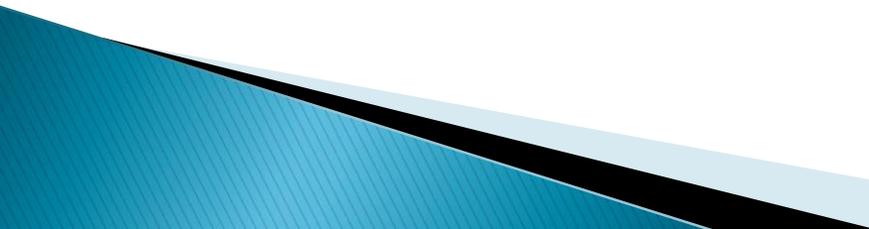


# 5 THINGS TO KNOW ABOUT RIGHT OF WAY

BOB CUNNINGHAM, CHIEF OF ROW, DELDOT  
FEBRUARY 15, 2016

# FIRST THINGS FIRST

- ▶ ROW IS MADE UP OF MANY PARTS
  - ▶ ROW = ACQUISITION OF REAL PROPERTY INTERESTS
  - ▶ ESTABLISHED BY THE 5<sup>TH</sup> AMENDMENT TO THE US CONSTITUTION
  - ▶ #2 MOST INTRUSIVE ACT A GOVERNMENT CAN DO TO A CITIZEN
  - ▶ 49 CFR PART 24
  - ▶ TITLE 17 OF THE DELAWARE CODE
- 

# TOP 5 THINGS TO KNOW ABOUT RIGHT OF WAY

## #5

**RIGHT OF WAY  
TAKES A LONG  
TIME**



# DRIVING TO MIAMI



# ROW PROCESS CHART

No.	Task Name	Working Days	Start Date	Finish Date	Predecessors
<b>6</b>	<b>Acquisition</b>	<b>265 days</b>	<b>1/31/14</b>	<b>2/5/15</b>	
<b>6.1</b>	<b>Conduct appraisal or waiver valuation</b>	<b>89 days</b>	<b>1/31/14</b>	<b>6/4/14</b>	<b>25,45</b>
6.1.1	Determine if property has an anticipated low fair market value	2 days	1/31/14	2/3/14	45,25
6.1.2	Determine if property will be acquired by sale or donation	2 days	1/31/14	2/3/14	48SS
6.1.3	Prepare waiver valuation	30 days	2/4/14	3/17/14	49
6.1.4	Inspect property	2 days	2/4/14	2/5/14	48
6.1.5	Conduct appraisal	80 days	2/6/14	5/28/14	51
6.1.6	Develop approved appraisal of the fair market value of the property	5 days	5/29/14	6/4/14	52
<b>6.2</b>	<b>Establish just compensation</b>	<b>15 days</b>	<b>6/5/14</b>	<b>6/25/14</b>	<b>53,48,50</b>
<b>6.3</b>	<b>Prepare and make written offer</b>	<b>20 days</b>	<b>6/26/14</b>	<b>7/23/14</b>	
6.3.1	Prepare written offer	15 days	6/26/14	7/16/14	54
6.3.2	Make written offer	5 days	7/17/14	7/23/14	56
<b>6.4</b>	<b>Acquire by negotiation</b>	<b>120 days</b>	<b>7/24/14</b>	<b>1/7/15</b>	
6.4.1	Conduct negotiations	10 days	7/24/14	8/6/14	57
6.4.2	Donation or offer accepted or administrative settlement	40 days	8/7/14	10/1/14	59
6.4.3	Alternate dispute resolution	60 days	10/2/14	12/24/14	60
6.4.4	Pay to owner agreed purchase price to acquire property	5 days	12/25/14	12/31/14	60,61
6.4.5	Reimburse owner for reasonable title transfer expenses	5 days	1/1/15	1/7/15	62
<b>6.5</b>	<b>Acquire by condemnation</b>	<b>16 days</b>	<b>12/25/14</b>	<b>1/15/15</b>	
6.5.1	Conduct condemnation proceedings	1 day	12/25/14	12/25/14	61
6.5.2	Proceedings for claims against the U.S.	1 day	12/25/14	12/25/14	61
6.5.3	Pay reasonable attorney, appraisal, and engineering fees to owner	15 days	12/26/14	1/15/15	65
6.5.4	Deposit funds in court in accordance with 40 USC 3114(a) to (d)	5 days	12/26/14	1/1/15	65
6.5.5	Reimburse owner for reasonable title transfer expenses	5 days	1/2/15	1/8/15	68
<b>6.6</b>	<b>Demolish and dispose improvements</b>	<b>10 days</b>	<b>1/9/15</b>	<b>1/22/15</b>	<b>63,69</b>
<b>6.7</b>	<b>Post acquisition</b>	<b>10 days</b>	<b>1/9/15</b>	<b>1/22/15</b>	
6.7.1	Require owner to surrender possession	10 days	1/9/15	1/22/15	63,69,89FS+60 days,106FS+60 days
<b>6.8</b>	<b>Prepare right-of-way certification</b>	<b>10 days</b>	<b>1/23/15</b>	<b>2/5/15</b>	<b>72,27</b>

***TYPICAL NATIONWIDE DURATION 265 WORKING DAYS  
DELDOT DURATION 150 DAYS (NO RELOCATION)***

# TOP 5 THINGS TO KNOW ABOUT RIGHT OF WAY

## #4

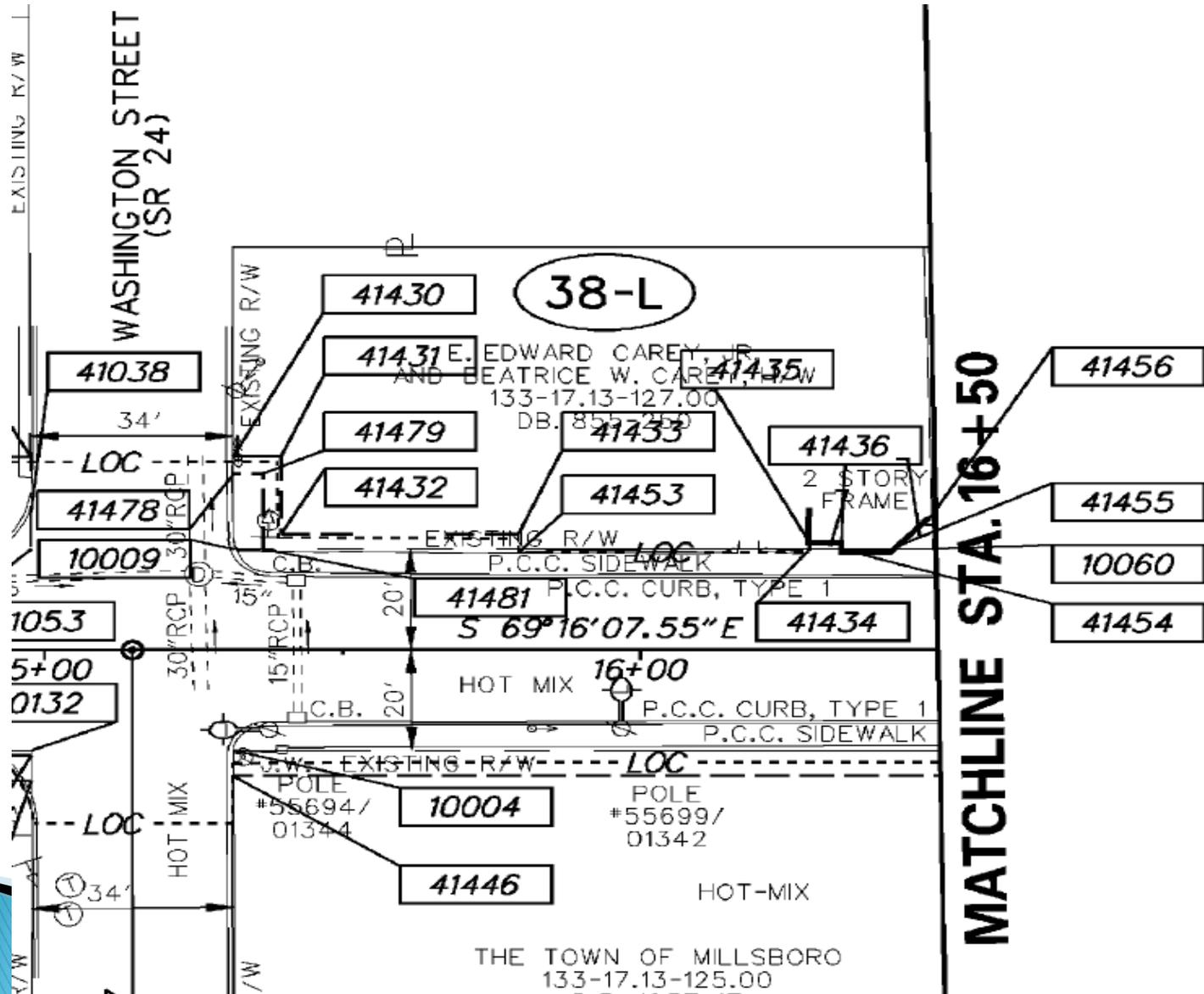
**RIGHT OF WAY  
PLANS ARE  
CONFUSING**



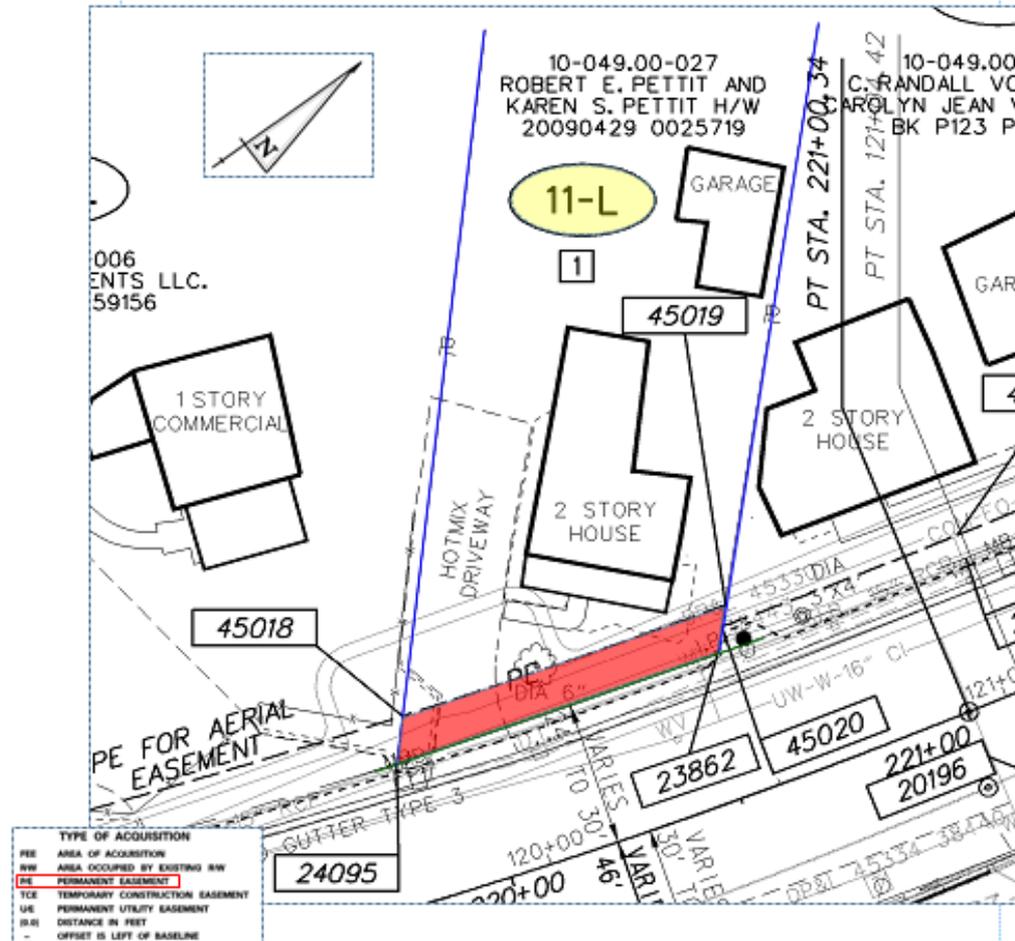
# NOT ALL THAT UNUSUAL



# AN ACTUAL ROW PLAN



# WHAT WE GIVE THE OWNER



ASSESSMENT NUMBER	OWNERSHIP OF RECORD	TYPE OF ACQUISITION	TITLE SOURCE	PARCEL AREA (ACRES)							
10-049.00-027	11-L ROBERT E. PETTIT AND KAREN S. PETTIT H/W [1]	PVE	20090429 0025719	0.240							
ALIGNMENT NUMBER & DESCRIPTION: 10100 - BEAR CORBITT ROAD											
PT. NO.	ALIGN. NO.	STATION	OFFSET *	NORTH	EAST	BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS **
23802	10100	120+41.47	-30.00	580125.4816	580336.0202	S 90°51'24.20" W	89.78	89.78	89.79	1606.93	
24095	10100	119+76.58	-30.00	580864.8684	580332.8844	N 53°14'45.80" W	9.91				
45018	10100	119+50.62	-38.00	580873.7974	580374.9458	N 10°41'58.00" E	70.53		70.54	-1587.93	
45019	10100	120+52.67	-38.00	580141.9088	580387.9948	S 90°59'48.80" E	10.54				
23802	10100	120+41.47	-30.00	580125.4816	580336.0202						
FIGURE 45000 AREA = 650.9030 SQ. FT. (0.0145 ACRES)											

# TOP 5 THINGS TO KNOW ABOUT RIGHT OF WAY

## #3

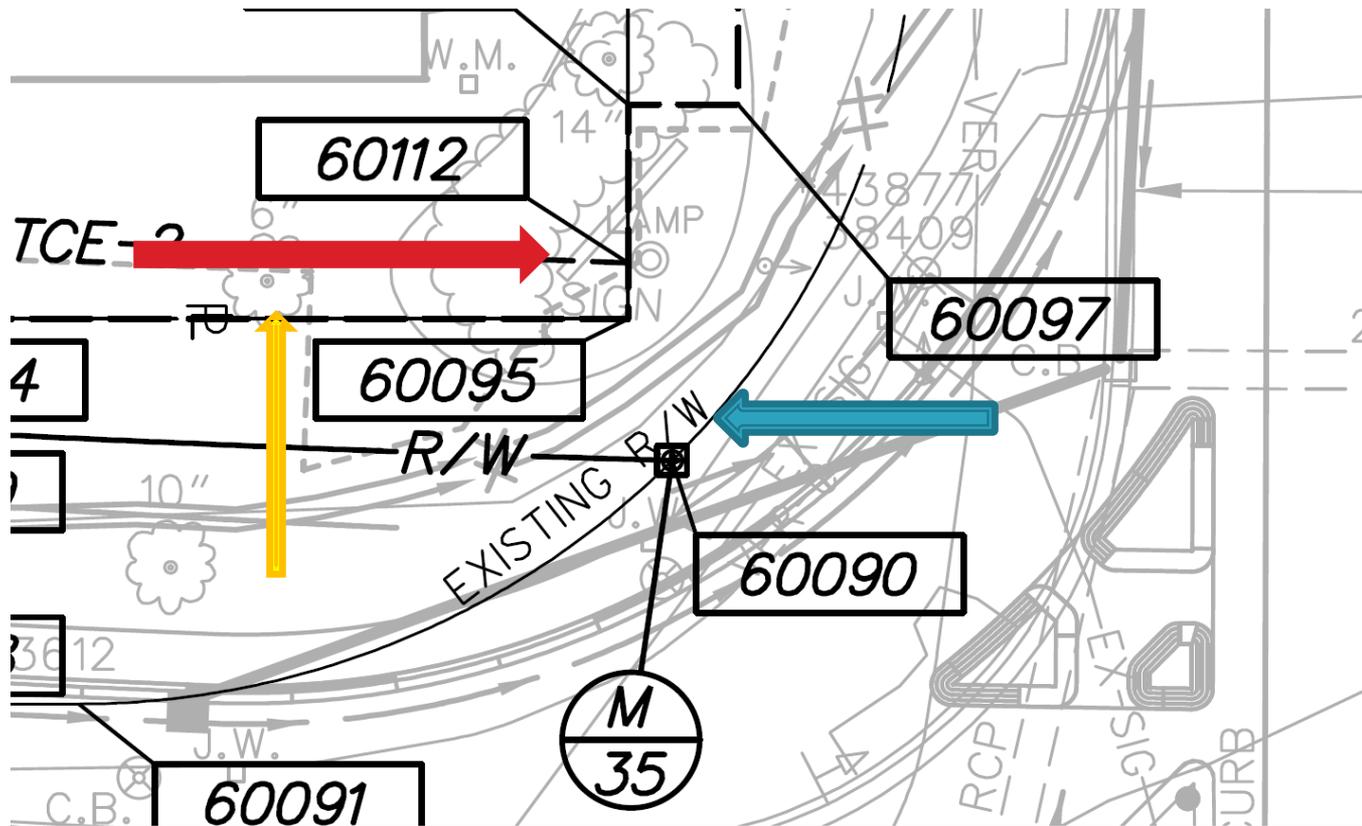
# RIGHT OF WAY LINES CAN CURVE



# SAFETY ALWAYS, BUT...

- ▶ ROW PLANS REFLECT THE ENGINEERING NEEDS FOR CONSTRUCTION
  - ▶ SAFETY CAN NEVER BE COMPROMISED FOR MONEY OR TIME
  - ▶ BUT....
  - ▶ LOOK FOR PERSONAL PROPERTY OR OBJECTS NEAR THE PROPOSED ROW LINE
  - ▶ CONSIDER THE OVERALL IMPACTS TO THE REMAINDER
- 

# NOT AN ACTUAL PLAN



# TOP 5 THINGS TO KNOW ABOUT RIGHT OF WAY

## #2

**RIGHT OF WAY IS  
ALL ABOUT THE  
DETAILS**



# IT STARTS WITH THE SURVEY

- ▶ DELDOT NOW ORDERS A 60 YEAR TITLE SEARCH ON ALL NEW PROJECTS
  - ▶ ESTABLISHING THE PROPER SURVEY AT THE START IS TOP PRIORITY
  - ▶ IDENTIFY CONFLICTS/CONCERNS EARLY
  - ▶ AVOID AS MANY IMPACTS TO SITE IMPROVEMENTS AS POSSIBLE
- 

# SOMETIMES MORE IS LESS AND LESS IS MORE

- ▶ DETERMINING THE TYPE OF TAKING
  - ▶ FEE ACQUISITION. THE WHOLE BUNDLE OF RIGHTS
  - ▶ EASEMENT. A PORTION OF THE BUNDLE OF RIGHTS
  - ▶ TEMPORARY CONSTRUCTION EASEMENT. ACTUALLY MORE OF A RENTAL OR LICENSE
  - ▶ TALK TO ROW ABOUT THE TYPE OF ACQUISITION TO CREATE
- 

# TOP 5 THINGS TO KNOW ABOUT RIGHT OF WAY

## #1

**RIGHT OF WAY  
REVISIONS KILL  
SCHEDULES**



# NCHRP SYNTHESIS 292

- ▶ STUDY DONE IN EARLY 2000'S OF BEST PRACTICES TO REDUCE ROW TIME
  - ▶ #1 BARRIER TO SPEEDY DELIVERY OF ROW
    - “LATE DESIGN AND ROW PLAN CHANGES AND REVISIONS”
    - 100% OF RESPONDENTS REPORTED THIS AS BEING A PRIME REASON FOR ROW DELAYS
- |             |                              |     |
|-------------|------------------------------|-----|
| FOLLOWED BY | ENVIRONMENTAL IMPEDIMENTS    | 50% |
|             | UNREALISTIC PROJECT SCHEDULE | 50% |

# WHAT A REVISION MEANS

1. A REVISION IS A PLAN CHANGE AFTER FINAL ROW PLAN APPROVAL
  2. ANY REVISION WILL LIKELY HAVE A NEGATIVE IMPACT ON THE PROJECT SCHEDULE
  3. REVISIONS ARE CREATED EITHER THROUGH A DESIGN CHANGE OR BY ROW
- 

# SOLUTIONS

## ▶ NO REVISIONS

- ▶ CLOSER AND EARLIER COORDINATION VIA INTERDISCIPLINARY TEAMS
- ▶ TEAMS SHOULD MEET THROUGHOUT THE PROJECT AT KEY COMPLETION MILESTONES
- ▶ ADDRESS COMMENTS AND NOTE CHANGES
- ▶ ALL ROW REVISION REQUESTS SHOULD HAVE A FORMAL SIGN OFF OF PM AND ROW PRIOR TO APPROVING THEM

**COMMUNICATE**

