

# New Jersey Department of Transportation CORRECTIVE ACTION NOTICE

CAN No. 075

## CAPITAL PROGRAM SUPPORT

Director: Walter McGrosky Telephone: (609) 530-5257

Approved:

Date: Aug. 07, 2008

**Subject :** ROW & Utility Clearance Certification Letters and Soil Erosion and Sediment Control Report

**Bureau(s) Affected:** All Units involved with the Capital Program  
All Consultants and Contractors (DOT or third party)

**Description of Issue(s):** The Department has modified the Designer and Project Management Activities. The purpose of the modifications are to add ROW & Utility Clearance Certification Letters, and to establish the procedure for the Soil Erosion and Sediment Control Report.

### Corrective Action Plan:

The *Capital Project Procedures* have been revised for two additions:

1. Procedures for the Soil Erosion and Sediment Control Report have been added to Activity 2180 of the Designer's Unit Tasks. Announcements superceded by this announcement include All Design Unit memorandums dated June 1, 1990, November 30, 1992, and June 13, 1994.
2. Procedures for the ROW and Utility Clearance Certification Letters have been added to Activities 3115 and 3550 of the Project Management Unit Tasks and to the Forms, Letters & Samples page.

The Department has developed revised activities for ROW, and has modified the Capital Project Procedures on the Department website at <http://www.state.nj.us/transportation/eng/documents/procedures/index.shtml>.

### Description of Revised Activities

#### Activity: Title Search (1190)

Title Search shall be conducted prior to commencement of preparation of Preliminary ROW Plans. The Scope of work will be furnished upon the Project Manager's request. The Designer will be accountable for hiring, accuracy, and timeliness of the Title Company's performance. A Title Summary document shall accompany Preliminary and Final ROW Submission.

Title Search may be by either:

- In-house Title Unit
- Consultant Designer

#### Tasks

##### ROW Task

Determine (ROW Closing Bureau Manager) during Scoping Process who will provide the Title Search and identify in the Project's Scope Statement; either the In-house Title Unit, or a Consultant Designer.

##### ROW Task

If the Title Search is done by the In-house Title Unit, provide a Title Summary Document to the Project Manager prior to commencement of Activity 1270, PD ROW Plan.

##### Project Manager Task

If the Title Search is done by a Consultant Designer, obtain a list of approved Title Companies and Scope of Work from the ROW Title Unit. Provide this information to the designer for inclusion in Design cost estimate and schedule.

#### Activity: Review PreFinal ROW Submission (2045)

Approved Preliminary ROW Comment Resolution Summary (CRS) will be utilized in the PreFinal ROW Review. The purpose of the meeting is to introduce the project to the ROW District's Acquisition Team and discuss ROW acquisition in detail with appropriate SME(s) present. This allows the ROW District's Acquisition Team a comprehensive understanding of the project's purpose and needs and impacts of proposed roadway improvements.

#### Tasks

##### Project Manager Task

Request the assigned ROW District Program Manager for a PreFinal ROW submission meeting, to be held at the

District Office. After the PreFinal ROW submission, present (along with the Designer) the Project's history, scope, and discuss all the details of ROW acquisitions.

#### ROW Task

Invite the appropriate SMEs at the PM's request for the PreFinal ROW Submission Meeting.

#### **Activity: Final ROW Submission Package (2055)**

Comment resolution Summary (CRS) is to be prepared after Preliminary ROW Plan review and PreFinal ROW plan Review. ROW CRS is to be approved by Director of ROW, prior to the next phase of plan preparation.

#### **Tasks**

##### Designer Task

Submit the Final ROW Submission Package. Requirements include the following:

- Final ROW plans
- Parcel Descriptions
- The latest construction plans
- Approved ROW Comment Resolution Summary
- Current property owner names verified within a month of the Final ROW Submission
- All Project commitments that involve Landscape, Traffic Staging and Duration, ROW, and Access Issues
- List of all Temporary Construction Easements and Site Parcels with corresponding construction durations
- Environmental Summary Letter
- Access Design Memo and Right of Entries
- List of Green Acre Parcels

The package will not be considered to be complete if any one of the above mentioned items is missing.

##### ROW Task

Review the Final ROW package. If incomplete, the ROW acquisition "clock" will start when the earliest missing items are submitted. An incomplete Final ROW package may be returned to the Project Manager.

#### **Activity: Acquire ROW (3025)**

Conduct Appraisal, Review and Appraisal Registration of all cases. Also conduct negotiations, reach agreements, and provide ROW Clearance Letter. Other possible activities include relocation and condemnation. This activity will be a minimum of 14 month duration for project with no relocation and a minimum of 18 month duration where relocation is required.

#### **Tasks**

##### Project Manager Task

Coordinate the duration of this activity with the ROW District Program Manager. Maintain contact with the ROW District and assists in resolving design issues.

##### ROW Tasks

Conduct (ROW District Office) Appraisal, Review and Appraisal Registration of all cases. The ROW District office will conduct bonafide negotiations (and relocation if necessary). Upon completion of bonafide negotiations, the ROW District Office transmits an Agreement and Condemnation cases to ROW Technical Support for review and forwarding to Director of ROW and Access Management.

Director of ROW and Access Management authorizes the agreement or condemnation action and transmits cases to Closing Unit.

In case of Condemnation, notify the Project Manager for potential revisions to prepare condemnation maps and documents.

ROW District Office will continue to relocate persons or things as required and secure physical possession.

Director of Right of Way and Access Management will provide ROW Clearance Letter.

#### **Eliminate Activities 2050, 2060, 2070, 3010, 3020**

#### **Instructions to Designers**

The NJDOT website provides Designers with the current procedures and requirements. Within the CPP, Designers (both Consultant and In-house) have a Unit Task page accessible from the Unit Office Page that describes their Tasks by Activity.

#### **Implementation: Immediate**



Superseded