

## CHAPTER NINE

### RIGHT OF WAY

#### GUIDE FOR ESTABLISHING PROPOSED RIGHT OF WAY

9-1

Proposed right of way will be established and shown on the plans before sending them to the Right of Way Branch for right of way acquisition. The following guides will be used:

1. Interstate, Freeway and Expressway Projects generally have fully controlled access. The right of way should contain the cross-section and allow from 10' to 25' beyond the construction limits. Construction limits are to include slope stakes as well as lateral ditches, berm ditches, erosion control devices, retaining walls, etc.

A typical right of way width for a 4-lane section of this type of roadway would be from 250' to 300' for rural projects and 150' to 200' for urban projects.

2. Rural Arterial and Collector Projects can be controlled access, partial control of access, or no control of access. Generally, right of way should be wide enough to include all cross-sectional elements throughout the project whether a uniform or variable right of way width is used. Right of way should be established from 5' to 15' beyond the construction limits.

A typical right of way width for a 2-lane arterial or collector would be from 100' to 150'. For a 4-lane section of roadway, a width of 150' to 250' would be typical.

3. Urban Arterial Projects may contain the cross-section within the proposed right of way or utilize a combination of right of way and easements. Set right of way or easements a minimum distance of 5' to 15' beyond the construction limits.

#### Without Curb and Gutter

- a. Cut: set right of way at least 5' outside the ditch bottom.
- b. Fill: set the right of way a minimum of 10' outside the shoulder break.

#### With Curb and Gutter

Cut and Fill: Right of way needs to contain the berm plus a buffer area.

A typical right of way width for an urban arterial is between 100' to 150' with or without curb and gutter.

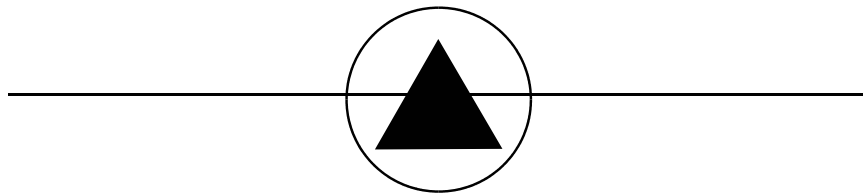
4. Local Roadway Projects generally have the total cross-section contained within the proposed right of way. In special situations, it may be more economical or preferred by the division to establish a uniform right of way width and utilize easements. Set right of way or easements a minimum distance of 5' to 10' outside the construction limits. Generally, a typical width of 60' to 100' will be adequate.
5. In all situations
  - a. Care should be taken to allow adequate sight distance for street returns and railroad crossings.
  - b. Vehicle recovery area should be considered based on the amount of traffic and the design speed of the facility when establishing the proposed right of way. (See Chapter 1-4M)
  - c. Attempt to avoid impacts that could result in total takes or high damage costs including, but not limited to:
    1. Retention ponds/basins.
    2. Driveway access changes (number, width, grades).
    3. Septic tanks and/or septic drain fields.
    4. Wells.
    5. Parking lots/parking areas.
  - d. The planning document should be followed.
  - e. The right of way will be reviewed by Division personnel as well as the area right of way personnel prior to acquisition.
6. Other considerations
  - a. Be aware of proposed noise wall location and height in close proximity to existing buildings and permanent structures.
  - b. Be mindful of travel lane proximity to existing buildings and other structures. Maintain appropriate clear zone and horizontal offsets with additional buffer area where possible.

Right of way markers are installed to mark the highway right of way boundary line. The proposed locations of the markers shall be reviewed at the field inspection and adjustments made as recommended and approved by the Division Right of Way Agent. To fit field conditions, these locations may be further adjusted by the Division Right of Way Agent and Location Engineer during staking operations.

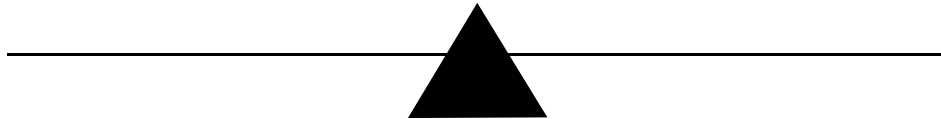
Markers shall be placed at the following locations:

1. Where a deflection occurs in the right of way line. A deflection is at the point where the direction of the right of way line changes with respect to the project reference line.
2. Markers are to be set and placed at a maximum spacing of 1,500 feet. Terrain characteristic and Construction limits may dictate modification.
3. At points on the right of way boundary line where control of access begins and terminates. (Does not apply to partial control of access.)
4. At the beginning and end of the project.
5. Where the right of way is unusual or where clarification of the right of way is necessary.
6. On projects with uniform right of way, the monuments will be shown at the following locations:
  - a. At the P.C. and P.T. of simple curves and PCC of compound curves.
  - b. At P.I.N.C. points (P.I., No curve.)

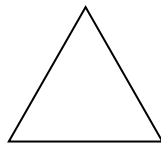
- c. At TS, SC, CS, and ST of simple spirals and CS and SC of compound spirals. Right of Way boundary lines between the TS and SC, CS and ST and the CS and SC should be tangent and labeled “Chord” on the plans.
- 7. Do not show right of way markers on property lines or property corners unless they can be definitely established and confirmed by the Locating Engineer. These markers may be added only in special cases, as requested and approved by the Right of Way Agent in charge, during his review of Right of Way plans with the Locating Engineer.
- 8. The Division Engineer will specify the type of monuments to be used at the preliminary field inspection, so that a pay item and General Note can be included in the contract when needed.



PROPOSED RIGHT OF WAY line with proposed R/W marker (concrete or granite)



PROPOSED RIGHT OF WAY line with proposed R/W marker (iron pin & cap)



Existing R/W marker

The access points on partial control of access projects shall be shown on the project plans by station locations. A dimension for the opening width will not be shown.

In establishing the stations, a width of 60 feet is normally used but does not have to be exactly this dimension. Openings on the outside or inside of a curve on skewed right of way can be slightly more or less than 60 feet. The opening shall be labeled "Access Point."

The location of these openings should be determined prior to sending plans for right of way acquisition. The final position and number of openings will be determined during negotiation by the Right of Way Branch.

EASEMENTS

Easements shall be classified as either temporary or permanent depending on their purpose, and should always be discussed with Division Personnel and the Division Right of Way Agent at the Combined Field Inspection or Final Design Field Inspection. Involve the Utilities Unit and utility owners as early as possible to establish Permanent Utility Easements and to minimize future plan changes.

Temporary Construction Easements are used to provide the contractor sufficient working area to construct slopes, ditches, silt control areas, etc. where continuous maintenance will not be required. The construction easement shall be bounded by the right of way line on one side and a long-dashed line with an E noted intermittently on the other side. The break points shall be described using a station and distance as described for the right of way.

Temporary Drainage Easements are used to provide the contractor sufficient working area to clean out existing ditches and channels, construct new ditches and channels, construct large silt basins, and to install other drainage facilities where maintenance will not be required. Temporary drainage easements are shown on the plans using a long-dashed line and the note "Temporary Drainage Easement." They shall be defined by a combination of station and distance and/or bearings and distances sufficiently complete to permit the Right of Way Agent to describe the area.

There should be a distinction made between "temporary construction easement" and "temporary drainage easement" due to their expiration time. A temporary drainage easement reverts back to the property owner as soon as the task is complete and a temporary construction easement does not expire until completion of the contract.

Permanent Drainage Easements are used at any location where the Department of Transportation has a need, or is obligated, to maintain a drainage facility. They shall be shown in the plans using a solid line and the note “Permanent Drainage Easement.” They shall be defined by a combination of station and distance and/or bearings and distances sufficiently complete to permit the Right of Way Agent to describe the area.

In some cases, areas beyond some larger drainage pipes and structures are needed for stream or channel maintenance. On rural projects, this area should normally be purchased as regular right of way in lieu of permanent easements, if the area does not extend beyond 75 feet from the parallel right of way line. If the area extends beyond 75 feet, consult the Right of Way Branch to determine whether to use permanent drainage easement or right of way. All right of way and permanent easements should be reviewed with the Right of Way Branch at the preliminary field inspection.

#### RIGHT OF WAY AREA DATA

9-5

The RADS (Right of Way Data System) system for compiling right of way area data will be used exclusively, except for projects prepared by private engineering firms. The following procedure will be used:

1. Location & Surveys will load the information for the appraisal reports through CICSHW into the computer by TIP or Proj. No’s. The information will include:
  - a. Sequence number
  - b. County number
  - c. Approximate station
  - d. Property owner name
  - e. Total area
  - f. Area left of the survey line
  - g. Area right of the survey line
2. Roadway will assign Parcel No’s and complete areas taken through CICSHW. See “Guide for computing right of way area data” later in this chapter.
3. Right of Way plans will be sent out including a hard copy of the computer printout.
4. When right of way revisions come in they will be handled as follows:
  - a. Area taken revisions will be handled entirely by the Right of Way Branch.
  - b. Design personnel will handle plan changes.

- c. Property owner changes or easement revisions will require plan changes along with a marked up copy of the computer printout.

When areas are being computed, the following rules shall be complied with:

- (1) Show all areas in square feet when the total area of a parcel is one acre or less.
- (2) When the total area of a parcel is greater than one acre, show all parts which are 0.10 acre or greater in acres and parts which are less than 0.10 acre in square feet.
- (3) Show all acreage to two decimal places.
- (4) Area taken will include areas needed for construction left and right of the reference line excluding any existing right of way and easements.
- (5) Area Remaining Right and Area Remaining Left are the areas neither within the proposed right of way nor within the existing right of way.
- (6) Compute areas for permanent and temporary easements keeping each type separate.(See Chapter 9-4)

The above rules apply when using either the RADS system or preparing the Area Data Sheet by hand.

Advanced Acquisitions will be handled through the Right of Way Branch. When the request is received, they coordinate with the appropriate units and assemble the information to determine if approval is appropriate. Once the approval is granted, the Right of Way Branch will assign the parcel number using the 900 numerical series beginning with parcel 901, 902, etc.

On claims where a negotiated settlement has been reached and the claim is closed, the designer will treat a second taking as a new claim. He should assign to the new area to be taken, the original parcel number with the letter (Z) added. In the event a third taking is involved, the original parcel number followed by the letter (Y) would indicate it.

The Location and Surveys Unit will provide property strip maps for all projects, unless specifically told otherwise in the “Request for Surveys” letter. The proposed right of way lines are to be shown on the original Property Strip maps, but it is not necessary to show C/A, easements, or monuments. It is also not necessary to revise the strip maps when revisions are made to the right of way plans, unless the changes are major.

The original completed strip map should be submitted to the Right of Way Branch at the time the plans are submitted.

The following note should be shown on the Right of Way Strip Map:

“ DO NOT USE FOR RIGHT OF WAY ACQUISITION”

When requesting a right of way cost estimate, the Estimate Request Form (9-9, Figure 1) shall be filled out and attached to a letter of request to be sent to the Head of the Right of Way Branch. The letter should include the date by which the estimate is needed.



DATE

PROJECT I.D. NUMBER

COUNTY

PROJECT WORK ORDER NO.

PROJECT DESCRIPTION

REQUESTING PARTY

UNIT

ROOM NUMBER

PHONE NUMBER

TYPE OF ACCESS CONTROL

PROPOSED RIGHT OF WAY DIMENSIONS

\*\*\*\*\*

IF REQUEST REQUIRES THAT THE ESTIMATE BE PROVIDED IN SECTIONS OR ALTERNATES, THEN THE FOLLOWING INFORMATION MUST BE PROVIDED FOR EACH ALTERNATE OR SECTION:

ALTERNATE NAME OR NUMBER

DESCRIPTION

TYPE OF ACCESS CONTROL

PROPOSED R/W DIMENSIONS

\*\*\*\*\*

ALTERNATE NAME OR NUMBER

DESCRIPTION

TYPE OF ACCESS CONTROL

PROPOSED R/W DIMENSIONS

The Project Management Unit will assign the right of way project number when funds are authorized for the project. The number will be included on the title sheet in the top right corner, project number block and identified by R/W in the Description area. All correspondence to the Right of Way Branch should include this number. The project reference number on the left side of the title sheet will not be changed to the right of way number. The reference number will be changed to the construction number just prior to letting the contract out for bids.

If the limits of the right of way and construction of a project differ, the beginning and end of each should be labeled on the project layout section of the title sheet and designated appropriately.