



<p>SUBJECT</p> <p>Optional Alternative Acquisition Process To Reconnect Driveways/Approaches, For Construction Or Alteration Of ADA Ramps Or For Maintenance Activities</p>	<p>FINAL NUMBER</p> <p>RW15-02(B)</p>	<p>EFFECTIVE DATE</p> <p>08/18/2015</p>	<p>VALIDATION DATE</p> <p>04/15/2016</p>	<p>SUPERSEDES</p>
<p>TOPIC/PROGRAM</p> <p>Streamlined Acquisition Process For Reconnection Of Driveways/Approaches, ADA Ramp Projects Or For Maintenance Activities</p>	<p>WEB LINK(S)</p> <p><a href="http://www.oregon.gov/ODOT/HWY/TECHSERV/Pages/technicalguidance.aspx">http://www.oregon.gov/ODOT/HWY/TECHSERV/Pages/technicalguidance.aspx</a></p> <p>APPROVED SIGNATURE</p> <p>Original signed by: Joseph A. Gray State Right of Way Manager</p>			

*PURPOSE*

The purpose of this bulletin is to establish an optional alternate acquisition process to acquire temporary easements for the purpose of reconnecting driveways or approaches, constructing/reconstructing ADA ramps or to perform maintenance activities. The driveway or approach reconnection projects typically consist of minor paving and grading work to match existing driveways or approaches to new pavement. The ADA ramp projects typically consist of setting forms and paving curb ramps at intersections. Maintenance activities typically consist of cleaning pipes, installing slip liners, etc. This process would allow the property owner to be offered a minimum payment without an appraisal for the right to enter onto their property, located outside of the existing right of way. It serves the purpose of constructing a new minor reconnection from the highway to the owner’s property at a legally permitted driveway or approach, constructing or reconstructing ADA ramps or performing maintenance work, which is located within the existing right of way.

*BACKGROUND*

Driveway or Approach Reconnections: The current process for right of way projects with driveway or approach reconnections is to obtain a Temporary Easement for Construction. This allows a safe reconnection to the new roadway surface to be provided without creating an abrupt edge at the new pavement. Traditionally, when using a Temporary Easement for Construction, an appraisal is completed and reviewed to determine just compensation and negotiations are initiated, in order to conform to the Right of Way Manual, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and state and federal law.

ADA Ramps: Constructing new ADA ramps or reconstructing existing ramps to bring them up to current code may necessitate the temporary entry onto an abutting property.

The current method to secure entry is to obtain a Temporary Easement for Construction. This allows ADA ramps to be constructed when required. Traditionally, when using a Temporary Easement for Construction, an appraisal is completed and reviewed to determine just compensation and negotiations are initiated, in order to conform to the Right of Way Manual, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and state and federal law.

### Maintenance Activities

Performing certain maintenance work, such as cleaning pipes or installing slip liners may necessitate the temporary entry onto an abutting property. Traditionally, when using a Temporary Easement for maintenance activities, an appraisal is completed and reviewed to determine just compensation and negotiations are initiated, in order to conform to the Right of Way Manual, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and state and federal law. These types of projects can be limited on budget and schedule. Cost savings and efficiencies may be realized by using the optional alternate acquisition process in these circumstances. This would eliminate the need to do a formal appraisal or enter into full negotiations with the property owner.

The Uniform Act allows some degree of flexibility in order to benefit both the taxpayers and the property owners.

### *GUIDANCE*

Paving projects, which increase or decrease the height of the road surface and require construction off the right of way to make a smooth transition to an existing driveway or approach, may qualify for this policy.

ADA ramps, which are being newly constructed or existing ADA ramps that are being reconstructed to meet current ADA regulations, may qualify for this policy.

Maintenance activities, such as pipe cleaning, installing slip liners, etc., may qualify for this policy.

If the work remains within the existing right of way (i.e., removing or rebuilding ADA ramps, driveway reconnections, maintenance activities, etc.), it is not necessary to determine actual property boundaries. However, if there is any question as to whether or not the work is within the current right of way, the Project Team or District Maintenance Representative must do its due diligence to determine the existing right of way and how the project impacts the adjacent properties. The project qualifies if the Project Team or District Maintenance Representative and the Region Right of Way Manager or Region Right of Way Program Manager concludes that:

- It is a driveway or approach reconnection project where the work can be constructed with minimal impacts to the owners' remaining property and minimal construction, paving and grading outside of the existing right of way;
- It is an ADA ramp project where the work can be constructed with temporary use of the abutting owners' property and with minimal impacts outside of the existing right of way;

- It is a maintenance project related to driveway reconnection/approaches, ADA ramps; or maintaining facilities within the existing right of way.
- The Project Team acknowledges the optional alternate process is voluntary by the property owner. It does not allow for condemnation and assumes the risk of not delivering the project within the Project Team's scheduled timeframe; and
- The project must meet the State's design specifications or State maintenance guidelines.

Driveway or Approach Reconnections: A minimum payment of \$500 per driveway or approach reconnection will be offered to the property owner for the temporary use of their property, in order to reconnect the driveway or approach.

ADA Ramps: A minimum payment of \$500 per ramp will be offered to the property owner for the use of the temporary use of their property, in order to construct or reconstruct the ADA ramps.

Maintenance Activities: A minimum payment of \$500 will be offered to the property owner for the temporary use of their property, in order to perform maintenance activities.

The minimum payment offer can be either hand delivered or mailed. The cover letter that accompanies the offer should explain the process and clearly state that this option is voluntary.

If a property owner does not accept the offer and a settlement cannot be reached, this voluntary process stops for that file and reverts back to the standard acquisition/negotiation process outlined in the ODOT Right of Way Manual.

The Region Right of Way Manager or Region Right of Way Program Manager will evaluate all projects submitted (by ODOT or LPAs) for consideration to utilize this process, and will determine whether or not they qualify.

## *DEFINITIONS*

Driveway or Approach Reconnections: The term "minor paving and grading work outside the right of way", as used in this technical bulletin, are those projects which require driveway or approach reconnections to avoid leaving an abrupt edge that does not meet design standards or creates a safety hazard.

ADA: Americans with Disabilities Act

ADA Ramps: The term "ADA Ramps", as used in this technical bulletin, are those projects which require ADA ramps be either constructed or reconstructed in order to comply with state and federal guidelines.

Curb Ramps:

- (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.
- (2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

Maintenance Activities: Minor work performed on facilities within the existing right of way.

## *RESPONSIBILITIES*

### ODOT Project Teams (Right of Way Projects):

1. Evaluate the scope of the project and determine if the work activity fits within the guidelines of this Bulletin and may be utilized;
2. Document the Project Charter; and
3. Provide the Project Charter to the Right of Way Project Manager.

### Local Public Agency (LPA) (Right of Way Projects):

1. Evaluate the scope of the project and determine if the work activity fits within the guidelines of this Bulletin and may be utilized; and
2. Submit the project (scope and schedule) to the Local Agency Liaison (LAL), along with a statement confirming that the project qualifies.

### Local Agency Liaison (LAL)

1. Submits scope, schedule and confirmation statement to Region Right of Way Manager or Region Right of Way Program Manager for approval.

### ODOT Right of Way Project Teams (Maintenance Projects):

1. Evaluate the scope of the project and determine if the driveways or approaches will need to be reconnected; if ADA ramps need to be constructed/ reconstructed; or if maintenance work needs to be performed to maintain roadway facilities; and
2. Provide the scope and schedule to the Right of Way Project Manager for approval.

### ODOT Right of Way Project Manager:

Provide a copy of the Project Charter or the scope and schedule, along with a statement confirming that the Project Team has determined that the project qualifies, to the Region Right of Way Manager or Region Right of Way Program Manager for approval.

### ODOT Region Right of Way Manager or Region Right of Way Program Manager:

1. Review the statement and Project Charter or scope and schedule and determine if the project qualifies;
2. If approved, direct ODOT staff or LAL to follow the process outlined in this bulletin; or
3. If the Right of Way Manager or Right of Way Program Manager determines that the project does **not** meet the criteria as outlined in this bulletin, this process cannot be used.

*RESPONSIBILITIES AND ACTION REQUIRED*

<b><u>RESPONSIBILITY</u></b>	<b><u>STEP</u></b>	<b><u>ACTION</u></b>
ODOT Project Team or LPA or District Maintenance representative	1	<p>Evaluate the scope of the project and determine if the driveways or approaches need reconnection, or ADA ramps need to be constructed/reconstructed, or if maintenance work is needed.</p> <p><u>For ODOT right of way projects:</u> Document this information in the Project Charter; and</p> <p>Provide the Region Right of Way Project Manager with the Project Charter.</p> <p><u>LPA:</u> Document this information in a statement of determination, stating that the project qualifies and provide to LAL.</p> <p><u>For maintenance projects:</u> Provide the scope and schedule to the Region Right of Way Manager or Region Right of Way Program Manager for approval.</p>
Local Agency Liaison (LAL)	2	Provide the Region Right of Way Manager or Region Right of Way Program Manager with the statement of determination and scope and schedule for approval.
ODOT Region Right of Way Project Manager	2	<p>Prepare a statement of determination stating that the project qualifies.</p> <p>Provide the Region Right of Way Manager or Region Right of Way Program Manager with the statement and the Project Charter or scope and schedule for approval.</p>
ODOT Region Right of Way Manager or Region Right of Way Program Manager	3	<p>Review the statement and Project Charter or scope and schedule and determine whether the project qualifies.</p> <p>If approval is given, direct ODOT staff or LAL to follow the process in this bulletin.</p> <p>If approval is not given, the process in this bulletin cannot be used and stops at this step.</p>
Right of Way Agent or LPA	4	If approval is provided by the Region Right of Way Manager or Region Right of Way Program Manager, prepare minimum payment offer to property owner(s), and include an explanation of the process, plus a clear statement that this option

		<p>is voluntary.</p> <p>Make the offer either in person or by mail.</p> <p>If a property owner does not accept the offer and a settlement cannot be reached, this voluntary process stops for that file and reverts back to the standard acquisition/negotiation process outlined in the ODOT Right of Way Manual.</p>
--	--	--

*CONTACT INFORMATION*

Title: State Right of Way Manager  
Branch/Section: Technical Services Right of Way Section  
Phone: (503)986-3615  
E-mail: [Joseph.A.Gray@odot.state.or.us](mailto:Joseph.A.Gray@odot.state.or.us)