

# ROW Clearance Process

*What It Is, How It Works, and What We Need From You*

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ADOT Right-of-Way | June 18, 2026

*Developed with the assistance of Claude AI | Anthropic*

## Let's Start With a Question

**When does the ROW clearance process begin?**

*Think about it — then we'll work through it together.*

# It Starts Earlier Than You Think

The ROW clearance process begins during the design phase.

Design determines two critical things:

**01**

**What the project  
needs to build**

**02**

**Whether any property  
rights outside existing  
ROW are required**

**That determination creates two separate paths — each with its own clearance process.**

# Two Paths. Two Processes.

## PATH 1

### NO NEW RIGHT-OF-WAY

- Everything constructed within existing ROW
- No property rights acquired
- No permissions or agreements needed from other agencies such as Salt River Project, Bureau of Reclamation, or National Forest Service

## PATH 2

### NEW RIGHT-OF-WAY

- Any property right outside existing ROW is required
- Includes fee, easement, TCE, permits, licenses

# If You're Acquiring Any Right — It's New ROW

*A common assumption: "We're not taking anyone's land, so there's no ROW issue."*

## **Not accurate.**

Any acquisition of a property right — even temporary — places the project on the New ROW path.

### **Examples:**

- Temporary Construction Easement for driveway reconnection
- Drainage easement
- License, permit, or agreement with another agency such as Salt River Project, Bureau of Reclamation, or National Forest Service

**If the agency needs permission to use a property owner's land — that is new right-of-way.**

# No New Right-of-Way — How Clearance Works

**TRIGGER POINT: 60% Design Submittal**

## What's Required:


- 60% plans confirming all work is within existing ROW
- Real Property Interest Certification completed and signed by the CA agency
- ADOT ROW Coordinator reviews and concurs

### Who Issues Clearance

CA agency issues — ADOT ROW Coordinator concurs

### Result

**Full ROW Clearance Issued**

 Important: If design changes after clearance is issued and new property rights become required — clearance is rescinded and the process restarts.

# New Right-of-Way — The Clearance Sequence

This path takes longer. Plan accordingly.

- 1 Environmental clearance obtained
- 2 Federal authorization to proceed with acquisition (FHWA Form AZ PR2X)
- 3 Acquisitions completed — all required property rights obtained
- 4 95% plans on file
- 5 Real Property Interest Certification completed by CA agency
- 6 ADOT ROW Coordinator reviews file for compliance
- 7 Clearance letter prepared and executed

# What Gets Signed and Who Signs It

**Two documents travel together as one:** ROW Clearance Letter | Real Property Interest Certification

## Who Completes & Signs the Certification:

The CA agency. The Real Property Interest Certification must be signed by an agency representative with working knowledge of the Uniform Act and its acquisition requirements.

## Who Signs the Clearance Letter:

The same agency representative who signed the Real Property Interest Certification. The ADOT ROW Coordinator will concur.

## Where It Goes via DocuSign:

ADOT ROW  
Management

ADOT Project  
Manager

CA Agency

District Administrator

Contracts & Specs

FHWA

# What If We're Not Quite There Yet?

Full clearance requires all property rights to be in hand.

If that hasn't happened — a Conditional ROW Clearance may be requested.

**But understand this first:**

**A conditional clearance is not a scheduling tool.**

**It is not a workaround.**

**It is a rare exception that requires FHWA approval.**

# Conditional Clearance — The Fine Print

## ✓ What it **ALLOWS**

The project may advertise for bids.

## ✗ What it **DOES NOT ALLOW**

Bids may not be opened until full ROW clearance is issued.

**Both conditions must be met before a conditional clearance will even be considered:**

1

An Order to Show Cause hearing date must be scheduled — formal condemnation proceedings underway with a firm court date.

2

The project must be ready to start construction within 2–3 months of bid award. If more time exists, there is sufficient time to complete acquisition without a conditional clearance.

**FHWA must approve. ADOT ROW Coordinator concurs. Both signatures required. Allow two weeks for review once the request is submitted.**

# Requesting a Conditional Clearance — What's Required

*The CA agency prepares the letter. The ADOT Coordinator reviews and may require revisions.*

## The request must include:

- 1 A description of the project
- 2 The reason the request is being made and why it is needed
- 3 Scheduled advertisement date and expected construction start
- 4 A parcel chart listing all impacted parcels
- 5 For each unacquired parcel — a brief history, current status, and expected close of escrow or Order of Immediate Possession date

# One More Thing — HOA Properties

If any parcel on your project belongs to a Homeowners Association — this question will be asked:

**Was legal counsel consulted regarding compensation determination for the HOA-impacted property?**

## Why This Matters:

Under Arizona Supreme Court precedent — State v. Foothills Reserve — who receives just compensation on an HOA-impacted parcel depends on the specific legal structure of that association's CC&Rs. It is not a blanket determination. It must be evaluated association by association.

## What We Need in the File:

- Evidence that agency legal counsel reviewed the CC&Rs
- Written documentation of the compensation determination

**This is not optional. If ROW requests your file, this documentation must be there.**

# Why This Matters to Your Schedule

**ROW clearance is required before a project can be advertised for construction bids.  
No clearance — no advertisement.**

**Build ROW milestones into your project schedule from the start:**

**Design determines the path** — Which clearance sequence applies to your project

**The path determines the timeline** — New ROW takes significantly longer than NNRW

**The timeline requires early coordination** — With your ADOT ROW Coordinator — not at 95% plans

**The earlier ROW is in the conversation, the fewer surprises at advertisement.**

# Questions?

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ROW Clearance Process | ADOT Right-of-Way | LPA Program

**Contact your ADOT ROW Coordinator early.  
Not at 95% plans. Early.**

Matt Tolman | ADOT Right-of-Way Project Coordinator

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