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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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 DOT'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 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 DOT expects to acquire ROW. An ARM is required for most projects with fee or easement takings. The ARM is first used by the Regional Real Estate Group to estimate acquisition costs, which determine the amount of title research required. The map is then forwarded to the Department of Law 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 Real Estate Division. The Real Estate Division must allocate sufficient time for title searches and acquiring properties. The ARM is part of the Project's 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 Squad or Consultant forwards to 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, 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 Real Estate Group.

- The Real Estate 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 particular 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 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, the contract plans, including the information required by Chapter 5 of the Highway Design Manual, shall be supplied 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 Real Estate Group and the 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 of Transportation, the Department (or its representatives) can enter upon the property. Transfer of the land rights actually 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, and what the limits of the right of way are for construction purposes and future maintenance of the project. The required ROW Acquisitions for a project are documented on 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 21.2.2.4 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 Real Estate Group 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 certifies the map.

- The Regional Director, or a designee, certifies that the acquisition is necessary for the project.

- Regional ROW Mapping Unit forwards the original map to the Regional Real Estate Group.

- The Regional Real Estate Group forwards the original map to the Main Office Real Estate Group.

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

- The Director of the Real Estate Division approves the map and certifies that it is filed in the Department of Transportation.

- The Main Office Real Estate Group then forwards a copy of the official map to the Regional Real Estate Group for vesting (Filing in the county clerk’s office).
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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 DOT Groups to uphold the State's 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.
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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 Real Estate, Construction or other departmental units.
- Review consultant surveys to assure conformity with Department standards and policies.

1.3.3 Design

Role

Design\(^1\) 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 Real Estate 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.
- Forwards the “Table of Right of Way Acquisitions” to the Regional Real Estate Group.
- 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 or procure title searches.
- Provide title certifications and closing papers.
- Recommend to Office of the State Comptroller that payment may be made to titleholder.
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1.3.6 Main Office Real Estate

Role

The Main Office Real Estate Group is the Department's liaison between the Regional Real Estate Groups, the Attorney General's Office and the Federal Highway Administration (FHWA). The Main Office Real Estate Group also oversees the Department’s ROW acquisition and approval process.

[Pursuant to Official Order No. 1543, Dated 10 - 27 - 89, see Appendix “B”]

Responsibilities

- Approve Acquisition Stage Relocation Plans.
- Approve final ROW Maps.
- Maintain records of acquisitions and court of claim records.
- Provide ROW certifications.
- Archive ROW acquisition maps.
- Process requests to terminate temporary easements.

1.3.7 Regional Real Estate Group

Role

The Regional Real Estate Group is the liaison between the Department and the landowners in the ROW acquisition process.

Responsibilities

- Prepare Conceptual and Acquisition Stage Relocation Plans.
- Request title data by referencing the Abstract Request 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 Construction Group to terminate Temporary Easements.
- Prepares and recommends approval of the ROW Clearance Certificate by the Regional Director.

1.3.8 **Program and Project Management Bureau**

**Role**

Program and Project Management Bureau obligates funds necessary for the ROW mapping and Real Estate 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 **Construction Group**

**Role**

Manage ROW issues during project construction.

**Responsibilities**

- Identify need to change ROW required.
- Coordinate with Regional Real Estate 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 or change in location of proposed take line. This should be accomplished by forwarding a sketch to the Regional Design Engineer that indicates the proposed changes.
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1.3.10 Regional Operations Group

Role

Ensure that maintenance operations occur within the highway ROW. Identify potential encroachments.

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).

1.3.11 Traffic Operations

Role

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

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.

1.3.12 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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1.3.13 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.
- Participate at Taking Line Review Meeting.
- 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.

1.3.14 Thruway Authority and Canal Corporation

Role

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

Responsibilities

- Prepares acquisition maps for review by NYSDOT, 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).