

Chapter 2. Right of Way Section Organization

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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 ~~sub-delegated~~ **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 ~~sub-delegated authority~~ **the procedures established in this manual and approved by** the State Right of Way Manager ~~from 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** ~~settlement approval authority for the purchase of rights of way~~ 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.

2.230 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 ~~sub-delegated authority from the State Right of Way Manager~~ **authority** to approve settlements as detailed in [2.220\(4\)\(2\)](#) 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 ~~sub-delegated authority from the State Right of Way Manager~~ to approve settlements as detailed in [2.220\(4\) \(2\)](#) 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.

2.260 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.)