



Right of Way

Presentation by

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Right of Way Project Management

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Up To Speed: Right of Way Group - *Vimeo*



Right-of-Way

Also Known As:

Right of Way, Rights of Way, Right of Ways

1. Law
 - A. The right to pass over property owned by another party.
 - B. The path or thoroughfare on which such passage is made.
2. The strip of land over which facilities such as highways, railroads, or power lines are built.

Daniel Boone (1734-1820)

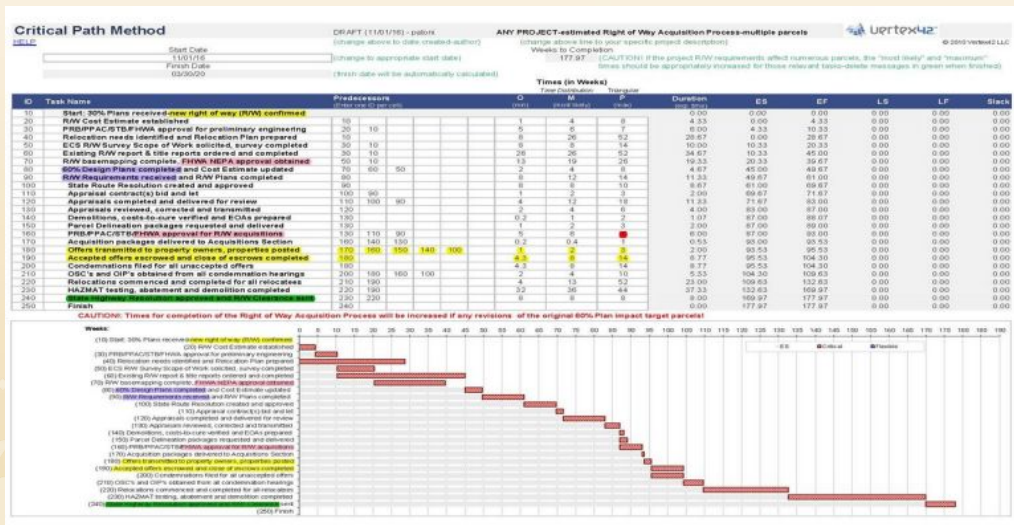


Daniel Boone could be called one of the first Right-of-Way agent, in 1775 he founded the Wilderness road through Cumberland Gap into Kentucky.

By the end of the 18th Century more than 200,00 people had entered Kentucky following this the route marked by Boone
(https://en.wikipedia.org/wiki/Daniel_Boone)

Right-of-Way is not an event!

Right of way is linear sequential process that requires time.



So How Much Time Does Right of Way Require?

New Right of Way Required

**Establishment/Route Resolution by the State Transportation Board
(authorization to spend money on the project).**

**FHWA Funding Authorization for Phase 1 (Preliminary Engineering)
Stage II (Preliminary Engineering Stage – 30%).....Minimum Time**

- | | |
|-----------------------|----------------|
| • Existing R/W Survey | 9 to 18 Months |
| • Existing R/W Report | same |
| • Title Reports | same |

ENVIRONMENTAL CLEARANCE

FHWA AUTHORIZATION FOR PHASE 2

- | | |
|-------------------------------|---------------|
| • Produce R/W Plans | 3 months |
| • Delineation Packages | 1 month |
| • Appraisals (bid and obtain) | 2 to 3 months |
| • Appraisal Review | 1 month |
| • Acquisition / Relocation | 3 months |
| • Condemnation (OIP) | 2 to 3 months |
| • Demolition | 2 months |

Environmental NEPA Clearance

The environmental NEPA clearance is critical to Right of Way.

- Without the environmental clearance there is no FHWA approval for funding to acquire new right of ways that may be needed. (AZPR2X)
- Without the environmental clearance and AZPR2X ADOT cannot:
 - Initiate negotiations with property owners.
 - Cannot submit applications to some government agencies without environmental clearance. With some agencies this may take up to a year.

What Right of Way Does Not Do!

1. Determine the location, footprint or requirements for new right that is required. The designers tell us what is needed and then we go get it for you.
2. We do not make up market value for property that may be required as new right of way. By law we are required to pay fair market value for property. (If R/W cost are to much for a project budget the solution is buy less or find a solution that requires less.

R/W Propet Acquisitions

Right of way property acquisitions are not like your residential property sale where you have a willing Seller and a willing Buyer. Our acquisition can take several months to negotiate and complete or obtain possession if necessary through the courts.

Possible Impact to Negotiation.

- Indian Nations
- Government Agencies
(BIA, BLM, BOR, RR,
SLD, FS, CAP...)
- Easement Restriction
Releases
- Legal Ownership
- Federal Tax Lien
- Lender Releases
- Out of State/Country
Owners
- Home Owner Assoc.
- Hazardous Materials
- 4(f) properties
- 6(f) properties
- Conservation Easements
- Historic Properties
- Bankruptcy
- Death
- Relocation
- Condemnation

Help Us Help You!

We will do everything possible to help you meet your schedule, but please don't ask us to short change the process we must follow to comply with federal and state law.

How do you help?

1. Provide the final right of way requires as soon as possible, (around 30% design).
2. Request R/W funding as early a possible right after environmental clearance
3. Limit design changes that affect R/W after 60% design.
4. Work with the Right of Way Coordinator for a realistic R/W clearance date.

