and the Uniform Act
- Project Development
- Property Management
- Uniform Act: Valuation
- Uniform Act: Acquisition and Negotiation
- Uniform Act: Relocation Assistance

**Companion Resource** (PDF, 674 KB) : Includes the printable script for this video

**Web Resources:** Includes Web links to related Code of Federal Regulations and other links appropriate to this video module.

- [Link to Real Estate Acquisition Guide For Local Public Agencies](#)
- [Information on right-of-way-related topics](#)
- [Information covering Uniform Act regulations and guidance](#)
- [Information covering real property acquisition for Federal-aid projects](#)
- [Information on how to properly manage right-of-way on Federal-aid projects](#)

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To view PDF files, you can use the [Acrobat® Reader®](#).

# Questions?

## ■ Reference Documents - State:

- I.M. 3.605, Right-of-Way Acquisition

- LPA Manual

  - <https://iowadot.gov/rightofway/propertymanage/InfoPak.pdf>

- Office of Right of Way web site

  - <https://iowadot.gov/rightofway/office-of-right-of-way-home>

# Questions?

- Reference Documents – Federal:
- Acquiring Real Property for Federal and Federal-aid Programs and Projects

[https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/acquisition/real\\_property.cfm](https://www.fhwa.dot.gov/real_estate/uniform_act/acquisition/real_property.cfm)

- Uniform Act Tutorial

[https://www.fhwa.dot.gov/real\\_estate/training/uaintro.cfm](https://www.fhwa.dot.gov/real_estate/training/uaintro.cfm)

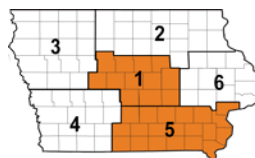
- Training/ Uniform Act

[https://www.fhwa.dot.gov/real\\_estate/training/distlearn.cfm](https://www.fhwa.dot.gov/real_estate/training/distlearn.cfm)

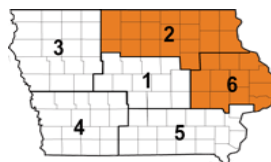
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