

**New Jersey Department of Transportation
CORRECTIVE ACTION NOTICE**

QUALITY MANAGEMENT SERVICES

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CAN No. CAN004

Approved: B. Strizki

Date: 5/1/97

Bureau(s) Affected: Right of Way and Project Management

Description of Problem(s):

The FHWA Division Administration has recommended that the DOT not appraise or negotiate any partial taking until such time as all necessary design and construction information has been provided to the Right of Way District Office.

This appears to have been precipitated by 23 CFR Section 712.204(c)(2) which states that "appraisals of partial takings will not be made until the DOT has prepared right of way plans" and 49 CFR 24.103(a)(2) which states that "At a minimum, a detailed appraisal shall contain...An adequate description of the physical characteristics of the property being appraised (and, in the case of partial acquisition, an adequate description of the remaining property." In addition, Section A-11 of the Uniform Appraisal Standards for Federal Land Acquisitions states that "reasonably accurate maps showing all physical conditions pertinent to the entire property before the taking and to the remainder after the taking are necessary to a determination of whether there has been, in fact, a diminution in the value of the remainder because of the taking." Finally, Section B, Part IV, item 22 of the Uniform Appraisal Standards states that "in describing and analyzing the remainder property the appraiser shall view it in light of the Government's project for which a portion of the property was acquired."

According to the current procedures manual, appraisal of partial takings is initiated upon the completion of final right of way documents (function #2030), which precedes the preparation of roadway plans (function #2190). It is apparent that final right of way plans, appraisals and acquisitions involving partial takings cannot be undertaken absent pertinent construction details that may impact upon the final parcel configuration. This may account for the fact that approximately 50% of the parcels in the final right of way submission require revision.

Corrective Action Plan:

Short Term

In those instances where the appraiser feels that she/he is capable of completing the appraisal assignment lacking the cross sections and profiles, or any other essential part of the final geometry, the appraisal of the partial acquisition may proceed. If the appraiser requires additional information, which is usually obtained from the construction plans in order to properly assess the impact of the taking upon the remainder, the matter shall be brought to the attention of the District Right of Way Manager. If the District Manager agrees, he/she will contact the Project Manager for additional information to resolve the issue. If the information is not readily available, the District Manager will immediately refer the case to the Manager, Right of Way for a determination as to whether the appraisal should be placed on hold, pending the availability of construction details. In those instances where the appraisal process can proceed, negotiations must be suspended if the owner requests details of construction and they are not available. This suspension, if necessary, should also be brought to the attention of the Manager, Right of Way.

Long Term

Compress the ending point of function #2190 (preparation of roadway plans) to conclude that function prior to completion of final right of way documents (function #2030).

Implementation: *Immediately*