

DATE: Insert Date

SUBJECT: Right-of-way Procedures for Highway Occupancy Permits (HOP)

TO: District Executives

FROM: R. Scott Christie, P.E.
Deputy Secretary for Highway Administration

Right of Way acquisition procedures used in the Department's Highway Occupancy Permit (HOP) program for driveways and local roads are being implemented as part of a general review of this program. This strike-off letter is time neutral. It is intended to provide guidance to the Department as well as HOP applicants who must obtain land for State highway right of way in connection with obtaining an HOP.

The policy is effective immediately and the attached right of way procedures will be incorporated into the HOP Manual (Pub. 170) and the HOP Guidelines (Pub. 282) with the next revisions to these manuals. A new appendix is also being added to the publications that provides a recommended step-by-step process in acquiring right of way in outline format. In addition, revisions to the standard deed forms, M-950 D1 (Deed, Fee Simple) and M-950 D2 (Deed of Easement), are attached. Deed form M-950 D3 (Deed of Easement (Drainage)) is being eliminated as part of this strike-off letter.

The following policies and revised deed forms are attached:

- Pub. 170, Chapter 3.7, Right of Way Procedures (Attachment A-1)
- Pub. 170, Chapter 8.1, Deed, Fee Simple; Form M-950 D1 (Attachment A-2)
- Pub. 170, Chapter 8.1, Deed of Easement; Form M-950 D2 (Attachment A-3)
- Pub. 170, Appendix C, Outline of Right of Way Acquisition Procedures for Highway Occupancy Permits (Attachment A-4)
- Pub. 282, Chapter 3.6, Right of Way Procedures (Attachment B-1)
- Pub. 282, Chapter 8.1, Deed, Fee Simple; Form M-950 D1 (Attachment B-2)
- Pub. 282, Chapter 8.1, Deed of Easement; Form M-950 D2 (Attachment B-3)
- Pub. 282, Appendix C, Outline of Right of Way Acquisition Procedures for Highway Occupancy Permits (Attachment B-4)
- Form M-950 D1 (Deed, Fee Simple) (Attachment C-1)
- Form M-950 D2 (Deed of Easement) (Attachment C-2)

(SOL Number)

Date

Page 2

The following policy sections and deed form is being eliminated as part of this strike-off letter:

- Pub. 170, Chapter 8.1, Deed of Easement (Drainage); Form M-950 D3, Page 234.
- Pub. 282, Chapter 8.1, Deed of Easement (Drainage); Form M-950 D3, Page 170.
- Form M-950 D3 (Deed of Easement (Drainage)).

HOP applicants are often required to provide State highway right of way to the Department in connection with obtaining a permit. The engineering districts should address right of way and related issues and procedures early in the HOP process, utilizing the scoping meeting approach if appropriate. It is important to complete these transactions correctly to insure the Department's new property interest is properly documented for the future.

This policy provides guidance on the following important right of way related issues in the permit process:

- Acquisition procedures for HOP projects involving private, local, state or federal funding;
- Determination of the type and amount of right of way required;
- Right of way plan requirements;
- Deed forms and approval;
- Title documentation;
- Plot plans and deed descriptions;
- Other conveyance and recording procedures;
- Condemnation by a municipal entity;
- Title searches and title insurance/certification;
- Utility relocation or elimination issues;
- Environmental issues.

Deed forms M-950 D1 (Deed, Fee Simple) and M-950 D2 (Deed of Easement) have been modified to include interactive features. The revised forms can be accessed from <P:\permits\shared\HOP\Forms>.

The M-950 D2 (Deed of Easement) form covers transfer of a highway easement or any other easement, which is why the drainage easement (Form M-950 D3) form is being eliminated.

Appendix C is being added to Publication 170 and 282 to provide the applicant a recommended step-by-step procedure for successfully completing the right of way conveyance process when additional land must be obtained for State highway right of way in connection with obtaining an HOP. The step-by-step outline is not intended to be a substitute for the policy itself, but a useful tool to assist the applicant throughout the right of way process.

(SOL Number)

Date

Page 3

If you have any questions in regard to the attached policy, please contact Daryl R. St. Clair, P.E., Acting Director, Bureau of Highway Safety and Traffic Engineering, at (717) 787-7350.

Attachments

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