

Design Standards Letter

Letter Number: G-1960-23

Letter Date: 09/16/1960

Effective Date: 09/16/1960

Section/Plan No.: None

Subject: Right-of-Way Clearance Required for Federal Aid Projects

Body

TO ALL DIVISION, DISTRICT, AND URBAN ENGINEERS:

We have been furnished by communication dated August 31, 1960, a requirement with respect to a certification statement to the Bureau of Public Roads covering right-of-way status before the first advertising date on all federal projects proposed for letting.

Under present rules and regulations, all Federal Aid projects proposed for construction must be advertised in a local newspaper; the first date to be published three full weeks in advance of the letting date.

In a few instances, we have advertised projects for bids on which the right-of-way was not clear. It may be necessary in exceptional cases to again in the future advertise a project for bids before the right-of-way is clear.

The following regulation from the Bureau of Public Roads must be complied with prior to first advertising date.

"(1) All necessary rights-of-way , including control-of-access rights when pertinent, have been acquired; (2) Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired; (3) Although practically all necessary rights-of-way or rights-of-occupancy and use have been acquired, a few parcels remain for which such rights have not been acquired, but that negotiations or court actions to acquire such rights for the remaining parcels are in progress and it is fully expected that these parcels will be made available for occupancy and use by the time the construction contract is otherwise ready for award, or the force account construction is ready to proceed; or (4) that the circumstances with respect to acquisition of a few parcels warrant proceeding with advertisement for bids or with force account construction on the basis it will be in the public interest to do so in advance of completion of the acquisition of

the rights of the said few parcels. Certifications under (2), (3), or (4) above is to include identification, on a parcel basis, of lands not fully acquired, the reasons therefor, and the estimated date of complete acquisition."

Your particular attention is invited to the last sentence of the above quotation. If in the future any project is advertised for a letting, it will be expected that the information called for in this last sentence will be furnished to this office.

Attached to this letter is a listing of the Federal Aid projects proposed to be let in our October 27, 1960 letting with the first advertising date indicated. If any projects are included in this list in your District on which the right-of-way will not be clear on or before the first advertising date, this office should be furnished the required information.

You will be furnished a list for all future lettings setting out the first advertising date in order that you may comply with the above quotation. It is expected that this information will be furnished the Surveys and Plans Division in time to be furnished to the Division Engineer of the Bureau of Public Roads on or before the first advertising date indicated. For your information in reporting status of right of way, the Bureau of Public Roads has agreed that it will be satisfactory to report right-of-way as all having been acquired as soon as the Commissioner's award has been paid to the Court.

**C. C. Tevis
Engineer of Surveys and Plans**