

PART 3

Standards and
practices for LAP

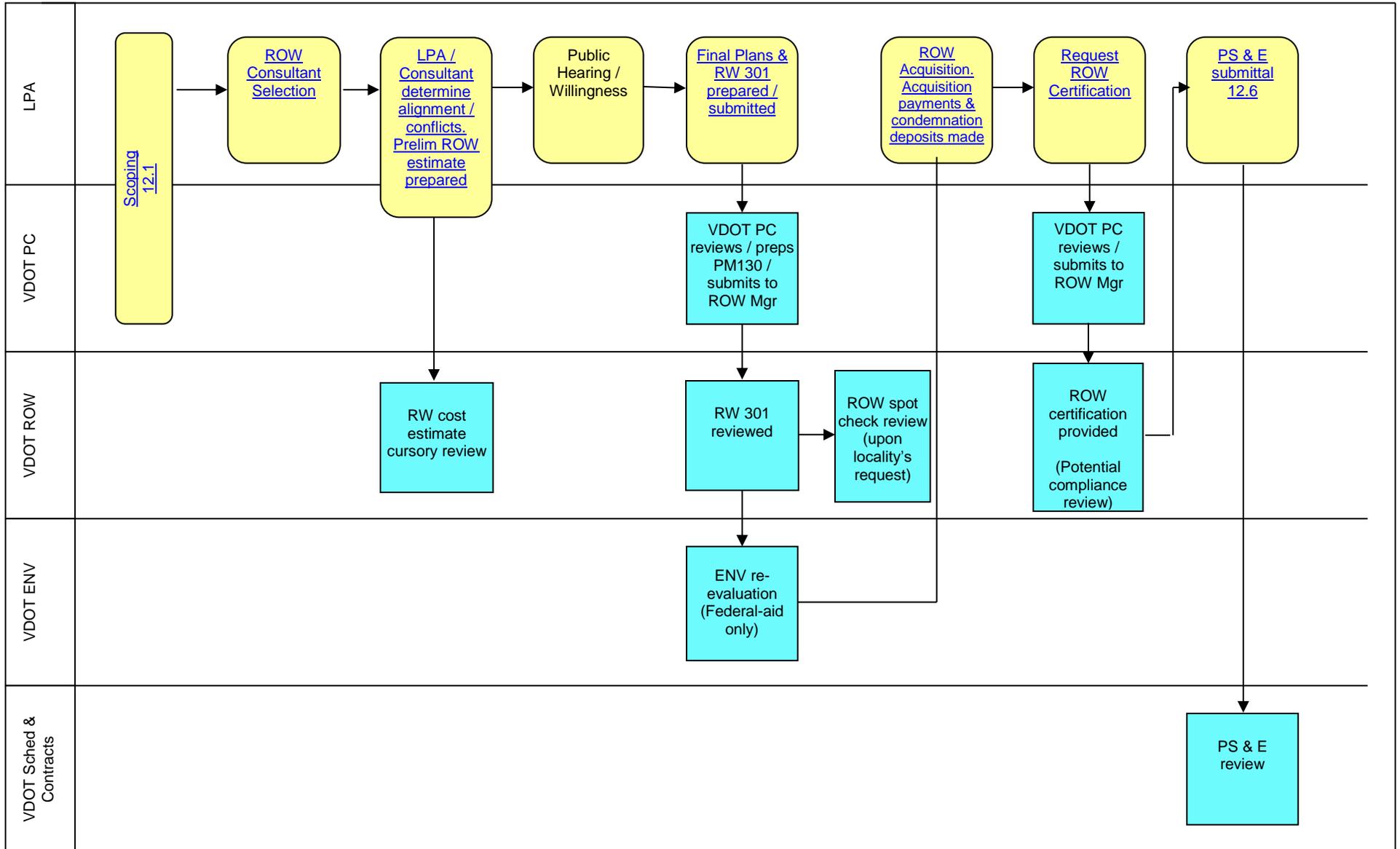
Chapter 16

Right of Way & Utilities

Locally Administered
Projects (LAP) Manual

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CHAPTER 16 – RIGHT OF WAY



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16.1 INTRODUCTION

The Right of Way chapter outlines the processes and responsibilities associated with acquisition of rights of way; relocation of displaced individuals, businesses, farms, and non-profit organizations right of way authorization and certification; the disposition of residue/surplus properties; and VDOT's responsibilities for oversight and certification of LPA activities for federal-aid projects.

16.2 APPLICABILITY

- All federal-aid projects.
- Projects with state aid participating in either or PE, RW, CN phases or any project developed as federally eligible.
- Projects meeting the criteria outlined in [Chapter 5](#), of this manual , where property is not acquired in the name of VDOT, and underlying fee will not be transferred to VDOT are the sole responsibility of the local government to meet applicable state code(s) relating to relocation, property acquisition, and eminent domain. For these projects the following processes are intended as informational and recommended practices. VDOT will require a certification statement ([Appendix 5-A](#)) from the local government that they have met all applicable regulations regarding relocation and the acquisition of the properties prior to award of the construction contract by the LPA. Localities may be subject to post-project audits by VDOT.

Special Program Requirements are noted at the end of each section as applicable.

16.3 SUMMARY

“Right of Way” includes all interests in the land, whether fee simple, permanent easement or temporary easement and refers to the real property rights which the LPAs must possess to construct transportation projects. The intent of this chapter is to provide the LPA Project Managers with resources and background information to gain a basic understanding of the federal-aid right of way process. This chapter can also be used as a guide for state aid procedures because Virginia Code requirements are very similar to federal requirements. **However, local governments active in relocation and property acquisition for non-federal-aid projects are solely responsible to meet State Code requirements applicable to them for their Capital Improvement**

projects regarding relocation, property acquisition, and eminent domain. VDOT does not provide certification of compliance, compliance oversight, or additional guidance for those projects. LPAs will be required to submit a certification statement that they have met all regulatory requirements associated with relocation and property acquisition.

Where LPA's do not have in-house expertise to ensure compliance with federal regulations pertaining to relocations and property acquisition, they must make it a priority to employ consultants with the requisite expertise and consult with VDOT whenever there are concerns about compliance. The LPAs who will be administering right of way acquisition and relocation must comply with the "[Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#)," as amended, found in Title 42 chapter 61 of the United States Code and the implementing regulations found in [49 CFR Part 24](#). **For federal-aid projects, federal requirements associated with relocation and property acquisition must be met and VDOT must certify that they have been met, even if federal-aid is not used for the actual acquisition of right of way for the project.** The Virginia Department of Transportation has developed a Right of Way Manual of Instruction, which is approved by FHWA and provides processes and procedures for federal-aid projects. The LPA is expected to obtain an up-to-date copy of this manual and be cognizant of its contents. **For federal-aid projects, VDOT is required by FHWA to certify the local government's compliance with the Uniform Act and retains final approval authority for relocation and property acquisition activities of the local government.**

Under Section 23 CFR 710.201(h), when Federal-aid is used in any phase of a locally administered project, the FHWA places oversight responsibility for the acquisition of right of way and the relocation of individuals, businesses and utilities with VDOT. As part of the oversight responsibility assigned to VDOT by FHWA, VDOT is required to monitor the LPA right of way appraisal, acquisition, and relocation activities on all federal-aid projects for compliance with applicable laws and regulations. This does not, however, exempt the responsibility of the LPA from following all laws and regulations. VDOT fulfills this obligation by a combination of methods to include, certifications of

compliance by the LPAs, on-going project monitoring and reviews, and post project assessments, which are described further in this manual.

Because of the responsibilities assigned to VDOT for federal-aid projects, the LPA must provide VDOT access to any and all records which demonstrate compliance with federal laws and regulations.

Key provisions to prevent conflicts of interest

- Appraisals and appraisal reviews must be performed by a licensed appraiser in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) standards.
- The same individual who appraises the property may not perform the appraisal review.
- The same individual who performs the appraisal or appraisal review may not conduct the negotiation.
- The Review Appraiser must be licensed and hired directly by the LPA.
- The same individual who performs relocation assistance calculations may not be the same person who reviews and approves these benefits. These individuals must be hired directly by the LPA.

16.4 PRELIMINARY RIGHT OF WAY PROCESS

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16.4.2 [Right of Way Special Projects Coordinator](#)

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16.4.1 Introduction

The LPA is responsible for maintaining complete and accurate parcel-specific records. These records are to be retained for no less than three (3) years following FHWA and/or VDOT acceptance of the final voucher. The LPA may use VDOT's Right of Way and Utilities Management System (RUMS) to track each parcel acquisition and relocation of displaced persons. If the LPA elects not to utilize RUMS, it must have an equivalent tracking system (electronic or some other method) showing all activities and accomplishments for each parcel acquisition and relocation of displaced persons that has the capabilities to meet State and Federal reporting requirements. VDOT's [Right of Way and Utilities Management System \(RUMS\)](#) contains a forms and letters library with templates for every type of acquisition. The use of the RUMS forms templates is strongly encouraged.

16.4.2 VDOT Right of Way Special Projects Coordinator

VDOT Right of Way Division has a Special Projects Coordinator in each Region. Their role and responsibility is to be the "Point of Contact" for Localities on all projects containing Right of Way. The Special Projects Coordinator is available to attend preliminary engineering meetings. At that time they can discuss ideas such as donations, protective purchase, advanced acquisitions and other possible solutions that may offer cost and time savings. Early participation in plan reviews may expedite Right of Way's issuance of the Notice to Proceed. The Locality shall work through the VDOT PC when interaction with the RW Special Projects Coordinator is necessary.

16.4.3 Staff Augmentation/Consultants

If the LPA does not have the qualified staff to perform the acquisition of the necessary rights of way, they shall hire qualified Consultants. VDOT maintains a list of [pre-qualified appraisers](#) and consultant contracting firms that will be provided at the LPA's request. If the LPA hires a consultant, the LPA has the responsibility to monitor the consultant and his/her activities and must be kept informed during all phases of the right of way process. It is the LPA's responsibility to ensure that the consultant is following all applicable laws, regulations, policies, and the processes contained in the VDOT Right of Way Manual of Instructions. LPA's are not expected to meet those procedures, use of forms or information systems, or other instructions, specifically applicable to VDOT. **If the LPA's city/county attorney is not representing the LPA in a condemnation, the LPA must coordinate through the State Right of Way Manager – Special Projects to have the Office of Attorney General assign a condemnation attorney to the case.**

16.4.4 Right of Way Cost Estimate

An initial right of way (and utilities) cost estimate must be prepared at the scoping stage and entered into the VDOT Project Cost Estimating System (PCES). This estimate must be updated at project milestones throughout the duration of the project development process. The estimate shall include the number and type of properties to be acquired on the project. It should include a breakdown of the types of relocations involved (i.e., number of residential, commercial, farms, etc.). The estimate should also include the estimated fair market value for the properties to be acquired as well as the anticipated relocation assistance costs. A Relocation Assistance Report is required on all projects. The report should indicate the impact the relocations will have on families, businesses, communities, employees, etc., and the associated costs. It should also indicate the time frame anticipated to complete the relocations. An example of the Relocation Assistance Report is found in Appendix D. If the project has no relocations, the Relocation Assistance Report should indicate such. VDOT's Right of Way Special Projects Coordinator is available to provide a cursory review of estimates.

The LPA may use VDOT's estimating system (PCES) or their own; however, all estimates must be included in PCES. For LPAs which use their own estimating

systems, their estimate can be manually uploaded into PCES. When uploading estimates to PCES, the **PCES [Alternate Right-of-Way Worksheet](#) and/or [Alternate Utilities Worksheet](#) must be used**. The use of a **lump-sum estimate is not** adequate for submittal to FHWA for RW authorization.

16.4.5 Notice of Intent to Enter

Prior to entering property to ascertain its suitability for highway and other transportation purposes, a “Letter of Intent to enter upon Property” must be provided to each property owner, sent by mail, in accordance with § [33.2-1011](#) of the Code of Virginia and documented in the LPA files. Permission to Enter letters should be sent 35 days prior to the desired start date. A copy of VDOT’s form letters is available from the [Location & Design Division](#) and or the Right of Way and Utilities Management System (RUMS) forms library and can be obtained by contacting the VDOT Project Coordinator.

16.4.6 Right of Way Plans

Preliminary surveys and design plans are used throughout the right of way process by R/W personnel. Preliminary surveys which include buildings and other improvements are most effective with the early preparation of appraisals. More detailed plans, and or plats showing stations, property lines, existing and proposed right of way and limited access lines, existing and proposed easements acquisition and residue areas, and all improvements are needed for the appraisal and acquisition functions, as well as for public hearings. It is critical that the right of way information be reflected on plans or plats as early as possible and that topographical and improvement data is accurate and complete. Omissions and errors on plans or plats that are not identified until negotiations have begun with the property owner may cause significant delay and added cost.

Prior to obtaining authorization for federal right of way acquisition activities, a final R/W Plan must be submitted to the VDOT Project Coordinator. This is typically done at the 60 percent plan design phase. The VDOT Right of Way and Utilities Plan Review Checklist ([RW-301](#)) contain a list of items that must be included in the final right of way plan. The title sheet must be signed by the LPA employee responsible for the project, indicating that the plans are complete and adequate for the acquisition of rights of way

and for the relocation of utilities. A further explanation of the Right of Way Authorization process is contained in Section 16.5.

16.5 Right of Way Phase Authorization

Before the LPA may begin making offers to individual landowners to acquire any necessary property and commence with relocation activities, a federal authorization to begin the right of way phase must be obtained and a R/W Notice to Proceed must be issued by the VDOT Right of Way Division. During the period prior to issuance of right of way authorization and right of way notice to proceed with acquisitions, the LPA may perform title examinations, appraisals, appraisal reviews, and other preliminary work leading up to but not including negotiation for and making an offer to purchase the property. Projects which have received a Programmatic Categorical Exclusion (PCE) are not required to receive a PM-130 form or right-of-way re-evaluation form at the right-of-way authorization stage.



To obtain the Right of Way Phase Authorization, the LPA must submit the following to the VDOT Project Coordinator:

- A final set of Right of Way Plans, title sheet signed by the LPA Employee Responsible for the Project.
- A completed and signed [Right of Way and Utilities Plan Review Checklist](#) (RW-301 see Appendix 16-A)
- A detailed right of way cost estimate, including a utilities cost estimate, broken down by utility company. Localities are encouraged to use PCES and the alternate [RW](#) and [UT](#) worksheets (refer to [section 16.4.3 – Right of Way Cost Estimate](#))

After a review of the right of way plans, verification of funds, and receipt of federal authorization, VDOT will issue a right of way Notice to Proceed with acquisitions for the project. This notice will be provided to the State Right of Way Manager – Special Projects, and the VDOT Project Coordinator, who will then provide a copy of the notice to the LPA. At this point the LPA may begin making offers to the individual landowners to acquire the necessary property and commence with relocation activities.

On projects where there are no federal or state funds involved, VDOT does not issue a right of way Notice to Proceed with acquisitions.

VDOT Responsibilities:

For Federal Aid Projects:

- Complete [PM-130](#) and submit to District RW and Environmental Sections for review. For those items on the form which are not applicable to LPAs, note with a N/A.
- Project Coordinators will complete the [LD-368](#) after they have reviewed the LPA's Right-of-Way plans and submit the full package for R/W authorization.
- At the Project Coordinator's request, Right of Way will provide a cursory review of the localities Right of Way estimate and Relocation Assistance Report (Stage 1).
- Right of Way will review the plans and the [Right of Way and Utilities Plan Review Checklist](#) (RW-301) and notify the Project Coordinator with the results of the review (RW-300 Plan Acceptance Cover Letter).
- Environmental will perform the environmental re-evaluation (EQ-201) for CEs, EAs, and EISs and will review project related deliverables for PCE level projects. Environmental will notify the Project Coordinator of results of review as outlined in Chapter/Section 15.11 of this manual.
- Ensure the R/W Plans and [RW-301](#) have been submitted to Central Office L&D Division for review.
- Ensure federal authorization is obtained and provide the LPA with a written notice that federal right-of-way authorization has been obtained and provide the LPA with a copy of the federal agreement.
- Right of Way will issue the Notice to Proceed with acquisitions and the Project Coordinator will provide the LPA with a copy of the notice.

For State Aid/ VDOT Maintained projects:

- VDOT will review plans solely to verify that the LPA is only acquiring necessary lands to build and maintain the project



THE LPA MUST RECEIVE A VDOT NOTICE TO PROCEED WITH ACQUISITIONS BEFORE MAKING ANY OFFER OR INITIATING NEGOTIATIONS WITH ANY LANDOWNERS. ANY NOTICE THAT FEDERAL FUNDS HAVE BEEN AUTHORIZED AS A RESULT OF NEPA BEING COMPLETED IS NOT AN AUTHORIZATION TO INITIATE ACQUISITIONS.

Special Program Requirements

Urban Construction Initiative

When the municipality is ready to initiate the right-of-way phase for a federal project, a request must be submitted to VDOT's Project Coordinator. The Municipality shall submit a Project Certification for Right of Way and include copies of the final right-of-way plans including a signed Title Sheet, the information necessary for VDOT (see [PM-130](#)) to complete the environmental re-evaluation, a cost estimate, and the cost for utilities, broken down by utility company for cost accounting purposes. VDOT's Project Coordinator will then initiate the R/W evaluation process. Normally, this authorization will take fifteen (15) business days. For federal projects, it is important for the municipality not to incur any right-of-way expenses until federal authorization is received. Also, if additional funds are needed, other than those shown in the SYIP, a source for these funds is to be identified by the municipality. Please note that if the municipality incurs R/W expense prior to FHWA authorization they risk loss of federal participation in the project.

With the Municipality's request for Right of Way Authorization, attach a completed Right of Way Phase Project Certification letter as illustrated in [Chapter 12, Appendix 12.5A](#).

The Right of Way and Utilities Division's Project Scheduling and Certification Section will enter the information into the Right of Way and Utilities Management System (RUMS). The VDOT Project Coordinator will notify the locality once authorization is received.

16.6 RIGHT OF WAY ACQUISITION

16.6.1 [Fair Market Value](#)

16.6.2 [Property Negotiations](#)

16.6.3 [Relocations](#)

16.6.4 [Donations](#)

16.6.1 Fair Market Value

Prior to commencing appraisal work on parcels required for the project, the appraiser must provide the owner or the owner's representative a certified letter of intent to enter upon the property for the purpose of inspection and allow them the opportunity to accompany the appraiser on the inspection in accordance with Virginia Code requirements. The owner must also be given a written explanation of the LPA's land acquisition procedure. The LPA must use VDOT's brochure entitled "[A Guide for Property Owners and Tenants](#)" if they do not already have a VDOT approved brochure of their own.

All appraisers must be licensed and perform their work in accordance with Uniform Standards of Professional Appraisal Practices (USPAP). The appraiser must sign his/her report establishing fair market value of the property being acquired. A separate licensed appraiser must perform an appraisal review and signify by their signature approval or disapproval. Appraisal reviews should match the complexity of the appraisal problem and the types of review should be determined by the reviewer. The LPA Project Manager grants final approval to the appraisal by their signature on the cover page of the appraisal.

16.6.2 Property Negotiations

A written appraisal establishing just compensation must be reviewed and approved as described in the previous section prior to the start of negotiations with the landowner.

At the first negotiation contact with the landowner, the LPA must provide the owner(s) with a copy of the approved appraisal and certified title examination. Documentation must be included in the project file to indicate that this action occurred for each parcel.

The written offer must be made in the full amount of the appraisal and contain a summary for its basis. Afterwards, the landowner must be given a reasonable time, generally a minimum of 30 days, to consider the offer.

A written diary of all contacts with the landowner and the events that occur must be maintained in the project file and be available for review by VDOT and/or FHWA.

Donations-An owner whose real property is being acquired may, after being fully informed by the LPA of the right to receive just compensation for such property, donate such property or any part thereof, any interest therein, or any compensation paid therefore, to the LPA as such owner shall determine. The LPA is responsible for ensuring that an appraisal of the real property is obtained unless the owner releases the LPA for such obligation, except provided in [CFR 24.102](#).

All properties shall be acquired in the name of the LPA, and the LPA shall condemn under its own authority. Unless otherwise agreed to, underlying fee will remain with the LPA.

16.6.3 Relocations

It is often necessary for individuals, families, businesses, farms, and/or non-profit organizations to be displaced. A comprehensive program of services and benefits has been established which is known as the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C. 4601 e seq) (Uniform Act), to ensure to the maximum extent possible, that all displaced persons are relocated in a timely and successful manner and are treated fairly, consistently, and equitably. In order to maintain the project schedule, all relocations should be completed at least 90 days prior to the advertisement date for construction.

The following mandatory provisions must be met during the relocation process and are detailed further in [VDOT's Right of Way Manual, Chapter 6](#):

- **The acquiring agency (State, LPA, private developer) must provide notice to the potential displaced persons at least 90 days in advance of the earliest date by which they may be required to move.**
- **Assurance by the acquiring agency (state, LPA, private developer) that a displaced persons will not be required to move until the agency has made available at least one comparable, decent, safe and sanitary dwelling.**
- **The acquiring agency must provide a general, written information notice to all displaced persons which provide a general description of the agency's relocation program.**
- **The acquiring agency must advise, in writing, all occupants of improved property and/or those with personal property lying within the bounds of the acquisition area (residential and non-residential), after the initiation of negotiations, that they may be eligible for relocation benefits.**
- **The acquiring agency must provide relocation advisory services. This entails determining the needs of the person or business to be displaced and making every effort to meet the identified needs; explaining the relocation program and appropriate relocation assistance payments; explaining the eligibility requirements for each relocation type; providing specific services such as (a) current listings, including sale prices or monthly rent, of replacement properties appropriate for residences, farms or businesses; (b) information concerning federal and state housing; (c) assistance in obtaining and completing applications or claim forms for relocation payments; and (d) transportation for displaced persons to inspect potential relocation housing, if needed.**
- **Provide eligible relocation assistance payments, which are designed to compensate displaced persons for costs that have been imposed on them by federally funded projects. These payments fall into two broad categories (residential and nonresidential) with several subcategories. Included in the residential housing payments category are moving expense payments, replacement housing payments and last resort housing payments. Included in the nonresidential category are moving expense payments and reestablishment payments.**

- **The acquiring agency must inform the displaced person in writing, of their right to appeal the agency’s determination of benefits under the relocation program.**

Specific information regarding relocation assistance requirements can be found in [49 CFR Part 24](#) and the [FHWA Real Estate Guide for Local Public Agencies](#) and also in the VDOT R/W Manual chapter 6.

16.6.4 Donations

The Code of Virginia, Statute 25.1- 417(10) addresses donations. Also, steps of a “Donation Process” are explained in Chapter 5, Section 5.5.1 of the VDOT Right of Way Manual of Instructions.

The Locality’s agent must:

1. Explain the project/acquisition and the probable impact to the remaining property
2. Advise the owner of the right to just compensation
3. All contacts should be maintained in the written diary.

If the owner agrees to donate, the agent explains that the locality will determine the value of the donation and provides it in writing. The owner may waive this right to receive a valuation. The owner also may choose to have a valuation performed independently.

It is recommended that the Locality ask the owner to execute a Donation Acknowledgment Form similar to the one used by the Commonwealth. A copy of this acknowledgement form is attached in Appendix E.

16.7 Right of Way Certification Prior to Advertisement



Prior to project advertisement, a “[Right of Way Certification Letter](#)” (Appendix 16-B) must be completed by the LPA. This also applies even if no right of way is required for the project. The Right of Way Certification Letter certifies that all right of way acquisition and relocation activities have been completed. The letter is to be completed prior to, and as a condition of, receiving authorization to proceed to

advertise the project for construction. The LPA submits the letter to the VDOT Project Coordinator who, in turn, submits to the State Right of Way Manager-Special Projects, who will forward it to the Central Office Right of Way Division to certify that the Right of Way and Utilities are ready for advertisement. A copy of this letter will be sent to the State Right of Way Manager – Special Projects.

Typically, the Right of Way Certification Letter is completed prior to the Plan, Specification & Estimate (PS&E) submittal.

VDOT Responsibilities

- *When the LPA submits their Right of Way and Utilities Certification letter, the P.C. will forward the letter to the Central Office Right of Way Division, with a cover memo requesting Right of Way Certification for Advertisement. The Central office Right of Way Division will forward a copy of the letter to the State Right of Way Manager-Special Projects.*
- *After receiving a written notice of Right of Way Certification, the P.C. will forward the written notice to the LPA.*

Special Program Requirements

Urban Construction Initiative

When a federal project is ready to be advertised for construction, the municipality must first receive the project advertisement authorization from the FHWA. The Project Certification for Construction Letter as provided in [Chapter 12, Appendix 12.5B](#) addresses the information that the municipality must submit to VDOT's Project Coordinator. The municipality must also submit the project Title Sheet signed by an officer of responsible charge for the locality; and signed and sealed by a Professional Engineer in accordance with Department of Professional and Occupational Regulation. If additional funds are needed beyond those shown in the Six Year Improvement Program (SYIP), a source needs to be identified. Normally it takes thirty (30) business days to obtain federal approval for a project's advertisement. For federal projects, it is important for the municipality not to advertise the project until authorization is received. The municipality will be notified by VDOT once this authorization is received.

16.8 Property Management

FHWA regulations for the property management function are found in [23 CFR 710 Subpart D](#). These regulations apply to all real property acquired by LPAs in connection with projects where Federal funds participate in any right of way costs for the project. In most cases, Federal funds can participate in the costs incurred in leasing, rental, maintenance, the disposal of improvements and the clearance of the property. Federal funds can also participate in the demolition of improvements, the elimination of pests, the removal of hazardous materials, and other work necessary to clear structures from the project area.

The LPA is responsible for the preservation of the improvements and for reasonable safety measures when it has acquired ownership and possession of the property. Acquired right of way must be maintained in a manner which will prevent, minimize, or correct problems such as illegal dumping or disposal of rubble, debris, etc. on cleared right of way until needed for construction.

16.9 Changes to Limited Access

Limited access highways are defined under [Section 33.2-400](#) of the Code of Virginia (1950), as amended. The power and authority of the Commonwealth Transportation Board (CTB) regarding limited access highways is established under [Section 33.2-401](#) of the Code of Virginia (1950), as amended and is reserved solely to the CTB.

Regulations for changes to limited access are found in Virginia Administrative Code [Title 24, Agency 30, Chapter 401, et seq.](#) All other changes to limited access are considered changes to limited access control as outlined in Chapter 401, et seq.

LPAs are responsible for preserving and maintaining limited access as established for any highway incorporated into a City or Town, and must adhere to the aforesaid regulations of the Virginia Administrative Code and Section 33.2-401 of the Code of Virginia (1950), as amended.

LPAs must follow the regulations found in the aforesaid chapter 401

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+24VAC30-80-10> and [Land Use](#)

[Permit Manual](#) for changes to limited access for any highway incorporated into a City or Town. LPAs must request and receive approval for changes to or to discontinue limited access control from any highway incorporated into a City or Town under Section [33.2-401](#) of the Code of Virginia (1950), as amended.



The LPA will need to submit a request package to the Project Coordinator for any changes to limited access control (LAC) as outlined in [24 VAC 30-401](#). Those generating the request or compiling the packages for

submission to the District Office for review will need to include all items from the list below: Please see the said Policy (24 VAC 30-401) for who should be providing the Global Traffic Analysis, Environmental Report, etc.

1. Letter requesting the proposed LAC from the Requestor.
2. A summary of the proposed LAC to include: Citing its location(s), stationing, turning movements, length of the break, median breaks, whether left/right turn lanes will be required, their location, and if they are dual or single, whether acceleration/deceleration/transition lanes will be required and where, and any signalization required. Also to be included are conditions of approving the proposed LAC from a design standpoint.
3. A copy of the Global Traffic Analysis of the proposed LAC.
4. Approval of said analysis and the plans for construction of the proposed LAC and any conditions of the proposed LAC approval from a traffic engineering standpoint.
5. A copy of the most recent project and acquisition project plan sheets marked with the proposed LAC location to include beginning and end stations and showing location of items in number 2 above.
6. Approval of the signalization portion of said analysis and any conditions of the proposed LAC.
7. Copies of deeds or certificates with final order and recorded plats (in color) for the land and limited access rights VDOT acquired where the proposed LAC is located.
8. A copy of the Environmental Report regarding the proposed LAC.

9. A summary from the LPA's Environmental Section citing approval of the report and any conditions of the proposed LAC from an environmental standpoint. This should include whether the location of the proposed LAC is within an air quality non-attainment area and if so whether the proposed LAC has been through the air quality conformity review, provide a copy of that report and cite the findings in the summary. Also if there is to be additional right of way acquired as a result of the proposed LAC, cite whether the area to be acquired was included in the original NEPA document for the project and provide that determination in the summary. If not included in the original NEPA document for the project then determine if one is needed and so state and provide a copy when complete.
10. Copies of the letter or resolution of support of the proposed LAC from the LPA.
11. Copies of the Public Notice(s) regarding the proposed LAC to include the closing date for comment and copies of any comments that were received.
12. Letter to the District Administrator from the LPA Right of Way Manager citing whether value will be added to the property adjoining the proposed LAC and a copy of the valuation in a format in accordance with USPAP standards supporting these findings.

The package when submitted to the Project Coordinator will be reviewed by the various District Sections with conclusions summarized and submitted to the District Administrator. A letter from the District Administrator to the Chief Engineer summarizing the findings and recommending approval or rejection of the proposed LAC will be accompany the package when submitted to the Chief Engineer.

FHWA has oversight of any limited access located on Interstate. FHWA regulations for limited access are found in the Code of Federal Regulations 23, and [Subsection 645, Subpart B](#) VDOT Central Office works with the FHWA regarding any LAC requests received from the District where FHWA will have any oversight.

16.10 Federal Policies for Right Of Way Acquisition Cost Reimbursement

The eligibility of right of way acquisition costs are generally determined by the limits of the right of way. In general, costs for parcels inside the right of way are eligible, those

outside are ineligible. However, there are some exceptions to the basic rule that must be dealt with on an individual basis (e.g., an improvement which needs to be removed would be eligible for reimbursement). VDOT's *State Right of Way Manager-Special Projects* can provide additional information regarding these exceptions.

- Acquisition of Uneconomic Remnants: After Federal authorization has been granted for a project, if during the course of acquiring the right-of-way for the project, there is a case involving a partial acquisition of a larger tract of land that will leave the owner with an uneconomic remnant (little or no utility or value to the present owner), the acquiring agency must offer to acquire the remnant and no further federal authorization is necessary.
- Acquisition of Property Specifically For Exchange: Acquisition of property specifically for exchange occurs where the LPA agrees to obtain property for the grantor in exchange for the required right of way. This occurs primarily in connection with public utilities or public agencies where substitute property is acquired by the LPA to replace property required for the project. Both properties must be appraised. The costs of such acquisition are chargeable directly to the Right of Way Capital Outlay expenditure authorization. This type of acquisition is treated as acquisition of replacement property. **Without prior Federal approval, reimbursement cannot be obtained.**
- Functional Replacement: This involves the replacement of real property in public ownership, either lands or facilities, or both, acquired for a highway project with other lands or facilities which will provide equivalent utility. FHWA has specific procedures which must be followed and requirements which must be met if the costs for a functional replacement property are to be reimbursed. These procedures are discussed in detail in [23 CFR § 710.509](#).
- Generally, costs for the purchase of personal property are ineligible for Federal reimbursement.

Prior to requesting authorization to advertise a project for construction, the LPA must submit [The Right of Way Certification \(Appendix 16-B\)](#) to the VDOT Project Coordinator stating that all right of way has been acquired (including all relocations and building structures) and all utilities have been relocated (or provision for relocation has been

made in the construction of the project) or that construction is going to take place on existing right of way and no utilities are affected. The Project Coordinator will provide this information to the *State Right of Way Manager-Special Projects*, who will forward this letter to the Right of Way and Utilities Division so that the project can be certified for advertisement. Additional details regarding Advertisement and Award Authorizations are found in [Chapter 12.6](#).

16.11 VDOT Monitoring and Compliance Verification Process

Under Section 23 CFR 710.201(h), when Federal-aid is used in any phase of a locally administered project, the Federal Highway Administration (FHWA) places oversight responsibility for the acquisition of right of way and the relocation of displaced persons, businesses and utilities with the Virginia Department of Transportation (VDOT). This level of VDOT involvement and oversight is established early during the project agreement process and is typically determined by a range of factors including, but not limited to, project complexity, highway system, project funding, and the LPA and or consultant experience, federal-aid increases project risk. Principles governing VDOT's risk oversight expectations are outlined further the LAP Chapters 9 and 13.

Right of Way oversight is provided through the R/W Compliance Review Worksheet ([Appendix 16-C](#) of this chapter). These reviews are conducted on randomly selected projects to ensure the LPAs that have administered right of way acquisition and relocation, have complied with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", as amended (Uniform Act).

Based on the responsibilities assigned to VDOT for federal-aid projects, the Local Public Agency (LPA) must provide VDOT access to any and all records which demonstrate compliance with federal laws and regulations.

The Right of Way Regional Special Project Coordinator will contact the LPA to schedule a convenient time to perform this review.

State funded projects are also subject to this same type of review.

16.12 Railroad Coordination

16.12.1 [Introduction](#)

16.12.2 [Communication](#)

16.12.3 [Plan Reviews](#)

16.12.1 Introduction

Any project on, near, or over/under a railroad per §23 CFR 635.307, requires VDOT or its sub-recipients to coordinate with the railroad owner well in advance of construction in order to prevent unnecessary delays or costs to the project. This coordination will need to be completed before Right of Way Certification can be received. Typically the railroad will either provide an executed Construction Agreement or a Right of Entry that will allow entry to the railroad property. The project must be designed to meet the standards of both VDOT and the affected railroad.

Links are included below to several railroad design standard websites. Additionally there are other standards that all railroads refer to which are found in the American Railway Engineering and Maintenance-of-Way Association (AREMA) Standards.

- [The American Railway Engineering and Maintenance-of-Way Association](#)
- [Norfolk Southern Public Projects Manual](#)
- [CSXT Public Projects Manual](#)
- [Highway-Rail Grade Crossing Safety Improvement Form](#)

16.12.2 Communication

It is essential that adequate communication and coordination between the LPA Project Manager and the VDOT Project Coordinator be maintained. Unless otherwise indicated all communication to VDOT support and review staff must be coordinated with, or through, the VDOT Project Coordinator.

Additional assistance can be obtained from the VDOT Rail Section through the VDOT project Coordinator or at the following email: <mailto:railroad@vdot.virginia.gov>

16.12.3 Plan Reviews

At the project milestones requiring reviews by VDOT, the LPA Project Manager will submit a copy of the roadway and bridge plans in single page PDF format to the VDOT Project Coordinator to be placed in Project Wise. The VDOT Project Coordinator will notify the VDOT Rail Coordination Section, who will review for completeness before forwarding the submittal to the responsible railroad representative.

Typically the following milestone reviews are performed:

- Scoping Package “Concept Plan” (2 Months Railroad review time anticipated)
- 30% Package “PFI Plan” (2 Months Railroad review time anticipated)
- 60% Package “Right-of-Way (R/W) Plan” (3 Months Railroad review time anticipated)
- 90% Package “PAC Plan” (2 Months Railroad review time anticipated)
- 100% Package “Advertisement Submission” [These plans are needed in order to incorporate with the “Railroad Construction Agreement] (2 weeks Railroad review time anticipated)

All Plans and Design Reports shall be signed and sealed by a Professional Engineer licensed in the State of Virginia when said plans and reports are deemed final. These Signed and Sealed Plans will become part of the Construction Agreement. It is imperative that all plan revisions are forwarded through the PC to the Rail Coordination Section prior to the plans being signed and sealed for any plans that will affect the Railroad.

The following list includes, but is not limited to, examples of Railroad project types:

- Highway Grade Crossings - includes crossing removal, consolidation, modification, rehabilitation, resurfacing/paving, maintenance and the installation/modification of warning devices. All crossings are identified by a unique US DOT Inventory Number. This number should be used to identify all at-grade crossing locations
- Bridges over the Railroad- includes both rehabilitations of existing structures, complete bridge replacements and new structures.

- Bridges carrying the Railroad- involving railroad bridges over a roadway or trail (referred to as “undergrade bridges”) includes both rehabilitations of existing structures, complete bridge replacements, and new railroad structures.
- Parallel Roads/Facilities- In situations where a roadway, retaining wall, or highway facility are being modified or constructed adjacent to the railroad, the Railroad Coordination Section shall engage the RAILROAD to ensure the project will not adversely impact the railroad.
- Bicycle/ Pedestrian Trails and Crossings- Railroad policy does not allow pathways that would permit pedestrian, bicycle, and other recreational traffic to move parallel to trains on the Railroad’s R/W or to cross at grade.
- Painting Structures- Cleaning and painting bridges over the Railroad’s R/W requires a construction agreement or Right-of-Entry with the RAILROAD to ensure no impact will be incurred by the railroad and that all applicable safety regulations are followed.
- Beautification and Landscaping- Requests by communities, agencies and other outside parties to undertake beautification projects involving the Railroad undergrade bridges are considered on project specific basis. These projects include painting of undergrade bridges or landscaping on the Railroad’s property.
- Inspection- localities must always secure a Railroad Right-of-Entry with the Railroad to ensure no impact will be incurred by the railroad and that all applicable safety regulations are followed. At the localities request and by working through the VDOT Project Coordinator, the VDOT Rail Section can assist in obtaining the required documents.

16.13 Local Government Submittals/File Documentation

Task/Submittal/File Documentation	Locality Responsibility	VDOT Responsibility	Submittal Timing/Recordkeeping Requirements
Right of Way Cost Estimate(s)	Prepare and submit to PM	N/A	Submitted at Scoping and updated at project milestones through PCES
Right of Way Authorization Submittal package (16.5)	N/A	N/A	Prior obtaining federal right of way phase authorization and before Right of Way acquisition activities begin;
Right of Way Authorization	N/A	Provide written authorizations of Right of Way activities	Provide written authorizations of Right of Way activities; authorizations generally will be issued within 15 business days of receipt of complete package by the LPA (16.3)
Right of Way Notice to Proceed	N/A	Provide written Notice to Proceed with acquisition	After a review of the right of way plans and verification of funds, VDOT will issue a right of way Notice to Proceed with Acquisition for the project. (16.5)
Right of Way and Utilities Certification for Advertisement and Construction (16.7) ; Appendix 16B	N/A	N/A	Prior to obtaining authorization for advertisement and prior to submittal of PS&E Package
Right of Way Certification	Certify that R/W is complete	Approve certification for advertisement and construction	Concurrence with Certification will be issued within 5 business days of an acceptable certification from LPA (16.7).

16.14 References

- [23 USC](#)
- [23 CFR 645.111](#)
- [23 CFR 710](#)
- [23 CFR 771.129](#)
- [42 USC Chapter 61](#) (Uniform Act)
- [49 CFR 24](#)
- [VA Code § 33.2-1011](#)
- [VDOT Right of Way Manual of Instructions](#)
- [Real Estate Acquisition Guide for Local Public Agencies, FHWA](#)

Chapter 16 Right of Way – Checklist

These checklists can be found in their entirety in the [VDOT on line forms library](#)

CH 16 - Right of Way

LPA's are responsible for maintaining complete and accurate parcel-specific records. The LPA may use VDOT's Right of Way and Utilities Management System (RUMS) to track each parcel acquisition and relocation of displaces. If the LPA elects not to utilize RUMS, it **must** have an equivalent tracking system (electronic or some other method) showing all activities and accomplishments for each parcel acquisition and relocation of displacees that has the capabilities to meet State and Federal reporting requirements which at a minimum includes all the items outlined in Appendix 16 C. LPA's follow the Uniform Act when using federal funds. LPA's follow Virginia code when using state funds.

SUBMIT	COMPL	F	S-V	S-L	TA	UCI	Requirement	Reference	
								LAP	Other
	<input type="checkbox"/>	X	X	X		X	Maintain complete and accurate parcel-specific records using VDOT RUMS application, locality equivalent or parcel specific checklists (Appx 16 C)	16.4.1	
	<input type="checkbox"/>	X	X	X		X	Submit ROW cost estimates (prepared/updated in PCES). LPA's may use Alternate RW and Alternate Utilities worksheets.	16.4.3	
	<input type="checkbox"/>	X	X ¹	X ¹		X	Submit ROW Authorization package	16.5	
	<input type="checkbox"/>	X	X ²	X ²		X	Obtain written Notice to Proceed from VDOT prior to acquisitions	16.5	
	<input type="checkbox"/>	X	X ³	X ³		--	Submit ROW / Utilities Certification for CN Advertisement	16.7 , 12.6.7	
	<input type="checkbox"/>	X	X	X		X	Request for changes to Limited Access if applicable, when originally established by the CTB	16.9	33.1-58 24VAC30-80 24VAC30-150 24VAC30-401

- 1 - Plans only required - VDOT will review solely to verify that the LPA is only acquiring necessary lands to build and maintain the project.
- 2 - VDOT will provide concurrence to move forward with Right of Way as appropriate.
- 3 - Right of Way Certification not required for projects funded exclusively with special state funded programs (i.e. Revenue Sharing)

Appendix 16-A

Right of Way Authorization Request

RW & UT Plan Review Checklist - RW-301

RW-301
Rev. 5/16

Project: _____ Reviewer: _____
UPC ID: _____ Date: _____

RIGHT OF WAY AND UTILITIES REVIEW CHECKLIST TO CONFIRM INCLUSION OF THE FOLLOWING ON RIGHT OF WAY PLANS:

NOTE 1: INDIVIDUAL LANDOWNERS ARE YET TO BE CONTACTED. CONTACT MAY RESULT IN FUTURE REVISIONS TO SUCH ITEMS AS LANDOWNER NAMES, PROPERTY LINES, TOPOGRAPHY AND REVISIONS IN DESIGN TO MITIGATE IMPACTS TO INDIVIDUAL PROPERTIES. IF NOT APPLICABLE, PLEASE LEAVE YES AND NO BOXES BLANK AND INDICATE N/A UNDER COMMENTS.

NOTE 2: THE TERM "RIGHT OF WAY" OR "RW" INCLUDES ALL INTERESTS IN THE LAND, WHETHER FEE SIMPLE, PERMANENT EASEMENT OR TEMPORARY EASEMENT.

NOTE 3: IF APPLICABLE, A RAIL ADDENDUM MUST BE SENT TO GREG HUFFMAN, Gregory.Huffman@VDOT.virginia.gov / (804) 225-3935, RAIL SECTION PROGRAM MANAGER, FOR COMPLETION.

LPA PROJECTS ONLY - CHECK THE APPROPRIATE BOX(ES):

FUNDING TYPE:

FED/STATE STATE/LOCAL

LPA ADMINISTERED PROJECT **MAINTAINED BY VDOT** (MUST BE DESIGNED IN ACCORDANCE WITH VDOT'S ROAD DESIGN MANUAL):

THE LPA CERTIFIES THAT THE PROPOSED PROJECT IS A PUBLIC-USE AND THE RIGHT OF WAY IS NEEDED TO ACHIEVE THE PUBLIC USE.

THE ACQUISITIONS HAVE BEEN REVIEWED FOR THE PURPOSE OF COMPLYING WITH **Chapter 2.1 (Common Law and Rules of Construction), § 1.219.1 of the Code of Virginia;** and with **23 CFR 1.23 Rights-of-way (The Code of Federal Regulations, Title 23, Chapter I, Subchapter A, Part 1, Section 1.23);** and with **23 CFR 710.201(e) [The Code of Federal Regulations, Title 23, Chapter I, Subchapter H, Part 710, Subpart B, Section 710.201(e)].**

LPA ADMINISTERED PROJECT **MAINTAINED BY THE LOCALITY** (MUST BE DESIGNED IN ACCORDANCE WITH AASHTO'S POLICY). **COMPLETE THE LPA ADDENDUM.**

LPA ADMINISTERED PROJECT WHERE A PARCEL IS OWNED BY A RAILROAD OR A BRIDGE IS IMPACTED OVER A RAILROAD. IF YES, PLEASE COMPLETE THE RAIL ADDENDUM.

1. **Title Sheet:** Construction Termini (From: & To:) matches iPM in accordance with *VDOT's Road Design Manual* Chapter 2E & 2G

YES NO

Comments:

2. **Title Sheet:** Contains the appropriate signature blocks for the type of project.

• **VDOT PROJECT:**

- **Tier 1:** District Administrator
- **Tier 2:** Chief of Policy

• **UCI & LPA PROJECT:** Responsible Charge

Project: _____

Reviewer: _____

UPC ID: _____

Date: _____

YES NO

Comments:

3. **Title Sheet: Limited Access Projects Only** – Contains the 1st Resolution date and all subsequent resolutions affecting the project per § 33.2-401 of the *Code of Virginia*. Any changes or additional access points have received written approval of the Commonwealth Transportation Board (CTB) under Section 33.2-401 of the Code of Virginia.

YES NO

Comments:

4. **Title Sheet: Design Build Projects Only** – In the case of parcel specific approvals, the parcel numbers are listed on Title Sheet

YES NO

Comments:

5. **Right of Way Data Sheet** – Completed showing the UPC on all plan sheets, individual columns (i.e. Areas of the Whole, Fee, Prescriptive Ease, Fee Remainder, Permanent/TCE/Utility breakdowns) and Proffers/Dedications in accordance with 23 CFR Part 710.201(3)(f) *Record Keeping*; VDOT's *Road Design Manual*, Chapter 2; and the *RW Manual of Instructions*.

YES NO

Comments:

6. All proposed RW contained within the RW Termini and designed in accordance with VDOT's *Road Design Manual*, Chapter 2D and the *RW Manual of Instructions*.

YES NO

Comments:

7. All limits of construction are contained within RW (see **NOTE 2**) and are designed in accordance with *FHWA Guidelines for Preparation of Plans*; VDOT's *Road Design Manual*, Chapters 2E & 2D; and the *RW Manual of Instructions*.

YES NO

Comments:

8. **UFI** has been completed and the required utility easements have been located in accordance with *FHWA Guidelines for Preparation of Plans*.

YES NO N/A

Comments:

9. Existing utilities located and identified (utility companies listed on Sheet 3).

YES NO

Comments:

Project: _____

Reviewer: _____

UPC ID: _____

Date: _____

10. All impacted properties identified on respective plan sheets (by parcel number, names, deed reference, tax map identification & acreage) in accordance with *FHWA Guidelines for Preparation of Plans*, VDOT's *Survey Manual* Chapter 4; and the *RW Manual of Instructions*, Chapter 2.

YES NO N/A

Comments:

11. Existing right of way and/or prescriptive easement is/are shown

YES NO

Comments:

12. Parcel and Demolition numbers assigned (in accordance with VDOT's *Road Design Manual*, Chapter 2F-1 Review of Plans, and the *RW Manual of Instructions*, Chapter 2.) [Buildings partially on/off of the proposed RW include a Temporary Construction Easement for Demolition].

YES NO

Comments:

13. Topography (i.e., property and lot lines, cemeteries, septic systems, wells, landscaping, fences, above ground improvements, underground storage facilities, etc.) shown as described in VDOT's *Survey Manual*, Chapter 4, sections 4.07 & 4.08; the *RW Manual of Instructions* Chapter 2; and the *FHWA Guidelines for Preparation of Plans*.

YES NO

Comments:

14. Affected structures and other improvements clearly located and identified, including those beyond the project limits but impacted by the acquisition in compliance with the VDOT's *RW Manual of Instructions*, Chapter 2.

YES NO

Comments:

15. Entrances (all existing and proposed entrances allow reasonable access and include alignments, grades and impact, including Temporary Construction Easements) are in compliance per §33.2-242 of the *Code of Virginia* as applied in VDOT's *Road Design Standards* 2E-44 and the *RW Manual of Instructions*, Chapter 2.

YES NO

Comments:

16. Prior recommendations by Right of Way and Utilities Division have been incorporated in the plans

YES NO N/A

Comments:

17. Metes and bounds surveys furnished for proposed rights of way/easements on properties requiring CO – Special Negotiations (refer to *RW Manual of Instructions* Chapter 5.6.3). All metes and bounds

Project: _____

Reviewer: _____

UPC ID: _____

Date: _____

survey data descriptions are based upon Virginia State Plane Coordinates. They are established at an existing intersection point for each acquisition, and they are signed/sealed by the surveyor.

YES NO N/A

Comments:

18. Properties with Uneconomic Residues shown with Proposed Acquisition Line in compliance with VDOT's *RW Manual of Instructions*, Chapter 2.

YES NO N/A

Comments:

19. Total take/total acquisition properties shown in their entirety in compliance with the VDOT's *RW Manual of Instructions*, Chapter 2.

YES NO N/A

Comments:

20. Storm Water Management facilities have been reviewed to insure all alternatives have been considered to minimize impacts.

YES NO N/A

Comments:

21. Parcel(s) labeled "United States of America" or "Commonwealth of Virginia" include the name of the agency/department that controls the parcel (e.g., U.S. Army Corp of Engineers or Virginia Department of Forestry), along with the specific tract number(s) and deed book reference.

YES NO N/A

Comments:

Project: _____
UPC ID: _____

Reviewer: _____
Date: _____

LPA ADDENDUM
LOCALLY ADMINISTERED AND LOCALLY MAINTAINED PROJECTS

(MUST BE DESIGNED IN ACCORDANCE WITH AASHTO'S POLICY):

Right-of-way plans should show:

- ROW, Easements & Rights limits adequate for construction: *(23 CFR 710 & 49 CFR 24)*
- Width of ROW to be acquired is depicted
- Proposed slope limits
- Centerline and stationing with appropriate ties to intersecting property lines and changes in right of way widths.
- Any additional easement areas, either temporary or permanent, that are required to accommodate intersecting roads and streets, land service, access and temporary roads, drainage areas, material storage areas, slope widening, utilities, railroads, or any other special uses,
- All pertinent data affecting the cost of the right of way such as structures, land service or access roads, improvements, drain fields, and fences,
- All approved points of entry to or exit from the traffic lanes, even where the right of way lines and access control lines are coincident,
- Disposition of improvements within the proposed right-of-way (D-numbers)

For each parcel to be acquired:

- A parcel identification number,
- Property ownership lines,
- Name of the property owners,
- Area in square feet or acres of the part to be taken and of each remainder of a partial taking.
- Size, form, and arrangement of right of way plans should conform to the general requirements for highway plans and should contain sufficient dimensional and angular data to permit ready identification and correlation with the legal descriptions of all parcel easements and special use areas that are required by the associated highway project.

Project: _____
UPC ID: _____

Reviewer: _____
Date: _____

RAILROAD ADDENDUM

NOTE: Plans, or a plan sheet, for the affected parcel may be sent to the Rail Section to complete this Addendum. A maximum 5 business day turnaround is promised if it is sent to the Rail Section for completion.

1. List all parcels with railroads that are located on the project, irrespective of whether an acquisition is taking place: _____

2. Easements shown on Railroad property are correct, and are delineated by a metes and bounds survey data description, based upon Virginia State Plane Coordinates, They are established at an existing intersection point for each acquisition and are signed/sealed by the surveyor

YES NO

Comments:

3. Drainage structures shown on the RR property or roadway drainage that will enter RR property is complete and coordination with the Railroad section has occurred.

YES NO

Comments:

4. Railroad Milepost and DOT# are indicated on the plans correctly

YES NO

Comments:

5. Railroad ownership and existing RR R/W lines indicated on the plans and bridge plans are correct according to the VAL Map

YES NO

Comments:

6. Areas to be acquired on the RR property are delineated by a metes and bound description and are based upon Virginia State Plane Coordinates. They are established at an existing intersection point for each acquisition and are signed/sealed by the surveyor on the R/W plans.

YES NO

Comments:

7. Parcel number is shown on the plan and R/W Data Sheets if there is an area of acquisition.

YES NO

Comments:

8. Has there been a determination of any Environmental Hazards on property that will be acquired in fee simple?

YES NO

Comments:

Appendix 16-B Right of Way Certification Letter

Date

District Administrator / Attn: Project Coordinator:
District Address
Project Number
City

Subject: Project Certification

Dear District Engineer/Administrator:

Reference is made to the master agreement between the {locality} _____ and the Virginia Department of Transportation (VDOT) dated _____. This project consists of _____ parcels with _____ relocations consisting of ___ residential, ___ businesses and ___ improvements. The project begins _____ and ends _____.

This will certify that all right of way has been obtained and that the locality has legal right of entry onto each and every parcel for the advertisement and construction of Project _____.

(OR: This will certify no additional right of way is required for Project _____.)

Also, this will certify that utility conflicts on the above project have been adjusted. **(OR:** There are no known utility conflicts on this project.

OR: Utility conflicts on the above project will be adjusted by the advertisement date, (date).

OR: Utility work that is to be performed during highway construction will be covered by a special provision or utility plan inclusion in the contract assembly.)

All displaced persons have been offered comparable, decent, safe, and sanitary housing within their financial means open to all persons regardless of race, color, religion, sex or national origin. Also, all displaced persons were informed of the amount of supplemental payments available to them and provided sufficient time to negotiate for and obtain possession of housing.

(OR: No persons, businesses or nonprofit organizations were displaced by the right of way acquisition for this project; therefore, relocation assistance was not required.)

There are no railroads affected by the proposed construction.

(OR: The railroad agreement has been secured.

All buildings are vacant and available for removal by the road contractor.
(OR., There are no buildings affected by the proposed construction.)

All eligible businesses, farms and non-profit organizations determined to be displaced persons, have been offered advisory services and all benefits to which they may be entitled. Also all eligible businesses, farms and non-profit organizations were informed of the types and amount of payments available to them and were provided sufficient time to complete the move.

In addition, to the best of our knowledge, there are no contaminants within the soil on the right of way within the referenced project limits.

Further, all the right of way was acquired in accordance with VDOT Right of Way and Utilities Manuals of Instruction. Any exceptions have been previously approved in writing by VDOT. (If Federal Funds participate in this project, reference to FHWA requirements should also be included.)

Locality Representative

Date

Attachments: EQ-103 (attached by VDOT project coordinator)
Construction Checklist (Criteria for Construction Authorization - Appendix 9-A)

Appendix 16-C

LPA Checklist and VDOT/LPA Right of Way Compliance Review Worksheet

LPA Checklist for Uniform Act Compliance

Local Government:

Project:

General Requirements			
PLANNING AND PREPARATION:	Acceptable	Concern	N/A
Prepare parcel files			
Research title			
REQUESTS AND APPROVALS:			
Request authorization for incidental right of way reimbursement			
Apply for hardship/advance purchases (if any)			
Receive environmental clearances			
Receive authorization to acquire right of way			
COMPLETING THE ROW PROCESS:			
Provide notices of Public Hearings, as appropriate			
Provide landowners Statement of Rights			
Value property rights (Appraisal or Appraisal Waiver Process)			
Values reviewed (Appraisal or Appraisal Waiver Process)			
Develop Relocation Assistance Offers			
Provide good faith negotiations			
Offer Relocation Assistance			
WRAPPING UP:			
All parcels acquired or condemned			
Secure possession of all parcels			
Clear all properties			

Parcel Specific Valuation Review			
Project:	Parcel #:		
Basics of Appraisal:			
Owner offered opportunity to accompany			
5-year delineation of title provided			
Tenants identified and considered			
Adequate property information provided			
Appropriate selection of appraisal format			
The Report:			
Applicable approaches to value developed			
Discussion as to why approaches not developed			
Persuasive highest and best use analysis			
Adequate support for all conclusions			
Non-compensable items ignored			
Tenant owned improvements identified			
Allocation of major leasehold interests			
Review Appraiser:			
Reviewer competent for assignment			
Errors were identified			
Fair Market Value supported			
Differences between appraisals reconciled			
Appropriate actions taken on appraisal in adequacies			
Appraisal Waiver (Compensation Estimates)			
Uses of compensation estimates were appropriate			
Approved process utilized			
Competent person provided estimate			
Compensation Estimate reviewed			
Other remarks:			

Parcel Specific Acquisition Review			
Project:	Parcel #:		
OFFERS:			
Original offer not less than approved value			
Revised offers if original offer modified			
30-day and 90-day notices within offers			
Statement of Rights provided			
Tenant offers			
DOCUMENTATION:			
Completed contracts or agreements			
Negotiation contact notes			
Copies of all negotiation correspondence			
Explanatory administrative settlement			
Breakdown of payments			
Applicable estimates			
Evidence of good faith negotiations			
Compensation estimates approved			
<i>Other comments or concerns:</i>			

Parcel Specific Relocation Review			
Project:		Parcel #:	
GENERAL:			
General Information provided			
Services offered and furnished to displacee			
Relocation benefits explained to displacee			
NOTICES:			
Comparable dwellings available at displacement			
Notice of eligibility issues			
90-day and 30-day notices issued			
OFFERS:			
Offers of all applicable benefits to owner			
Offer of all applicable benefits to tenant			
Replacement Housing Payment (RHP) or basis of offer provided in writing			
Replacement DSS (Decent, safe and sanitary) inspection prior to move			
REIMBURSEMENTS:			
Moving costs paid			
Appropriate incidentals paid			
Increased mortgage computed and paid			
RHP paid to owner			
RHP paid to tenant			
CONCLUSIONS:			
Appeal process explained			
Notice of eligibility issues			
90-day and 30-day notices issued			
Appellant notified in writing of determination			
Absence of discrimination			
Other remarks:			

VDOT/LPA – RIGHT OF WAY COMPLIANCE REVIEW WORKSHEET

Record Keeping & Acquisition Records [VDOT Right of Way Manual](#) Chapter 5 Section 8
[\[23CFR §710.201 \(f\) \(1\)](#), [49CFR Part 24, FHWA Project Development Guide 3.7.1.](#)
(recordkeeping requirements) & [3.7.3. \(parcel records\)](#) & [COV §33.2-1001\(E\)](#) & [COV §25.1-417\]](#)

PROJECT INFORMATION

Locality:		UPC:	
Project:		Fed. #:	
Reviewer:		Date:	

PARCEL INFORMATION

Parcel:		
Landowner:		

TITLE REPORT

Date:	
Furnished landowner: [COV §33.2-1001 (D)]	<input type="checkbox"/> YES <input type="checkbox"/> NO

APPRAISAL

Guidance for appraisals is located in the [VDOT Right of Way Manual](#) Chapter 4. If desired, a listing of VDOT approved fee appraisers and appraisal reviewers are available through the Regional Special Projects Coordinator. It is recommended that consultants and fee appraisers who work for VDOT/Localities reference the Appraisal Section web page on a regular basis to keep up with current updates. The web page is located at <http://www.virginiadot.org/business/row-appraisal.asp>

The Code of Virginia requires that the landowner be provided a notice prior to the Virginia Department of Transportation (VDOT) entering their property. [COV §33.2-1011]	<input type="checkbox"/> YES <input type="checkbox"/> NO
Appraisal/BAR Date – Est. of just compensation prior to offer [49CFR §24.102(c),(d),(n)(3)] ; Any such appraisal used by the Commissioner of Highways as the basis for an offer shall be prepared by a real estate appraiser licensed in accordance with [COV 20.1 § 54.1-2009] ; [COV §33.2-1001(C)]	
Appraisal Amount:	
Date of Inspection:	
Appraisal Approved for Negotiations by a responsible official of the acquiring agency. [49CFR §24.102(d)]	<input type="checkbox"/> YES <input type="checkbox"/> NO

Uneconomic Remnants Identified and offer made to purchase same [49CFR §24.102(k)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<input type="checkbox"/> N/A	
Owner given opportunity to accompany appraiser - [49CFR §24.102(c)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO
The appraisal was reviewed by a qualified review appraiser. [49CFR §24.104]	<input type="checkbox"/> YES	<input type="checkbox"/> NO

APPRAISAL COMMENTS

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NEGOTIATION

A diary of right of way activities must be provided for each acquisition file. See [VDOT Right of Manual](#) Chapter 5.8.1 and [FHWA Project Development Guide 3.7.1. & 3.7.3](#) for how parcel records should be kept.

Offer Date:		
Month, Day, and Year of the contact	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Name of the individual who made contact	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Written offer made [49 CFR§24.102(e)]	<input type="checkbox"/> In PERSON	<input type="checkbox"/> By MAIL
Name(s) of the individual(s) contacted.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Landowner’s questions documented and responses captured.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Contact entry – initialed by Agent	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Landowner provided with a title, appraisal, option/agreement, plans, profiles & x-sections [COV§ 25.1-417(3)] [COV§33.2-1001(D),(E),(F)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Landowner was made aware of their rights to Appraisal for valuations over \$10K. [49 CFR§24.102(2)(C)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Option or deed executed by the property owner contains a statement that the plans as they affect his property have been <i>fully explained</i> . [COV§33.2-1001(F)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Landowner was given reasonable amount of time (30 days) minimum to make a decision [49 CFR§24.102(f)] [See appendix A, §24.102(d)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If an agreement was not reached, a letter of Intent to File Certificate was sent between 30 and 45 days before the certificate was filed and a copy of the COT sent to the landowner less than 4 days after filing. [COV§33.2-1020(C)]	<input type="checkbox"/> YES	<input type="checkbox"/> NO

<p>Administrative Settlement- an authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. When Federal funds pay for, or participate in, acquisition costs, a written justification shall be prepared stating what available information, including trial risks, supports such a settlement. <i>[49 CFR§24.102(i)]</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>Donations –An owner whose real property is being acquired may opt to donate, but only after being fully informed by the Agency of their right to receive just compensation for such property. <i>[49 CFR§24.108]; [COV§25.1-417]</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>Billboards Adjustment or relocation of certain billboard signs The notice of removal shall be provided at least 45 days prior to the required removal date, which shall be the earlier of the certification date for a highway project advertisement for construction bids or the date that utility relocations are scheduled to commence. <i>[COV § 33.2-1230].</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO

NEGOTIATION COMMENTS

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RELOCATION

PART 24—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS [See also [VDOT Right of Way Manual](#) Chapter 6 Relocation for more information]

<p>Relocation Assistance Required:</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>Informs the displaced person that he or she will not be required to move without at least 90 days advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available; <i>[49 CFR§24.203 (a) (3); 49 CFR§24.203 (c)(3)]</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO

General requirements—claims for relocation payments. <i>[49 CFR§24.207]</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Each person seeking payment or advisory services shall certify that they are citizen or national of the United States, or an alien who is lawfully present in the United States. <i>[49 CFR§24.208]</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<i>Relocation assistance advisory services.</i> Section 24.205(c)(2)(ii)(D) emphasizes that if the comparable replacement dwellings are located in areas of minority concentration, minority persons should, if possible, also be given opportunities to relocate to replacement dwellings not located in such areas. <i>[49 CFR§24.205]</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Relocation planning advisory services, and coordination. [Stage 1 report prepared] <i>[49 CFR§24.205]</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO

RELOCATION COMMENTS

USEFUL LINKS

[FHWA Project Development Guide](#) – Contains practical advice and suggestions on all phases of Right of Way acquisitions and relocation.

[VDOT Local Assistance Projects \(LAP\) Manual](#) – Contains VDOT policy and procedures regarding locally administered projects.

[Right of Way Manual of Instructions](#) – Contains general VDOT policy and procedures when for acquiring Right of Way.

[Uniform Act](#) – Contains overall guideline pertaining to federally funded real property acquisition and relocation of persons impacted by real property acquisition.

Appendix 16-D
Relocation Report Sample Forms

MEMORANDUM		
DATE:		Route:
TO:	State Right of Way Manager, Special Projects	State Project: Federal Project No.:
ATTN:	Program Manager, Acquisitions, Relocation, Special Negotiations	From:
FROM:	(Locality Name)	To: County: UPC:
RE:	LOCALLY ADMINISTERED PROJECTS – RELOCATION ASSISTANCE REPORT (Stage 1 Report)	

This is to advise that no families, persons, businesses, farms or non-profit organizations will be displaced by this project. There building and personal property located within the proposed right of way.

Should you have further questions, please advise.

cc: VDOT, Project Manager
 VDOT RW Certification Section
 (CO Environmental)
 CO Civil Rights Division

MEMORANDUM	
DATE:	Route:
TO: State Right of Way Manager, Special Projects	State Project:
ATTN: Program Manager, Acquisitions, Relocation, Special Negotiations	Federal Project No.:
FROM:	From:
	To:
	County:
	UPC
RE: LOCALLY ADMINISTERED PROJECTS – STAGE I RELOCATION ASSISTANCE REPORT	

I. PURPOSE

This report is an estimate of the number of families, persons, businesses, farms and non-profit organizations being displaced by the proposed project; an estimate of available decent, safe and sanitary replacement facilities and other information pertaining to relocation. This report and estimates are made without the benefit of individual contacts with the affected property owners. This report is being submitted per _____'s request dated _____.

The Environmental Quality Division will use this report for the purpose of making a determination as to the type of environmental document that needs to be prepared. The Right of Way Division will use this report in accordance with federal requirements to implement a relocation plan.

II. ESTIMATE OF EXISTING CONDITIONS AND RELOCATION COSTS

A. Families

1. Number of families displaced and average number of persons per family
2. Tenure of the occupant
3. Types of occupancy (owner/tenant)
4. Estimated income range
5. Minority and/or ethnic groups

6. Disabled persons
7. Elderly persons or large families
8. Effect on community
9. Impact on neighborhood and local housing market
10. Housing of Last Resort
11. Description of available housing in area

B. Businesses, Farms and Non-Profit Organizations

- displaced
1. Number and description of businesses, farms and non-profit organizations
 2. Type of occupancy (owner/tenant)
 3. Number of employees
 4. Effect on community and local economy
 5. Description of available replacement locations

The total estimated cost of relocation for this project is shown on the attached sheet.

III. RELOCATION PLAN

- A. Inspection of the project area
- B. Federal or community programs planned for area that could affect replacement facilities.

IV. GENERAL RELOCATION PLAN

- A. Orderly and satisfactory relocation

- B. Special relocation advisory services

- C. Time required to complete relocation

We trust the above information is satisfactory for your needs; however, should you need additional data, please advise.

Attachment

cc: VDOT PM
(CO Environmental)
CO Civil Rights Division

- RELOCATION ASSISTANCE REPORT

RELOCATION COST SUMMARY

ROUTE:
 STATE PROJECT:
 FEDERAL PROJECT:
 FROM:
 TO:
 County:
 UPC:

		NO. OF UNITS	MOVING COSTS	SEARCH COST	MENT COST	REPLACEMENT HOUSING PAYMENT	TOTAL COST
Families	Owner		\$			\$	\$
	Tenant		\$			\$	\$
Individuals	Owner		\$			\$	\$
	Tenant		\$			\$	\$
Businesses	Owner		\$	\$	\$		\$
	Tenant		\$	\$	\$		\$
Farms	Owner		\$	\$	\$		\$
	Tenant		\$	\$	\$		\$
Non-Profit Organizations	Owner		\$	\$	\$		\$
	Tenant		\$	\$	\$		\$
	<ul style="list-style-type: none"> PERSONAL PROPERTY 		\$				\$
<ul style="list-style-type: none"> TOTAL RELOCATION COST 			\$	\$	\$	\$	\$

Appendix 16-E
Donation Acknowledgment Form

**DONATION OF LAND
TO THE COMMONWEALTH OF VIRGINIA
ACKNOWLEDGMENT**

We, the undersigned, are the owners of the property identified in the plat attached to this **ACKNOWLEDGMENT**. It is our intention to donate the described property to the Commonwealth of Virginia (the "Commonwealth") to be used for highway or other transportation purposes.

We have been advised, pursuant to Virginia Code Section 25.1-417, A, 10, by a representative of the Virginia Department of Transportation (the "Department"), whose name is printed below, that we are entitled to be compensated for this property and are under no legal obligation to donate it to the Commonwealth. We hereby waive our right to be compensated for the property being donated and hereby agree, upon presentation, to execute a deed donating the property to the Commonwealth.

We also acknowledge that prior to the donation of the property, the Department will perform a valuation of the property being donated and provide us, in writing, with the Department's determination of the value of the property being donated. We acknowledge that we have the right to waive this valuation and do hereby waive | not waive our right to receive such valuation.

Whenever the context of this Acknowledgment so requires, the singular number shall mean the plural and the plural the singular.

GIVEN under our hands and seals this ___ day of _____, 20___.

_____ Signature (SEAL)	_____ Signature (SEAL)
_____ Name Printed	_____ Name Printed

VDOT REPRESENTATIVE: _____

City/County of _____)
Commonwealth of Virginia) to-wit

The foregoing instrument was acknowledged before me this ___ day of _____,
20__ by _____.

Notary Public

My commission expires: _____ Registration #: _____

REV. 05/08

LAP Utility Coordination/ Relocation Process

This is a new section added to provide more specific guidance related to the utility relocation process in the LAP Manual instead of only referring to the VDOT Utility Manual. There are some additional required forms and a new checklist aimed at improving the coordination process. Many of these changes are the result of recommendations of the CTB Committee that reviewed the overall Utility Coordination process and these recommendations were adopted by the CTB in May 2019.

The LPA should designate a primary contact for utility coordination. In the future VDOT will require specific Training / Certification for Utility Coordinators and develop a Training Program for the Utility Inspector Position and offer training to locality and consultant staff to accommodate this requirement. LPAs will then be required to have designated qualified individuals for these roles for certain projects meeting the size and complexity of utility relocation once the training/certification programs have been implemented. That is anticipated to be required by July 1, 2020 depending on the availability of the training. In the interim, the Project Manager will be assumed to be providing the needed utility coordination unless the LPA designates someone else. The “designated Utility Coordinator” refers to the current locality staff or consultant designated for the utility coordination role but at this time does not require any specific training/certification.

16.15 Introduction

Utility Coordination and Relocation

This section of the manual is an overview of the processes and responsibilities associated with identifying utilities, determining impacts / conflicts, and the necessary coordination efforts required during the project development process.

In many situations a project may have existing utilities within the project corridor that will need to be identified and accounted for early in the project development process. This activity usually begins at the pre-scoping or scoping stage. During this time, the project team, under the leadership of the LPA Project Manager or their designated Utility Coordinator / Inspector, will identify the physical limits and features of the project to determine if the existing utilities will be impacted. Potential impacts will need to be considered to ensure relocation costs and schedule durations are accounted in the overall project estimate and schedule.

Prior to holding the pre-scoping or scoping meeting, the LPA should visit the project location to take pictures, research project files, and gather utility information such as determining utility ownership both aerial and subsurface. The LPA should also identify any constraints that may impact the design and or relocation efforts. For Tier 2 projects or projects that include significant or complex utility relocation, VDOT has developed a tool to assist the LPA during this process, titled the Locally Administered Projects Utility Coordination Checklist. The purpose of this checklist is to briefly outline the major components and procedures necessary to accurately identify existing utilities and coordinate relocation efforts of impacted utilities in a timely manner. The checklist can be found as part of this chapter in Appendix 16F.

At the LPA's request and through the VDOT PC, the LPA is encouraged to attend VDOT's Monthly (or as scheduled based on workload) Utility Coordination Meeting. These meetings are intended to establish and maintain good communication lines between the private utility owners and the LPA / VDOT to help ensure utility planned relocations are scheduled accurately. Your District VDOT Project Coordinator can provide the dates and times for these meetings if requested.

To ensure project success, it's imperative that close coordination is established by the LPA early with all utility owners and maintained throughout the project lifecycle. For Tier 2 projects or projects that include significant or complex utilities and or betterment coordination, the LPA should contact the utility owners and invite them to their pre-scoping and or scoping meeting. For these designated Tier 2 projects, VDOT may determine additional touch points may be necessary for utility relocations. The VDOT PC should identify any required utility touch points with the LPA and these should be discussed and documented during the project scoping phase.

The [VDOT's Utility Manual of Instructions](https://insidevdot.cov.virginia.gov/Docs/Documents/Utility-Manual%20wGovDoc.pdf) provides a more detailed overview that the LPA should use as a reference. For more information on the utility relocation process refer to <https://insidevdot.cov.virginia.gov/Docs/Documents/Utility-Manual%20wGovDoc.pdf>

Outcomes

The desired outcome of this process is that utility companies relocate their facilities in the appropriate locations within the needed time frame, with minimal disruption to existing infrastructure and services.

16.16 SCOPING PHASE

In most cases during early investigation, all utilities, aerial and subsurface, are assumed to be in conflict requiring relocation for cost estimating purposes only. During the preliminary plan design phase, these underground utilities should be accurately located in the field by Subsurface Utility Engineering (SUE) efforts and incorporated into the plan assembly. Once the exact utility underground location determination is completed, based on the appropriate SUE Level A or B (in accordance with the [VDOT Survey Manual Chapter 12](#) , Appendix A), then alternate plan design methods should be considered to minimize or avoid impacts. Subsequently thereafter the utility estimate should be adjusted to account for any changes.

At this stage, the LPA should begin completing the LAP Utility Relocation Checklist (UT LAP-101).

16.16.1 Project Scoping

The LPA's designated Utility Coordinator performs on site visit and reviews historical records to determine utility inventory for all utility facilities located within project limits

The LPA's designated Utility Coordinator provides preliminary utility relocation cost estimate based on anticipated conflicts and determines utility relocation durations to be included in project delivery schedule. This utility duration is in addition to the RW acquisition duration and should be combined to determine overall total RW & Utility phase duration. Utilities impacts should be considered and discussed at scoping and during the design phase to minimize or avoid impacts when possible.

[VDOT's Utility Manual of Instructions](#) can be used as a reference during the scoping process to assist the LPA in defining the activities that will be followed throughout the project lifecycle.

16.17 PRELIMINARY DESIGN PHASE

16.17.1 Project Survey and Utility Designating

Performed once ground survey is complete and plans with survey centerline are available. Conduct Subsurface Utility Engineering (SUE) at appropriate Levels, A, B. *(For additional information see VDOT UTILITY MANUAL OF INSTRUCTIONS Section 4.4 and VDOT Survey Manual Chapter 12 Appendix A)*

16.17.2 Preliminary Informal Meeting with Utility Owners (Pre. Utility Field Inspection)

Depending on utility complexity, size, risk and once preliminary plans with locations of drainage items, retaining/MSE walls, bridge foundations, etc., are available, the LPA Utility Coordinator should determine preliminary utility conflicts and schedule a Pre-UFI if necessary due to magnitude of potential utility conflicts.

16.17.3 Provide Coordination during Preliminary Plan Design

During this phase of project development, the LPA must maintain close contact with their design consultant to minimize and or avoid utility impacts where possible. Design recommendations which alleviate potential utility conflicts or provides for utilities to be protected and remain in place should be considered and implemented when possible. If not done so already, the LPA should also establish early contact with Utility owners and maintain close communications throughout the project lifecycle. Utility estimates / schedule should be developed and updated as needed.

16.17.4 Determine Utility Conflicts/Impacts

At this stage the LPA should request test holes and certification sheets in order to determine actual utility conflicts within the project. This data will provide an accurate location and depth of each utility.

16.17.5 Major Facility Impacts

Review and request major changes to roadway design if Transmission facilities, electrical sub-stations, treatment plants, sewage/water pumping stations, large underground utility facilities (duct banks, vaults, etc.) are impacted.

16.17.6 Schedule Utility Field Inspection Meeting (UFI) with all stakeholders

After the Project Field Inspection recommendations have been evaluated and the necessary changes have been incorporated into the plans, the utility field inspection plans, which include the elimination of utility conflicts where feasible should be made available to the LPA to distribute to the impacted utilities.

The utility field inspection plans should include the following when applicable:

- a. Plan sheets showing roadway design, profiles and appropriate typical sections;
- b. Underground Utilities Test Hole Information Sheet;
- c. Right of Way data sheet;
- d. Preliminary plans for bridges and retaining walls;
- e. Preliminary plans for traffic signals and lighting;
- f. Cross sections;
- g. Drainage Information;
- h. Storm water management plan;
- i. Survey of overhead utility lines when a major structure is involved;
- j. Sequence of construction;
- k. Maintenance of Traffic / Traffic Management Plan;
- l. General Notes;
- m. Sound walls;
- n. Temporary Detours for construction;

(For additional information see UTILITY MANUAL OF INSTRUCTIONS Chapter 6)

16.17.7 Perform Conflict Evaluation/Cost Responsibility Determination

When utility facilities are located within the existing public right of way, the proof of prior rights is the burden of the utility owner. Each utility owner should submit any Prior Rights information/agreements to the LPA. The LPA should complete the VDOT form UT-9 for proper documentation. Depending on the magnitude, the LPA should allow sufficient time to receive Prior Rights information from the utility owners. *(For additional information see UTILITY MANUAL OF INSTRUCTIONS 7.3.5)*



Form UT-9 (Appendix 4) is required and used by the LPA in making the cost responsibility determination for utilities, and to document the project's cost responsibility for each utility facility requiring relocation. All existing facilities that are located within the proposed right of way limits and project termini, including construction easements are to be identified on the UT-9. A separate UT-9 is required for each utility owner even though their facilities may be attached to the same pole. *(For additional information see VDOT UTILITY MANUAL OF INSTRUCTIONS 3.2)*

16.18 DETAILED DESIGN PHASE

16.18.1 Hold Utility Field Inspection Meeting (UFI)

LPA's designated Utility Coordinator provides UFI plans (hard copy or .pdf version) to each utility owner and schedules the actual UFI meeting. Plans should be provided no less than 30 days prior to the actual meeting however earlier coordination is encouraged. The LPA's designated Utility Coordinator will lead the UFI meeting to discuss and determine utility impacts/conflicts both aerial and subsurface. At the conclusion of the meeting, the LPA should request final utility easements from all owners and provide a due date. This information will be incorporated into the project plans to ensure all necessary Right of Way and Easements are accurately reflected. *(For additional information see VDOT UTILITY MANUAL OF INSTRUCTIONS Chapter 7 and Appendix 2 & 3)*

16.18.2 IN Plan Utility Relocation Design (If Applicable)

For utilities in conflict being relocated during construction (i.e. water, sewer, etc...), please reference Chapters 9 and 10 of VDOT's Utility Manual of Instructions for guidance

16.18.3 Consider Utility Betterment Opportunities

In some instances the LPA's utility facility owner may want to provide upgraded utilities or to install new utilities while the highway is being disturbed for construction purposes. This is known as "betterment," and is not an eligible project cost. However, it makes sense to perform betterment work at the same time the project is being constructed. The contractor may perform the work during construction, with the utility facility owner being responsible for the cost of the betterment portion from a different funding source. For information pertaining to local participation in the cost of utility adjustments and storm sewer improvements (betterment), see VDOT's Utility Manual of Instructions.

If betterment of facilities is requested, a written letter agreeing to reimbursement is required from the utility owner. Any plan changes should be coordinated through LPA Project Manager to eliminate/minimize impacts with existing utilities. The location, size, materials of existing utilities should be verified by the utility owner (s) if necessary.

VDOT's Right of Way and Utilities Manual, Volume II (<http://www.virginiadot.org/business/row-default.asp>) provides additional references to the processes and procedures regarding utility relocations and betterments.



Form UT-4 (Appendix 4) should be completed by each utility owner and provided to the LPA confirming the Utility Field Inspection and necessary adjustments and/or new facilities required.

A separate UT-4 is required for each utility owner even though their facilities may be attached to the same pole.

16.18.4 Utility Owners Submit Easement Requests and Prior Rights

The LPA should Request Final Utility Easements from all Utility Companies (both public & private). Only existing recorded utility easements should be replaced in the name of the utility company. If not presented by the utility owner and an easement is necessary for the relocation then a joint use utility easement in VDOT's or the Locality's name should be acquired for use.

16.18.5 Utility Owners Develop/Submit Utility Relocation Plans and Estimates (P&E)

The utility owners should be given adequate time as determined at the UFI Meeting, to develop Plan & Estimate's (P&E's). Once submitted the LPA's designated Utility Coordinator should review all P&E's, UT-4's and UT-9's to insure all conflicts are addressed and cost responsibilities are agreed upon and finalized.

16.18.6 Update Utility Estimate and Relocation Duration

The LPA will use the information provided by the utility owners to finalize the Utility Estimate and adjust the utility relocation as needed. All previous plan revisions should be considered. The LPA Project Manager is responsible for preparing and uploading the project utility estimate using the **PCES** [Alternate Utilities Worksheet](#) .

16.19 RIGHT OF WAY / UTILITY ACQUISITION and FINAL DESIGN PHASE

The LPA should identify final utility easements if necessary and receive confirmation from utility owner that all proposed easements have been provided to be included in the final plan assembly.

All Right of Way acquisition activities which includes all interests in the land, whether fee simple, permanent easement or temporary easement and refers to the real property rights, must be complete and recorded by the LPA before utility relocation can begin. A Right of Entry is not sufficient to start relocation efforts.



To obtain the Right of Way/Utility Phase Authorization, the LPA must submit the following to the VDOT Project Coordinator:

- **A final set of Right of Way Plans, title sheet signed by the LPA Employee Responsible for the Project.**
- **A completed and signed [Right of Way and Utilities Plan Review Checklist](#) (RW-301 see Appendix 16-A)**
- **A detailed right of way cost estimate, including a utilities cost estimate, broken down by utility company. Localities are encouraged to use PCES [Alternate Right-of-Way Worksheet](#) and/or [Alternate Utilities Worksheet](#) (refer to [section 16.4.4 – Right of Way Cost Estimate](#))**

For more information on Right of Way /Utility phase authorization refer to;

- *LPA Responsibilities, for Federal Aid Project: See 16.4*
- *VDOT Responsibilities, for Federal Aid Project: See 16.5*



THE LPA MUST RECEIVE A VDOT NOTICE TO PROCEED WITH ACQUISITIONS BEFORE MAKING ANY OFFER OR INITIATING NEGOTIATIONS WITH ANY LANDOWNERS AND OR PERFORMING ANY UTILITY RELOCATIONS. ANY NOTICE THAT FEDERAL FUNDS HAVE BEEN AUTHORIZED AS A RESULT OF NEPA BEING COMPLETED IS NOT AN AUTHORIZATION TO INITIATE RIGHT OF WAY/UTILITY ACTIVITIES.

16.19.1 Develop/Execute Utility Relocation Project Authorizations/Agreements with each Utility Owner

All utility work that is included in and made a part of the transportation project shall be placed under a formal agreement. Agreements with each Utility Owner are necessary to establish a compensable right once all Right of Way and Easements are secured. (For additional information see *UTILITY MANUAL OF INSTRUCTIONS 10.6*)

16.19.2 Utility Notice to Proceed

The LPA issues a Notice to Proceed for utility relocation construction to utility owners once all necessary right of way is acquired.

During this activity, it's important that the LPA provide inspection on site to ensure all relocated utilities are accurately located in their designated locations and at the proper depth and confirm utility features are not in conflict with the proposed construction phase work.

16.19.3 Utility Relocation Construction

The LPA's designated Utility Coordinator should provide utility relocation inspection services and record keeping to insure proper placement of relocated utility facilities are free of conflicts, and to insure utility companies/contractors are providing necessary resources. Field verification must be made for all relocation work being performed. At the request of the LPA, VDOT can assist in determining the inspection needs on each specific project. It is recommended the LPA stake the right of way and utility easements to assist in ensuring proper placement of relocated facilities. (*For additional information refer to VDOT's Utility Manual of Instructions 12.5*)

16.20 DEVELOPMENT OF UTILITY SPECIAL PROVISIONS AND/OR LIMITATIONS OF OPERATIONS PROVISIONS

During this time any utility special provisions and or limitations of operations provisions should be developed and finalized for inclusion in the project contract if utility relocations will be performed or on-going during phases of project construction.

16.21 POST UTILITY CONSTRUCTION

Once the utility relocation is complete, the utility owner is required to submit the final invoice to the LPA as soon as possible but no later than one year after completion of the utility owner's facility relocations for the project.

16.21.1 Processing Utility Relocations Final Billings



Once the utility relocation is complete and the final costs are determined, a comparison between the estimated utility costs before relocation and the actual final costs is required by the utility owner. The VDOT Form UT-11 can be

used, or some type billing/estimate comparison sheet to show the comparison of the estimate with the final bill. The comparison shall include the cost of various categories such as Preliminary Engineering, Right of Way Acquisition, Temporary Construction, Permanent Construction, Materials Installed and Credits. The comparison shall also include the major components of materials installed and removed. The results of the analysis must satisfy all requirements before recommending final payment. The reasons for differences should be included in the overrun or underrun letter from the utility owner.

16.22 RIGHT OF WAY CERTIFICATION PRIOR TO ADVERTISEMENT



Prior to project advertisement, a “[Right of Way/Utility Certification Letter](#)” (Appendix 16-B) must be completed by the LPA. This also applies even if no right of way is required for the project. The [Right of Way and Utilities Certification Letter](#) certifies that all right of way acquisition and relocation activities have been completed, utility adjustments/relocations have been completed and/or special provisions have been included in the project contract to allow completion prior to advertisement, award or a time duration stated (* use of special provisions are only allowed in specific instances). The letter is to be completed prior to, and as a condition of, receiving authorization to proceed to advertise the project for construction. (*For additional information see 16.7*)

In-plan utility relocation agreements must be executed prior to advertisement as well.

16.23 CONSTRUCTION PHASE

The LPA will advertise and award the project in accordance with Chapter 12.6 of this manual.

16.23.1 Project Construction

Coordination with utility relocations if performed concurrently with project construction. Pre-Construction meeting attendance is necessary.

16.23.2 Acceptance by utility owner of utility work performed by Project Contractor

Upon completion of the in-plan relocation or betterment performed by the LPA’s contractor, the utility owner should confirm to the LPA, in writing, that the work included in the transportation contract was performed in a satisfactory and acceptable manner.

16.23.3 All cost responsibilities are finalized and reimbursed

The LPA should follow the guidelines for reimbursement in accordance with Chapter 13.1.5.6 of this manual.

16.23.4 As-built permits issued for utility relocations

Upon completion of the relocation work the LPA should provide completed UT-7's (or equivalent), as-builts, (GPS coordinates) of relocated facilities.

16.23.5 Project close-out

The LPA should work with VDOT's Project Coordinator to secure final acceptance and closeout of the project in accordance with Chapter 14 of this manual.

CH 16 - Right of Way / Utilities

LPA's are responsible for maintaining complete and accurate parcel-specific records. The LPA may use VDOT's Right of Way and Utilities Management System (RUMS) to track each parcel acquisition and relocation of displacees. If the LPA elects not to utilize RUMS, they **must** have an equivalent tracking system (electronic or some other method) showing all activities and accomplishments for each parcel acquisition and relocation of displacees that has the capabilities to meet State and Federal reporting requirements, which at a minimum, includes all the items outlined in Appendix 16 C. LPA's follow the Uniform Act when using federal funds. LPA's follow Virginia code when using state funds.

<i>SUBMIT</i>	<i>COMPL</i>	<i>F</i>	<i>S-V</i>	<i>S-L</i>	<i>TA</i>	<i>UCI</i>	<i>Requirement</i>	<i>Reference</i>	
								<i>LAP</i>	<i>Other</i>
	<input type="checkbox"/>	X	X	X		X	Maintain complete and accurate parcel-specific records using VDOT RUMS application, locality equivalent or parcel specific checklists (Appx 16 C)	16.4.1	
	<input type="checkbox"/>	X	X	X		X	Submit ROW cost estimates (prepared/updated in PCES). LPA's may use Alternate RW and Alternate Utilities worksheets.	16.4.3	
	<input type="checkbox"/>	X	X ¹	X ¹		X	Submit ROW Authorization package	16.5	
	<input type="checkbox"/>	X	X ²	X ²		X	Obtain written Notice to Proceed from VDOT prior to acquisitions	16.5	
	<input type="checkbox"/>	X	X ³	X ³		--	Submit ROW / Utilities Certification for CN Advertisement	16.7, 12.6.7	
	<input type="checkbox"/>	X	X	X		X	Request for changes to Limited Access if applicable, when originally established by the CTB	16.9	33.1-58 24VAC30-80 24VAC30-150 24VAC30-401

- 1 - Plans only required - VDOT will review solely to verify that the LPA is only acquiring necessary lands to build and maintain the project.
- 2 - VDOT will provide concurrence to move forward with Right-of-Way as appropriate.
- 3 - Right of Way Certification not required for projects funded exclusively with special state funded programs (i.e. Revenue Sharing)

Appendix 16-F

LAP Utility Coordination Checklist – UT LAP 100

LOCALLY ADMINISTERED PROJECTS (LAP) **UTILITY COORDINATION CHECKLIST**

THE PURPOSE OF THIS CHECKLIST IS TO BRIEFLY OUTLINE THE MAJOR COMPONENTS, PROCESSES AND PROCEDURES NECESSARY TO IDENTIFY, COORDINATE AND RELOCATE IMPACTED UTILITIES.

1. **PRE-SCOPING:** The Local Public Agency (LPA) Project Manager and or their Inspector/Utility Coordinator (if available) should perform an early on-site visit of the project to determine constraints and impact to existing utilities (both aerial and subsurface) and determine if any betterment work will be recommended. The LPA should review all historical records to determine utility inventory for all utility facilities located within project limits.

Are Utilities present?

YES NO

Electrical CATV Water Sanitary Sewer Natural Gas/Propane
 YES YES YES YES YES

Petroleum Cellular Telecomm Fiber Elec. Transmission
 YES YES YES YES YES

Gas Transmission

YES

Comments for utilities present:

Has the LPA determine preliminary relocation costs (consider using VDOT's PCES Worksheet)

YES NO

Comments:

2. **PROJECT SCOPING:** During project scoping, the project team, under the leadership of the LPA Project Manager, identifies the purpose and need, defines the physical limits, features, constraints of the project, establishes project utility estimate and schedule/durations and determines the project utility impacts. Some of these activities may include performing utility inventories, identify impacts/conflicts (both aerial and subsurface) and betterment opportunities.

Determine how Utility Reporting Information will be tracked;

LPA System VDOT RUMS

Comments:

Has the LPA completed the Utility Inventories?

YES NO

Comments:

Has the LPA identified all of the Preliminary Utility Impacts?

YES NO

Comments:

Depending on utility complexity and risk, has the LPA initiated an early contact meeting with Utility owners to discuss project (if applicable)?

YES NO

Comments:

Has the LPA developed a Preliminary Scoping Relocation Cost Estimate?

YES NO

Comments:

Has the Preliminary Schedule and Utility Durations for relocations been determined?

YES NO

Comments:

Has the LPA determined the appropriate levels of Subsurface Utility Engineering (SUE) required; A, B ? Contact VDOT Project Coordinator if uncertain.

YES NO

Comments:

Is betterment being proposed? (Including undergrounding of utilities) If yes identify who is requesting betterment, when and how work will be completed and how these costs will be funded. All project betterment costs should be included in total project estimate.

YES NO

Comments:

3. **PRELIMINARY DESIGN PHASE:** During this phase of project development, the LPA must maintain close contact with their design consultant to minimize and or avoid utility impacts where possible. If not done so already, the LPA should also establish early contact with Utility owners and maintain close communications throughout the project lifecycle. Utility estimates/schedule should be developed and updated as needed.

Has the LPA scheduled and held a preliminary informal meeting with all Utility Owners, and provided updated plans/information? On more complex utility projects, the LPA should schedule a Preliminary Utility Field Inspection meeting (Pre-UFI). This is dependent on project size, complexity and magnitude of the utility impacts.

YES NO

Comments:

Has the LPA determined Preliminary Utility Easements (if necessary)?

YES NO

Comments:

Have all potential utility conflicts been identified and Test Holes requested where applicable for confirmation? This should be done once ground survey is complete and preliminary design plans are available.

YES NO

Comments:

Has continuous and close coordination with project design consultant taken place to avoid and or minimize utility conflicts/impacts through alternate design concepts?

YES NO

Comments:

After determining or receiving preliminary easements from all Utility owners, has the LPA communicated/coordinated with their design consultant to ensure proposed easements have been reviewed and are included into the plan set?

YES NO

Comments:

Has the LPA received all Utility Test Hole Certification Sheets from the designated Subsurface Utility Engineer (SUE)?

YES NO

Comments:

4. **DETAILED DESIGN PHASE:**

Has the survey and utility designation been completed and the U.F.I plans updated to include all utility proposed easements and utility owner information?

YES NO

Comments:

Have all Utility owners been notified and invited in writing to the scheduled Utility Field Inspection (UFI) meeting with a date/time/location provided?

YES NO

Comments:

Has a conflict evaluation/cost responsibility determination been performed for each utility owner and distributed to all utilities using VDOT form UT-9? The UT-9 is required to ensure proper documentation is on file. Were utility activity milestones dates provided to insure all utility owners are aware of schedules for their activities?

YES NO

Comments:

Has the LPA provided the required UT-4's forms to all Utility owners and in receipt of the completed UT-4's confirming the utility field inspection and remaining conditions for adjustment and or installation of new utilities?

YES NO

Comments:

Has the LPA received final easement plans from all Utility owners and easements have been reviewed and verified?

YES NO

Comments:

Has the LPA requested and received Prior Rights Documentation from all Utility owners?

YES NO

Comments:

Does the project include betterment? Has this proposed work been included in the plans?

YES NO

Have all Utility costs been determined and the LPA has updated the estimate/schedule accordingly?

YES NO

Comments:

Are any Special Provisions required?

YES NO

Comments:

Are the Final Utility Easements shown on the plan sheets and Utility easement takes are shown accurately on the Right of Way Data Sheet?

YES NO

Comments:

Have all of the Utility companies Plan & Estimates (P&E) been submitted to the LPA? Reviewed and authorized?

YES NO

Comments:

Has the Right of Way QC form (PM-130) and the Right of Way and Utilities plan review checklist (RW-301) been completed by the LPA and submitted to the VDOT Project Coordinator?

YES NO

Comments:

Will there be any in-plan utility work included in the construction advertisement plan set to be installed by the contractor during the construction phase of the project?

YES NO

Comments:

It is imperative that the LPA NOT incur any land acquisition or utility relocation expenses until federal authorization and VDOT Notice to Proceed with acquisitions are approved, as costs incurred prior to federal authorization SHALL NOT be reimbursed and will be the responsibility of the LPA.

5. **Right of Way & Utilities Notice to Proceed (NTP)** – The Right of Way phase outlines the processes and responsibilities associated with acquisition of rights of way; relocation of displaced individuals, businesses, farms, non-profit organizations and the disposition of residue/surplus properties. "Right of Way" includes all interests in the land, whether fee simple, permanent easement or temporary easement and refers to the real property rights which the LPAs must possess to construct transportation projects.

Has a written Right of Way and Utility Relocation authorization and Notice to Proceed (NTP) been requested by the LPA and received from VDOT?

YES NO

Comments:

Has the LPA maintained a close coordination/contact relationship with their Right of Way agent to ensure any necessary Utility easement revisions are documented and incorporated into the final Right of Way and Utility plans?

YES NO

Comments:

When will the LPA perform the actual Utility Relocations?

During the RW/Utilities Phase (Normal procedure)

During the CN Phase (Exception)

Comments:

Has the Utility Schedule and Estimate been updated continuously by the LPA throughout the project lifecycle to ensure accuracy and submitted to the VDOT PC?

YES

NO

Comments:

5. **Utility owner coordination and physical relocation** – This activity occurs after all necessary Right of Way and Utility easements acquisitions are complete and the LPA authorizes the Utility owners to relocate.

It's imperative that all relocated utilities are accurately located in their designated locations and at the proper depth to ensue utility features are not in conflict with the proposed construction phase work.

Has all Right of Way and Utility easement acquisition been completed?

YES

NO

Comments:

Is coordination between utilities companies required?

YES

NO

Comments:

Has the LPA issued written Notice to Proceed (NTP) to each Utility owner?

YES

NO

Comments:

Have all Permits been obtained? (If required)

YES

NO

Comments:

Has the LPA Project Manager along with their Inspector/Utility Coordinator provided oversight and inspection services during actual relocation?

YES NO

Comments:

Are all Utility relocations completed?

YES NO

Comments:

Have the actual Final Utility billings been received, reviewed and verified, for each Utility owner to determine accuracy and reimbursement provided?

YES NO

Comments:

Has the Right of Way and Utilities Certification for Advertisement been completed by LPA and submitted to VDOT?

YES NO

Comments:

Appendix 16-H Utility Notification Letter (UT-4)*

(*UT-4 see Utility Manual of Instructions Appendix No. 5)

UT-4

Rev. 5/06

TO: _____

SUBJECT: PROJECT _____
UPC _____

UTILITY OWNER: _____

Dear <name>:

In reply to your letter of <date of UFI Confirmation>, confirming the utility inspection held on the above-noted project, which is scheduled to be advertised on <advertise date>, we wish to inform you that the conditions checked in the blocks below apply:

- 1. It is necessary to adjust our existing facilities at project cost. A plan and Estimate will be prepared and will be ready for submittal on or before _____.
- 2. It is necessary to adjust our existing facilities at no cost to the project.
- 3. It is necessary to install new facilities on this project.
- 4. It is expected to have all adjustment work and new work completed prior to project advertisement of highway contract.
- 5. It is not expected to have all adjustment work and/or new work completed prior to project advertisement of highway contract. (When adjustment work or new work is to be performed in conjunction with the highway construction at no cost to the project, three sets of general sketches of the proposed work and an explanation are to be submitted as soon as possible and not later than two months prior to project advertisement.) Detailed information for work to be covered by a special provision will be submitted no later than: _____.
- 6. Attachments to highway bridge structure _____ requested. Details of the attachment will be submitted by: _____.
- 7. The State _____ requested to acquire replacement easements. Details of the proposed easement will be submitted by: _____.
- 8. It is desirable to have certain utility work included in the highway contract to be performed by the highway contractor. (See utilities Relocations Procedures Manual, chapter, VIII, Sections E and F.) Preliminary plans and specifications of this work will be submitted on or before: _____.
Final drawings will be submitted on or before: _____.
- 9. The relocation or adjustment of our facilities will not affect the navigable waters or wetlands areas.
- 10. We are forwarding required navigable water and wetland permit information to be included with the Virginia Department of Transportation permit application.
- 11. We will make application for the necessary navigable water and wetland permit.

Very truly yours,

Name: _____

Title: _____

Date: _____