

2024 Annual ROW Meeting

WSDOT Local Programs Right of Way Services

LOCAL AGENCY COORDINATORS:
DAVID NARVAEZ, NORTHWEST REGION,
TERRI BROWN, SOUTH CENTRAL, NORTH CENTRAL & EASTERN REGIONS,
EVA BETTS, OLYMPIC & SOUTHWEST REGIONS, AND
JULIE BROWN, STATEWIDE

ROW Procedures

Roles and Responsibilities

Program Administration - Oversee delivery of the ROW Program on federal aid projects for the Agency. Ensures ROW functions are conducted in compliance with federal and state laws, regulations, policies, and procedures

- Ensures Agency's approved ROW Procedures are current, including staff qualifications, and provides copies to consultants and Agency staff;
- Oversight of the agency ROW staff and consultants and should be included on all correspondence on the project.
- Sets Just Compensation prior to offers being made
- Oversight and approval of Administrative Offer Summaries (AOS) (Waiver Valuations) per policy
- Oversight and approval of Administrative Settlements per policy;
- Ensure Agency has a relocation appeal process prior to starting relocation activities;

Requires completion of the eLearning Administrative Settlement Training and No ROW Verification Training.



ROW Procedures

Roles and Responsibilities

Appraisal - Prepare and deliver appraisals on federal aid projects for the Agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies, and procedures.

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use Appraiser from WSDOT's Approved Consultant List if Agency does not have qualified staff;
- Prepare ROW Funding Estimate (not required to be completed by an appraiser & only when there are federal funds in the ROW Phase);
- Prepare AOS (Waiver Valuation);

Appraisal Review - Review appraisals on federal aid projects for the Agency to make sure they are adequate, reliable, have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies, and procedures.

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;
- Use review appraiser from WSDOT's Approved Consultant List if agency does not have qualified staff;
- Ensures project wide consistency in approaches to value, use of market data, and costs to cure;

Local Agency appraisers are NOT required to be licensed, BUT they must test (through WSDOT RES) and appear on the Approved Appraisal & Appraisal Review list.

Consultants must be licensed and also have tested (through WSDOT RES) and appear on the Approved Appraisal & Appraisal Review list (see Consultant webpage for more info.)

ROW Procedures

Roles and Responsibilities

Acquisition - Acquire, through negotiation with property owners, real property, or real property interests (rights) on federal aid projects for the Agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, policies, and procedures.

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare AOS (Waiver Valuation) justification and obtain approval;
- Prepare Administrative Settlement and obtain approval;
- Prepare Right of Way Funding Estimate (when there are federal funds in the ROW Phase);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with ROW plans, valuation, and title reports;
- Maintain a complete, well-organized parcel file for each acquisition



Requires completion of the eLearning Administrative Settlement Training

ROW Procedures

Roles and Responsibilities

Relocation - Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the Agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies, and procedures.

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;
- Provide required notices and advisory services;
- Make calculations and provide recommendations for Agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW;



ROW Procedures

Roles and Responsibilities

Property Management - Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the Agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies, and procedures

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep ROW free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;
- Maintain property records;
- Ensure occupants and personal property is removed from the ROW;
- Maintain a complete, well organized property management file;



Review Appraiser Desk Review and/or Field Inspections



49 CFR 24.104(a) - The level of review analysis depends on the complexity of the appraisal problem.

The review appraiser shall prepare a signed certification that states the parameters of the review. This signed document would call out whether a field inspection or desk review was conducted or necessary.

Desk Review

The Review Appraiser “desk reviews” all appraisals of each parcel to assure proper project and parcel identification, adequate response to the assignment, application of proper technique, completeness, and mathematical accuracy.

Field Review

The Review Appraiser examines the subject property in the field and the market facts on which conclusions of value depend. Appropriate sources (buyers, seller, brokers, public records) may be contacted to verify statements of fact, the adequacy of the market search, and the appraiser’s understanding of the impact of the plan on the subject property.

Chapter 25 of the LAG

Allows for flexibility based on the complexity of the appraisal problem on whether a Desk Review or Field Review is necessary. The decision on the appropriate review type should be made by the Agency and the Review Appraiser.

Note: WSDOT ROW Manual Chapter 5-3.3 and 5-3.4 require both a Desk Review and Field Review.

Personal Property Only Mobile Homes

A mobile home includes manufactured homes and recreational vehicles (RV) used as permanent residences.

A mobile home determined to be personal property cannot be acquired under eminent domain or the imminent threat of the state's exercise of its rights of eminent domain.

Steps to purchase: For full list of requirements see ROW Manual Chapter 6-7.4(H)

- Obtain title to the mobile home or prepare DOL Affidavit of Loss/Release of Interest Form. The property owner must sign whichever one is used.
- Property Owner signs a prepared DOR Mobile Home REETA form for mobile/manufactured homes only as the seller.
- Obtain a bill of sale.

ROW Manual Chapter 12-9 and 49 CFR 24.501,502, and 503 - Relates to Eligibility, Relocation Situations, and Replacement Housing Payment (RHPs) for owners/occupants of mobile homes.

- Owners and/or occupants of mobile homes, that are displaced by a public project may be eligible for different types of relocation replacement housing payments depending on different situations in relation to ownership and occupancy.
- The entitlement relating to mobile homes considered personal property is the payment of the cost to move such personal property when it is economically feasible. However, this can vary when dealing with mobile homes depending on whether the mobile home can be moved to a replacement site or not. See ROW Manual Chapter 12-9.2

A Mobile Home Work Sheet (LPA-220) is available to assist the Local Agencies with determining whether or not to acquire a mobile home.

Reminders



Diaries:

ROW Manual Chapter 6-10.3.1

Any agency staff, administrator, attorney, or consultant who participates in negotiations for the acquisition of property rights on federal aid projects must maintain their **own** diary.

- Entries SHALL contain all of the essential and factual information discussed and/or obtained during each contact, any decisions made or additional actions to be taken, and other such information sufficient to inform the user and/or reviewer of the diary of the purpose of the contact and/or entry.
- An assortment of pasted emails does not belong in the diary.
- **If its not in the diary, it didn't happen.**

The parcel files should contain all emails, invoices, letters and other documentation to support the diary entries.

Miscellaneous:

- A change in the acquisition area necessitates a revised ROW Plan
- A revised offer is required when the ROW Plan has been revised due to a change in the acquisition area.
Don't forget approval of new Just Compensation amount.
- Administrative Settlements should be signed and dated by the agency staff in the approved the ROW Procedures.
- Purpose and timeframe (TE's) stated in valuation should match purpose in conveyance document.
- Substantial changes to the LPA template forms should be sent to your LAC for review and approval.

