



RIGHT-OF-WAY OPERATIONS MANUAL

Chapter Ten Records Management

June 2024

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This Manual is part of a continuing commitment to implement and support an Information Governance and Records Management Program that includes a consolidated set of policies, processes, and procedures concerning the management of all of our business information within MDT. The manual addresses all forms of information, including physical and electronic, and establishes MDT's processes for the appropriate retention and destruction of information and the creation of documentation to support such destruction.

10-1 RECORDS

Records, are defined by Montana law as any paper, email, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics, that:

- has been made or received by MDT to document the transaction of official business; and
- is designated for retention in the MDT Record Retention Schedule.

All other documents required by law to be filed with or kept by the Department are also Records.

10-2 RECORDS MANAGEMENT SPECIALISTS

Records Management Specialists are responsible for staying informed concerning their business unit's information and records maintenance and management needs and acting as the first line of assistance when co-workers have questions or need help concerning information and records.

10-3 RIGHT-OF-WAY RECORDS MANAGEMENT

10.3-1 Records Classification

The objective of the Right-of-Way Bureau's records management system is to maintain and use an efficient file system for Bureau documents. The Bureau identifies each record UPN#. All records are segregated into groupings, or "Record Series," according to various activities and functions of the Right-of-Way Bureau.

10.3-2 Project-Related Records

It is the responsibility of the Right-of-Way staff who creates the document to ensure all applicable information, including proper project identification, uniform project number, designation, project description, parcel number, and landowner's name, is listed on each piece of correspondence generated.

If the person creating a document does not have all the necessary information for project identification, the following sources can be used:

1. Right-of-Way Plans. These plans are in the Design Section.
2. Right-of-Way Application (ROWA). The application stores all active and closed projects.

10-4 SUBJECT-RELATED RECORDS (NON-PROJECT-RELATED RECORDS)

The general filing system will be used for administrative and operational records (non-project-related). This system is uniform for all Montana Department of Transportation (MDT) offices. Users should follow the procedures outlined in Chapter I of the Montana Department of Administration's *Records Management Policies and Procedures Manual*.

10-5 RECORDS RETENTION AND DISPOSAL

The period of time for which MDT must keep something and for which we may keep something is determined by the category of information and whether the information is subject to Legal Hold.

Records retention and disposal procedures govern the identification and systematic disposal of obsolete, inactive records of the Right-of-Way Bureau. This Section describes the applicable policies and procedures established in accordance with the provisions of State laws and Federal Highway Administration (FHWA) directives.

It is the policy of the Right-of-Way Bureau to follow the records retention and disposal guidelines contained in Chapter V of the *Records Management Policies and Procedures Manual*.

10-6 RECORDS RETENTION

The Bureau establishes records retention periods for each Record Series. It is possible that conflicts may occur between State and Federal requirements. In the event of conflict, the longer retention period applies.

10-7 RETENTION PERIODS

The Montana Department of Administration (DOA) requires that agencies base all retention periods on the fiscal year in which the records were created.

For example, applying the fiscal retention system to records that were created in FY 2020, with a required retention of 5 years, means that the records may be disposed of on July 1, 2025. This is calculated as follows:

$$\begin{array}{r} \text{FY 2001 ends June 30, 2020} \\ \underline{\hspace{10em} +5} \\ \text{End of retention period is June 30, 2025} \end{array}$$

For those Record Series that a Right-of-Way Section may be filing on a calendar year basis, the retention period may be extended 6 months to accommodate an orderly disposition procedure. Records created in the calendar year 2020 with a retention period of 5 years will be extended to 5 years, 6 months. Therefore, the end of the retention period will be June 30, 2026, and the records may be disposed of on July 1, 2026.

10-8 RECORDS DISPOSAL

When a file is completed, a project disposal date is established to facilitate timely disposal of the file. The State Records Committee must approve the disposition of obsolete public records, regardless of whether the action is disposal, destruction (if confidential) or transfer to others (if historically significant).

Form RW-5RM is used for the disposal of records that are listed in the general schedules of DOA's *Records Management Policies and Procedures Manual* and for each MDT office's retention schedule.

10-9 ACQUISITION SECTION

10-9.1 Project Working Records

The ROW Bureau shall maintain all electronic project working records retained on the Helena Project share drive. The records consist of draft Right-of-Way Agreements, other special contracts or signed agreements, emails, copies of deed, easements, and receipts from the Secretary of State, plans, historical documents (e.g., records that show an agency's origin, administrative development, and present organizational structure).

10-9.2 Finalized Project Records

The ROW Bureau shall maintain all finalized documents saved to Project1. Finalized documents are considered that have processed through payment, recording and receipt of the title policy. A list of finalized documents that shall be maintained in Project1 is documented on 210C.

10-9-3 Deeds

The recorded original is maintained in MDT Records Management with no end date and referenced as Series #115-000 on the Records Transmittal form. Along with the original RTC if recorded electronically, a copy of the RTC is recorded by mail.

10-9.4 Right-of-Way Agreements

Right-of-Way Agreement and submit it to the Records Technician so it can be filed in the PCMS system.

10-10 LAND SECTION

10-10.1 Project-Working Records

The ROW Bureau shall maintain all electronic project working records retained on the Helena Project share drive. The records consist of project checking documents, county receipts and invoices, ownership irrigation, and stockpass studies, project related emails, form 628, environmental documents, project plans, title sheets, funding requests, Federal project aid agreement, obligations calculation form, Form 602, program memo, and title commitments draft and finalized.

10-10.2 Finalized Project Records

The ROW Bureau shall maintain all finalized documents saved to Project1 after the RW project closes. Finalized documents are considered; finalized project checking files, county receipts, project emails, financial documents, authorization memo, revisions memo(s), project plans, PE studies, title commitments and the closing 504 form. A list of finalized documents that shall be maintained in Project1 is documented on 210C.

10-10.3 Filing Plan Sets

All filed final plan sets and bluesheet revisions are saved in PCMS system. If the paper plan set is on file, Records Mgmt. send them to MDT Records Mgmt.

10-11 REAL ESTATE SERVICE SECTION (RESS)

RESS project working file involving the sale of buildings or other removal improvements is maintained and the process is covered under Chapter 6, Section 6-1.2.

RESS maintains working files for rental properties, the process is covered under Chapter 6, Section 6-3.3.8

RESSS maintains working for lease or license records, the process is covered under Chapter 6, Section 6-4.16.

10-12 UTILITY SECTION

Utility project working files are retained on the share drive under ROW>Utilities>Projects and ROW>Utilities>Projects-Closed. All project files are maintained by the district and section; SUE, Railroad, Utility, Financial and Certifications. The finalized signed railroad agreement will be maintained in MDT Records Management.

REFERENCES

1. ***Montana Department of Administration Records Management Policies and Procedures Manual***, October 1991.
2. ***Operation Manuals, Chapter 6, Real Estate Services Section.***