

## RIGHT OF WAY – ACQUISITION and CERTIFICATION

All projects must be accessible to the general public when completed. Sufficient public access may be guaranteed by public ownership or by a lease or easement document.

**POLICY:** All Right of Way must be acquired in accordance with the “Uniform Act” and the NCDOT (as delegated by the Federal Highway Administration) must certify the Right of Way to ensure that acquisition procedures have been followed and that all property is publicly accessible. All property to be used on the project must be “certified” by the DOT.

The LGA is responsible for ensuring that sufficient right of way exists for the project. Either the project can be constructed within existing right of way/easements/property that can be documented, or the LGA will need to acquire new right of way/easements/property.

### **RIGHT OF WAY ACQUISITION**

If it is necessary to acquire right of way, the LGA must comply with the **Uniform Act** ([49 CFR 24](#) - *Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally-Assisted Programs.*) Most importantly, an owner must be notified that they are entitled to receive fair market value for their property and any appraisals must be reviewed and approved by NCDOT.

**IMPORTANT:** See [AUTHORIZATION](#) for information about obtaining right of way authorization if your acquisition will be reimbursed by NCDOT. If any steps towards acquisition are taken prior to authorization, no reimbursement will be made.

### **RIGHT OF WAY CERTIFICATION**

ROW Certification is issued by the Division Right of Way Agent for the county where the project is located, after receiving a request from the LGA accompanied by needed documentation.

Once property is acquired, then the LGA will be responsible for providing documents to obtain Right of Way Certification from the Division ROW Agent.

**Please utilize procedures, directions, and forms found at the NCDOT Connect Site for Right of Way -**  
<https://connect.ncdot.gov/business/ROW/Pages/ROW-Support.aspx>