ROW Phase

In the Right of Way (ROW) phase, the PM will conduct the kickoff meeting, coordinate with functional areas to resolve issues, provide oversight of the ROW process, and provide oversight of consultant management issues.

Kickoff Meeting: The PM is responsible for scheduling and conducting the kickoff meeting. The scope of the required ROW services will determine the list of invitees. Generally, the kickoff meeting will include the FDOT Engineering PM, Consultant Engineering PM (if consultant designed the project), appraisers and review appraisers, District Appraisal/Valuation Services Manager, attorney assigned to the project, Acquisition Administrator, Relocation Administrator, Property Management Administrator, Certified Public Accountant (CPA), appropriate survey and mapping staff, appropriate drainage staff and appropriate environmental management staff.

At the kickoff meeting the design staff will provide an overview of the design project. All aspects of the project that may impact the ROW phase should be discussed. The following list is not intended to be comprehensive but to provide insight into topics and issues that should be considered during the kickoff meeting:

- Project Design
- Environmental Issues
- ROW Mapping
- Legal Descriptions and Conveyance Documents
- Drainage Issues
- Appraisal Instructions and Issues
- Business Damage Issues
- Legal or Title Concerns
- Relocation Issues
- Demolition Issues

Coordination Issues: If problems arise that will affect timely delivery of appraisals, ROW maps or conveyance documents, the PM must coordinate with the appropriate functional area manager to identify and to the extent possible correct the problems causing late delivery. If attempts to resolve problems causing late delivery are not successful, the District ROW Manager should be advised of the situation.

The PM should coordinate periodic project status meetings. These meetings should include representatives from the consultant and the FDOT in each program area (Acquisition, Appraisal, Relocation, and Property Management). The District ROW Manager should be included as an optional attendee. The project status meetings should be held at least quarterly to discuss and resolve problems or concerns on the project. Other attendees for these meetings will depend on the issues to be discussed. The PM should decide whom to invite.

The PM should periodically ride the project to identify any physical changes, encroachments, or other situations along the project corridor that could impact the ROW project or project schedule.

The Right of Way Process: The following are key issues in the completion of a ROW project:

- **Project Resolution:** The PM must ensure that the Project Resolution has been completed, executed by the District Secretary, and filed in the public records prior to making the first offer on the project. A copy of the Project Resolution should also be placed in FDOT's official file.

- **Acquisition Notices:** The PM must ensure that acquisition notices are delivered to each property owner prior to or simultaneously with the initial offer to purchase. The PM must also be aware that where parcels are affected by ownership changes or design changes, revised acquisition notices must be sent.
- **Relocation Needs Assessment Survey:** The PM must approve the Relocation Needs Assessment Survey. The survey must be completed and approved prior to delivery of the first initial offer for the project. The PM is responsible for ensuring that the Relocation Needs Assessment Survey is comprehensive and complies with procedures.
- **Appraiser's Parcel Inspection:** The PM should ensure that the fee appraiser and the consultant ROW agent physically inspect each parcel. The assigned CPA may accompany the appraiser and agent for parcels that will involve business damages. Typically, the appraiser is responsible for scheduling the inspections and keeping the PM advised of the dates and times the inspections will occur. During the inspection, issues such as whether items are real estate or personal property should be resolved.
- **Identifying Business Owners:** The PM must ensure that all business owners are identified; identification generally occurs at the same time the Relocation Needs Assessment Survey is done.
- **Federal Aid Projects:** The PM must verify that the Federal Highway Administration (FHWA) project authorization has been issued prior to any offers being made on projects with federal aid in ROW.
- **Initial Offers to Purchase:** The PM must ensure that offers are prepared and delivered according to procedures. This step is a pacing event in the ROW process. Initial offers constitute the official initiation of negotiations with the property owner. Eminent domain suits cannot be filed earlier than 30 days after the property owner's receipt of the initial offer.
- **Delivery of Relocation Notices:** The PM must ensure that relocation notices are prepared and delivered according to procedures. These notices inform displacees of their eligibility, rights and responsibilities regarding their relocation entitlements under federal law and FDOT procedures.
- **Delivery of Business Owner Notification Letters:** The PM ensures that Business Owner Notification Letters are prepared and delivered according to procedures. Receipt of these notices initiates the statutory time frame for eligible business owners to file claims for business damages. Business owner notifications must be provided as a prerequisite to the FDOT's eminent domain authority.
- **Review of Documents:** The PM should review the following documents for procedural compliance and timely delivery:
    - Initial Offer Packages
    - Purchase agreements
    - Administrative settlement recommendations
    - Parcel closing packages
    - Warrant requests
    - Suit packages
    - Order of Taking (OT) deposits
    - Relocation claims
- **Review of Business Damage Claims and Counteroffers:** The PM must ensure that business damage claims received from eligible businesses are reviewed by a CPA, a designated expert, or a Business Damage Claims Committee. The PM must also coordinate the FDOT's counteroffer, if any, with the reviewers. Counteroffers or other responses must be timely delivered to business owners who have filed business damage claims.

- **Property Management Activities:** The PM must monitor all property management activities on the project. Asbestos survey, asbestos abatement and demolition of improvements can often become pacing items for the ROW certification for the project. Typically, asbestos activities and demolition are handled by separate contracts with the District. However, the acquisition consultant is usually responsible for coordinating property management activities with the demolition and asbestos contractors, which may require site visits on short notice. The PM must closely monitor this coordination to ensure that ROW parcels are cleared timely.
- **Encroachments:** Another issue that can often become a concern for ROW certification is encroachments within the existing ROW for the project. Items such as signs, backflow preventers, and fencing must be removed prior to certification. Since these encroachments are outside of the ROW acquisition but in the project area, they can be easily overlooked.
- **Final Relocation Notices and Move Verification:** The PM must ensure that final relocation notices have been delivered in accordance with FDOT procedures and that all displacees have moved and have removed their personal property from the parcels no later than the move date on the final notice.
- **Field Files:** When parcels are completed, the ROW agent's field file must be merged with the FDOT's official parcel file. This merger is the agent's responsibility. Usually, the FDOT and the consultant have agreed to a comprehensive Quality Assurance (QA) file checklist that must be completed for each parcel file. File merger may occur as parcels are completed or comprehensively at the end of the ROW project. The PM must ensure the accuracy of the file mergers by spot-checking the official parcel file against the checklist.

  Throughout the life of the project, the PM must be spot-checking the data being input into the ROW Management System (RWMS). This check may be done by comparing a random selection of parcel files with the data in RWMS and by using the exception reports available in RWMS. RWMS data must be accurate and entered timely.
- **Project Certification:** The ROW certification for the project is the statement by the District ROW Manager that ROW activities on the project are sufficiently complete to allow the project to be constructed. In order to certify for construction, title to all of the parcels must be in the FDOT, all displacees and their personal property must be moved and all demolition activities must be completed or included in the construction contract.

  Prior to certification, the PM must do a final field inspection of the project. The inspection should be conducted jointly with the consultant. The PM must also verify that all parcels are in the appropriate status in RWMS by running the RWMS certification exception report.

Consultant Management. For detailed information on consultant management issues, the PM should refer to ***PMG 235, Consultant Contract Management***. The following apply specifically to ROW consultant contracts:

- **Periodic Consultant Invoicing:** ROW consultants normally invoice for their services based on agreed contract production milestones. As milestones are reached for each parcel, the consultant will invoice the FDOT based on a production status report that is maintained by the consultant. The PM must ensure that all activities for which the consultant is invoicing have been completed and have not been previously invoiced and paid. The PM may monitor consultant invoicing against the ROW project tracking system discussed earlier or by relying on the consultant's production management report, or both.

  The PM should periodically spot check the consultant's parcel files against the production management report to ensure that ROW activities being invoiced have been completed as represented on the report. After parcels

are closed, the consultant must provide a comprehensive quality assurance checklist showing all ROW activities on the parcel are complete. The last invoice for the parcel will be based on this comprehensive checklist.

The PM must ensure that all activities on the parcel are complete and reflected accurately in the RWMS as compared against the consultant's parcel file. In some cases, Districts may include incentive payments in their ROW consultant contracts. Incentives may be based on early completion, administrative settlement rate, or other performance measures. For those contracts containing incentives, the funds allocated to the contract to pay incentives must be used for the incentive only. The incentive funds cannot be used to pay for services under the contract.

- **Scope of Services:** The PM must monitor all aspects of the project to ensure that any changes that would expand the scope of the ROW phase are addressed. An example would be a substantive design change that adds parcels to the project. If available consultant contract funds drop below a sufficient level, the PM must coordinate with the District Professional Services Unit and Work Program staff to supplement the consultant contract.
- **Consultant Quality Assurance Plan:** The PM must ensure that the consultant provides a ROW project quality assurance plan to the FDOT within 30 days after the notice to proceed with ROW services is issued. The PM is responsible for the review and approval of the consultant's quality assurance plan. Throughout the life of the ROW project, the PM must spot check the consultant's project files against the approved quality assurance plan to ensure the effectiveness of the plan.
- **Production Status Report*:*** The consultant project status report must track all critical events in the ROW schedule and critical events in the project schedule that impact ROW. The PM must ensure the accuracy of the data contained in the status report and make certain that critical events are occurring in a timely manner. The PM must also ensure that RWMS data entry is accurate. The PM must periodically spot check the accuracy of the data in the status report and RWMS against the consultant's project files.