

Right of Way Policy

- “Required Right of Way to be Deeded to the Commonwealth”
- “The Right of Way Plan is your guide”
- Use Design Manual Part 3
- As per Strike off Letter 432-00-04

When is R/W Required

- Work outside the existing R/W
- Least Intrusive
- Types of Interest
 - Fee Simple M950 D-1
 - Highway Easement M950 D-2
 - Slope Easement
 - Drainage Easement M950 D-3
 - Temporary Construction Easement

Where is the Legal R/W Line?

- Plans Retention Unit Bob Heim
610-205-6737
- County Court House
- District Plans Unit

Dedicated R/W

- Dedicated verses Legal
- Unless Accepted by the Department
- Accepted by Municipality and re-conveyed
- Strike Off Letter 430-95-13

Simple Project R/W

- One page plan DM Part 3 Page 3.3.06
 - Title Sheet
 - Required general notes: R/W existing/origin
 - Location map
 - Utility Notes
 - Property Plat
 - Typical Section
 - Plan View: Geometric Data & all property lines
 - Right of Way claim information

Large Project R/W

- Standard R/W plans DM 3.3.01
- All plans will be reviewed by:
 - District R/W Unit
 - Design Engineer
 - District Chief of Survey

Surveys

- Plot plan not metes and bounds
- Risks of not metes and bounds
 - R/W may not close
 - R/W is not located where it's represented
 - R/W may encroach on another property
 - R/W may be subject to easement not recorded
 - R/w ownership is unclear

Abstract of Title, Title Report or Title Search

- To ascertain History:
 - Liens, encumbrances, clouds, easements, etc.
 - All defects must be cleared
 - Marketable title

Attorney's Opinion of Record Title

- Attorney conducts title search
- Attorney is insured

Title Insurance

- Excellent Protection
- Marketable Title
- Ensures the Department against loss
- Utility in the property by easement
 - Utility would have private rights
 - Developer must negotiate with Utility to vacate

Amicable Conveyance of R/W

- Deed to be conveyed by the Permittee
- Warranty of title remains in chain
- Warranty of the Permittee's Title Insurance

Timing

- Construction Plan Accepted
- R/W Plan Accepted
 - Deeds should be executed
 - Permit is issued
 - case by case basis
 - Letter of Credit not to exceed \$ 5,000

Recording

- Deeds must be recorded
- R/W Plan may be recorded (Grantor-Grantee)
- Parcel number will be required
- R/W plan must be filed in District Plan Unit

R/W by Condemnation

- Municipality rights of Eminent Domain
- Department must authorize Municipality
 - Department's Consent Signature of Secretary
 - Strike off letter 432-00-04
 - Local Public Brochure Pub 98

Environmental Clearance

- No Department Policy
- No Act 120 Clearance –No federal funds
- Common Sense Approach
 - Commercial purposes illegal toxins
 - Fuel tanks
 - Evidence of dumping
 - Dry cleaners, auto repair garage

District 6

Right of Way Policy

Policy Basics

- “Required Right of Way to be Deeded to the Commonwealth”
- Least intrusive take
 - 4 to 5 feet beyond the edge of shoulder or the back of curb.
 - Right of way lines will be set at an even dimension parallel to center line. All Right of Way lines will close at right angles.

Right of Way Projects

- Simple Projects use:
 - DM Part 3 section 3.3.06
- Large Projects use:
 - DM Part 3 section 3.3.01
 - Strike off letter 432-00-04

Types of Acquisition

- Fee Simple M950 D-1
- Highway Easement M950 D-2
- Drainage Easement M950 D-3
- Slope Easement
- Temporary Construction Easement

**Abstract of Title, Title Report
or Title Search**

- District 6 requires a title certificate for each parcel of land conveyed

**Amicable Conveyance of Right
of Way**

- Permittee acquires property
- Property is then conveyed to PENNDOT by the Permittee
- Warranty of title remains in chain of conveyance

Right of Way by Condemnation

- Municipality: Rights of Eminent Domain
- Department must authorize Municipality
 - Department’s consent is the signature of Secretary on the right of way plans
 - Strike Off Letter 432-00-04
 - Local Public Brochure Pub 98

Utilities in Right of Way

- Right of way lines will be extended to include all utilities
- No utilities will be placed in private status.
- It is the responsibility of the developer to deal with a Right of Way take which will include an existing utility in a private easement

PRIOR TO ISSUANCE OF PERMIT

- All Right of Way must be given to the Department by the use of a M 950 D-1 (fee simple deed) the M 950 D-1 must be accompany be the following
 - A Platt plan
 - A meets and bounds description
 - A certificate of title
- All deeds must be then recorded in the county court house before the permit is issued

**BEFORE PERMIT IS CLOSED
OUT**

- A set of right of way plans must be prepared
 - These plans will be reviewed by the Department
 - Once the plans are accepted they will be forwarded to Harrisburg for the Secretary's signature.
 - The signed set of plans will then be recorded in the county court house
 - Finally, the recorded plans will be send to Harrisburg for archiving.
- No permit will be closed out until the right of way procedure is complete
