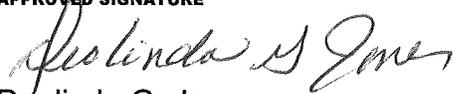




RIGHT OF WAY DIRECTIVE

SUBJECT Intergovernmental Agreement for Right of Way Services	FINAL NUMBER RW08-01(D)	EFFECTIVE DATE 10/31/2008	VALIDATION DATE 12/29/2011	SUPERSEDES or RESCINDS New
	WEB LINK(S) http://egov.oregon.gov/ODOT/HWY/TECHSERV/techguide.shtml			
TOPIC/PROGRAM Agreements	APPROVED SIGNATURE  Deolinda G. Jones State Right of Way Manager			

PURPOSE

To provide direction for ODOT Right of Way staff, ODOT Local Liaisons, ODOT Office of Procurement and Local Public Agencies regarding the use of the Intergovernmental Agreement for Right of Way Services (the "Agreement").

The Right of Way Leadership team has approved the Agreement language and the guidelines for the use of the Agreement for projects where right of way activities are involved.

GUIDANCE

Attached to this Right of Way Directive is Exhibit 1, the updated Intergovernmental Agreement for Right of Way Services template dated April 2008. It provides instruction regarding the use of the Agreement.

BACKGROUND/REFERENCE

According to the ODOT Cooperative AOC-LOC Federal Aid Project Guidelines and Working Agreement, a Right of Way Services Agreement is required for any federally funded cooperative Local Agency project that requires right of way activities, or if there is the potential for right of way activities. It is also ODOT Right of Way Section's policy that a separate Right of Way Services Agreement must be executed for any federally or non-federally funded cooperative Local Agency project that involves right of way activities. Accordingly, the ODOT Right of Way Section has provided the ODOT Office of Procurement with new standard language to be inserted in non-federal ODOT Intergovernmental Agreements. This language advises Local Agencies of the need for an Intergovernmental Agreement for Right of Way Services for all cooperative projects that require right of way activities or if there is the potential for right of way activities. See Exhibit 2.

EXPLANATION

The Intergovernmental Agreement for Right of Way Services has not been updated for several years. There have also been inconsistencies in the use of the Agreement. As a result, in cooperation with the ODOT Office of Procurement, the ODOT Right of Way Section has reviewed, updated and approved the Agreement template. The Agreement is intended for

use as a separate Intergovernmental Agreement that defines the roles and responsibilities for right of way activities on a cooperative Local Agency project, or on a project where a Local Agency desires to contract ODOT to perform right of way services for them.

RESPONSIBILITIES / ACTION REQUIRED

The overall process of coordination with a Local Agency to obtain a fully executed Intergovernmental Agreement for Right of Way Services will be the same as for any other ODOT Intergovernmental Agreement. Specifically, Region Right of Way staff, the ODOT Local Liaison or a Local Agency will identify the need for the Agreement. After the need has been identified, it is the Region Right of Way Manager's responsibility to coordinate the language in the Agreement. Region Right of Way staff will work with the Local Agency, the ODOT Local Liaison and the ODOT Office of Procurement agreement writer to complete the Agreement. If needed, the Right of Way Section staff may assist with the process. Unless there is delegated authority, all Intergovernmental Agreements for Right of Way Services require the State Right of Way Manager's signature. The Intergovernmental Agreement for Right of Way Services must be reviewed and approved by the Right of Way Section prior to any signatures being acquired.

SPECIAL INSTRUCTIONS

1. The language contained in the Intergovernmental Agreement for Right of Way Services is not to be modified, edited or altered. The most current version of this document should always be used in order to comply with the approved language (\\scdata2\crew0953shar\Master Agreement Formats\Master Agreements - IGA for R/W Services Agreement; IGA for R/W Services Agreement – JTA Funds; and IGA for R/W Services), . The Special Provisions Exhibit A may not be used as a separate Exhibit in any other ODOT Intergovernmental Agreement, without prior approval of the ODOT Right of Way Section.
2. The Intergovernmental Agreement for Right of Way Services is not intended to allow a Local Agency to acquire right of way on a State highway in the State's name. Should the Agency intend to acquire right of way on a State highway, they must acquire that right of way in their [the Agency's] name, and subsequently transfer the right of way to the State, in compliance with Paragraph F of Special Provisions Exhibit A.

CONTACT INFORMATION

Title: Project Administration Manager
Branch/Section: Right of Way
Phone: (503) 986-3616
E-mail: Michael.L.Kirby@odot.state.or.us