

Right of Way Acquisition Manual
Manual Notices Archive

Manual Notice 2024-1

From: Kyle Madsen, Right of Way Division Director

Manual: ROW Acquisition Manual

Effective Date: September 27, 2024

Purpose

This revision is intended to update the manual to match current requirements for right of way acquisition.

Changes

Chapter 5 - Updated the following areas:

- ◆ *Right of Way Property Acquisition and Procedures* - Added reference to US Code, updated the Title VI language, added conveyance instrument to the list of items mailed to the owner to initiate negotiations
- ◆ *TxDOT Monitoring of LPA Acquisitions* - Updated name of form used for monitoring activities
- ◆ *Informational Notice to Owners Required (for State and LPA)* - Added paragraph concerning identification of TxDOT contractors
- ◆ *Landowner's Bill of Rights and Written Initial Offer to Purchase as Required Elements of a Bona Fide Offer (for State and LPA)* - added conveyance instrument to the list of items included with initial written offer and added clarifications
- ◆ *Negotiation Contacts and Reports (for State)* - Added requirements for identification of TxDOT contractors
- ◆ *Cemeteries (for State)* - Corrected typo
- ◆ *Possession and Use Agreements (for State)* - Added requirement for PUA to include all applicable special clauses

Chapter 14 - Updated information about bisected improvements in *Approved Special Clauses for Use in Conveyance Instruments*

Chapter 16 - Updated information about *Petroleum Underground Storage Tank Systems (PUSTS)*.

Disclaimer

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Contact

Lezlie Kirby, Right of Way Project Delivery Section Director, 512.416.2868

Archives

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Manual Notice 2023-1

From: Kyle Madsen, Right of Way Division Director

Manual: ROW Acquisition Manual

Effective Date: July 12, 2023

Purpose

This revision is intended to update the manual to match current requirements for right of way acquisition.

Changes

Overall manual updates - Removed ROWIS references and replaced with TxC references and processes, and added links to all regulatory code references.

Chapter 1 - Replaced RCSJ reference with Project ID, removed ROWIS references and replaced with TxC references and processes, and added links to all regulatory code references.

Chapter 2 - Updated the *Authority Types* section.

Chapter 3 - Updated the following areas: *Policy on Advance Acquisition (for State)*, and *Advance Acquisition of Right of way (for LPA)*.

Chapter 4 - Added links to regulatory code references.

Chapter 5 - Updated the following areas: *Landowner's Bill of Rights and Written Initial Offer to Purchase as Required Elements of a Bona Fide Offer (for State and LPA)*, *Owner Retention of Improvements (for State and LPA)*, and *Administrative Settlements (for State)*.

Chapter 6 - Updated the following areas: *Overview, Procedures for Receiving Donations (for State)*, and *Procedures for Receiving Donations (for LPA)*.

Chapter 7 - Updated the following areas: *Negotiation for Commercial Signs (for State)*, *Conveyance of Commercial Sign Interests (for State)*, *Removal and Relocation of Certain Commercial Signs (for State)*, and *Leasehold Signs (for LPA)*. Changed “Advertising Sign Interests” to “Commercial Sign Interests” throughout chapter.

Chapter 8 - No changes.

Chapter 9 - Updated the *Cost Charge for Passes (for LPA)* section. Added links to regulatory code references.

Chapter 10 - Updated the *Permanent School Fund Lands* section.

Chapter 11 - Added note to reach out to federal agencies to obtain necessary permits for property adjustment work on federal lands, and added links to regulatory code references.

Chapter 12 - Updated *For State and LPA* section.

Chapter 13 - Removed ROW-N-147 from the Standard Conveyance Forms List and updated Memorandum of Agreement (MOA) requirements in *Standard Conveyance Form* section.

Chapter 14 - Updated the following areas: Removed reference to use Form ROW-A-15 Payment Request from *Appointment of Single Payee or Attorney in Fact* section.

Chapter 15 - Removed references to use Form ROW-A-15 Payment Request and added references to TxC payment submission in Sections 10, 11, 13, and 15.

Chapter 16 - Updated *Hazardous Waste Contamination* section of the guide and added a reference and link to the Asbestos Testing, Demolition and Clearing SOP.

Chapter 17 - Added links to regulatory code references.

Chapter 18 - Updated the following areas: *General Payment Policy*, *Refund to State Based on Final Judgment*, *Billings for Fee Appraisers*, *Technical Experts*, and *Expert Witnesses*, *Payment for Title Work*. Removed all references to use Form ROW-A-15 Payment Request, and added references to TxC payment submission.

Chapter 19 - Removed references to use Form ROW-A-15 Payment Request, and added references to TxC payment submission in *Payment Requests*.

Chapter 20 - Changed “ROW Division” to “ROW Program Office”.

Disclaimer

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Contact

Lezlie Kirby, Right of Way Project Delivery Section Director, 512.416.2868

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Manual Notice 2021-1

From: Kyle Madsen, Right of Way Division Director

Manual: ROW Acquisition Manual

Effective Date: April 29, 2021

Purpose

This revision updates the special warranty deed language.

Changes

[Chapter 13, Section 2, Standard Conveyance Forms](#) contains updated special warranty deed language consistent with the current form ROW-N-14 Deed.

Contact

Lezlie Kirby, Right of Way Project Delivery Section Director, 512.416.2868

Archives

Past manual notices are available in a [pdf archive](#).

Manual Notice 2019-1

From: Kyle Madsen, Right of Way Division Deputy Director

Manual: ROW Acquisition Manual

Effective Date: January 18, 2019

Purpose

This revision is intended to update the manual to match current requirements for right of way acquisition.

Changes

[Chapter 3, Advance Acquisition of Right of Way](#) contains revisions in the following sections:

- ◆ Section 1 - deleted example scenarios;
- ◆ Section 2 - expanded explanation of federal regulations;
- ◆ Section 5 - added subsection regarding reimbursement.

[Chapter 6, Donations and Exchanges](#) contains text added in Section 1 concerning donations in exchange for construction features or services.

[Chapter 11, Section 2, Acquisition Procedures for Federal Lands \(for State\)](#) contains new subsections on “Functional Replacement of Real Property” and “Federal Land Transfers”.

Contact

Lora Gunter, Right of Way Project Delivery Director, 512.416.2907

Archives

Past manual notices are available in a [pdf archive](#).

Manual Notice 2018-1

From: Gus Cannon, CTCM, Right of Way Division Director

Manual: ROW Acquisition Manual

Effective Date: October 05, 2018

Purpose

This revision is intended to update the manual to match current requirements for right of way acquisition. Also, the manual name is changing from “Right of Way Manual Vol. 2 - Right of Way Acquisition” to “ROW Acquisition Manual”.

Changes

All chapters contain revised text.

A new [Chapter 15, Title Requirements and Title Insurance](#) was created from combining content of the following previous chapters:

- ◆ Chapter 15, Title Requirements and Procedure for Title Examination, Escrow, and Closing
- ◆ Chapter 16, Title Insurance: Title Reports and Policies, Escrow, and Closing

Chapter 17, Attorney’s Certificates: Title Examination, Escrow, and Closing was deleted from the manual.

Three new chapters were added. The content of these three chapters previously resided in the Right of Way Manual Vol. 6 - Miscellaneous.

- ◆ [Chapter 16, Hazardous Materials](#)
- ◆ [Chapter 17, Environmental Covenants for Contaminated Property](#)
- ◆ [Chapter 20, Railroads](#)

Contact

Lora Gunter, Right of Way Project Delivery Director, 512.416.2907

Archives

Past manual notices are available in a [pdf archive](#).

Manual Notice 2015-1

From: John P. Campbell, P.E., SR/WA, CTCM, Right of Way Division Director

Manual: Right of Way Manual Vol. 2 - Right of Way Acquisition

Effective Date: January 21, 2015

Purpose

This revision removes a requirement that is no longer necessary.

Changes

Chapter 13, Instruments of Conveyance for On-System Projects: In Section 2, deleted references to the Negotiator's Certificate (form ROW-N-95).

Chapter 18, General Payment Policies and Procedures for State and LPA: In Sections 4 and 8, deleted references to the Negotiator's Certificate (form ROW-N-95).

Contact

Hilda Correa, R/W Asset Management, 512.416.2902

Archives

Past manual notices are available in a [pdf archive](#).

Manual Notice 2014-1

From: John P. Campbell, P.E., SR/WA, CTCM, Right of Way Division Director

Manual: Right of Way Manual Vol. 2 - Right of Way Acquisition

Effective Date: December 01, 2014

Purpose

This revision is intended to update the **Right of Way Manual Vol. 2 - Right of Way Acquisition** to reflect recent changes to Title 43 of the Texas Administrative Code, Section 1.503 regarding acceptance of donations. The revision also includes new enhanced negotiation procedures which have been adopted.

Changes

Chapters 3, 6, and 11 were updated to reflect recent changes to Title 43 of the Texas Administrative Code, Section 1.503.

Chapter 5, Section 32 was revised to include procedures for enhanced negotiations.

Contact

Hilda Correa, R/W Asset Management, 512.416.2902

Archives

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Manual Notice 2013-1

From: John P. Campbell, P.E., SR/WA, Right of Way Division Director

Manual: Right of Way Manual Vol. 2 - Right of Way Acquisition

Effective Date: August 01, 2013

Purpose

This revision is intended to update the **Right of Way Manual Vol. 2 - Right of Way Acquisition**, specifically to reflect recent changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, regarding certain required procedures for negotiations and the acquisition of real property by eminent domain.

Changes

The cautionary note regarding pending manual updates, was removed from the beginning of Chapter 1.

Procedural updates, reflecting changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, have been made to Chapters 5, 12 and 13.

Chapter 5, Sections 32 and 33, were revised to more accurately reflect current TxDOT administrative settlement practices.

Throughout the manual, replaced terms such as “District”, “Region”, and “Division” with more generic terms able to survive small organizational changes.

Contact

Hilda Correa, Real Property Asset Management, 512.416.2902

Archives

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Manual Notice 2011-1

From: John P. Campbell, P.E., SR/WA, Right of Way Division Director

Manual: Right of Way Manual Vol. 2 - Right of Way Acquisition

Effective Date: August 01, 2011

Purpose

This revision is intended to update the **Right of Way Manual Vol. 2 - Right of Way Acquisition**, specifically to include a note to users that recent changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, regarding the condemning of property may not be reflected in the manual. These changes will be included in the next revision of the manual estimated to be released by early Fall 2011.

Changes

In the first section of this manual, including the following text: The information contained in this manual is in the process of being updated to reflect recent changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, and may not accurately reflect current law or department procedures. Please contact the Right of Way Division at 512-416-2902 for more information.

Contact

Hilda Correa, R/W Staff Services, 512.416.2902

Archives

Past manual notices are available in a [pdf archive](#).

Manual Notice 2010-1

From: John P. Campbell, P.E., Right of Way Division Director

Manual: Right of Way Manual Vol. 2 - Acquisition

Effective Date: December 01, 2010

Purpose

To update the procedure for acquiring an uneconomic remainder since a statute change eliminated the need to obtain a Commission Minute Order. To update the manual to clarify the Landowner Bill of Rights requirements. To update the manual for changes in processing payments and in releasing projects for right of way acquisition.

Changes

Chapter 1 – Administrative Requirements Preliminary to Formal Release for Right of Way Acquisition: Specified that preliminary engineering costs are charged to function 130. Removed references to obsolete forms, and replaced with new ROW CSJ Request Form for Total Project Cost (ROW-RM-CSJTPC). Eliminated references to District right of way sections, and replaced those with the new Regional structure.

Chapter 2– Types of Project Releases: Eliminated references to District right of way sections, and replaced those with the new Regional structure. Replaced the term Local Public Agency (LPA) with Local Government (LG). Deleted subsection titled “Request for Release for Preliminary Engineering”.

Chapter 4– Administrative Requirements After Formal Release for Right of Way Acquisition: Eliminated option of using Form 132 for certain payment submissions. Added reference to new ROW CSJ Request Form for Total Project Cost (ROW-RM-CSJTPC). Eliminated references to District right of way sections, and replaced those with the new Regional structure. Replaced the term Local Public Agency (LPA) with Local Government (LG).

Chapter 5– Right of Way Property Acquisition:

- ◆ In Section 8- [Landowner’s Bill of Rights and Written Offer to Purchase Required \(for State\)](#), updated procedures related to the *Landowner’s Bill of Rights*, and clarified the methods of providing the document and documenting compliance with the statute.
- ◆ In Section 9- [Landowner’s Bill of Rights and Written Offer to Purchase Required \(for LPA\)](#), updated procedures related to the *Landowner’s Bill of Rights*, and clarified the methods of providing the document and documenting compliance with the statute.

- ◆ In Section 16 - [Policy on “Uneconomic Remainders” \(Excess Takings\)\(for State\)](#), updated the procedure for acquiring an uneconomic remainder.

Chapter 9– Passes, Stock Passes, and Cattle Guards (for LPA): Eliminated option of using Form 132 for certain payment submissions.

Chapter 10– Acquisition of State-Owned Lands for Right of Way: Eliminated option of using Form 132 for certain payment submissions.

Chapter 18– General Payment Policies and Procedures for State and LPA: Showed that Payment Requests are now signed by a Right of Way Agent instead of by the District Engineer (or designee). Eliminated option of using Form 132 for certain payment submissions. Eliminated references to District right of way sections, and replace those with the new Regional structure. Replaced the term Local Public Agency (LPA) with Local Government (LG).

Contact

Hilda Correa, R/W Staff Services, 512.416.2902

Archives

Past manual notices are available in a [pdf archive](#).

Manual Notice 2008-1

From: John P. Campbell, P.E., Right of Way Division Director

Manual: Right of Way Manual Vol. 2 - Acquisition

Effective Date: October 01, 2008

Purpose

To introduce the term “early acquisition”, and to make the distinction between early acquisition and the acquisition of options (advance acquisition). To implement *Landowner's Bill of Rights* legislation which passed in HB1495 of the 80th Regular Session of the Texas Legislature. To remove

Changes

Chapter 1 – Administrative Requirements Preliminary to Formal Release for Right of Way Acquisition: In Section 4 - “Schematic Layout for Transportation Project”, changed term from advance to early.

Chapter 2– Types of Project Releases: Minor text changes have been made throughout the chapter, and the following items were revised:

- ◆ In Section 1 - “Release Types”, changed term from advance to early. Under “Limited Release for Utility Investigation”, removed requirement for an executed date of eligibility or an executed utility agreement.
- ◆ In Section 3 - “Release for Early Acquisition”, changed term from advance to early.

Chapter 3– Early Acquisition of Right of Way: Chapter title was modified. Minor text changes have been made throughout the chapter, and the following items were revised:

- ◆ In Section 1 - “Types of Early Acquisition (for State)”, changed term from advance to early. Added note to explain difference between early and advance acquisition.
- ◆ In Section 2 - “Policy on Early Acquisition (for State)”, changed term from advance to early. Added paragraph explaining the legal authority and limited use of early acquisition procedures.
- ◆ In Section 3 - “General Requirements for Early Acquisition (for State)”, changed term from advance to early. Added instruction for obtaining ENV Division release for an early acquisition parcel. For early acquisition based on hardship, added information used to advise the property owner.
- ◆ In Section 4 - “Additional Requirements for Hardship Acquisition Submissions (for State)”, changed term from advance to early.

- ◆ In Section 5- “Additional Requirements for Protective Buying Submissions (for State)”, changed term from advance to early.
- ◆ In Section 6- “Additional Requirements for Submissions for Early Acquisition through Donation (for State)”, changed term from advance to early. Added bullet for creating a ROW CSJ for purpose of tracking a donation in ROWIS.
- ◆ In Section 7- “Approval of Early Acquisition (for State)”, changed term from advance to early.
- ◆ In Section 8- “Early Acquisition of Right of Way for LPA”, changed term from advance to early. Added bullet regarding the use of Federal funds for right of way costs.

Chapter 4– Administrative Requirements After Formal Release for Right of Way Acquisition: Corrected link in Section 2 - “State Cost Participation in LPA Right of Way Acquisition” , and made minor text change in Section 4 - “Conversion of Right of Way Projects from State Funded to Federal”.

Chapter 5– Right of Way Property Acquisition: Minor text changes and link corrections have been made throughout the chapter, and the following items were revised:

- ◆ In Section 2- “District's Monitoring of LPA Acquisition”, corrected form number.
- ◆ In Section 8- “Landowner’s Bill of Rights and Written Offer to Purchase Required (for State)”, added new subsection on Landowner’s Bill of Rights.
- ◆ In Section 9- “Landowner’s Bill of Rights and Written Offer to Purchase Required (for LPA)”, added new subsection on Landowner’s Bill of Rights.

Chapter 6– Right of Way Donations and Exchanges: Minor text change made in Section 3 - “Exchanges (for State)” .

Chapter 7– Procedures Regarding Advertising Sign Interests: Minor text changes made in Section 2 - “Moving Certain Off-Premise Signs (for State)” and in Section 3 - “General Procedures (for LPA)”.

Chapter 9– Passes, Stock Passes, and Cattle Guards (for LPA): Minor text changes made in Section 10- “Cost Charge for Passes (for LPA)”.

Chapter 10– Acquisition of State-Owned Lands for Right of Way: In Section 4- “Texas Departments of State Health Services and of Aging and Disability Services Lands”, replaced references to the Texas Department of Mental Health and Mental Retardation.

Chapter 14– Special Clauses for Conveyance Instruments: Minor text change made in Section 2 - “Approved Special Clauses for Use in Conveyance Instruments”.

Chapter 16– Title Insurance: Title Reports and Policies, Escrow and Closing: Minor text change made in Section 6 - “Title Policy Commitments”.

Chapter 17– Attorney’s Certificates: Title Examination, Escrow, and Closing: Minor text change made in Section 3 - “Attorney's Certificates and Their Usage”.

Chapter 18– General Payment Policies and Procedures for State and LPA: Minor text change made in Section 2 - “Refund to State Based on Final Judgment”.

Contact

Hilda Correa, R/W Staff Services, 512.416.2902

Archives

Past manual notices are available in a pdf archive.

Manual Notice 2006-2

From: John P. Campbell, P.E.
Director, Right of Way Division

Manual: Right of Way Acquisition

Effective Date: September 01, 2006

Purpose

To revise procedures relating to administrative settlements over \$50,000 total compensation per parcel.

Supersedes

Volume 2, Right of Way Acquisition, Online Manual System, January 2006.

Changes

- ◆ Chapter 5 Right of Way Property Acquisition, Section 32 Administrative Settlements (for State): For administrative settlements over \$50,000 total compensation per parcel and disapproved by the District, removed requirement for Division approval/disapproval.

Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902

Archives

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Right of Way Acquisition

January 2006

Manual Notice

Manual Notice 2006-1

To: Users of the Right of Way Manual

From: John P. Campbell, P.E.
Director, Right of Way Division

Subject: Revised Volume 2, Right of Way Acquisition, Online Manual System

Manual: Right of Way Manual

Effective Date: January 1, 2006

Purpose

To revise and update documentation procedures necessary to implement changes to the final rule of the Uniform Act (49 CFR, PART 24), effective February 23, 2005

Supersedes

Volume 2, Right of Way Manual, Online Manual System, May 2005.

Contents

- ◆ Chapter 5, Right of Way Acquisition, Section 1, Right of Way Property Acquisition Policies and Procedures:
- ◆ TxDOT representatives will handle all negotiations. The same person may appraise and negotiate a parcel when the approved value is **\$10,000** or less. The review appraiser may not negotiate a parcel on which he reviewed a formal appraisal report regardless of the value.

Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902

Archived Manual Notices

Past manual notices are available in a pdf archive.

Manual Notice 2005-3

To: Users of the *Right of Way Manual*

From: John P. Campbell, P.E., Right of Way Division Director

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: May 1, 2005

Purpose

To emphasize language used for Special Warranty Deeds in Volume 2, Chapter 13, Section 2, Subsection entitled “Special Warranty Deeds”.

Contents

Volume 2, Chapter 13, Section 2, “Special Warranty Deeds” subsection revised.

Supersedes

Volume 2, *Right of Way Manual*, Online Manual System, April 1, 2005.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2005-2

To: Users of the *Right of Way Manual*

From: John P. Campbell, P.E., Right of Way Division Director

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: April 1, 2005

Purpose

To add language and two new forms regarding Subordination of Lien Release for Easements and Temporary Easements to Volume 2, Chapter 15, Section 2, Subsection entitled “Mortgages and Liens”.

Contents

- ◆ Volume 2, Chapter 15, Section 2, “Mortgages and Liens” subsection revised.
- ◆ Forms ROW-N-16E and ROW-N-16TE added to online templates.

Supersedes

Volume 2, Right of Way Manual, Online Manual System, January 1, 2005.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2005-1

To: Users of the *Right of Way Manual*

From: John P. Campbell, P.E., Right of Way Division Director

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: January 1, 2005

Purpose

- ◆ To delete Volume 2, Chapter 14, Section 2, “Control of Access” subsection, as it no longer is applicable.
- ◆ To delete Volume 2, Chapter 16, Section 1, paragraph on title fee charge of \$100, as the fee amount has changed, (see previous change in Volume 2, Chapter 16, Section 8).

Contents

- ◆ Volume 2, Chapter 14, Section 2, “Control of Access” subsection deleted.
- ◆ Volume 2, Chapter 16, Section 1, paragraph deleted.

Supersedes

Volume 2, Right of Way Manual, Online Manual System, December 1, 2004

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2004-6

To: Users of the *Right of Way Manual*

From: John P. Campbell, P.E.
Director, Right of Way Division

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: December 1, 2004

Purpose

To add a new Initial Offer Letter (ROW-N-IOLE) specifically designed for acquisition of easements

Contents

Chapter 5, Section 8: Initial Offer Letter, Form ROW-N-IOLE added to list of offer letters, and linked to actual template.

Supersedes

Volume 2, *Right of Way Manual*, Online Manual System, October 4, 2004.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2004-5

To: Users of the *Right of Way Manual*

From: John P. Campbell, P.E.
Director, Right of Way Division

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: October 4, 2004

Purpose

- ◆ To establish parameters for the date by which a District must receive a counteroffer or request for extension of time.
- ◆ To document the need for a copy of the owner's appraisal report for any counteroffer submitted to ROW Division; and
- ◆ To add links to sample parcel plats for clarification of control of access lines in Chapter 13, Section 2.

Contents

- ◆ Chapter 5, Section 32: text added to require owner's appraisal report be submitted and to establish stated parameters.
- ◆ Chapter 13, Section 2: Links to sample parcel plats 5A and 9 added.

Supersedes

Volume 2, *Right of Way Manual*, Online Manual System, September 1, 2004

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2004-4

To: Users of the *Right of Way Manual*

From: John P. Campbell, P.E.
Director, Right of Way Division

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: September 1, 2004

Purpose

- ◆ To replace references to Form ROW-R-110, Payment of Incidental Expenses for Transfer of Real Property with references to Form ROW-RM-110, Payment of Incidental Expenses for Transfer of Real Property, as form number has changed; and
- ◆ To add a procedure regarding the allowance of an extension of time in the administrative settlement process.

Contents

- ◆ Chapter 19, Section 1: references replaced.
- ◆ Chapter 5, Section 32: extension of time procedure added.

Supersedes

Volume 2, *Right of Way Manual*, Online Manual System, July 5, 2004

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2004-3

To: Users of the Right of Way Manual

From: John P. Campbell, P.E.
Director, Right of Way Division

Subject: Revised Volume 2, Right of Way Manual, Online Manual System

Manual: Right of Way Manual

Effective Date: July 5, 2004

Purpose

To replace all links to example templates with links to actual right of way templates so users, both Internet and Intranet, can access forms within Volume 2 directly.

Contents

All links to templates have been redirected to open actual templates in the Online Manual System.

Supersedes

Volume 2, Right of Way Manual, Online Manual System, June 1, 2004

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902

Manual Notice 2004-2

To: Users of the Right of Way Manual

From: John P. Campbell, P.E.
Right of Way Division Director

Subject: Revised Volume 2, Right of Way Manual, Online Manual System

Manual: Right of Way Manual

Effective Date: June 1, 2004

Purpose

- ◆ To clarify the procedure for payment submission using Form ROW-A-15, and allow the use of Form 132 only for those occasional payments outside of the Right of Way Information System (ROWIS).
- ◆ To denote the addition of Form ROW-A-15, Payment Request, to all references to Form 132, Billing Statement.
- ◆ To correct an error in the ceiling limit of District-approved Administrative Settlements from \$10,000(or less) to \$50,000 (or less).
- ◆ To revise procedures relating to Administrative Settlements and to revise the appropriate Initial and Final Offer Letters to reflect such procedural revisions.

Contents

- ◆ Chapter 18, Section 1, Overview, contains procedural reference to the use of Form ROW-A-15 and Form 132.
- ◆ The wording “or Form ROW-A-15, Payment Request, as appropriate,” has been added to all references to Form 132, Billing Statement throughout this Volume.
- ◆ The error in Chapter 5, Section 32, has been corrected.
- ◆ The procedures for administrative settlements have been revised in Chapter 5, Section 32.
- ◆ All initial and final offer letters have been revised to reflect administrative settlement procedural changes.
- ◆ Section 33, Chapter 5, has been removed permanently.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902

Manual Notice 2004-1

To: Users of the Right of Way Manual

From: John P. Campbell, P.E.
Right of Way Division Director

Subject: Revised Volume 2, Right of Way Manual, Online Manual System

Manual: Right of Way Manual

Effective Date: April 1, 2004

Purpose

- ◆ To convert all links to example forms to link to actual TxDOT templates
- ◆ To modify the titles of three Early Release Types to coincide with the names of those release types in the Right of Way Information System (ROWIS)
- ◆ To clarify policies and procedures throughout this Volume regarding the acquisition of advertising sign interests and relocation of advertising signs to ensure consistency of Department policy to relocate the sign structures as personalty
- ◆ To add links to three new parcel numbering examples in Volume 1
- ◆ To expand discussion on overlooked improvements
- ◆ To increase the ceiling limit of District-approved Administrative Settlements from \$10,000(or less) to \$50,000 (or less)
- ◆ To clarify procedures on handling irrigation and drainage canals
- ◆ To remove all references to forms ROW-N-100, ROW-N11PT, ROW-N-12WT, ROW-N-141
- ◆ To insert language relating to the use of the new Deed form,. ROW-N-14
- ◆ To revise agreement language relating to Category II bisected improvements
- ◆ To modify policy on fee paid to title companies for their services
- ◆ To add “Alaska Native” to the list of ethnic codes for Form 132.

Contents

All links in all Chapters to example TxDOT template forms in previous releases of this Volume have been replaced with links to the actual TxDOT Right of Way templates on General Services Division Intranet Forms Server. All examples for TxDOT forms have been removed. Only examples of other documents, (i.e., Minute Orders, parcel plats, right of way maps, etc.) remain.

Chapter 2, Section 1, reflects the modification of the following:

- ◆ “Request Early Row Release For Preliminary Engineering Work On Utilities” changed to read “Request Limited Release for Utility Investigation”
- ◆ “Request for Full Release - Relocation Only” changed to read “Request Limited Release for Relocation Assistance Only”; and
- ◆ “Request for Full Release - Utilities Only” changed to read “Request Limited Release for Utility Work Only”

Chapter 3, Sections 2 and 3, contain added links to new parcel numbering examples for advance acquisition parcels.

Chapter 5:

- ◆ *Sections 4, 6, 8, and 24* contain substantial revisions regarding acquisition and/or relocation of outdoor advertising signs to ensure consistency of Department policy to relocate the sign structures as personalty;
- ◆ *Section 18* reflects an expanded discussion on the handling of overlooked improvements, including a link to a new parcel numbering example for such improvements;
- ◆ *Section 28* clarifies procedures for handling irrigation and drainage canals; and
- ◆ *Section 32* contains the ceiling limit increase from \$10, 000 (or less) to \$50,000 (or less) for District-approved Administrative Settlements.

Chapter 6, Sections 1, 4, and 6 reflect removal of all references to forms ROW-N-100, ROW-N11PT, ROW-N-12WT, ROW-N-141, as they have been replaced by form ROW-N-14, Deed.

Chapter 7, Sections 1, 2, 3, and 4 contain substantial revisions regarding acquisition and/or relocation of outdoor advertising signs to ensure consistency of Department policy to relocate the sign structures as personalty.

Chapter 13, Sections 1 and 2 reflect the removal of all references and procedures relating to forms ROW-N-100, ROW-N11PT, ROW-N-12WT, ROW-N-141, and modifying the procedures for form ROW-N-14, Deed.

Chapter 14, Section 2, reflects substantially revised language relating to Category II bisected improvements.

Chapter 16, Section 8, reflects changes in fees paid to title companies for their services.

Chapter 18, Section 1, reflects the addition of “Alaska Native” to the ethnic codes for Form 132.

Supersedes

Volume 2, Right of Way Manual, Online Manual System, July 1, 2003

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2003-1

To: All Users of TxDOT's *Right of Way Manual, Volume 2*

From: John P. Campbell, P.E., Director, Right of Way Division

Subject: Revisions to *Volume 2*

Manual: *Right of Way Manual*, Online Manual System

Effective Date: July 1, 2003

Purpose

To add "Alaskan Native" and an appropriate code number for ethnic coding for Form 132, at the request of the Federal Highway Administration and to correct misspelling of the Northern Marianas Islands.

Contents

- ◆ Chapter 18, Section 1: Added "Alaskan Native" and appropriate code number (9) to Ethnic Coding for Form 132 list.
- ◆ Chapter 18, Section 1: Corrected spelling of Northern Marianas Islands in the explanatory note regarding Asian-Pacific Americans.

Supersedes

Volume 2, Right of Way Manual, Online Manual System, December 1, 2002

Instructions

Not applicable

Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902.

Manual Notice 2002-3

From: John P. Campbell, P.E., Right of Way Division Director

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: December 1, 2002

Purpose

To indicate text in Chapter 15, Title Requirements and Procedure for Title Examination, Escrow, and Closing, and Chapter 18, General Payment Policies and Procedures for State and LPA, modified to clarify policy.

Instructions

Not applicable.

Supersedes

Volume 2, Right of Way Manual, Online Manual System, September 1, 2002.

Contents

- ◆ Revised text in Chapter 15, Section 1, Title Requirements: Policy Regarding Kind of Title To Be Acquired
- ◆ Revised text in Chapter 15, Section 2, Title Requirements: General Title Requirements
- ◆ Revised text in Chapter 18, Section 1, General Payment Policy
- ◆ Revised text in Chapter 18, Section 10, Payment & Pay Procedures for LPA Acquisition.

Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902.

Manual Notice 2002-2

From: John P. Campbell, P.E., Right of Way Division Director

Subject: Revised Volume 2, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: September 1, 2002

Purpose

To:

- ◆ add a new Section 5, Credits to Match Federal Funds, to Chapter 4
- ◆ completely revise Chapter 6, Section 7, Matching Fund Credits to LPAs
- ◆ to issue minor modifications to procedures in Chapters 3 and 16 for clarity
- ◆ and to correct minor errors in Chapters 5 and 6.

Instructions

Not applicable.

Supersedes

Volume 2, *Right of Way Manual*, Online Manual System, January 7, 2002

Contents

- ◆ Revised text in Chapter 3, Section 4, Additional Requirements for Hardship Acquisition Submissions (for State)
- ◆ Completely revised section, Chapter 4, Section 5, Credits to Match Federal Funds
- ◆ Revised text in Chapter 5, Section 9, Written Offer to Purchase Required (for LPA)
- ◆ Revised text and corrected form numbers in Chapter 6, Section 6, Procedures for Receiving Donations - LPAs
- ◆ Completely revised section, Chapter 6, Section 7, Matching Fund Credits
- ◆ Revised text Chapter 16, Section 7, Title Insurance Policies.

Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902.

Manual Notice 2002-1

From: John P. Campbell, P.E.
Right of Way Division Director

Subject: Revised Volume 2, Right of Way Manual, Online Manual System

Manual: Right of Way Manual

Effective Date: January 7, 2002

Purpose

To revise Volume 2, ROW Acquisition, by:

- ◆ combining Chapters 7 and 8, 9 and 10, 11 and 12, 13 and 14, and 15 and 16, for clarity and ease of use; and
- ◆ renumbering Chapters 17 through 24 to become Chapters 12 through 19 (respectively) due to combining of previous Chapters in the third bulleted item above.

Instructions

Not applicable

Supersedes

Volume 2, Right of Way Manual, Online Manual System, November 1, 2001.

Contents

The following new Chapters represent this combination and renumbering:

- ◆ Chapter 7, **Acquisition of Advertising Signs Interests**, replaces Chapters 7 & 8, and now contains the following Sections:
 - Section 1: Negotiation for Advertising Signs (for State)
 - Section 2: Conveyance of Advertising Sign Interests (for State)
 - Section 3: Payment for Negotiated Advertising Sign Interests (for State)
 - Section 4: Acquisition of Advertising Sign Interests by Eminent Domain (for State)
 - Section 5: Moving Certain Off-Premise Signs (for State)
 - Section 6: General Procedures (for LPA)
 - Section 7: Leasehold Signs (for LPA)
- ◆ Chapter 8, **Fencing Policies and Procedures**, replaces Chapters 9 & 10, and now contains the following Sections:
 - Section 1: Fencing Policies (for State)

- Section 2: Control of Access Fences (for State)
- Section 3: Jointly Owned Property Line Fence (for State)
- Section 4: Fencing Procedure (for LPA)
- ◆ Chapter 9, **Passes, Stock Passes and Cattle Guards**, replaces Chapters 11 & 12, and now contains the following Sections:
 - Section 1: Pass Policies (for State)
 - Section 2: Guidelines for Land Use Facilities (TxDOT) (for State)
 - Section 3: Inclusion of Pass Privileges in Instrument of Conveyance (for State)
 - Section 4: Permits for Passes (for State)
 - Section 5: Conveyance and Title Requirements for Passes (for State)
 - Section 6: Negotiation for Passes (for State)
 - Section 7: Submission for Payment When Pass Involved (for State)
 - Section 8: Cost Charge for Passes (for State)
 - Section 9: Pass Policy (for LPA)
 - Section 10: Cost Charge for Passes (for LPA)
- ◆ Chapter 10, **Acquisition of State-Owned Lands for ROW**, replaces Chapters 13 & 14, and now contains the following Sections:
 - Section 1: Appraising State-Owned Property
 - Section 2: Property Adjustment Work on State Owned Lands
 - Section 3: General Submission Requirements for Formal Negotiations
 - Section 4: Texas Department of Mental Health and Mental Retardation Lands
 - Section 5: Parks and Wildlife Department Lands
 - Section 6: University of Texas Lands
 - Section 7: Permanent School Fund Land
 - Section 8: Veterans Land Board Land Under Contract to a Veteran
 - Section 9: TxDOT Lands
 - Section 10: LPA As Acquiring Agent
- ◆ Chapter 11, **Acquisition of Federal Lands for ROW**, replaces Chapters 15 & 16 and now contains the following Sections:
 - Section 1: Regulations Governing Acquisition of Federal Lands
 - Section 2: Acquisition Procedures for Federal Lands (by State)
 - Section 3: Acquisition Procedures for Federal Lands (by LPA)
- ◆ Chapter 12, **Acquisition of County or City Property for ROW**, replaces Chapter 17.
- ◆ Chapter 13, **Instruments of Conveyance for On-System Projects**, replaces Chapter 18.
- ◆ Chapter 14, **Special Clauses for Conveyance Instruments**, replaces Chapter 19.
- ◆ Chapter 15, **Title Requirements and Procedure for Title Examination, Escrow, and Closing**, replaces Chapter 20.

- ◆ Chapter 16, **Title Insurance: Title Reports and Policies, Escrow and Closing**, replaces Chapter 21.
- ◆ Chapter 17, **Attorney's Certificates: Title Examination, Escrow and Closing**, replaces Chapter 22.
- ◆ Chapter 18, **General Payment Policies and Procedures for State and LPA**, replaces Chapter 23.
- ◆ Chapter 19, **Incidental Expenses on Transfer of Real Property**, replaces Chapter 24.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902

Manual Notice 2001-1

From: Kirby W. Pickett, P.E.
Subject: Manual Rewrite and Update Complete
Manual: Right of Way Manual
Effective Date: August 1, 2001

Purpose

This manual is a complete revision of the *Right of Way Manual* Book I and Book II, Edition 6. This manual is intended to provide guidance in the acquisition of right of way for transportation projects. The manual represents the current information and operating practices for acquisition of right of way for transportation projects, property management relating to right of way, and the highway beautification program.

Instructions

This manual will be effective August 1, 2001. It supersedes *Right of Way Manual* Book I and Book II, Edition 6. Replace all hard copies of *Right of Way Manual* Book I and Book II, Edition 6 with this new edition.

Supersedes

It supersedes *Right of Way Manual* Book I and Book II, Edition 6.

Contents

This manual contains the following volumes with information on right of way acquisition for transportation projects, property management of right of way, and beautification:

Volume 1, Right of Way Procedures Preliminary to Release

Volume 2, Right of Way Acquisition

Volume 3, Relocation Assistance

Volume 4, Eminent Domain

- ◆ Six chapters and
- ◆ Appendix A – Eminent Domain Guide

Volume 5, Property Management

- ◆ Removal of Improvements

- ◆ Disposal of Surplus Right of Way Interests
- ◆ Disposal of Surplus Real Property Interests
- ◆ Acquisition of Real Property Sites
- ◆ Leasing

Volume 6, Miscellaneous

- ◆ Hazardous Materials
- ◆ Railroads
- ◆ Contract Outsourcing
- ◆ Records, Reports and Closing of Projects
- ◆ Utilities

Volume 7, Beautification

- ◆ Beautification
- ◆ Glossary of Terms

Also, included in this manual are sample copies of all forms and documents used within these various right of way functions. It contains a Right of Way Acquisition Flow Chart, as well as, online links to procedural manuals currently available online as well as those under development.

Contact

For more information regarding any chapter or section in this manual, please contact the appropriate section in Right of Way Division. For general comments and suggestions for future revisions of this manual, please contact the Administrative Support Section in the Right of Way Division