

This verification checklist is a tool to be used during the completion of the Project Prospectus (Appendix 21.47) to aid in determining if ROW is needed for a project . Please verify each of the following statements by comparing the ROW plan against the PS&E (refer to Appendix 25.174 & Appendix 25.175 for additional guidance):	Yes	N/A
The project can be constructed, operated AND maintained entirely within the acquiring agency's existing ROW , which was obtained under one or more of the following methods:		
1. ROW acquisition occurred prior to July 1, 1971/the Uniform Act ;		
2. ROW was certified under a previous federal aid project ;		
3. ROW was purchased for a purpose other than this project , and is no longer needed for its original purpose; and/or		
4. ROW was obtained through normal dedication or exaction procedures not related to this project (there was no unconstitutional taking).		
Early acquisition or donation was not obtained specifically for this project .		
The acquiring agency does not need to obtain any interest in, or possession of, real property (including temporary uses, easement , access rights , air rights and/or airspace) to construct, operate and maintain the proposed project .		
The acquiring agency <u>solely</u> needs temporary rights to perform work <u>exclusively</u> for the benefit of the property owner and does not cause compensable damages , which work may not be done if agreement cannot be reached.		
Real property improvements are not encroaching into the existing ROW and/or airspace .		
If all the answers to the above are "Yes" or "NA" then no ROW acquisition is needed, sign the Design Approval Documentation form (Appendix 43.62) and place a copy in the project file.		

Signature

Print Name

Date

Regulatory Definitions:

- Access rights** mean the right of ingress to and egress from a property that abuts a street or highway.
- Acquiring agency** means a State agency, other entity, or person acquiring real property for title 23 of the United States Code purposes.
- Acquisition** means activities to obtain an interest in, and possession of, real property.
- Air rights** mean real property interests defined by agreement, and conveyed by deed, lease, or permit for the use of airspace.
- Airspace** means that space located above and/or below a highway or other transportation facility's established grade line, lying within the horizontal limits of the approved right-of-way or project boundaries.
- Damages** means the loss in value attributable to remainder property due to severance or consequential damages, as limited by State law, that arise when only part of an owner's property is acquired.
- Donation** means the voluntary transfer of privately owned real property for the benefit of a public transportation project without compensation or with compensation at less than fair market value.
- Early acquisition** means acquisition of real property by State or local governments in advance of Federal authorization or agreement.
- Easement** means an interest in real property that conveys a right to use a portion of an owner's property or a portion of an owner's rights in the property.
- Program or project** means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines.
- Real property** means land and any improvements thereto, including but not limited to, fee interests, easements, air or access rights, and the rights to control use, leasehold, and leased fee interests.
- Right-of-way** means real property and rights therein used for the construction, operation, or maintenance of a transportation or related facility funded under title 23 of the United States Code.
- Uniform Act** means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646, 84 Stat. 1894), and the implementing regulations at 49 CFR Part 24.