



MONTANA DEPARTMENT OF TRANSPORTATION

# **MONTANA RIGHT-OF-WAY DESIGN MANUAL**

## **Chapter Twenty-Four**

### **FINAL PLAN PREPARATION, CHECKING, AND AUTHORIZATION (Activities 810, 821, AND 823)**

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# **Chapter Twenty-Four**

## **FINAL PLAN PREPARATION, CHECKING AND AUTHORIZATION (ACTIVITIES 810, 821, AND 823)**

### **24-1 FINAL PROCEDURES**

The finalization of Right-of-Way plans takes place after Right-of-Way receives notification of final construction limits from Road Design (Activity 224). Road Design will develop final construction limits shortly after the Plan-In-Hand Inspection. The R/W Designer and Design Supervisor may agree that the final design work may be completed using preliminary limits prior to receiving final construction limits if it is necessary. Coordination with the Project Manager is absolutely required.

#### **24-1.1 Preparing for Final R/W Design**

Upon notification of final construction limits from road design, the following procedures should be completed:

1. The final construction limits and alignment information should be copied into the r/w strip map file and adjusted as described below:
  - a. Copy the road design centerline (metric level 3), centerline text (metric level 4) and construction limits (metric level 33) into the r/w strip map file.
  - b. Leave all this information on the levels that they came in on for metric projects. For English projects modify the road design centerline to level 3014, the centerline text to level 3015 and the construction limits to level 3016.
  - c. For the r/w strip map file and all plan sheet files turn off centerline and centerline text (metric levels 3 & 4) and turn on construction limits (metric level 33) from the road design strip map reference files. Turn off r/w strip map metric levels 25, 26 & 33 – English levels 3017, 3018 & 3016 and turn on r/w strip map metric levels 3 & 4 – English levels 3014 & 3015.
  - d. The information on r/w strip map metric levels 3 & 4 – English levels 3014 & 3015 will now become the r/w centerline. Except for unusual circumstances, the road design centerline information will not be used from this point on. Road design construction limits will be used.

- e. In all exhibit files, turn off centerline, centerline text and construction limits (metric levels 3, 4 & 33) from the road design strip map reference files. Turn on metric levels 3 & 4 – English levels 3014 & 3015, and turn off metric levels 25, 26 & 33 – English levels 3017, 3018 & 3016 from the r/w strip map reference files.
2. Compare the final limits with the preliminary Right-of-Way design. Review the Plan-In-Hand Report and Scope of Work Report for any Right-of-Way design issues. Take into consideration comments or recommendations from the reports or any other sources. If any revisions need to be made, do so at this time. Be sure to revise all information in corresponding files.
3. Road detour centerlines and detour construction limits should remain on and shown referenced from the road design strip map on the r/w plan sheets as space allows.

### **24-1.2 Requesting Funds**

To ensure funding approval is received for authorization, it should be requested about the time of the final check and completion of the final Right-of-Way plans. The type of funding and coding used for a project will depend in part on the amount of money necessary for acquisition. If the dollar amount needed for the Right-of-Way acquisition is \$1,000 or more, Federal funds need to be requested. The project also must be in the Statewide Transportation Improvement Program (STIP). If the project is not in the STIP, it needs to be added by a requesting memo that is sent to Transportation Planning.

State funds can be used when the dollar amount for acquisition is less than \$1,000 or special programs require it. Consider the following:

1. Federal Funding. Prior to having Federal funding approval, funds must be requested. The R/W Financial Specialist prepares the programming package that is sent to Fiscal Programming. The following information is necessary for funding to be requested:
  - a. Environmental Document. An approved environmental document applicable to the project must be complete. This can be in the form of a categorical exclusion (e.g., CAT-X, FONSI, MEPA).
  - b. Dollar Amount. A dollar amount to be programmed for r/w acquisition estimated using the cost estimate report within the PE Study. The dollar amount should include incidental administrative costs based on the number of parcels.
  - c. Relocation Costs. If any relocation of homes, businesses, etc. is necessary because of the project, relocation costs, as identified in the Relocation Assistance Conceptual Study found in the PE Report, should be included.

- d. Number of Parcels. Estimated number of parcels involved must be included.
- e. Identification of 4f and 6f Properties. Identification of any 4f or 6f property involvement must be included.
- f. Title Sheet. The title sheet showing the location map for the project must be included.

Once the program has been approved by the FHWA, a Federal-Aid Project Agreement (Form PR-2) will be returned to R/W Design Section with other program documents. A highlighted copy of the Federal-Aid Project Agreement together with a copy of the funding request memo will be given to the appropriate Design Supervisor. This is forwarded to the designer, so that the project authorization can be prepared. This is considered your funding approval necessary to authorize the project. It will contain the project number, agreement, any unit number, and the designation, as well as the FHWA approval date of the project as it appears on the authorization memo and plan sheets.

- 2. State Funding. There are various types of State funded projects. The type of project will denote which funding source is to be used. All State funded projects will require some form of an environmental document. State funded projects are different in that they don't go through Fiscal Programming for r/w funding approval. State funded 4000, 4120, and 0143 account projects are taken care of internally by the R/W Design/Plans Section. Generally, the Right-of-Way Bureau Chief then approves other State funded projects prior to authorization.

## **24-2 ROUTE DESCRIPTION**

Route descriptions are prepared to show the location, general route the project will take and the beginning and termini of the project. A route description is not necessary for a project having construction permit only involvement, as there is no permanent transfer of title. At the time a project is authorized, the route description accompanies a set of Right-of-Way plans to be recorded and filed at the Clerk and Recorder's Office of the County in which the project is located.

Route descriptions are required by the Legal Division to be included with the condemnation order per [70-30-203\(2\) MCA](#) as well.

Route descriptions are also required to accompany the access control resolution for presentation to the Montana Transportation Commission.

### **24-2.1 Creating a Route Description**

Every project is unique and there is no one-way to write all route descriptions; however, similar language is applied for each different type of project such as urban, rural, or off-system bridge projects. Various sample route descriptions for different situations are available in [Appendix G](#). Use them as a guideline to create your route description. Use the following procedure to create a route description:

1. Use Microsoft Word Form 505 as the basis to establish the route description. The language shown in this form is meant as a guide and will have to be revised and adjusted as necessary.
2. Review the project location information shown in the Scope of Work Report. Incorporate any of the information that helps describe the location of the project into your description.
3. The bottom of the form has an area to fill out who the route description was created by and the date. This information should be entered before it is submitted for checking. After it is checked and revisions are made, the bottom lines should be deleted to complete the route description.

### **24-3 FINAL R/W PLAN CHECK**

Right-of-Way plans are submitted for checking when the Designer has completed final design. This process is essential to produce the best and most accurate plans possible. It will also help limit the amount of time and effort spent completing blue sheet revisions due to mistakes. Once a project has been submitted for checking, no revisions are to be made to the CADD files until the check prints are returned.

#### **24-3.1 Preparation for Checking**

The Designer will notify their supervisor and checker by email when plans are ready for checking. Make all items available for checking as listed on the checklist for final plans.

#### **24-3.2 The Checking Process**

The Checker will review and check the r/w plans identifying all errors and proposed revisions in red using the Checklist for Final Plans (form 507).

### **24-3.3 Making Check Revisions**

The Designer shall complete revisions and resolve any questions. If funding has been approved, the R/W ID number, project number and designation should be revised on the plan sheets as per the Federal-Aid Project Agreement (Form PR-2). The FHWA approval date should be added as well. The Design Supervisor/Lead Designer will review all revisions.

### **24-4 AUTHORIZATION**

Authorization for acquisition of the r/w plans completes the 823 Activity. The authorization process involves distribution of an authorization memo, final r/w plans and other project information that serves as notification of complete r/w design. Authorization for acquisition takes place after all check revisions are complete and funding has been approved. A supplemental authorization is distributed to add or edit information contained in the original authorization.

Certain circumstances may justify the need to use other forms of authorization such as authorization in part, advanced acquisition authorization or authorization for appraisal only. Consider the following:

1. Authorization In Part. FHWA does not allow partial obligation of a project but occasionally, it may be in the best interest of the Department to authorize only a portion of the project so the appraisal and other work may begin. The authorization process is the same as when authorizing the entire project for acquisition except the distribution memo needs to identify which parcels are being authorized.
2. Advanced Acquisition Authorization. It may be advantageous for the Department to acquire a parcel before the entire project is completely designed. Advanced Acquisitions occur before the project environmental document is complete and must be approved by FHWA for (1) a hardship on owner, (2) protective purchasing, or (3) corridor preservation. The same conditions apply for an advanced acquisition as any typical acquisition. A plan sheet designating the r/w acquisition with calculated areas, a title commitment, a parcel specific environmental document, funding approval, authorization, deed-exhibit, and any other obligations for acquisition of land are still required. A total acquisition may be authorized if design is not advanced enough to determine the required acquisition area. After authorization of the advance acquisition of a parcel, the parcel number designated to it cannot be changed upon authorization of the remainder of the project. The plans must show the advanced acquisition approval date as "ADV ACQ (date)"



3. Authorization for Appraisal Only. If environmental documents require additional time and the r/w plans are complete, the project can be authorized for appraisal only under the PE number. There are also other situations where we may authorize for appraisal only under the 9102 account. An appraisal only authorization must be approved by the FHWA. The project needs to be authorized for acquisition within 30 to 90 days for FHWA approval. If less than 30 days, appraisals will need to wait for full authorization and greater than 90 days the appraisals may become outdated. A route description is not required to be distributed until authorization for acquisition. The distribution memo should be distributed on goldenrod colored paper and advise that: "Any revisions or changes on the authorization to appraise plans will not be detailed in a blue sheet."

The plan sheets should show text "FOR APPRAISAL ONLY" and an approval date shown as "APR (date)". Then, upon authorization for acquisition, the distribution memo should reiterate: "The new sheets replace all sheets for appraisal only. No revisions or changes were detailed or distributed prior to this authorization." The "FOR APPRAISAL ONLY" text should also be taken off the plan sheets and an acquisition approval date added to be shown as "ACQ (date)".

#### **24-4.1 Authorization Memo Preparation**

Use the Microsoft Word Form 500 to prepare the official authorization distribution memo to the Field R/W Supervisor. Fill in the information and adjust as necessary. See [Appendix C](#) for sample authorization memos. Process the authorization memo as follows:

1. The R/W ID number and designation should be exactly as shown on the Federal-Aid Project Agreement (Form PR-2).
2. The FHWA approval date should reflect what is shown on the Federal-Aid Project Agreement (Form PR-2).
3. Remarks, including the following:
  - a. Include a statement authorizing the acquisition of parcels listing all parcel numbers. If parcels 1 through 5 are being authorized, list each parcel 1, 2, 3, 4 and 5 rather than 1-5 or 1 through 5.
  - b. The environmental document approval statement highlighted on the funding request memo attached to the Federal-Aid Project Agreement (Form PR-2) needs to be included.
  - c. Additional remarks may need to be included, for example, if an appraisal authorization is being or was used. See [Section 24-4](#), Item 3 – Authorization for Appraisal Only.

4. The 9202-account information should be used unless there are special circumstances to justify otherwise.

#### **24-4.2 Authorization Distribution**

After the authorization memo has been reviewed and signed by your supervisor, the distribution process can be completed. Acquisition authorization memos are distributed on salmon colored paper. Appraisal authorizations are distributed on goldenrod colored paper.

#### **24-4.3 Title Commitment File**

Upon authorization for acquisition, the design file project information needs to be included as part of the title commitment file. A list of information included in the title commitment file is as follows:

- title commitments and/or last deed/document(s) of record (parcelized using green circle with applicable deeds attached).
- ownership report.
- all full-size COS's, plats, etc. (folded and labeled with COS/Plat No. and Subdivision Name on outside upper right corner).
- existing r/w plans and deeds.
- hard copy of Geopak output files; and
- survey info. (Project survey, corner recordations, coordinate list, "READ ME" file, GLO plats, section corner calculations).

All original memos, emails, etc. that are pertinent to the project should already be included in the PE file; however, they should be added upon authorization if not previously done.