

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!



**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 Clearance
 - 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, uncomplicated
 - Less than \$25,000
 - Over \$10,000, Appraisal may be requested
 - Agency approval necessary
 - Start negotiations immediately

The Valuation Process

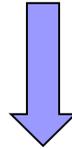
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■ Second, Appraisal Process

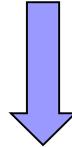
- Appraiser must hold a State license
- Qualified for the specific assignment
- Competent reviewer, must hold a State license
- Agency official determines “Offer of Just Compensation”
- Send full copy to owners
- 10 day wait to start negotiations

Key Elements of the Valuation Process

Appraisal or Waiver Valuation



Review Appraisal or WV Admin. Approval

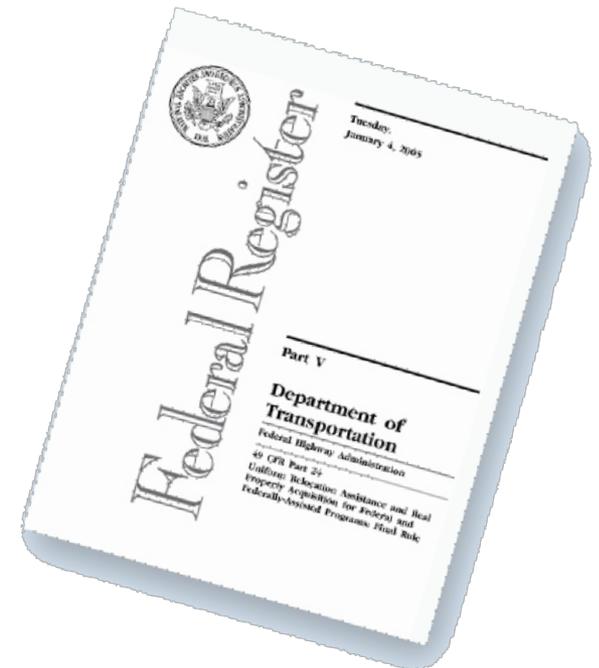


Fair Market Value Determined and
Agency Approval of Just Compensation

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 (Appraisal or Waiver Valuation)
- 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 to Move (relocation)
- Payment before possession
- Conflict of interest
- Documentation of negotiations – Record of Contacts- if it is not written down it did not happen (the first rule of ROW) 49 CFR 24.102

49 CFR, Appendix A, 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 (property owners and tenants) with property on lands used for the project
- If personal property is present, then an Offer of Relocation Assistance must be made

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

It is the responsibility of the acquiring agency to:

- 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
- Make payment before Possession

Property Management

- Manage parcels until construction begins
- Dispose of excess Right of Way
- Purchase Preferences

- Iowa Code Section 306.23

Appraise parcel and offer to from who it was acquired from

- Applies to all lands acquired for highway (street/road) projects

Best Practice- Have a Agency Land Disposal Process for excess land sales after the 306.23 requirements have been fulfilled

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 (Permanent and Temporary)
- Remember- Acquired = Citizen Paid

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

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



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[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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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

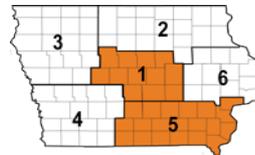
Questions?

- Reference Documents - State:
 - I.M. 3.600, Right-of-Way Acquisition
 - LPA Manual
<https://iowadot.gov/rightofway/propertymanage/InfoPak.pdf>
 - Right of Way Bureau web site
<https://iowadot.gov/rightofway/>
 - **Remember the first rule of ROW, write it down!**

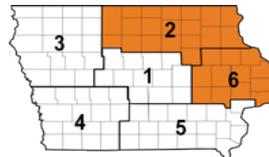
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