

Right of Way (ROW) Procedures

Agency Document Approved By ADOT Right of Way Section

- Right of Way Procedures

Submit to ADOT LPA Section before October 6, 2023

It is understood that completing the assessment questions on this checklist does not equate to an approval for self-administering Right-of-Way (ROW) activities. ADOT will retain oversight of ROW activities and approval/concurrence for ROW clearances is still required. Please check yes to agree:

	Yes
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Assessment Questions

Question	Y/N	Document, Page, Paragraph <i>(To be completed by CA)</i>	Check if changed since 2019 <i>(CA to complete)*</i>	Item of Concern <i>(SME use only)*</i>
What is your process on training ROW staff on managing federally funded ROW projects?				
Which of the following ROW manuals will your agency adopt:				
FHWA Approved ADOT ROW manual? If so, please provide a letter signed by the Designated Approval Authority stating that the Agency adopts the FHWA Approved ADOT ROW manual.				
CA Agency ROW manual? If so, please provide the manual for approval (approval for content and regulatory compliance not the approval of process or the authority to complete ROW activities).				
If the Agency uses its own ROW manual, has it been updated to reflect changes created by updates to Title 23 Parts 635, 710 and 810? Please indicate and document all changes.				

<p>Is the Agency adequately staffed, equipped and organized to discharge all its real property related responsibilities as per 23 CFR Part 710.201 (b)? Please provide a current organizational chart for all areas that directly involve ROW. Additionally, provide a job description for those agency employees involved in ROW activities as defined in ARS 32-2121(A)(7).</p>				
<p>Does the Agency have a property management section that maintains records of Real Property Interest, acquired and disposed of in accordance with Title 23 funds, and is the management process spelled out in ROW manual?</p>				
<p>Does the Agency submit to the ADOT ROW Group a request for concurrence of Right of Way clearance prior to advertising a project for construction noting that one of four conditions have been met per 23 CFR Part 635.309?</p>				
<p>Does the Agency submit to the ADOT ROW Group all conditional Right of Way clearances for approval and concurrence by FHWA prior to advertisement of all federal aid projects?</p>				
<p>Does the Agency request property donations from non-governmental owners whose Real Property Interest is required for Title 23 projects? If "Yes," does that donation meet the requirement per 23 CFR 710.505(a)?</p>				
<p>Does the Agency submit all administrative settlements to the ADOT ROW Group for concurrence before finalizing them with a property owner as part of the program oversight responsibilities?</p>				
<p>Does the Agency avoid contact with an affected property owner for purposes of negotiation and relocation assistance until after NEPA approval, except as provided for in 23 CFR 710.501 and 710.503?</p>				
<p>Does the Agency perform acquisition and related relocation assistance activities in accordance with 49 CFR Part 24 and 23 CFR 710?</p>				
<p>Is the amount the Agency believes to be just compensation for a Real Property Interest approved by a responsible official of the Agency?</p>				

Does the Agency provide a person, affected by a project, with a written description of the Real Property Interest acquisition process under state and federal law, which clearly informs the owners of their rights and obligations?				
Does the Agency include the preparation of right of way plans in their Federal Aid projects (CFR or Statute reference)? If no, how does the Agency depict real property acquisitions for their project personnel, appraisers and project impact communication with the property owners?				
Does the Agency maintain a written log/diary (contact report) of each and every contact with the property owner including the agency acquisition person who contacted them, date of contact, person contacted, matters discussed and any and all outcomes in sufficient detail that if another agent/negotiator had to take over, a new agent could continue as if they had worked on the parcel assignment all along and that it would reveal the acquisition/relocation was accomplished in accordance with the federal guidelines?				
At what stage in the design process does the Agency involve their ROW/Real Estate Department in planning for the scheduling and delivery of necessary ROW to maintain project schedule for delivery (30%, 60%)?				

The Certification Acceptance Agency attests to the following (check the following applicable box):

<input type="checkbox"/>	No changes made since 2019
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<input type="checkbox"/>	The following changes since 2019 are noted above
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Agency – Prepared by:	
Signature	
Printed Name	
Title	
Date	

ADOT – Reviewed by:	
Signature	
Printed Name	
Title	
Date	

*Item of Concern Documentation:
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