
Section 1.1

RIGHT OF WAY PROCEDURES MANUAL

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Section 1.1

RIGHT OF WAY PROCEDURES MANUAL

PURPOSE

The Right of Way Procedures Manual (Manual) establishes the minimum standards for administering the Right of Way program for the Florida Department of Transportation (Department) pursuant to federal regulations, Florida Statutes, Florida Administrative Code, Department policy and good business practices.

AUTHORITY

23, Code of Federal Regulations, Part 710.201(c)
Section 20.23(3)(a), Florida Statutes
Section 334.048(3), Florida Statutes
Procedure No. 025-020-002, Standard Operating System

SCOPE

Each section of the Manual will specifically identify the principal users of the document.

REFERENCES

Age Discrimination Act of 1975
Civil Rights Restoration Act of 1987
Procedure No. 001-275-006, Title VI Program and Related Statutes,
Non-discrimination statement
Procedure No. 025-020-002, Standard Operating System
Procedure 050-030-001, Form Development and Control
Section 253.025, Florida Statutes
Section 504, Rehabilitation Act of 1973
Section 324, Federal-Aid Highway Act of 1973
Title VI, Civil Rights Act of 1964
Title VIII, Civil Rights Act of 1968

TRAINING

Required training is identified in each section of the *Manual*.

FORMS

Referenced forms are identified in each section of the *Manual*.

DEFINITIONS

Applicability: This manual is applicable to property acquired for transportation rights of way that will be held in the name of the Department. Properties acquired for purposes other than transportation rights of way such as for office buildings and maintenance yards must be titled in the Trustees of the Internal Improvement Trust Fund and shall be acquired in compliance with **Section 253.025, Florida Statutes**.

Directive: A temporary document which places a procedural document into effect immediately when there is not sufficient time for the procedure review and adoption process. It may introduce a new process, establish a pilot program, or modify an existing procedure and will be effective for at least 12 months.

Guidance Documents: Recommended processes intended to provide efficiency in the implementation of policies, procedures, and standards. A guidance document provides general program direction and does not set mandatory minimum standards.

Mandatory Revisions: Revisions required by changes in statutes, rules, federal regulations, court rulings or Department policy.

Minor/Editorial Revisions: Revisions which do not change a minimum standard and are not mandatory or substantial such as changes to grammar, punctuation, spelling, and formatting.

Substantial Revisions: Revisions which are not mandatory but change minimum standards.

1.1.1 Manual Changes

The responsible Central Office Manager with approval from the Director, Office of Right of Way, will determine if proposed changes to the *Manual* are mandatory, substantial, or minor/editorial. Mandatory and substantial manual changes will be processed in

accordance with **Procedure No. 025-020-002, Standard Operating System**. Minor/editorial changes may be approved by the responsible Central Office Manager and the Forms and Procedures Office.

1.1.2 Forms

Official Right of Way form changes will be processed in accordance with **Procedure No. 050-030-001, Form Development and Control**, Forms and Procedures Office.

1.1.3 Directive

To create and process a directive see **Section 10, Procedure No. 025-020-002, Standard Operations System**, Forms and Procedures Office.

1.1.4 Guidance Documents

If the Director, Office of Right of Way, determines that written guidance or clarification should be provided to the Districts to assist in implementing portions of the **Manual**, a **Guidance Document** may be issued. **Guidance Documents** will require only the review determined necessary by the Director, Office of Right of Way, prior to issuance. **Guidance Documents** will be maintained at the end of the **Manual** in consecutive order as they are developed.

1.1.5 Liaison with Forms and Procedures Office

All revisions made to the Manual must be coordinated with the Forms and Procedures Office. The **Manual** is available on the Infonet and Internet at the following sites:

<http://tlrws1.dot.state.fl.us/RWManual.aspx>
<http://www.dot.state.fl.us/rightofway/documents/ROWmanual/toc.htm>

1.1.6 Manual Exemptions

The Director, Office of Right of Way may grant an exemption to a requirement in the **Right of Way Manual** provided it is not based on federal and state statutes or Florida Administrative Code. The District Right of Way Manager must submit a request for exemption in writing to the Director, Office of Right of Way, stating the circumstances which support the exemption. The Director, Office of Right of Way, will review the request and render a written decision. FHWA will be consulted on issues involving federal aid participation.

1.1.7 Non-discrimination Statement

All Right of Way processes described in the *Manual* shall comply with the following:

"It is the policy of the Florida Department of Transportation, under ***Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Section 324 of the Federal-Aid Highway Act of 1973; Civil Rights Restoration Act of 1987***; and other related statutes and regulations, that no person in the United States shall, on the basis of race, color, national origin, sex, age, disability, religion, or familial status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the Department or its sub-recipients." See ***Procedure No. 001-275-006, Title VI, Non-discrimination Program***, for entire Policy.

HISTORY

04/15/99, 01/03/06, 09/27/07, 04/25/08