

3/27/2019

LOCAL PUBLIC AGENCY (LPA) RIGHT OF WAY SUBMISSION REQUIREMENTS

This guidance is NOT to be used as a substitute to the actual Locally Administered Projects (LAP) Manual, but is intended to provide the user a quick resource in determining Right of Way submission requirements. For additional information, please refer to the *Locally Administered Projects (LAP) Manual*.

INTRODUCTION / APPLICABILITY:

Prior to the LPA obtaining authorization for Right of Way/Utilities (RW) activities, a final RW plan must be submitted to VDOT. This is usually done at the 60% plan design phase.

For all projects which include a State or Federally funded RW phase or a Locally Funded RW phase selected in the Project Pool, the LPA will submit RW plans or plats to the VDOT Project Coordinator (PC) for review prior to the LPA making offers/negotiations to individual landowners to acquire any necessary property rights. This also applies to projects where utility relocation is necessary either within the existing RW or requires additional RW. Depending on how the project is developed (federally eligible or has an exception/program exempt) will determine the submission requirements, level of VDOT review, and subsequent approval types.

- All federal-aid projects
- Projects with state-aid participating in R/W process or any project developed as federally eligible.

PROJECTS DEVELOPED AS FEDERALLY ELIGIBLE:

For all federally eligible projects, the LPA will submit to the VDOT PC a complete RW authorization package which includes;

- Current Estimate
- LPA original signed Title Sheet
- RW Data Sheet
- PM-130 & RW-301
- Signed & Sealed RW Plan Sheets or Plats

(References LAP Manual 12.5.3, 12.5.6 - 16.2, 16.4.4, 16.4.6, 16.5)

The VDOT PC will coordinate with the VDOT Right of Way Division for review and to obtain concurrence/Notice to Proceed (NTP). Before the LPA begins to make any offers to the landowner or initiates any negotiations, the PC will also coordinate with Federal Programs Management Division (FPMD) to obtain Federal Authorization.

PROJECTS DEVELOPED AS STATE FUNDED (non-federal):

Plans will be submitted by the LPA to the VDOT PC for projects being developed as state-aid, regardless of who is maintaining the project after construction completion. In addition for;

STATE FUNDED VDOT MAINTAINED PROJECTS:

LPA's which will be reimbursed through VDOT programs for projects acquiring RW that will be subsequently maintained by VDOT or Utility Relocation activities must submit a request for and obtain written concurrence/RW NTP prior to the actual activity beginning. The LPA is required to submit the following;

- Current Estimate
- LPA original signed Title Sheet
- RW Data Sheet
- PM-130 & RW-301
- Signed & Sealed RW Plan Sheets or Plats

(References LAP Manual 12.5.3, 12.5.6 - 16.2, 16.4.4, 16.4.6, 16.5)

STATE FUNDED LOCALLY MAINTAINED PROJECTS:

LPA's acquiring property in their own name, under their own authorities, must meet State requirements as outlined in the Code of Virginia (LAP 16.3). For these types of projects a PM-130 is required, however the RW-301 is not necessary. **VDOT will review plans solely to verify that the LPA is only acquiring necessary lands to build and maintain the project** (LAP 16.5). Upon VDOT's minimal review and acceptance, VDOT RW Division will issue a written concurrence (LAP 16.14).

EXCEPTIONS: These processes do not apply to projects, where no state-aid/federal-aid is used in R/W acquisition and or Utility relocations, no RW phase has been selected in iPM, or the LPA has previously acquired land rights prior to this project. Furthermore, the property is not acquired in the name of VDOT, and underlying fee will not be transferred to VDOT.

In these instances VDOT requires a certification statement (Appendix 5-A) from the locality, prior to construction award, that they have met all applicable regulations. Please see Chapter 5 (State Funded Projects and Special Program) for more details.

If there are any questions regarding this guidance the Regional LAP Coordinator for ROW should be contacted.

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