PART 3
Standards and practices for LAP

Chapter 16
Right of Way
CHAPTER 16 – RIGHT OF WAY

12.1 ROW Consultant Selection
LPA / Consultant determine alignment / conflicts, Prelim ROW estimate prepared
Public Hearing / Willingness
Final Plans & RW 301 prepared / submitted
ROW Acquisition, Acquisition payments & condemnation deposits made
Request ROW Certification
PS & E submittal 12.6

ROW Certification provided
(Row certification provided)
(Potential compliance review)
ENV re-evaluation (Federal-aid only)
ROW spot check review (upon locality’s request)
RW 301 reviewed
RW cost estimate cursory review
VDOT PC reviews / preps PM130 / submits to ROW Mgr
VDOT PC reviews / submits to ROW Mgr
PS & E review

AP Manual
Right of Way
16-1
February 2018
Chapter 16
Right of Way

16.1 **INTRODUCTION**
16.2 **APPLICABILITY**
16.3 **SUMMARY**
16.4 **PRELIMINARY RIGHT OF WAY**
16.5 **RIGHT OF WAY PHASE AUTHORIZATION**
16.6 **RIGHT OF WAY ACQUISITION**
16.7 **RIGHT OF WAY CERTIFICATION PRIOR TO ADVERTISEMENT**
16.8 **PROPERTY MANAGEMENT**
16.9 **CHANGES TO LIMITED ACCESS**
16.10 **FEDERAL POLICIES FOR RIGHT OF WAY ACQUISITION COST REIMBURSEMENT**
16.11 **VDOT MONITORING AND COMPLIANCE VERIFICATION PROCESS**
16.12 **RAILROAD COORDINATION**
16.13 **LOCAL GOVERNMENT SUBMITTALS / FILE DOCUMENTATION**
16.14 **REFERENCES**

**APPENDICES**

16 A **RW-301/EQ-121 Right of Way Reauthorization Request**
16 B **Right of Way Certification Letter**
16 C **LPA Checklist and VDOT/LPA Right of Way Compliance Review Worksheet**
16 D **Relocation Report**
16 E **Donation Acknowledgement Form**
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 R/W process or any project developed as federally eligible.
- Processes do not apply to state-aid projects, where no state-aid is used in R/W acquisition.
- 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

16.4.1 **Introduction**
16.4.2 **Right of Way Special Projects Coordinator**
16.4.3 **Staff Augmentation/Consultants**
16.4.4 **Right of Way Cost Estimate**
16.4.5 **Notice of Intent to Enter**
16.4.6 **Right of Way Plans**

**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.
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 (generally 15 days prior to date of entry), and documented in Agency files. A copy of VDOT’s form letters is available from 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
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 Project:**

- 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 and 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

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.
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 Falcon and linked to iPM. 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

<table>
<thead>
<tr>
<th>Task/Submittal/File Documentation</th>
<th>Locality Responsibility</th>
<th>VDOT Responsibility</th>
<th>Submittal Timing/Recordkeeping Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right of Way Cost Estimate(s)</td>
<td>Prepare and submit to PM</td>
<td>N/A</td>
<td>Submitted at Scoping and updated at project milestones through PCES</td>
</tr>
<tr>
<td>Right of Way Authorization Submittal package (16.5)</td>
<td>N/A</td>
<td>N/A</td>
<td>Prior obtaining federal right of way phase authorization and before Right of Way acquisition activities begin;</td>
</tr>
<tr>
<td>Right of Way Authorization</td>
<td>N/A</td>
<td>Provide written authorizations of Right of Way activities</td>
<td>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)</td>
</tr>
<tr>
<td>Right of Way Notice to Proceed</td>
<td>N/A</td>
<td>Provide written Notice to Proceed with acquisition</td>
<td>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)</td>
</tr>
<tr>
<td>Right of Way and Utilities Certification for Advertisement and Construction (16.7); Appendix 16B</td>
<td>N/A</td>
<td>N/A</td>
<td>Prior to obtaining authorization for advertisement and prior to submittal of PS&amp;E Package</td>
</tr>
<tr>
<td>Right of Way Certification</td>
<td>Certify that R/W is complete</td>
<td>Approve certification for advertisement and construction</td>
<td>Concurrence with Certification will be issued within 5 business days of an acceptable certification from LPA (16.7).</td>
</tr>
</tbody>
</table>

### 16.14 References

- [VA Code § 33.2-1011](https://esl.law.virginia.gov/codes/section.html?section=33.2-1011)
- [Real Estate Acquisition Guide for Local Public Agencies, FHWA](https://www.fhwa.dot.gov/real-estate/)
Chapter 16 Right of Way – Checklist

These checklists can be found in their entirety in the VDOT on line forms library

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, 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.

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

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/EQ-121
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 Terminus (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
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:
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:


☐ 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
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:


☐ 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:
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.
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:
III. CERTIFICATION:

I hereby certify that:

(1) [Insert Locality Name] has performed studies, analyses, reviews and/or investigations of hazardous materials–related issues for all properties that it has acquired or intends to acquire for the project. Such studies, investigations, etc. constitute an appropriate level of inquiry to identify the likely presence of any hazardous substances or petroleum products or conditions that indicate an existing release, a past release, or the material threat of a release of hazardous substances into the soil, groundwater or surface water of the property or adjacent properties, or the presence of such impairments associated with buildings or structures. The following lists the consultants and reports that were utilized in the conduct of the due diligence studies:

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Title of Consultant Report</th>
<th>Report Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) (Choose one of the following):

☐ No potential or actual contaminated environmental media or other environmental impairments that would affect construction were identified within the project right-of-way.

☐ Actual or potential environmental impairments have been noted on the following properties and as indicated, a cost estimate(s) of potential remediation/closure activities to meet state and/or federal regulations is provided as well as an indicator of any coordination made with the Virginia Department of Environmental Quality and/or the U.S. Environmental Protection Agency:

<table>
<thead>
<tr>
<th>Property</th>
<th>Parcel Number</th>
<th>Agency Coordination?</th>
<th>Closure/Remediation Estimate</th>
</tr>
</thead>
</table>
Attach additional pages as necessary.

(3) Where actual or potential environmental impairments have been identified, appropriate actions have been taken (or will be taken) to address these issues in terms of avoidance, containment, management, minimization or remediation. Where such actions are required to be taken during construction, appropriate contract provisions have been/will be developed to incorporate those costs as pay items in the contract.

(4) Estimated costs for regulatory closure/remediation have been/will be taken into consideration in determining fair market value for properties to be acquired.

(5) All structures will be inspected for the presence of asbestos-containing materials (ACM) and any regulated ACM will be removed in accordance with state and federal requirements.

(6) The construction contractor will be made aware of any environmental issues that may be encountered during construction and will be provided access to any study results to assist the Contractor in developing and implementing appropriate Employee Health and Safety measures.

Certification provided on behalf of [Locality] by:

__________________________________________  Date: ______________________
Local Official

__________________________________________
Title
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 contactor.

(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:

<table>
<thead>
<tr>
<th>General Requirements</th>
<th>Accepted</th>
<th>Concern</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PLANNING AND PREPARATION:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare parcel files</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research title</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>REQUESTS AND APPROVALS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request authorization for incidental right of way reimbursement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apply for hardship/advance purchases (if any)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receive environmental clearances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receive authorization to acquire right of way</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>COMPLETING THE ROW PROCESS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide notices of Public Hearings, as appropriate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide landowners Statement of Rights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value property rights (Appraisal or Appraisal Waiver Process)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Values reviewed (Appraisal or Appraisal Waiver Process)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop Relocation Assistance Offers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide good faith negotiations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offer Relocation Assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WRAPPING UP:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All parcels acquired or condemned</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secure possession of all parcels</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clear all properties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basics of Appraisal:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner offered opportunity to accompany</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-year delineation of title provided</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenants identified and considered</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate property information provided</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriate selection of appraisal format</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The Report:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicable approaches to value developed</td>
<td></td>
</tr>
<tr>
<td>Discussion as to why approaches not developed</td>
<td></td>
</tr>
<tr>
<td>Persuasive highest and best use analysis</td>
<td></td>
</tr>
<tr>
<td>Adequate support for all conclusions</td>
<td></td>
</tr>
<tr>
<td>Non-compensable items ignored</td>
<td></td>
</tr>
<tr>
<td>Tenant owned improvements identified</td>
<td></td>
</tr>
<tr>
<td>Allocation of major leasehold interests</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Review Appraiser:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reviewer competent for assignment</td>
<td></td>
</tr>
<tr>
<td>Errors were identified</td>
<td></td>
</tr>
<tr>
<td>Fair Market Value supported</td>
<td></td>
</tr>
<tr>
<td>Differences between appraisals reconciled</td>
<td></td>
</tr>
<tr>
<td>Appropriate actions taken on appraisal in adequacies</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appraisal Waiver (Compensation Estimates)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses of compensation estimates were appropriate</td>
<td></td>
</tr>
<tr>
<td>Approved process utilized</td>
<td></td>
</tr>
<tr>
<td>Competent person provided estimate</td>
<td></td>
</tr>
<tr>
<td>Compensation Estimate reviewed</td>
<td></td>
</tr>
</tbody>
</table>

| Other remarks: |  |
### Parcel Specific Acquisition Review

<table>
<thead>
<tr>
<th>Project:</th>
<th>Parcel #:</th>
</tr>
</thead>
</table>

#### 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

**Other comments or concerns:**
## Parcel Specific Relocation Review

<table>
<thead>
<tr>
<th>Project:</th>
<th>Parcel #:</th>
</tr>
</thead>
</table>

### 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:**
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

<table>
<thead>
<tr>
<th>Locality:</th>
<th>UPC:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project:</td>
<td>Fed. #:</td>
</tr>
<tr>
<td>Reviewer:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

PARCEL INFORMATION

<table>
<thead>
<tr>
<th>Parcel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landowner:</td>
</tr>
</tbody>
</table>

TITLE REPORT

<table>
<thead>
<tr>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Furnished landowner: [COV §33.2-1001 (D)]</td>
</tr>
</tbody>
</table>

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]

<p>| 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)] | YES | NO |
| Appraisal Amount: |
| Date of Inspection: |
| Appraisal Approved for Negotiations by a responsible official of the acquiring agency. [49CFR §24.102(d)] | YES | NO |</p>
<table>
<thead>
<tr>
<th>Uneconomic Remnants Identified and offer made to purchase same [49CFR §24.102(k)]</th>
<th>☐ YES ☐ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner given opportunity to accompany appraiser - [49CFR §24.102(c)]</td>
<td>☐ YES ☐ NO</td>
</tr>
<tr>
<td>The appraisal was reviewed by a qualified review appraiser. [49CFR §24.104]</td>
<td>☐ YES ☐ NO</td>
</tr>
</tbody>
</table>

**APPRAISAL COMMENTS**

**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.

<table>
<thead>
<tr>
<th>Offer Date:</th>
<th>☐ YES ☐ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Month, Day, and Year of the contact</td>
<td>☐ YES ☐ NO</td>
</tr>
<tr>
<td>Name of the individual who made contact</td>
<td>YES NO</td>
</tr>
<tr>
<td>Written offer made [49 CFR§24.102(e)]</td>
<td>☐ In PERSON ☐ By MAIL</td>
</tr>
<tr>
<td>Name(s) of the individual(s) contacted.</td>
<td>YES NO</td>
</tr>
<tr>
<td>Landowner’s questions documented and responses captured.</td>
<td>YES NO</td>
</tr>
<tr>
<td>Contact entry – initialed by Agent</td>
<td>YES NO</td>
</tr>
<tr>
<td>Landowner provided with a title, appraisal, option/agreement, plans, profiles &amp; x-sections [COV§ 25.1-417(3)] [COV§33.2-1001(D),(E),(F)]</td>
<td>☐ YES ☐ NO</td>
</tr>
<tr>
<td>Landowner was made aware of their rights to Appraisal for valuations over $10K. [49 CFR§24.102(2)(C)]</td>
<td>☐ YES ☐ NO</td>
</tr>
<tr>
<td>Option or deed executed by the property owner contains a statement that the plans as they affect his property have been fully explained. [COV§33.2-1001(F)]</td>
<td>☐ YES ☐ NO</td>
</tr>
<tr>
<td>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)]</td>
<td>☐ YES ☐ NO</td>
</tr>
<tr>
<td>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)]</td>
<td>☐ YES ☐ NO</td>
</tr>
</tbody>
</table>
### 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. \(49\text{ CFR}§24.102(i)\)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

### 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. \(49\text{ CFR}§24.108\); [COV§25.1-417]

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

### 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. [COV § 33.2-1230].

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

### NEGOTIATION COMMENTS

#### 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]

#### Re却ation Assistance Required:

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; \(49\text{ CFR}§24.203(a)(3)\); \(49\text{ CFR}§24.203(c)(3)\)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>
| General requirements—claims for relocation payments.  
[49 CFR§24.207] | ☐ YES ☐ 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.  
[49 CFR§24.208] | ☐ YES ☐ NO |
| **Relocation assistance advisory services.** 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.  
[49 CFR§24.205] | ☐ YES ☐ NO |
| Relocation planning advisory services, and coordination. [Stage 1 report prepared]  
[49 CFR§24.205] | ☐ YES ☐ 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: 

TO: State Right of Way Manager, Special Projects

ATTN: Program Manager, Acquisitions, Relocation, Special Negotiations

FROM: (Locality Name)

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:
Federal Project No.:
ATTN: Program Manager, Acquisitions, Relocation, Special Negotiations
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

1. Number and description of businesses, farms and non-profit organizations displaced

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 COST SUMMARY

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

<table>
<thead>
<tr>
<th></th>
<th>NO. OF UNITS</th>
<th>MOVING COSTS</th>
<th>SEARCH COST</th>
<th>REPLACEMENT HOUSING PAYMENT</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Families</td>
<td>Owner</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Tenant</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Individuals</td>
<td>Owner</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Tenant</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Businesses</td>
<td>Owner</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Tenant</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Farms</td>
<td>Owner</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Tenant</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Non-Profit</td>
<td>Owner</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Organizations</td>
<td>Tenant</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>PE ON AL PR OP</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>TOTAL RELOCATION</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>COST</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>
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__. 

........................................ (SEAL) ........................................ (SEAL)
Signature Signature

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 # ________________