

Jim Crume

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Cc: Henri Verdugo; Chuck Deutschlander; Carwin Gardner; Joe Roman; Paula Gibson; Sabra Mousavi
Subject: Revised Standard Specifications for Right of Way Monumentation
Attachments: 925SRVY.DOC; New RW Monuments.pdf; RW Monumentation Procedure.doc

Effective on June 1, 2006, ADOT implemented new specifications for right of way monumentation. The official stored specification in the ADOT Contracts & Specifications Section database that is related to the setting of right of way monuments (section 925) has been changed and is the basis for new Department policy.

Attached is a Word file of the new 925srvy spec language. The sections that were revised are 925-1, 925-3.01 and 925-3.02.

The three primary changes from the previous stored specs are:

- 1) The R/W Plans On-Call Consultant will now be responsible for setting the final R/W monument instead of the construction contractor.
- 2) The final R/W monument will now be a drivable type survey monument instead of the traditional cap in concrete.
- 3) Specification 911, which pertained to right of way markers under the previous stored specs, has been deleted.

To further clarify the new policy of the staking of the right of way and to provide details about the new monument, two additional files are attached. The Word file entitled "R/W Monumentation Procedure" is a narrative of the new process from beginning to end, and provides the specifications of the final monument. The pdf file named "New R/W Monuments" contains visual exhibits and illustrations of the monument and accessories and supports the narrative.

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(925SRVY, 10/28/05)

SECTION 925 - CONSTRUCTION SURVEYING AND LAYOUT:

925-1 Description: the first paragraph of the Standard Specifications is revised to read:

The work under this section shall consist of furnishing all materials, personnel, and equipment necessary to perform all surveying, staking, establishment of all pit boundaries, laying out of haul roads, and verification of the accuracy of all existing control points which have been provided by the Department. The control point verification process shall include locating and making ties to all section line, right-of-way, and roadway monuments in the vicinity of the proposed work. Included in this work shall be all calculations required for the satisfactory completion of projects, including grade and drain, overlay, safety, landscape, rest areas, structures, surfacing projects, or combinations thereof, in conformance with the plans and these specifications. The work shall include establishing and marking 'as-built' elevations on bridges and culverts. The work shall be done under the direction of a registered professional engineer or a registered land surveyor employed by the contractor. The crew chief shall be NSPS Certified Level III, NICET Certified Level III, or a registered Land Surveyor-in-Training. A minimum of 50 percent of the survey crew shall be either NSPS Certified Level II or NICET Certified Level II.

When construction of new right-of-way monuments is included with the project, the Department will establish all initial right-of-way monuments prior to construction and forward a right-of-way staking plan to the contractor. Prior to completion of the construction project, as directed by the Engineer, the Department will supply, install, and stamp the final right-of-way markers.

All other existing cadastral corners, such as section corners, quarter corners, intersecting street centerline monuments, and property corners that are destroyed by the contractor shall be re-established by a registered land surveyor employed by the contractor.

925-3 Construction Requirements: of the Standard Specifications is revised to read:

925-3.01 General:

Prior to beginning any survey operations, the contractor shall furnish to the Engineer, for approval, a written outline detailing the method of staking, marking of stakes, grade control for various courses of materials, referencing, structure control, and any other procedures and controls necessary for survey completion. A part of this outline shall also be a schedule which will show the sequencing of the survey and layout work, throughout the course of the contract, listing a percentage of completion for each month. Section 1150, Chapter 11 of the ADOT Construction Manual shall be used by the contractor as a guide in the preparation of this outline. The ADOT Construction Manual is available on the Department's website, through the Construction Group.

The Department will provide either traverse or control points for establishing an accurate construction centerline and will establish bench marks adjacent to this line for the proper layout of the work as described herein. Control points will be located on centerline at the beginning and ending of the project, and at all points of curve (P.C.), points of tangent (P.T.), tangents to spiral (T.S.), spirals to tangent (S.T.), and angle points. On long tangents, additional points will be provided for continuity of line.

Traverse points, when provided, will be as follows:

For horizontal control, the Department will run a traverse from which construction centerline can be established. The control points, delineated by iron pins, marks in concrete, or similar devices, will be located to minimize the likelihood of their destruction during construction activities. Coordinates of these points and/or ties to construction centerline will be provided.

For vertical control, the Department will establish bench marks the entire length of the project at horizontal intervals not to exceed 2,500 feet.

Traverse or control points set by the Engineer will be identified in the field to the contractor.

The contractor shall verify the accuracy of the traverse or control points established by the Engineer prior to use. The contractor shall, as part of the control point verification process, locate and make ties to any section line, right-of-way, and roadway monuments which will be affected by the proposed work. After verification of these points, the contractor shall notify the Engineer in writing of the results of the verification.

The established initial right-of-way monuments shall be protected in place and re-established by the contractor, at no additional cost to the Department, if disturbed.

For locating and establishing ties to section line, right-of-way, and roadway monuments, the contractor shall follow the standards listed in Subsection 925-3.02(B).

Throughout the work, the contractor shall set all stakes including centerline stakes; offset stakes; reference point stakes; slope stakes; pavement lines, curb lines and grade stakes; stakes for sewers, roadway drainage, pipe, under drains, clearing, paved gutter, guardrail, fence, survey monuments and culverts; blue tops for subgrade, subbase and base courses; control points for bridges, bridge piers, abutments, footings, pile cutoff, pile layout, pier caps, bridge seats, bridge beams, girder profiles and screed elevations; supplemental bench marks; permanent as-built elevation marks; and all other horizontal or vertical controls necessary for complete and accurate layout and construction of the work. Regardless of the staking method, construction stakes shall be marked in such a manner that all construction personnel can easily identify the stake location, elevation, and other appropriate information. The coordinates of any new control points established by the contractor during the course of the work shall be given to the Engineer within five working days of control point establishment.

If errors are discovered during the verification process, and control points do not agree with the geometrics shown in the plans, the contractor shall promptly notify the Engineer in

writing, and explain the problem in detail. The Engineer will advise the contractor within five working days of any corrective actions which may be deemed necessary.

Directed changes to the work shall be reimbursed under Subsection 925-5 and additional contract time may be considered for any delays.

The contractor shall be responsible for the proper layout and accuracy of all property markers which are required by the project plans.

Structure sites shall be accurately profiled and cross-sectioned, and structure control points shall be set and checked to assure the proper construction or installation of each structure. Profiles shall be approved by the Engineer prior to constructing or installing each structure. All profile survey data shall be entered in furnished field books and preserved as a permanent project record.

The contractor shall exercise care in the preservation of stakes, references and bench marks and shall reset them when any are damaged, lost, displaced or removed.

On all projects, the centerline layout for the final surface course shall be established by instrument survey by the contractor and shall serve as marks for permanent traffic centerline striping. On projects requiring contractor striping, points at 50-foot intervals shall be set for each traffic lane, crossroad, ramp, frontage road or any other area where striping will be required.

On projects where traffic is being carried through the work zone, pavements shall be marked for traffic centerline delineation before the end of each work shift. Temporary pavement markings shall conform with the requirements set forth under Subsection 701-3.05 of these specifications and any subsequent modifications thereto.

Any discrepancies in grade, alignment, earthwork quantities, locations or dimensions detected by the contractor shall immediately be brought to the attention of the Engineer. No changes in the project plans will be allowed without the approval of the Engineer. Requests for verification of earthwork quantities shall be in accordance with Subsection 203-2.01.

The Department reserves the right to make inspections and random checks of any portion of the staking and layout work. If, in the Engineer's opinion, the work is not being performed in a manner that will assure proper controls and accuracy, the Engineer will order any or all of the staking and layout work redone at no additional cost to the Department.

If any portion of the contractor's staking and layout work is ordered redone, resulting in additional rechecking by the Department, the Department shall be reimbursed for all costs for such additional checking. The amount of such costs will be deducted from the contractor's monthly estimate.

Inspection of the contractor's layout by the Engineer and the acceptance of all or any part of it shall not relieve the contractor of its responsibility to secure the proper dimensions, grades and elevations of the several parts of the work.

925-3.02 Resetting Monuments:

(A) General:

The contractor shall be responsible to maintain all existing monumentation, including section line, right-of-way, and roadway monumentation. Monumentation disturbed during construction shall be re-established by the contractor, and recorded at the appropriate county recorder's office, at no additional cost to the Department.

(B) Monumentation Standards:

Section corner, quarter corner, and property corner monuments shall be re-established following the procedures in the Manual of Surveying Instructions 1973, published by the U.S. Department of the Interior, Bureau of Land Management, and all applicable statutes and requirements specified in the current Arizona State Board of Technical Registration's "Arizona Boundary Survey Minimum Standards." The contractor shall also follow the ADOT Right-of-Way Standards when re-establishing right-of-way monuments.

(C) Procedures:

Section line, right-of-way, and roadway monumentation re-established by the contractor shall bear the registration number of the Land Surveyor in responsible charge of the location.

Monuments used to define section lines shall be stamped in accordance with Manual of Surveying Instructions 1973, published by the Department of Interior, Bureau of Land Management. Roadway monumentation shall be stamped in accordance with the requirements of the appropriate municipal jurisdiction. Right-of-way monuments shall be stamped in accordance with the ADOT Right-of-Way Standards.

Monuments that are re-established shall be recorded at the appropriate county recorder's office, and a copy of the Corner Recordation documentation shall be submitted to the Engineer within five working days of recordation.

925-3.03 Office Survey Work:

The contractor shall be compensated for office work associated with project survey under the following circumstances:

- (A) When the project plans fail to provide sufficient information to lay out the project or any part thereof.
- (B) When the contractor performs office survey work based on erroneous plans information which results in the duplication of work.
- (C) If the Department should change any plans information for which the contractor has already performed office work which results in the duplication of that work.

The contractor shall not be due compensation for any office survey work:

- (A) When information provided in the plans is sufficiently complete to allow any additional information necessary for the complete layout of the project to be routinely calculated.
- (B) When the contractor fails to inform the Engineer of discovered plan errors prior to the performance of any extra office survey work.
- (C) That is included in any other existing pay item.

The contractor shall inform the Engineer in a timely manner of any omissions, ambiguities, or errors which the contractor feels may result in extra office survey work, so as not to delay the project or create any unnecessary calculations.

All office survey work shall be documented by the contractor and verified by the Engineer for compensation. Documentation shall consist of at least a detailed office diary specifically addressing the work involved in the alleged problem area. The contractor may be required to provide the calculations, charts, graphs, drawings, or any other physical evidence which will verify the extra work.

925-3.04 Survey Manager:

The contractor shall be compensated for a survey manager when deemed necessary for extra work ordered by the Engineer. The use of a survey manager, along with all survey manager duties required as a result of the additional work, must be authorized in advance by the Engineer. The survey manager shall be a Registered Land Surveyor in the State of Arizona.

925-4 Method of Measurement: of the Standard Specifications is revised to read:

Construction surveying and layout will be measured as a single complete unit of work.

One-, two-, and three-person survey parties, survey managers, and office survey technicians will be measured by the hour to the nearest half hour.

925-5 Basis of Payment: the first two sentences of the second paragraph of the Standard Specifications are revised to read:

If additional staking and layout are required as a result of additional work ordered by the Engineer, such work will be paid under ITEM 9250101 - ONE-PERSON SURVEY PARTY at the predetermined rate of \$65 per hour, ITEM 9250102 - TWO-PERSON SURVEY PARTY at the predetermined rate of \$100 per hour, ITEM 9250103 - THREE-PERSON SURVEY PARTY at the predetermined rate of \$135 per hour, ITEM 9250106 – SURVEY MANAGER at the predetermined rate of \$100 per hour, and ITEM 9250105 - OFFICE SURVEY TECHNICIAN at the predetermined rate of \$70 per hour.

925-5 **Basis of Payment:** the third paragraph of the Standard Specifications is revised to read:

The amount per hour for a one-person, two-person, or three-person survey party includes the cost of all work necessary to complete the extra work.

925-5 **Basis of Payment:** the sixth paragraph of the Standard Specifications is revised to read:

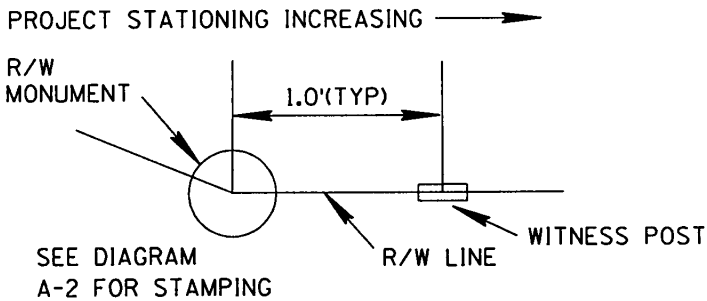
The amount per hour for a survey manager and an office survey technician shall include all necessary office supplies and equipment, such as calculators and computers.

925-5 **Basis of Payment:** of the Standard Specifications is modified to add:

Unless otherwise directed by the Engineer, requests for payment for additional survey work performed shall be submitted prior to the end of the monthly estimate billing period during which the work is performed.

RIGHT OF WAY MARKER UNIT

DIAGRAM A-1



PLAN VIEW

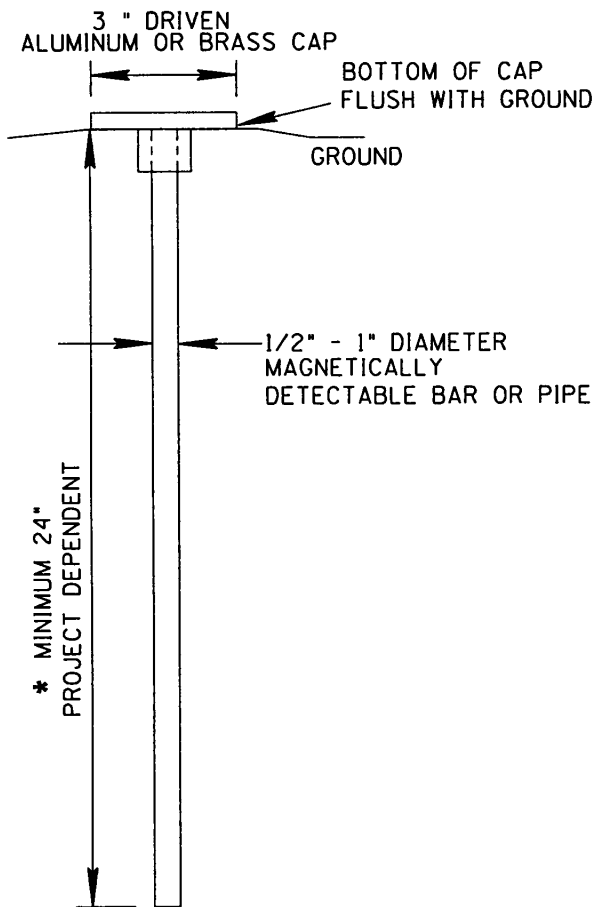
GENERAL NOTES

1. A RIGHT OF WAY MARKER UNIT SHALL CONSIST OF A SURVEY MONUMENT, CAP AND AND WITNESS POST WITH DECAL.

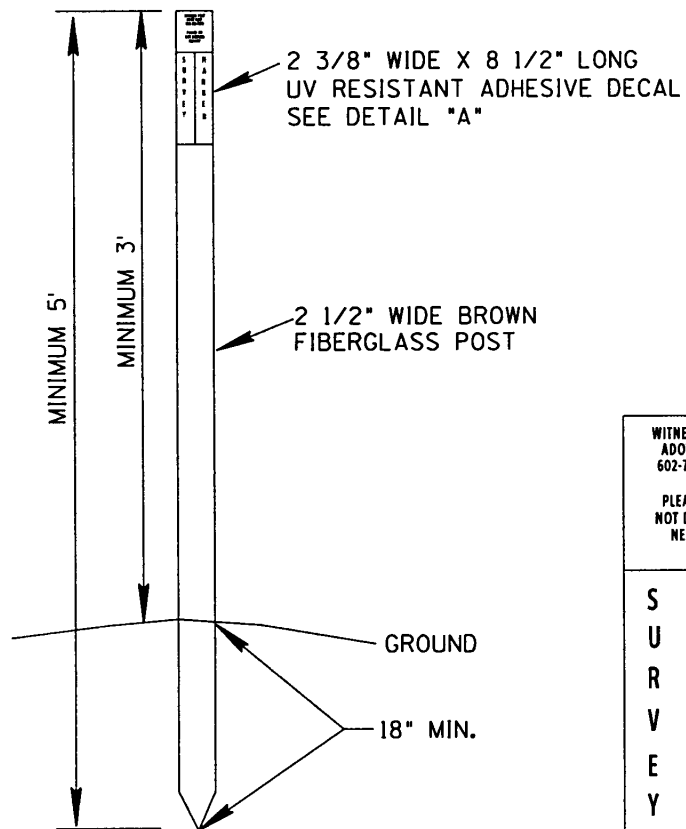
2. ALL R/W MARKER UNITS SHALL BE PLACED AT LOCATIONS SHOWN ON THE R/W PLANS OR AS DIRECTED BY THE DEPARTMENT.

* THE LENGTH OF THE MONUMENT IS DEPENDENT UPON SOIL CONDITIONS. IN BEDROCK OR CONCRETE CONDITIONS, THE CAP AND MAGNETIC MATERIAL ONLY WILL BE SET UTILIZING EPOXY. IN LOOSE SOIL CONDITIONS, A MINIMUM LENGTH OF 36" SHALL BE UTILIZED.

** WITNESS POSTING REQUIREMENTS IN URBAN AREAS TO BE DETERMINED BY ADOT



R/W MONUMENT
ELEVATION VIEW



WITNESS POST
ELEVATION VIEW

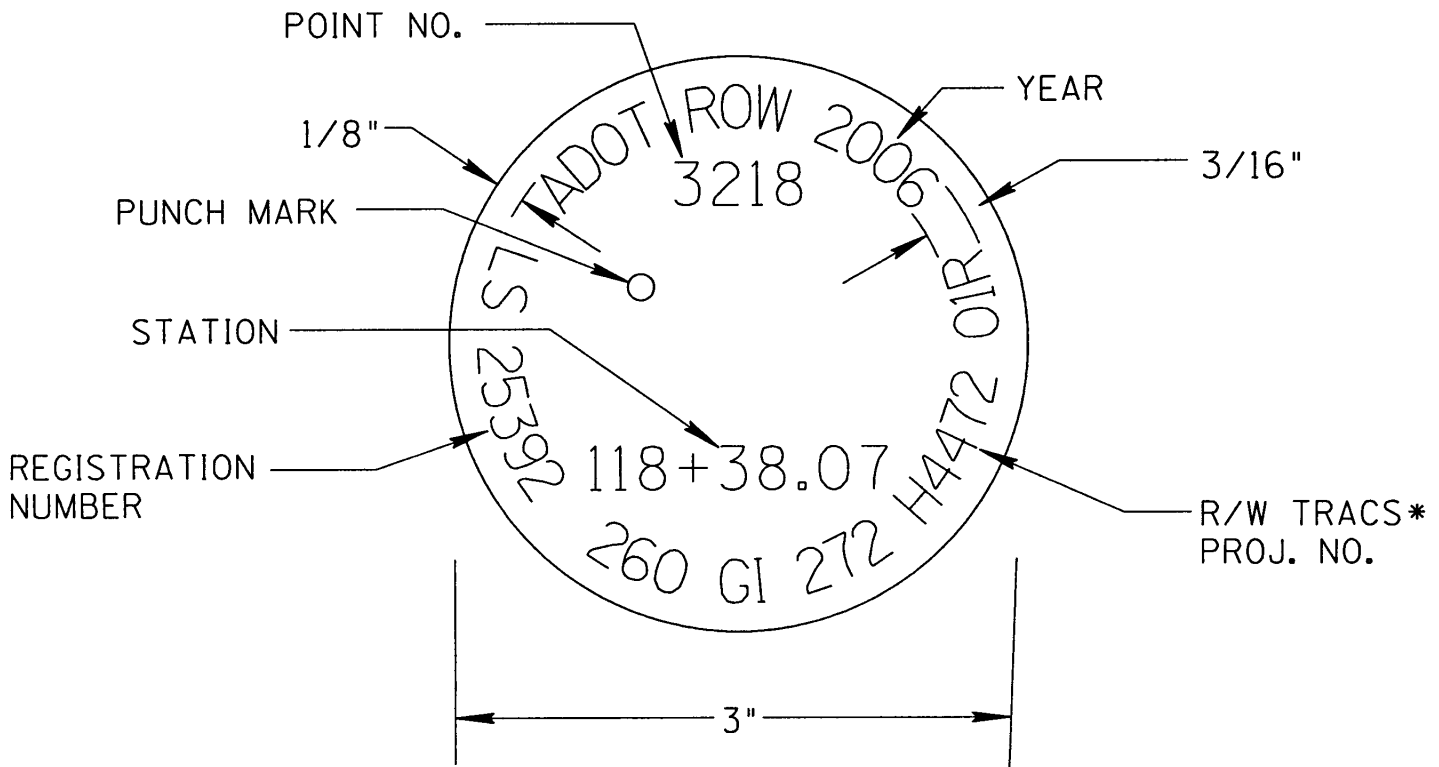
WITNESS POST ADOT R/W 602-712-7270	
PLEASE DO NOT DISTURB NEARBY	
S U R V E Y	M A R K E R

05/03/06

** DETAIL "A"

RIGHT OF WAY MONUMENT STAMPING INFORMATION AND LAYOUT

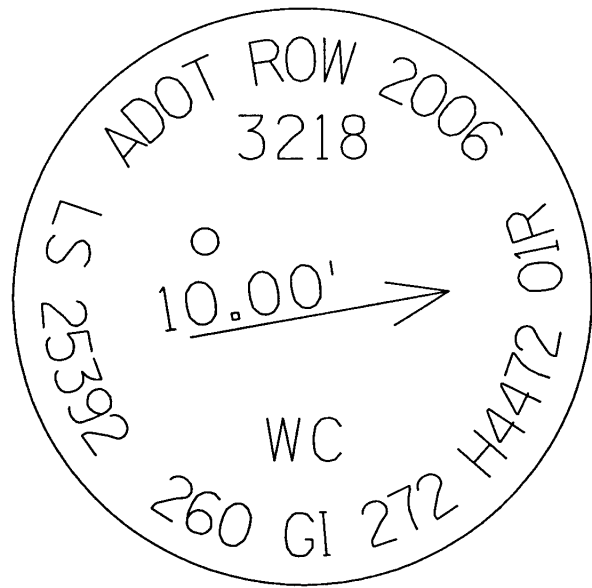
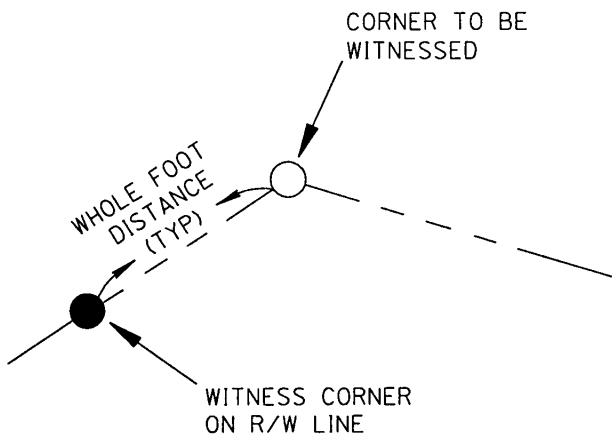
DIAGRAM A-2



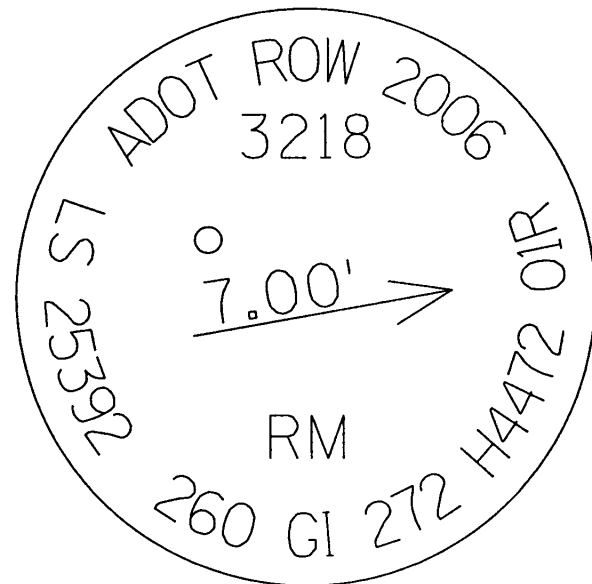
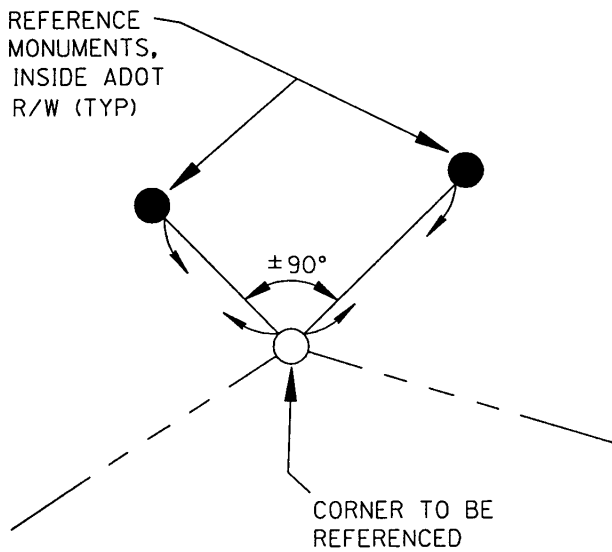
* UNTIL THE USE OF THE FEDERAL ID PROJ. NO. IS PHASED OUT,
THIS MAY INSTEAD BE THE FEDERAL ID PROJECT NUMBER.

05/03/06

DIAGRAM A-3

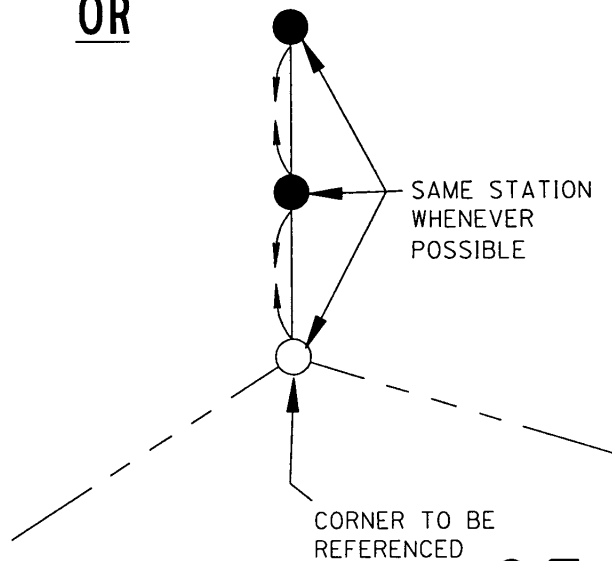


WITNESS CORNER



REFERENCE MONUMENT

OR



05/03/06

5/03/06

**ADOT R/W PLANS SECTION RIGHT OF WAY MONUMENTATION
PROCEDURES & STANDARDS**

RWM-1 Initial Right of Way Staking

RWM-1.01 General

The staking of the new right of way is an essential task that is performed prior to the commencement of the construction. The initial R/W monuments will typically be set 2 weeks to one month prior to the start of construction for projects requiring new right of way. The initial R/W monuments will be set at all locations identified by the R/W Plans Section and will be set by the R/W On-Call Consultant. The Construction Contractor is responsible for straddling, referencing or otherwise maintaining the location of the initial R/W monuments during the term of construction, until the final R/W monumentation is set. If any initial R/W monuments are reset by the Construction Contractor, the nature of the monument will be such that it shall be in compliance with the current Arizona Boundary Survey Minimum Standards.

RWM-1.02 Location and Description of Initial Right of Way Monuments

The initial R/W monuments will typically be set at the following locations:

- a) At all new right of way corners;
- b) At the intersections of new right of way lines and surveyed section lines, mid-section lines, and subdivision boundaries;
- c) On the new right of way lines opposite Station Equations of the centerline(s) controlling the new right of way lines.

The initial monument that is to be set will be of a material and size that conforms to the current Arizona Boundary Survey Minimum Standards (ABSMS), with the registered land surveyor's identification number affixed to it. A ½ inch diameter rebar of suitable length for the conditions, with a plastic cap, is an example. Where feasible, a guard type stake, such as a 4 foot wood lath, will be placed in the immediate vicinity of the monument.

At the initial R/W staking stage it may not be possible to stake some locations due to physical obstructions or other such reasons.

In some instances the initial monument will not be replaced and will serve as the final R/W monument, such as where new right of way will be abandoned to the local jurisdiction after construction.

In other instances the R/W On-Call Consultant will set a final ADOT R/W monument (RWM-2.02) at existing R/W corner locations where a) the existing R/W is not being superseded by new R/W, and b) no monument previously existed or c) an existing monument was determined to be grossly out of tolerance (RWM-2.05) and d) where the new monument will likely not be disturbed by the intended construction.

RWM-1.03 Right of Way Staking Plans

At the completion of the initial R/W staking, the R/W On-Call Consultant will prepare the R/W Staking Plans. The Staking Plans will describe the monuments that were set at all locations, as well as identify those locations where a) a monument could not be set, b) the initial monument will serve as the final R/W monument, and c) where final ADOT R/W monuments have been set at existing R/W corner locations. The Staking Plans will also contain a table that lists the point number, ground coordinate values, and R/W plans station and offset for each location. The Staking Plans will be provided by the ADOT R/W Plans Section to the ADOT Project Manager, the Construction Contractor and/or the ADOT Resident Engineer after they have been reviewed and accepted by the R/W Plans Section.

RWM-2 Final Right of Way Monumentation - General

The Final R/W Monumentation Survey process will commence when ADOT District personnel and/or the ADOT Project Manager notifies the R/W Plans Section at the earliest of the following 2 occasions: a) at such time when the final R/W monuments can be safely set, or b) at least 2 months prior to the end of all construction. After notification, the R/W On-Call Consultant will be tasked with performing the Final R/W Monumentation Survey. The R/W On-Call Consultant will also locate/tie-in any sectional corner monuments that were replaced by the Construction Contractor. In cases where the R/W On-Call Consultant had previously located the sectional corner monument prior to construction, and if the sectional corner monument set by the Construction Contractor was set within positional tolerance, but was not punched/stamped by the Construction Contractor, the R/W On-Call Consultant shall punch/stamp the monument as required.

For some projects (typically urban projects that have not fenced the new right of way) the Final Monumentation Survey may not take place until after the landscaping improvements are completed. For these projects the decision of when the Final R/W Monumentation Survey will be performed will be decided by District personnel near the end of the construction phase of the project, on a project-by-project basis.

RWM-2.01 Positional Tolerance

Any sectional monuments that are set by the Construction Contractor that are determined by the R/W Consultant to be out of tolerance, as compared to the position of the prior monument, will be reset by the Construction Contractor at no expense to the Department. A sectional corner monument set by the Construction Contractor shall be considered out of tolerance if a punch mark identifying the actual location of the corner cannot be placed on the cap.

RWM-2.02 Drivable Monument Requirements and Specifications

Near the end of the construction phase, the R/W On-Call Consultant will set an acceptable drivable type monument (refer to diagrams A-1 & A-2) for the final R/W monument at locations that were initially staked. The body of the final monument that will typically be set by the R/W On-Call Consultant will be magnetically detectable, have a diameter of one-half inch to 1 inch, and a minimum length of 24 inches. A three-inch aluminum or brass cap will be attached to and placed over the top of the body of the monument. The top of the cap can be flat or domed. The informational items that shall be stamped into the cap are:

- a) The R/W On-Call registrant's license number
- b) The year (four digits)
- c) The words "ADOT ROW"
- d) The R/W project TRACS number (i.e. 260 GI 272 H4472 01R)
- e) The reference Station as shown on the R/W plans (i.e. 105+58.73)
- f) The point number – as assigned by the R/W Consultant and shown on the R/W Monumentation Survey
- g) A circular punch mark at the actual point location (do not use a triangle or plus/cross symbol)

The lettering size will be 3/16ths of an inch high. Refer to diagram A-2 for the positioning of each text item. When ordering the caps for each project, the R/W Consultant shall have as many of the items as possible pre-stamped into the cap by the manufacturer, with the exception of the punch mark.

In loose soil conditions, the body of the monument shall be 36 inches in length and/or concrete will be poured around the body of the monument to stabilize it. If the location of the monument is in bedrock or similar substance, then a hole will be drilled into the bedrock so that magnetic material can be placed under the cap, and the cap will be fastened with epoxy glue.

In urban areas the top of the monument will typically be set flush to the ground surface or approximately one-tenth of a foot below the ground surface, depending on circumstances. In rural areas the top of the monument will typically be set flush with the ground surface to one-tenth of a foot above the ground surface.

RWM-2.03 Witness Posts

After the R/W Consultant sets the final R/W monument, a witness post shall also be typically set next to the monument. The witness post will be of a durable fiberglass construction, such as carsonite. The post will be 2-1/2 inches wide, and a minimum of 5 feet in length. The post will be driven in to the ground to a depth of at least 18 inches, and shall leave a minimum height of 3 feet above the surface. Where extra stability is needed, an anchor kit will also be utilized in the installation of the witness post. Whenever possible, the witness post will be set on the right of way line at a distance of 1 foot from the monument, in the direction of increasing station from the monument. Refer to diagram A-1.

The witness post shall be brown in color. A decal will be attached to the face of the post at the top end. The decal will face the highway. The decal shall have a white background with black lettering. The decal should be UV resistant whenever possible. The size of the decal will be approximately 2-3/8 inches wide and 8-1/2 inches long. Refer to diagram A-1 for decal text.

In urban areas, the witness post will not typically be set for each point, unless otherwise directed by the Department.

RWM-2.04 Use of Witness Corners and Reference Marker Monuments

If the R/W corner position falls in a location that is deemed un-settable for physical or other reasons, the R/W On-Call Consultant will first try to set a witness corner monument on the right of way line, as close as is practicable to the actual corner. If setting a witness corner is impractical, the R/W Consultant will set 2 reference marker monuments at convenient locations in the vicinity of the actual corner, within the ADOT right of way. The reference monuments can be set in one of the two following manners: a) approximately at 45 degree angles from the actual corner location, as measured from the right of way line(s), or b) set perpendicular on a straight line as referenced to the centerline of the highway, opposite the actual corner location – i.e. a 5 foot and 10 foot offset at the same station as the corner being referenced. When practicable, the witness corners and reference monuments will be set to a whole foot distance from the R/W corner position. Refer to diagram A-3.

If a witness corner is set, the stamping on the cap will also include, in addition to the items listed in Section RWM-2.03, the letters “WC”, an arrow pointing in the direction of the actual corner, and the distance from the witness corner to the actual corner. Station information in this situation should not be included on the cap. Refer to diagram A-3.

If reference monuments are set, the stamping on the cap will also include, in addition to the items listed in Section RWM-2.03, the letters “RM”, an arrow pointing in the direction of the actual corner, and the distance from the reference monument to the actual corner. Station information in this situation should not be included on the cap. Refer to diagram A-3.

If in the R/W On-Call Consultant’s judgment and as agreed upon by the R/W Plans Section, it is not viable to set either a witness corner or reference monuments for a right of way corner location, and a well-defined permanent type structure is close to the corner position, such as the corner of a block wall, tie dimensions to the structure shall be documented on the R/W Monumentation Survey in lieu of setting the monuments.

RWM-2.05 Discovery of Existing Right of Way Monuments

When the R/W On-Call Consultant is setting new monuments along the existing right of way line, a situation may be encountered where an existing monument is in the general vicinity of the calculated corner position. The existing monument may be an ADOT type monument, or a private monument. In this situation, the R/W Plans Section and the registrant will decide if a new monument will be set or not, with the stipulation that a

new monument shall not be set any closer than one foot from an existing monument, and that a new monument shall be set if the calculated position is greater than three feet from the existing monument. In no situation shall the Consultant remove or otherwise alter the existing monument, unless approval or direction is given by the R/W Plans Section. An exception to this is if the existing monument is within positional tolerance as defined by the current Arizona Boundary Survey Minimum Standards, and, the existing monument has no identification and/or pedigree, the registrant has the option of either affixing his registration number to the monument, or refurbishing it with a new ADOT right of way drivable monument as described above.

When the R/W On-Call Consultant is setting new monuments along the new right of way line, the situation may be encountered where an existing monument is in close proximity of the calculated corner position and that it can be determined that the existing monument was intended to have been set for the legal corner position. The existing monument will typically be a private monument. If the existing monument is within positional tolerance as defined by the current Arizona Boundary Survey Minimum Standards, the R/W On-Call Consultant will accept the existing monument. If the existing monument has no identification and/or pedigree, the registrant has the option of either attaching his registration number to the monument, or refurbishing it with a new ADOT right of way drivable monument as described above. If the existing monument is out of positional tolerance, the registrant will refer to the instructions in the preceding paragraph.

RWM-2.06 Right of Way Monumentation Survey Drawing

After the field portion of the final R/W Monumentation Survey has been completed, the R/W On-Call Consultant will prepare a Right of Way Monumentation Survey drawing. The drawing will document the final monumentation of the right of way corridor. The drawing will recite the location and description of all monuments set and found, including any witness corners, reference marker monuments, un-set corner locations, recently found right of way corners and reset section corners.

After acceptance by the ADOT R/W Plans Section, the Monumentation Survey drawing will be attached to and become a part of the right of way plan set. This plan set will be filed in the File Room of the ADOT Right of Way Plans Section and become a part of the public record.