

Chapter 2. Right of Way Section Organization

Table of Contents

2.100 Introduction

2.120 Policies

2.130 Organization

2.200 Responsibilities

2.210 State Right of Way Manager

2.220 Right of Way Operations/Assistant State Right of Way Manager

2.225 Right of Way Program Support Unit Manager

2.230 Right of Way Program Manager

2.240 Right of Way Project Administration Manager

2.250 Regional Right of Way Offices

2.260 Region Right of Way Manager

Appendix A. Right of Way Section Organization Chart

2.100 Introduction

The Right of Way Section is part of the Highway Division Technical Services Branch of the Oregon Department of Transportation (ODOT). It is responsible for the administration of the Department's eminent domain program and policies. In cooperation with the Federal Highway Administration (FHWA), the Right of Way Section implements Public Law 91-646, the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended. The Section provides necessary training to Regional staff, Local Public Agencies (LPA) and Consultants in the requirements of Public Law 91-646 and all ODOT eminent domain policy.

The Right of Way Section is responsible for oversight of all Department right of way activities including real property appraisal, property acquisition, occupant relocation and project-related property management. It is charged with ensuring compliance with federal and state laws and regulations and maintaining quality assurance. The Section also provides direct project support to the five ODOT Regions in the areas of project authorization and funding, appraisal and relocation review, settlement approval, Condemnation and mediation, title and escrow services, acquisition specialty services, utility relocation oversight, and access management/research. It functions as the liaison between FHWA and the five ODOT Regions.

Finally, the Section is responsible for several statewide ODOT programs not directly related to transportation projects. These include the Outdoor Advertising Sign Program, and non-project Property Management.

2.120 Policies

1. The Right of Way Section shall: Promote and advance the mission, initiatives, and programs of the Oregon Department of Transportation.
2. Cooperate with federal, state and local agencies in providing its services.
3. Comply with all state and federal laws and rules in the management of the Section and in the implementation of the right of way program.
4. Comply with applicable collective bargaining contracts and Department manuals and policies regarding personnel issues.
5. Prohibit any employee who has a financial or other personal interest in real property that ODOT is seeking to acquire or dispose of from appraising, negotiating for, or being involved in the acquisition or disposal of that property. Prohibit any employee who has a financial or other personal interest in an ODOT contract from negotiating, making, or accepting that contract. Prohibit any person who has a conflicting financial or other personal interest in an ODOT contract or real property that ODOT is seeking to acquire or dispose of from

performing services for the Right of Way Section related to such contract or real property.

6. Provide training opportunities for all Right of Way Section employees to develop skills and knowledge necessary for performance in current positions and career advancement.

2.130 Organization

The Right of Way Section is comprised of four office units, under individual Unit Managers. The office units are:

1. Right of Way Operations
2. Right of Way Program Support
3. Right of Way Program Management
4. Right of Way Project Administration

Three of the Unit Managers report directly to the State Right of Way Manager. The Manager of the Program Support Unit reports to the Operations Manager.

Each unit is responsible for different program areas as identified in [2.220 – 2.240](#). Detailed descriptions of each program are found in the following chapters in this Manual.

2.200 Responsibilities

2.210 State Right of Way Manager

The State Right of Way Manager is the lead administrator of the Right of Way Section. Delegation and signature authority has been given to the State Right of Way Manager in all the Section's program areas. The State Right of Way Manager has established responsibilities in each program area as shown in [2.220 – 2.250](#) and as detailed in the subsequent chapters of this Manual.

The Oregon Transportation Commission retains authority to approve acquisition of real property. This authority is not delegated down to the Highway Division. The OTC approves the acquisition of real property by resolution and directs the State Right of Way Manager to take all actions necessary to complete the transactions.

The State Right of Way Manager may represent the Highway Division by appearing before legislative committees, various boards and commissions, as well as other State agencies.

2.220 Right of Way Operations/Assistant State Right of Way Manager

The Operations Manager is appointed by the State Right of Way Manager and is responsible for administering and overseeing the Operations Unit programs and staff. The Operations Unit programs consist of:

- a. Oversight of the statewide land acquisition program
 - b. Condemnation - Trial ([Chapter 8](#))
 - c. DOJ/ODOT Liaison ([Chapter 8](#))
 - d. Alternate Dispute Resolution ([Chapter 8](#))
 - e. Right of Way Budget
 - f. The Operations Manager also functions as the Assistant State Right of Way Manager, carrying out all the duties and responsibilities of that position as needed and required.
1. The Operations Manager is the direct report and supervisor for the Program Support Unit Manager (See [2.225](#)).
 2. Under the procedures established in this manual and approved by the State Right of Way Manager, the Operations Manager has authority to approve all settlements and agreements with property owners and accept all documents for the purchase of rights of way. Typically, the Operations Manager approves settlements in the following circumstances:
 - a. Settlements greater than \$50,000 and more than 20% over the just compensation amount; or
 - b. Settlements which are the result of the Section's Alternate Dispute Resolution (ADR) process; or
 - c. Settlements arrived at through the Condemnation processes.
 3. The Operations Manager is the liaison between the Regional Right of Way Offices and the Right of Way Section.

2.225 Right of Way Program Support Unit Manager

The Program Support Unit Manager reports to the Operations Manager, administers and oversees all the program areas within the Program Support Unit and supervises the Unit staff. The Program Support Unit provides the following functions (see [Chapters 7 & 8](#)):

- a. Title & Escrow Services
- b. Document Preparation
- c. Acquisition of rights of way over federal lands
- d. Condemnation support services
- e. Jurisdictional Transfers

- f. Abandonments & Relinquishments
- g. Right of Way Automated Information Network (RAIN) database support
- h. Clerical support services for the Section

2.230 Right of Way Program Manager

1. The Program Manager is appointed by the State Right of Way Manager and is responsible for administering and overseeing the functions of the Right of Way Program Unit and for supervising the Unit staff. The Unit programs consist of:
 - a. Non-project property management (see [Chapter 9](#))
 - b. Outdoor Advertising Sign Program
 - c. Right of Way Access Management and Research
2. The Program Manager has authority to approve settlements as detailed in [2.220\(2\)](#) in the absence of the Operations Manager.
3. The Program Manager substitutes for the State Right of Way Manager as needed in the administration of all Section activities.

2.240 Right of Way Project Administration Manager

1. The Project Administration Unit Manager is appointed by the State Right of Way Manager and is responsible for administering and overseeing the functions of the Unit and for supervising Unit staff. The Unit programs consist of:
 - a. Appraisal (see [Chapter 4](#))
 - a) Appraisal Review
 - b) Appraisal policies and standards
 - b. Relocation ([Chapter 6](#))
 - a) Relocation Review
 - b) Relocation policies and standards
 - c. Right of Way Project Coordination (see [Chapter 12](#))
 - a) Project funding and authorization
 - b) Project Certification coordination

- d. Utility relocations and reimbursements
 - e. Acquisitions involving railroad rights of way
 - f. Local Public Agency Program
 - g. Right of Way Quality Assurance Program
 - h. Section performance measures
 - i. Consultant contract administration and payment
2. The Project Administration Manager has authority to approve settlements as detailed in [2.220\(2\)](#) in the absence of the Operations Manager
 3. The Project Administration Manager substitutes for the State Right of Way Manager as needed in the administration of all Section activities.

Quality Assurance

The Right of Way Quality Assurance Reviewer is responsible for conducting quality assurance audits on selected highway projects involving right of way acquisition. The entire land acquisition process is reviewed for compliance with federal and state laws and regulations, as well as for compliance with Department policies and procedures. Audit findings and recommendations may result in follow-up monitoring and support.

2.250 Regional Right of Way Offices

The five ODOT Regions each have Right of Way staffs to perform the needed appraisal, acquisition, relocation and project-related property management functions for the Regions. Each of these staffs is under a Region Right of Way Manager who reports to the Regional Technical Center Manager. The Right of Way Section oversees and monitors all regional right of way activity for compliance with federal and state laws. The primary Region Right of Way offices are located in Portland, Salem, Roseburg, Bend, and La Grande. Region 3 has a second Right of Way office in White City. The offices' responsibilities include, but are not limited to:

1. Serving on project teams
2. Conducting project-scoping activities
3. Conducting property appraisals
4. Acquiring property
5. Relocating people and businesses from acquired property
6. Acting as liaison with local area governments

2.260 Region Right of Way Manager

1. The Region Right of Way Manager is appointed by the Region Technical Center Manager and is responsible for administering and overseeing the functions of the

Regional Right of Way Office and supervising Office staff.

2. The Right of Way Manager must approve the qualifications of the Regional Right of Way Manager in order to exercise the authority granted in this manual. The State Right of Way Manager may further limit and condition these authorities until he/she determines the Region Right of Way Manager is fully qualified to exercise the authority granted herein.
3. Upon approval by the State Right of Way Manager, the Region Right of Way Manager has the authority to approve final reports and accept agreements, conveyance documents and all other documents relating to acquisition of property the OTC has authorized by resolution within the following limits and parameters:
 - a. Any monetary settlement for the reviewed or approved amount.
 - b. Any monetary settlement under \$50,000 total price, regardless of the percentage increase.
 - c. Any monetary settlement within 20% of the reviewed or approved amount.
 - d. A property documented Letter of Justification must accompany any settlement over the reviewed or approved amount and must detail why the settlement is in the best interest of the State.
 - e. Major negotiated construction obligations and other state obligations approved by Region that comprise a portion of the settlement over the reviewed amount shall be appropriately valued, included in the final settlement total as part of the Letter of Justification, and are subject to the above limits. Construction obligations may not offset damages or result in double compensation for items acquired which were included in the Appraisal Review.

(Information regarding specific Region responsibilities and activities in any of these program areas can be found in the following chapters of this Manual.)