The following comments refer to the recently updated LAG manual requirements for RW plans:

1. **The approved R/W plans** – What constitutes an approved RW plan? Who approves it?
   WSDOT Comment: WSDOT considers a plan to be approved when it has been stamped (seal) and signed by a registered Professional engineer or professional land surveyor. The plan is approved by the local agency, not WSDOT.

2. **WAC 332-130** – This is a reference to recorded documents. To meet this requirement would essentially mean preparing a Record of Survey. The city would need to ensure that every stipulation of WAC 332-130 was met. WSDOT Comment: This WAC citation will be removed from the LAG manual. The requirements for the RW Plan are discussed in The Real Estate Acquisition Guide for Local Public Agencies that is published by FHWA. “As part of project design, a right-of-way plan indicating the property required to build and maintain the transportation project is required. The right-of-way plan should contain essential data needed for appraisal and negotiation activities. Depending on your agency’s requirements, these plans will illustrate the existing and proposed right-of-way lines, the property lines and owner’s names for each property adjacent to the highway, the highway center line, design features, width of the new highway, grade changes, and other detail of the construction. The plan should provide sufficient information for preparation of legal descriptions of the properties and types of property interests to be acquired. A right-of-way plan is a valuable visual-aid tool for negotiators, appraisers, and attorneys involved in acquisition transactions. It also helps property owners understand why and how their properties are being acquired.”

3. **Vicinity Map** – A vicinity map on a City of Xxxxxxxx RW plan does not provide any useful information because of the urbanized location. In lieu of a vicinity map the city uses a control diagram showing the section breakdown for survey control. And even then, a control diagram may not always be necessary. WSDOT Comment: There is no requirement in the federal regulations that require the preparation of a vicinity map. WSDOT maintains this is a “best practice”. If your agency has something equivalent to a vicinity map it would be helpful to submit it with the certification request. WSDOT is looking at revisions to Chapter 25 of the LAG to make this a “best practice” and not a requirement of the certification.
4. **Changes of Grade** – What is meant by ‘changes in grade?’ Is this referring to a slope easement? There is no property right associated with a change in grade of the roadway. WSDOT Comment: While Change of Grade is not discussed in Chapter 25 of the LAG it is in Chapter 6 of WSDOT’s ROW Manual. Once the grade of an existing street, road, or highway has been established, any change of that grade may cause a compensable damage to any abutting property owner. The fact that a change of grade can be accomplished within the exiting right of way does not eliminate the need to negotiate with the abutting owner. So, yes, there is property rights associated with action and the acquiring agency would have the property owner execute the Consent to Change of Grade. Compensation, if any, is determined through the appraisal process. WSDOT will explore the possibility of adding this to Chapter 25 of the LAG.

5. **(Larger) Parcels** – The term ‘larger parcel’ has a specific meaning to an appraiser. Perhaps a better term would be ‘the entire parcel.’ WSDOT Comment: We checked with our Appraisal Program Manager and he is uncomfortable changing the language to the “entire” parcel as it may lead the appraiser. We will look at modifying the language to make it clear – suggest “complete ownership boundaries of all continuous parcels to the parcel being acquired and owned by the same owner.”

6. **Complete Ownership Boundaries** – Showing the entire parcel on a RW plan is not necessary. The appraiser already knows (or should know) the full extent of the parcel. Using break lines may work for a simple rectangular parcel, but not for an irregular parcel. WSDOT Comment: Federal guidance states these plans will illustrate the property lines and owner’s names for each property adjacent to the highway and that the plan must provide sufficient information for preparation of legal descriptions of the properties and types of property interests to be acquired. If your agency has something equivalent that speaks to the complete ownership boundary then this document will need to be submitted with your request for certification.

7. **Improvements within 100’** – If all of the improvements were shown on the RW plan there would be no room for the boundary information. These items are shown on the contract plans or the topographic survey. A separate plan can be submitted showing the improvements. A RW plan is a boundary survey and the information on the plan should be limited to boundary information. The boundary information will be beneficial in 100 years, the topo information will not. WSDOT Comment: There is no requirement in the federal regulations that require the identification of improvements within 100’. WSDOT maintains this is a “best practice”. If your agency has something equivalent showing this information, it would be helpful to submit it with the certification request. WSDOT is looking at revisions to Chapter 25 of the LAG to make this a “best practice” and not a requirement of the certification.
Additional comments:

Replace “The approved R/W plans should meet the requirements of WAC 332-130 and show at the minimum the following information:” with “RW plans submitted to the state for approval should meet the following guideline:” or something similar. The point is that the agencies should be presented with a set of guidelines that can be used as needed for specific projects rather than a rigid set of requirements that may or may not fit a particular situation. WSDOT Comment: The reference to the WAC citation will be removed. WSDOT will group those items that are required by federal regulations and those items considered to be “best practice”. This should eliminate some of the rigid requirements.

The RW plan is stamped and certified by a Professional Land Surveyor or Professional Engineer. They have calculated the areas and are certifying the data on the plan. Why would a non-professional need to “verify” the areas. Are they even qualified to calculate areas using metes and bounds information and curves? WSDOT Comment: WSDOT is only reviewing the plan to make sure that adequate property rights have been acquired for the project so the project can be certified for construction. I do not believe the reviewer is calculating the areas only confirming that the square footage of the acquisition is commensurate with the acquisition documents.

The LAG Manual does not require the use of station/offsets. Why is the city required to put this information on the plan, especially when the legal descriptions are mete and bounds? The city will not use station/offsets in a legal description. WSDOT Comment: This is not a requirement.

Is the review and approval of a RW plan tied to a Cert 1, Cert 2 or Cert 3? Or are they all reviewed consistently regardless of the certification? WSDOT Comment: There is a standardized review and approval process for all certification requests sent to WSDOT by local agencies regardless of the type of certificate that is being requested. Part of that review process is to reconcile the Certification Parcel Worksheet with the ROW Plan making sure all rights have been acquired and the requirements of Chapter 25 of the LAG Manual and ROW Manual have been met.

What is the difference between a requirement and a guideline? WSDOT Comment: A requirement is generally something that is needed or wanted, a necessary condition and a guideline is a general rule, principle, or piece of advice. WSDOT believes that these terms are used interchangeably and it is expected that WSDOT and Local Agencies using federal dollars in projects comply with guidance issued by FHWA.