



## CHAPTER 29

# RIGHT OF WAY, ACCESS AND APPROACHES

Before a Project can be advertised for Bids, the Agency must certify that the Right of Way is clear. Otherwise, the Agency is required to list any property files in the Special Provision that are still pending Right of Way allowance.

Do not allow the Contractor to enter upon any property before the Agency has obtained Right of Way possession. Contact the Region 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.

### 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 Resident Engineer (RE) a copy of the Obligations of Oregon Transportation Commission on Real Property Acquisitions, form 734-3300:

**NOTE:** *Right of Way obligations, processes and requirements for Design-Build contracts are specified in Sub-section DB174.20.*

## OBLIGATIONS OF OREGON TRANSPORTATION COMMISSION

Owners:	File No.:
Situs	Grantor:
Address:	Section:
Telephone:	Highway:
Attorney:	County:
Attorney's	City:
Address:	FAP No.:
Telephone:	RW Map:
	Eng Station:
	Area of Entire Property:

**Improvements Purchased by State:**

**State's Obligations:**

**Grantor's Obligations:**

**Fencing:**

**Explanation of Changes:**

**State Completed:**

_____	Date _____
<b>Project Manager</b>	
_____	Date _____
<b>Region RW Manager</b>	
<b>(*Required if changes are made in the field)</b>	

The RE 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 RE must resolve the issue with the Region 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 RE will sign the form and send copies to the Region 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 RE should work with the Region 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.]

## **29-3 Road Approach, Driveway Construction**

The Agency has an Access Control program. The RE must not change the road approaches, driveways, or other accesses shown on the Project Plans without obtaining prior approval. The RE may need to contact the designer, Region 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 RE must request that the Region 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.

