ROW MAPPING PROCEDURE MANUAL

Chapter 1 Introduction to the Right of Way Mapping Process

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INTRODUCTION TO THE ROW MAPPING PROCESS

CHAPTER 1

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INTRODUCTION TO THE ROW MAPPING PROCESS

1.1 Chapter Overview

This chapter describes the various procedures used to map and procure the right-of-way necessary for the Department to complete a project. The processes are described to ensure uniformity, across Regional boundaries, in the required steps for the mapping and procurement process. The chapter also outlines the responsibilities of the groups involved with mapping and procurement. The outline is intended to identify which units are specifically charged with performing certain functions and to ensure all necessary activities are completed.

*(See Appendix “C” for Flow Chart depicting the ROW Mapping and Appropriation Process)*
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1.2 ROW Mapping Procedures

The procedures outlined below are related to obtaining information regarding four ROW mapping processes: Abstract Request Map Process; Taking Line Review Process; ROW Documentation Process; and Acquisition Map Process. Specific steps required to complete each of the four procedures are listed and detailed in the chapters as noted.

1.2.1 Pre-Mapping Procedures

**Project Scope** - The purpose of establishing the scope of the project is to have a consensus of understanding among the Department's functional units regarding the nature of the work the proposed project entails and what goals are to be achieved as a result of the project. This provides the Regional ROW Mapping Unit the opportunity to plan for allocating resources to the project. For more details regarding the process of scoping a project refer to the **NYSDOT Project Development Manual**.

**Prepare Base Mapping** - The project manager or project designer requests the Regional Land Surveyor have base mapping prepared for a project. The Regional Land Surveyor will assign the task to either the Main Office Photogrammetry Unit, the Regional Survey Group or a consultant. The base map is developed from photogrammetric data and/or ground survey in a digital format. This information will be used throughout the design process and the ROW mapping process.

1.2.2 Abstract Request Map (ARM) Process

The ARM identifies those properties within the project limits from which the department expects to acquire ROW. An ARM is required for most projects with fee or easement takings. The ARM is first used by the Regional Right of Way Group to estimate acquisition costs, which determine the amount of title research required. The map is then forwarded to the Department of Law or consultant Title Search company to advise them of properties that must have title data researched in order to acquire the land. The date of delivery of the ARM needs to be coordinated with the Office of Right of Way. The Office of Right of Way must allocate sufficient time for title searches and acquiring properties. The ARM is part of the Preliminary Design Phase and makes it possible to estimate ROW costs for a project as part of the Design Approval Process.

(Refer to Chapter 3 of this manual and Section 5.5.1 of Chapter 5 of the Highway Design Manual for details on preparing an ARM; and to the Project Development Manual)
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Abstract Request Map Processing Steps

- Regional Design Group or Consultant forwards to Regional ROW Mapping Unit a base map, showing approximate construction limits and/or taking lines. Base maps may be tax maps or old record plans.

- Regional Survey Group, Regional ROW Mapping Unit or Consultant research affected properties to determine the last owner’s deed of record and to obtain available property maps.

- ROW Mapping Unit or Consultant plots approximate or final highway boundary and property lines.

- Regional ROW Mapping Unit forwards the completed ARM and tabular list of affected properties to the Regional Right of Way Group.

- The Regional Right of Way Group forwards the completed ARM to the Department of Law to prepare title data.

1.2.3 Taking Line Review Process

The Taking Line Review Meeting is held to define the limits of acquisitions, identify the type and specific needs of each acquisition, and to ensure that project construction work and future maintenance can be accommodated within the existing highway boundary or proposed right of way. The meeting should not be scheduled until the preferred alternative is chosen and all work limits and proposed ROW lines have been established. If a project requires more than fifty maps, conducting several meetings may make the review process more manageable.

(Refer to Section(s): 5.5.2 & 5.5.3 of Chapter 5 of the Highway Design Manual for guidelines to use in determining the location of proposed taking lines and Section 5.5.4 of Chapter 5 of the Highway Design Manual for guidelines to use in preparing for the Take Line Review Meeting. The Taking Line Review Meeting should be held prior to preparing any individual Acquisition Maps, refer to the (Project Development Manual).

Taking Line Review Process Steps

- The Project Designer will schedule the meeting. If the project is consultant designed the Consultant Job or Design Job Manager will convene the meeting.

- Prior to the Taking Line Review Meeting supply the contract plans, including the information required by Chapter 5 of the Highway Design Manual, to ROW Mapping Unit for review. Comments from ROW Mapping Unit will be discussed at the meeting.

- Attendees at the Taking Line Review Meeting should include, as appropriate, Representatives from the following organizations: Regional Design Group, Regional ROW Mapping Unit, Project Design Consultant, Consultant Job or Design Job Manager, Regional Construction Group, Regional Landscape/Environmental Unit, Regional Operations Group, Regional Right of Way Group and the Regional Utilities Unit.
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- The Project Designer will modify the plans to depict the Final Taking Lines as agreed to at the Taking Line Review Meeting. The modified plans will be sent to ROW Mapping Unit and/or the Consultant Job or Design Job Manager if the mapping is being prepared by consultants. The modified plans will be used to prepare the Acquisition Maps.

- Either the Project Designer, Consultant Job Manager, Design Job Manager or Regional ROW Mapping Unit, as appropriate, will prepare minutes of the meeting, which will explain the rationale for establishing the location of the Final Taking Line, and forward copies to the meeting participants. It is the responsibility of the ROW Mapping Unit to designate who will prepare the Take Line Review meeting minutes.

1.2.4  ROW Documentation

The right of way required for a project is documented in three separate ways that provide for three separate purposes:

- **ROW Maps** document what rights to a piece of land are being acquired by the State of New York. These maps provide private landowners with a description of what rights the state is appropriating. Upon filing this legal document within the Department, the Department (or its representatives) can enter upon the property. Transfer of the land rights occurs when the map is filed (or vested) in the appropriate county clerk's office. *(Refer to Chapters 5, 7 & 8 of this manual for further information about ROW Maps.)*

- **Contract Plans** document what additional right of way is necessary and was acquired for a project, what the limits of the ROW are for construction purposes and the limits of ROW for future maintenance of the project. The required ROW Acquisitions for a project are documented on a "A Table of ROW Acquisitions in the plans." The existing and proposed ROW boundaries are depicted on the general plans to provide a conceptual view of the highway boundary for the project contractor and for future maintenance activities. *(Refer to Section 5.5.5 of Chapter 5 & Section 21.3.9.2 of Chapter 21 of the Highway Design Manual for what ROW information is required on Contract Plans.)*

- **Highway Boundary Plan** documents the historical progression of ROW acquisitions, the field evidence found, and the determined highways boundaries for a project. This plan primarily serves the needs of Land Surveyors as a consolidated record (key map). *(Refer to Chapter 6 of this manual for further information about a Highway Boundary Plan.)*
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1.2.5 Acquisition Map Process

All maps indicate an acquisition of interest in real property. They are also intended to assist the Office of Right of Way in their appraisal of liquidated damages as well as provide a graphical representation of the land involved. A map is the legal document by which the rights to real property are transferred to the State when filed in the county clerk’s office.

(Refer to Chapter 5 of this manual for preparation of acquisition maps, Sections 5.5.3 and 5.5.6 of Chapter 5 of the Highway Design Manual for types of acquisition maps, their uses, and setting of proposed ROW limits, and to the Project Development Manual)

Map Processing Steps

• Regional ROW Mapping Unit, or consultants, if applicable, prepares acquisition maps based upon taking line review decisions, and any subsequent project revisions.

• A Licensed Land Surveyor signs and seals the map. An electronic seal with digital signature should be used. For use of an electronic professional seal/signature please refer to current Engineering Instruction on Electronic Professional Seals.

• The Regional Director, or a designee, signs the map signifying that the acquisition is necessary for the project. A digital signature should be used. For use of an electronic professional seal/signature please refer to current Engineering Instruction on Electronic Professional Seals.

• The Regional Director, or a designee, notifies the Director of the Office of Right of Way with copy (CC) to Regional Real Estate Officer, and Regional Land Surveyor of the signed map(s) availability.

• The Attorney General’s Office certifies title to the property.

• Regional Real Estate Officer (REO), or a designee, notifies Office of ROW of their approval to file the map.

• The Director of the Office Right of Way approves the map and certifies that it is filed in the Department of Transportation.

• The Office of Right of Way notifies the Regional Real Estate Officer (REO), with copy (CC) to Regional Director, or a designee, and Regional Land Surveyor, the map has been filed and is available for vesting (filing in the county clerk’s office), making certified copy(s) available for this purpose.
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1.2.6 **T-Map and Special Map Processes**

Mapping processes related to T-Maps and Special Maps (for example: C-Maps, D-Maps, etc.) will be detailed in Chapters 7 and 8 of this Manual.

1.3 **Roles and Responsibilities**

The roles and responsibilities listed below are only guidelines. Recommendations by the Regional Director and/or regional resources may affect these responsibilities.

1.3.1 **Regional ROW Mapping Unit**

**Role**

Assists other Department Groups to uphold the States ownership and access rights to public highways, and prepares maps for any required changes needed to the ROW.

**Responsibilities**

- Prepare Abstract Request Map (ARM).
- Determine existing highway boundary and locations of abutting property lines.
- Determine who prepares ROW Mapping products.
- Prepare acquisition maps.
- Manages ROW monumentation.
- Maintain quality control of ROW Mapping products.
- Participate in determining types and locations of acquisitions.
- Review consultant prepared maps to assure conformity with department standards and policies.
- Prepare maps to dispose or terminate the State’s interest in portions of the ROW.
- Participate in determining Baseline Stationing for the project.
- Archive all correspondence pertaining to acquisition, conveyance, maintenance, or State’s property rights regarding highway ROW.
1.3.2 **Regional Survey**

**Role**

Provides field survey location or stakeout information needed to establish ROW.

**Responsibilities**

- Establish horizontal and vertical control.
- Locate highway and property line evidence, and planimetric and topographic features.
- Provide field stakeout of ROW when requested by Right of Way, Construction or other departmental units.
- Review consultant surveys to assure conformity with Department standards and policies.

1.3.3 **Design**

**Role**

Design determines the construction limits and/or what the ROW needs are for a capital project. [*Pursuant to Official Order No. 1581 - Dated 11 - 07 - 96, see Appendix “A”]*

**Responsibilities**

- Develop design alternatives.
- Work with ROW Mapping Unit and Right of Way Group to determine preliminary ROW needs for the Abstract Request Map.
- Determine preferred alternatives and resulting project limits.
- Schedule and conduct Taking Line Review Meeting.
- Incorporate property line and highway boundary determinations into contract plans.
- Prepares "Table of Anticipated Right of Way Acquisitions" for inclusion in the Design Approval Document.
- Requests Design Approval. [*See the Project Development Manual for details]*.
- Certify individual acquisition maps.¹
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- Prepares the "Table of Right of Way Acquisitions" with the help of ROW Mapping Unit. *(Refer to Section 5.5.2 of the Highway Design Manual (HDM) for guidance in preparing the Preliminary Acquisition Plan (with the Table of Anticipated ROW Acquisitions)).*

- Forwards the “Table of Right of Way Acquisitions” to the Regional Right of Way Group. *(Refer to Section 5.5.5 (Design Phases V-VI, Final Design Stage) for guidance).*

- Ensure the proposed ROW limits are adequate to meet construction and maintenance needs, and that they accurately reflect all ROW Acquisition Maps.

- Ensure that authorized changes to the proposed ROW Taking Line or the need for additional ROW maps, as determined during the construction phase of the project, are forwarded to the ROW Mapping Unit.

- Share in determining which types and locations of acquisitions.

- Reviews final plans to ensure they accurately reflect the filed ROW Maps.

  1 (Design is designated to determine the types and limits of the ROW appropriation. This includes the certification that the Acquisition Maps are required for the project by the Regional Design Engineer or Regional Director)

1.3.4 **Photogrammetry Section (Main Office)**

**Role**

Procure aerial photography and photogrammetric mapping.

**Responsibilities**

Provide planimetric and/or topographic mapping for use by Design and ROW Mapping Unit.

1.3.5 **Attorney General’s Office (Department of Law)**

**Role**

Certifying title for state land acquisitions.

**Responsibilities**

- Prepare title searches.

- Provide title certifications and closing papers.

- Recommend to Office of the State Comptroller that payment may be made to title holder.

- Orders unpaid claims to be deposited with Office of State Comptroller.
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1.3.6 Office of Right of Way

Role

The Office Right of Way is the Department's liaison between the Regional Right of Way Groups, the Attorney General's Office and the Federal Highway Administration (FHWA). The Office of Right of Way also oversees the Department's ROW acquisition and approval process.

[Pursuant to Official Order No. 1783, Dated 06 - 11 - 18, see Appendix “B”]

Responsibilities

- Approve final ROW Maps.
- Maintain records of acquisitions.
- Provide ROW certifications.
- Archive ROW acquisition maps.
- Process requests to terminate temporary easements.

1.3.7 Regional Right of Way Group

Role

The Regional Right of Way Group is the liaison between the Department and the landowners in the ROW acquisition process.

Responsibilities

- Prepare and approve Conceptual and Acquisition Stage Relocation Plans.
- Request title data by referencing the Abstract Request Map or Acquisition Map.
- Prepare or procure property appraisals.
- Prepare Report of Physical Inspection. (RPI)
- Negotiate acquisitions with property owners.
- Files (vests) ROW appropriation maps with County Clerk's Office.
- Share in determining types and locations of acquisitions.
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- Request ROW limit determination in cases where encroachment onto DOT ROW may exist.
- Dispose of excess ROW not needed for highway purposes.
- Coordinate with the Construction Group to terminate Temporary Easements.
- Prepares and approves the ROW Clearance Certificate.

1.3.8 Program and Project Management Bureau

Role

Program and Project Management Bureau obligates funds necessary for the ROW mapping and Right of Way acquisition process.

Responsibilities

- Obligate funds for the Preliminary Engineering Phase
- Obligate funds for the Incidental Phase
- Obligate funds for the Final Design Phase
- Obligate funds for the Acquisition Phase

1.3.9 Regional Construction Group

Role

Manage ROW issues during construction.

Responsibilities

- Identify need to change ROW required due to field changes.
- Coordinate with Regional Right of Way Group to terminate temporary easements.
- Manage installation and certification of ROW monumentation.
- Process work releases with private landowners (driveway, grading).
- Attend taking line review meetings.
- Identify excess ROW.
- Identify requests for additional ROW acquisition. This should be accomplished by forwarding a sketch to the Regional Design Engineer that indicates approximate land area/improvements necessary.
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1.3.10 Regional Operations Group

Role

Ensure that maintenance operations occur within the highway ROW. Identify potential encroachments. Issues highway work permits for work within the ROW. The office also coordinates DOT’s review of plans and other project documents for highway work permits.

Responsibilities

- Request ROW limits from ROW Mapping Unit when the need arises.
- Request ROW acquisition maps necessary for maintenance operations.
- Identify need to change ROW and maintenance jurisdiction of highway ROW (i.e. convey title to new owner, transfer title to another jurisdiction, discontinue or abandon property).
- Coordinate ROW needs with Regional ROW Mapping Unit relative to permit applications submitted by private developers. The Regional Design Group may perform this function on large projects.

1.3.11 Federal Highway Administration (FHWA)

Role

Authorizes Federal Funding for the acquisition of ROW for Federally funded projects.

Responsibilities

- Approve access modifications to Interstate highway systems.
- Approve ROW clearance certificate for Federal - Aid projects on the NHS Interstate System with an estimated construction cost of $1 Million or more.
- Approve/review disposal of surplus ROW, and changes in access for property purchased with Federal-Aid.

(Refer to the Project Development Manual’s Chapter 4 approval matrix, for additional guidance regarding approval authorities).
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1.3.12 Right of Way Mapping Consultants

Role

Conducts surveys and prepares ROW maps and other plans as assigned by their contract.

Responsibilities

- Prepare Abstract Request Map.
- Determine existing highway boundary and abutting property line locations.
- Prepare Preliminary Acquisition Plan (with Table of Anticipated ROW Acquisitions). *(Refer to Section 5.5.2 of the Highway Design Manual (HDM) for guidance in preparing the Preliminary Acquisition Plan (with the Table of Anticipated ROW Acquisitions)).*
- Participate at Taking Line Review Meeting.
- Prepare Acquisition Plan (with Table of ROW Acquisitions). *(Refer to Section 5.5.5 of the Highway Design Manual (HDM) for guidance in preparing the Acquisition Plan (with the Table of ROW Acquisitions)).*
- Prepare Highway Boundary Plan.
- Prepare acquisition maps.
- Share in determining type of acquisitions, i.e. Fee, P.E, etc., and locations of proposed taking lines.
- Maintains quality control of all survey and ROW mapping products.
- Prepares maps to transfer, convey, discontinue, and abandon interest in portions of the ROW, which the Department determines are no longer needed for state highway purposes.

1.3.13 Thruway Authority and Canal Corporation

Role

Identifies the need for additional ROW for Thruway or Canal Purposes.

Responsibilities

- Prepares acquisition maps for review by the Department as required by *Section 347 of the Highway Law and Section 358 of the Public Authorities Law (Section 358- a of the Public Authorities Law allows the Thruway Authority to acquire property directly).*