

## CHAPTER 29 – RIGHT OF WAY, ACCESS AND APPROACHES

Before advertising for Bids on a Project, the Agency must either certify that the Right-of-Way is clear or list the property files that it still does not have the right to enter in the Special Provisions.

Do not allow the Contractor to enter upon any property before the Agency has obtained possession of the Right-of-Way. Contact the Region/Bridge Delivery Unit (BDU) Right-of-Way Manager if you have any questions. The Agency may be able to obtain a permit of entry before it actually acquires the property.

**NOTE:** *Right-of-Way obligations, processes and requirements for Design-Build Contracts are specified in the DB General Provisions, Section DB174.20. You will need to refer to DB174.20 when handling Right-of-Way on Design-Build Projects.*

### 29-1 RIGHT-OF-WAY OBLIGATIONS

For each real property transaction that involves construction obligations of the Agency, the ODOT Region Right-of-Way office will send the Project Manager (PM) a copy of the [Obligations of Oregon Transportation Commission on Real Property Acquisitions, form 734-3300](#):

FINAL REPORT ON REAL PROPERTY NEGOTIATIONS			
INTEREST HOLDER Grantor, GranTypeDesc		TELEPHONE GranPhone	ODOT FILE/INVOICE NUMBER RFile
OWNER ADDRESS, CITY STATE AND ZIP GranAddress GranCity,GranState GranZipCode			SECTION Section
			HIGHWAY Highway
			COUNTY County
			CITY PropCity
ATTORNEY OwnerAtty		TELEPHONE OAPhone	F.A.P. NUMBER FAP
ADDRESS OAddress			R/W MAP RWMMap
AREA OF ENTIRE PROPERTY Area AreaUnit	SS No. or Fed ID Tax No. of Party Receiving Payment/ (Vendor Number) SSN GranBusinessTaxID	STATION TO STATION PropFromMilePoint PropToMilePoint	
NotesToTitleUnit			
BASIS OF SETTLEMENT			
Land: ParcelsTable			
			Total Land: LandAmt
Improvements: FinaImprovementDesc			FinaImprovementAmt
Damages: FinaDamagesDesc			FinaDamages
Deductions: FinaRepurchaseDesc			(FinaRepurchaseAmt)
Other: FinaOtherDesc			FinaOtherAmt
			Total: TotalAmt
State's Obligations: GranStateObligation			
PropertyApprText PropertyApprSubTable FenceStartText GranFenceBoundary FenceEndText FencingSubTable GateText GateSubTable			
Region Approval _____ Date _____			
Grantor's Obligations: GranGrantorObligation			
GrantorWillRemove			
WITHHOLDING WithholdingSubTable			
ACCESS CONTROL PropTaking		REVIEWED APPRAISAL AMOUNT	
		ApiRTotalJustCompensation	
FEDERALLY FUNDED	EXP. ACCOUNT	PARTICIPATING \$	NON- PARTICIPATING \$
Settlement Recommended:			
Agent's, Right of Way Agent _____ Date _____		*Region Region Right of Way Manager _____ Date _____	
Agent's Phone No.: _____			

The PM must review the requirements listed on form 734-3300 to assure that all obligations are included in the Project Plans correctly. If there is a discrepancy, or if any changes in the obligations are necessary, the PM must resolve the issue with the Region/BDU Right-of-Way Manager and follow up with the Contractor.

When the Work required fulfilling the obligations listed on form 734-3300 has been completed, the PM will sign the form and send copies to the Region/BDU Right-of-Way Manager and the ODOT Maintenance District Manager.

## **29-2            ADDITIONAL RIGHT OF WAY**

If additional Right-of-Way is needed to construct the Project, the PM should work with the Region/BDU and Right-of-Way Manager to acquire possession of the needed property. Do not enter the property without possession of the property being received. Do not allow the Contractor to enter the property until a right of entry has been obtained. Refer to the [ODOT Right-of-Way Manual, Chapter 5.315](#). The manual is available online at:

[http://www.oregon.gov/ODOT/HWY/ROW/docs/row\\_manual\\_full\\_version\\_2012.pdf](http://www.oregon.gov/ODOT/HWY/ROW/docs/row_manual_full_version_2012.pdf).

## **29-3            ROAD APPROACH, DRIVEWAY CONSTRUCTION**

The Agency has an Access Control program. The PM must not change the road approaches, driveways, or other accesses shown on the Project Plans without obtaining prior approval. The PM may need to contact the designer, Region/BDU Right of Way Manager, or the ODOT Maintenance District Manager to secure approval for any proposed change.

If the approach must be constructed at a different location than shown on the Plans and on the Right-of-Way Obligation form, the PM must request that the Region/BDU Right-of-Way Manager modify the obligation.

All road approaches, driveways and surfacing must be constructed according to the Right-of-Way obligations listed on form 734-3300 and as shown in the Contract Plans and Specifications.