3.0 INTRODUCTION

A. Standard Right-of-Way Plans. Right-of-Way Plans are the end result of preliminary design phase studies and are prepared either by Department forces or by Consultants. In either case, the Designer shall be responsible for obtaining completed plans. Prior to the submission of the Right-of-Way Plans to the Central Office for approval, they shall be reviewed by the District Chief-of-Surveys and the District Right-of-Way personnel. The Right-of-Way Unit shall make recommendations regarding the right-of-way limits. All recommended changes shall be discussed fully with the Design Engineer and with the Professional Land Surveyor in control of the plan. The Professional Land Surveyor shall verify that the land surveying aspects of the plan are satisfactory. Any problems shall be resolved prior to the submission of the Right-of-Way Plans to the Central Office.

In order to acquire land, a description or plan thereof shall be prepared, containing the names of the owners or reputed owners, an indication of the estate or interest to be acquired and such other information as the Department shall deem necessary. Execution by the Secretary of such description or plan shall constitute authority for the filing of a declaration of taking in accordance with the Eminent Domain Code, 26 Pa.C.S. The description or plan shall be filed as a public record in the Department and as necessary in the County Courthouse.

Right-of-Way Plans, including Property Plots, are the basis for determining all property damages which may be involved in the construction of a highway. They are also the legal record indicating the location, the extent and the character of any acquisition of right-of-way and shall be of accuracy commensurate with the Construction Plan data.

Section 2003(e)(6) of the Administrative Code 71 P. S., Section 513(e)(6) requires that all Right-of-Way Plans define the type of interest to be acquired. The Department's policy is that all required right-of-way shall be acquired in fee simple title. However, there are exceptions to this policy such as "Free Releases" and minor partial takings on existing highways (Refer to Section 3.1 and Publication 378, Right-of-Way Manual for procedures for the exceptions.).

The only interests that may be acquired are those set forth in this Chapter unless otherwise approved by the Office of Chief Counsel, Real Property Division, which will coordinate with the Bureau of Project Delivery, Highway Delivery Division, Utilities and Right-of-Way Section. Plan reviewers shall not approve plans with acquisitions for interests other than those designated and as defined in this Chapter without the required approval. See Section 3.1 on the nature of interest to be acquired.

The Right-of-Way Plans for each section of a highway facility shall be checked and coordinated for accuracy with the Construction Plans for the same section. The right-of-way information indicated on the plans for each section shall be consistent with right-of-way information shown on plans for adjacent sections.

Right-of-Way Plans shall contain only such construction Notes or information necessary to establish limits for right-of-way acquisition and to accurately estimate the right-of-way costs.

Pennsylvania law provides that the establishment of a limited access highway facility in a City is subject to the approval of the City. This approval shall be evidenced by an ordinance duly passed in accordance with the law.

A Signature Block shall be provided for the City Official as presented in Figure 3.1.

Right-of-Way Plans shall be developed using the engineering graphic standards for microfilming as presented in Chapter 13.
B. **Gap Plans and Final Plans.** In some cases, it may be desirable to stage the preparation of Right-of-Way Plans to expedite the acquisition of certain properties. In these cases, an initial "Gap Plan" should be prepared, followed by the "Final Plan".

1. **Gap Plan.** Authorizes right-of-way takes in selected areas within a project, no right-of-way lines to be shown in gap areas.

2. **Final Plan.** Reestablishes and/or authorizes Gap Plan Right-of-Way, if necessary, and establishes right-of-way in gap areas.

Either plan may be prepared to satisfy the requirements in Publication 10C, Design Manual, Part 1C, *Transportation Engineering Procedures*, Sections 4.7 and 4.13. Plans shall be prepared at 1:2000 (1" = 200') or larger scales depending on the available mapping. The Gap Plan leaves gaps in the areas where sufficient data is not available to complete the plan. The gaps should start and stop at property lines if possible. The Final Plan to fill the gaps should be prepared as early in final design as possible. It shall be necessary to reference both plans in the Construction Plan under the General Notes.

In the preparation of Gap Plans, it is permissible to omit sheets where no acquisition is involved; however, the Index Map should show the entire project. Examples of a Gap Plan and a Final Plan on a project are presented in Figures 3.2 and 3.3, respectively.

The authorization to acquire right-of-way is provided by the signature of the Secretary of Transportation. Right-of-Way Plans should not be recorded in the County Courthouse until absolutely necessary. The Right-of-Way Plans shall be recorded in the County Courthouse prior to filing Deeds or declarations of takings.

In order to establish limited access, all limited access Right-of-Way Plans shall be recorded in the County Courthouse.

C. **Combination Plans.** Prior approval shall be obtained from the District Chief of Surveys and District Right-of-Way Administrator in consultation with the Field Liaison Engineer, Bureau of Project Delivery. No Combination Plans shall be accepted without the required approval of the Field Liaison Engineer.

D. **Property Plot Plans.** Property Plot Plans shall be required and prepared as specified in Section 3.6.
FIGURE 3.2
EXAMPLE OF GAP PLAN

SR 1234 - AO1 - R/W(A)
(INTERCHANGE AREA)
FIGURE 3.3
EXAMPLE OF FINAL PLAN
E. Policies for Expediting Plans Preparations. Adherence to the following policies can expedite the preparation of the Right-of-Way Plans:

1. Profile grades should be refined to the point where it is unlikely that any additional land shall be required and that the grade near buildings shall be substantially unchanged.

2. All drainage that affects property damage or underground utilities shall be shown. Pipe and ditch sizes may be determined from preliminary drainage computations.

3. Approval of Service Roads is required prior to including them in the Right-of-Way Plan.

4. Property line surveying of individual properties shall be performed only when deemed necessary by the Professional Land Surveyor in order to adequately define the property boundaries affected by the area of take.

The horizontal geometry and the right-of-way lines shall be the same on all Construction and Right-of-Way Plans.

F. Demolition Contract. If it is necessary to prepare a Demolition Contract for the demolition of buildings, refer to Publication 378, Right-of-Way Manual for procedures to be used for Demolition.

G. Simplified Right-of-Way Plans. On small projects, primarily within the existing right-of-way, where only a few properties are involved and the area to be taken is minor, a simplified Right-of-Way Plan should be used.

A simple, one or two sheet Right-of-Way Plan is available and shall require the following items, as applicable:

1. Title Sheet information.
2. General Notes.
3. Location Map.
4. Utility Notes.
5. Drawing which provides the standard Property Plot Plan and Deed information.
7. References.
8. Equalities.
9. Beginning and ending segments.
10. Structure data.
11. Hydraulic data.
12. Curve data.
13. Coordinates.

H. Highway Occupancy Permit Plans. There are three types of plans related to the highway occupancy permit process: drawings depicting right-of-way to be deeded to the Department; drawings authorizing acquisition by local governments; and drawings accepting dedications. These plans must conform to the requirements of this Chapter and be reviewed at the District level by the appropriate Central Office Field Liaison Engineer.

1. Drawings Depicting Right-of-Way to Be Deeded to the Department. The most common HOP-related plan is that developed to document right-of-way deeded to the Department as part of the HOP process. See Section 3.2.1.6 on the appropriate title page and Section 3.1.EE on the interest to be acquired. These deed plans do not transfer title. The permittee must transfer title to the Department by deed. The deed plan only documents the State highway right-of-way for future reference.

Deed plans must be filed with the District plans unit and forwarded to the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction, for appropriate filing. Deed plans must also be recorded at the appropriate county courthouse to document the highway right-of-way.

2. Plans Authorizing a Local Government to Acquire Land for a State Highway. This type of plan is also sometimes required in the HOP process. See Section 3.2.1.7 on the appropriate title page. Local authorization plans also do not transfer title. They only authorize the local government to acquire interests in land for a State highway and document the State highway right-of-way for future reference.
Local authorization plans must be filed with the District plans unit and forwarded to the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction, for appropriate filing. Local authorization plans must also be recorded at the appropriate county courthouse to document the highway right-of-way.

3. Plans Accepting the Dedication of Right-of-Way. This type of plan is available in the HOP process, but is typically not appropriate. See Section 3.2.I.8 on the appropriate title page. The best practice is to have the land deeded to the Department and documented with a plan depicting right-of-way to be deeded to the Department.

A deed and deed plan should always be used for land owned by the permittee. For land owned by a neighboring owner, but previously dedicated to public use for a State highway, the best practice is to have the local government accept the dedication and then deed it to the Department. Whether the land is being deeded by a private permittee or a local government, the normal permit deed (either fee simple or easement for highway purposes) should be used, not a deed of dedication.

The acceptance of dedication plan may only be used if the offer of dedication is general or to the Commonwealth. It may not be used if the dedication is to the local municipality or, even if general, the local municipality has already accepted the dedication. Use of this plan is not encouraged. The deed process should be used if at all possible.

If the acceptance of dedication plan is used, it must be filed with the District plans unit and forwarded to the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction, for appropriate execution by the Secretary and then filing. The acceptance of dedication plan must also be recorded at the appropriate county courthouse because it is evidence of an actual title transfer. Designation of the dedication on the subdivision or land development plan is the offer of dedication and execution of the plan by the Department is acceptance of the dedication; there is no need for a separate deed of dedication.

4. General Guidance. These special highway occupancy permit plans may not be used for other functions. For example, the Department may not designate areas to be vacated or abandoned on them or attempt to authorize acquisition by the Department through them. Separate procedures must be used for these purposes. By the same token, a regular title sheet authorizing the Department to acquire property may not be used for plans reflecting land to be deeded to the Department during the HOP process or authorizing another government entity to condemn for a State highway.

1. Vacation and Confirmation of Disposition Plans. This is a plan created following the disposition of rights of ways owned in easement and fee simple. Such a plan for a highway section is the preferred method to affect formal vacations of highway easements and confirm the sale of fee-owned parcels that have been the subject of quit claim deeds in the disposition process. See Publication 378, Right-of-Way Manual, Chapter 7, “Excess Land.” The less preferred method to document dispositions is to merely revise the right-of-way lines on the existing right-of-way acquisition plan. See Sections 3.2.I.5 and 3.4.H.5 for further guidance on vacation and confirmation plans.

This type of plan is only appropriate after disposition of right-of-way under the Publication 378, Right-of-Way Manual procedures. It may not be used to vacate right-of-way that has not been disposed of as part of a right-of-way disposition. See Section 3.9 for procedures relating to the presentation of vacations as part of a highway project. The current procedure for vacating road segments outside the right-of-way disposition process, by execution and filing of a plan designating the segment as "to be vacated," followed by execution and filing of an order of vacation, is not altered by the availability of this type of plan. A separate plan for vacating right-of-way (and confirming dispositions of fee title) is applicable only where the right-of-way disposition process has been used.

Vacation and confirmation of disposition plans must be filed with the District plans unit and forwarded to the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction, for appropriate filing. They must also be filed in the county courthouse to document the highway right-of-way. The plan should be indexed to the persons to whom the Department quit claimed the parcels.
J. Right-of-Way Acquisition for State-Owned Bridges on "Turnback" Local Roads. There are numerous instances throughout the Commonwealth with State-owned bridges on local roads. These situations arose when local municipalities agreed to accept ownership of a state highway under the Turnback Program but did not accept the bridge(s).

1. Acquisition of Right-of-Way. A review of the language in the standard state-wide Turnback Agreement indicates that:
   a. The existing Legal Right-of-Way is owned by the municipality.
   b. The Department owns the bridge.
   c. The Department retains the authority to enter upon and utilize bridge approaches and right-of-way areas necessary for purposes of constructing, reconstructing, or maintaining the bridge structure and/or attached guide rail.

Consequently, any required Right-of-Way for these projects should be acquired as Required Right-of-Way for Township Road (or City/Borough /Town Street).

2. Title Sheet Presentation. Make reference to both the state route and the local road/street to help reference the Right-of-Way acquisition in the future for both the Department and the municipality. Title the plan SR___, Section ____ R/W and Township Road T-____ (or City/Borough/Town Street name) R/W. Limits of authorization should only be tied to the local road/street stations with no authorization limits or lengths associated with the state route.

3. Plan Sheet Presentation. Label "Required Right-of-Way Line for Township Road (or City/Borough /Town Street)". Label Limits of Authorization on the local road/street and label "SR____, Section ____ R/W, Segment____, Offset ______." at each end of the bridge. Provide the note "The Department retains the authority to enter upon and utilize bridge approaches and right-of-way areas necessary for purposes of constructing, reconstructing or maintaining the bridge structure and/or attached guide rail. The municipality is responsible for performance of winter traffic services (including snow removal and application of anti-skid and de-icing materials) and cleaning. If the municipality desires to resurface the structure or mark the centerline, written approval must be obtained from the Department prior to the start of work." See Figure 3.3.A.
NOTE: THE DEPARTMENT RETAINS THE AUTHORITY TO ENTER UPON AND UTILIZE BRIDGE APPROACHES AND RIGHT-OF-WAY AREAS NECESSARY FOR PURPOSES OF CONSTRUCTING, RECONSTRUCTING OR MAINTAINING THE BRIDGE STRUCTURE AND/OR ATTACHED GUIDE RAIL. THE MUNICIPALITY IS RESPONSIBLE FOR PERFORMANCE OF WINTER TRAFFIC SERVICES (INCLUDING SNOW REMOVAL AND APPLICATION OF ANTI-SKID AND DE-ICING MATERIALS) AND CLEANING. IF THE MUNICIPALITY DESIRES TO RESURFACE THE STRUCTURE OR MARK THE CENTERLINE, WRITTEN APPROVAL MUST BE OBTAINED FROM THE DEPARTMENT PRIOR TO THE START OF WORK.

FIGURE 3.3.A
EXAMPLE OF RIGHT-OF-WAY PLAN
FOR STATE BRIDGES ON LOCAL ROADS
3.1 INTEREST TO BE ACQUIRED

A. General Policy to Acquire in Fee Simple. The general policy is to acquire required right-of-way in fee simple. See Section 3.4.H.2.a for the applicable general note. The Department is authorized to acquire, by gift, purchase, condemnation or otherwise, land in fee simple or such lesser interest as it shall determine, in the name of the Commonwealth, for all transportation purposes (Section 2003 of the Administrative Code of 1929, 71 P.S. Section 513(e)(1)).

B. Lesser Interests. When deemed appropriate, a lesser interest may be acquired as discussed below. An easement is generally defined as an interest in land owned by another person, consisting of the right to use or control the land for a specific limited purpose. Acquisitions designated on prior highway plans as required for areas, e.g. required ditch area, were acquired as easements for the designated use. Likewise, land acquired as limit of slope was acquired as a slope easement.

C. Legal Designation. Designating an area as "legal" denotes the Department holds an existing estate or interest in the land as designated, e.g. legal right-of-way or legal drainage easement.

D. Highway Easement. This is the interest historically acquired in required right-of-way under Section 210 of the State Highway Law (36 P.S. Section 670-210). It has been defined in case law as follows. While not a fee, a highway easement is not a mere easement or right-of-way. It is more. It is the right to the actual and exclusive possession of the property at all times and for all purposes, and includes the right to build on the land, fence it in, and exclude other uses. It is comparable to a fee in the surface and so much beneath as may be necessary for support. This estate, taken from an owner under the right of eminent domain, has no further practical value to the owner in view of the rights of the state in it, unless the easement is formally abandoned. See Section 3.4.H.2.a for the applicable general note. Other interests less than fee title are defined below.

E. Minor Strip Takings. When the area to be acquired as required right-of-way is a minor strip taking of unimproved land, such as an area abutting a previously acquired easement, the required right-of-way may be taken as an easement for highway purposes with approval of the District Right-of-Way Administrator. See Section 3.4.H.2.b for the applicable general note.

F. Takings in Mining Areas. When the highway facility is located on land which is being or is likely to be deep-mined, including removal of gas and oil, by means of wells located off the right-of-way, the Department may acquire only a highway easement with approval of the District Right-of-Way Administrator. The limited depth beneath the surface needed for support shall be shown on the plan. The depth of permissible mining operations by the owner of the coal or other mineral is to be based on the type of rock, possible voids, etc., and shall be indicated on the appropriate plan sheet. The depth of 300 feet may, but need not, be used. Approval of the State Mining Commission is generally required for all mining under the highway. See Sections 3.4.H.5.s and 3.6.A.2.e.(12).(h) for applicable general notes.

G. Takings of Contaminated Areas. When the Department knows that land being acquired is contaminated, an easement for highway purposes only should be acquired with approval of the District Right-of-Way Administrator. This may help reduce the Department's liability. Condemning the land rather than acquiring it amicably in lieu of condemnation will also help reduce the Department's liability.

H. Inclusion of Highway Features in Right-of-Way. The general policy is to include all highway features within required right-of-way, whether acquired in fee simple or as an easement for highway purposes.

I. Surveying Property Lines. Private property lines are typically not surveyed for strip takes along existing highways or new construction when only partial takes are required. Some property lines are typically surveyed when the right-of-way breaks on property lines or when there are both entire property takes and partial takes along an existing highway and/or new construction. Drawings of individual properties should typically be designated plot plans rather than plat plans to be consistent with language in the Eminent Domain Code. Plat plan should only be used when a property survey is actually performed because the accepted definition of plat provides that a plat is based on an actual field survey of the property and is a representation of that survey.

J. Access Control. The Department is authorized by the Limited Access Highway Act to designate existing or new right-of-way as limited access (36 P.S. Section 2391.1 et seq.). A limited access highway is defined as a public
highway to which owners or occupants of abutting property or the traveling public have no right of ingress or egress to, from or across except as may be provided by the Department (36 P.S. Section 2391.1). Abutting landowners have a constitutional right of reasonable access to and from highways that are not limited access (sometimes called free access highways). This right of access is, however, subject to the Department's police powers to control the use of all State highways and the flow of traffic thereon (36 P.S. Section 670-420).

K. Interests Other than Those Designated in this Manual. The only interests that may be acquired are those set forth in this Chapter unless otherwise approved by the Office of Chief Counsel, Real Property Division, who will coordinate with the Chief, Utilities and Right-of-Way Section, Highway Delivery Division. Plan reviewers shall not approve plans with acquisitions for interests other than those designated and as defined in this Chapter without the required approval.

L. Aerial Easements. Aerial easements should be utilized regardless of financing when the highway facility is on structure and crosses over a railroad, the Pennsylvania Turnpike or any other property in which substantial right-of-way damage savings can be affected. An aerial easement includes the right to occupy the surface of the land for the accommodation of piers and other appurtenances and a temporary easement for construction in the entire surface area, as well as the right to use the airspace above for the structure. In addition, the easement restricts the landowner's use of the surface and allows future use of the surface for purposes of inspection, maintenance, repair, painting, reconstruction or alteration of the structure. All of these uses and restrictions are part of the aerial easement. See Sections 3.4.H.5.r and 3.6.A.2.e.(12).(b) for applicable general notes.

M. Takings Contemplating Use of Airspace by Others. When it is proposed to allow the use of airspace within required right-of-way for other than highway purposes or to acquire right-of-way of limited dimensions, see 23 CFR 710.405 for requirements.

N. Slope Easements. Land necessary for slopes is normally included within the required right-of-way on all limited access highway facilities and free access highway facilities in other than built up areas. When designated on the plan as required slope easement, the Department acquires the lesser interest for support and protection (see 36 P.S. Section 670-210) as defined on the plan. The easement allows the Department to contour the area for necessary support of the highway and to construct and maintain drainage facilities as necessary to protect the highway. See Section 3.6.A.2.e.(12).(a) for the applicable general note.

O. Drainage Easements. The Department has authority to acquire drainage easements as a lesser estate under Section 2003 of the Administrative Code. In addition, under Section 417 of the State Highway Law (36 P.S. Section 670-417), the Department is authorized to enter upon any land to "cut, open, maintain and repair such drains or ditches, inlets or outlets as are necessary to carry waters from roadways (and) highways . . . ." This section (commonly referred to as the Ditch and Drainage Act) also makes it a criminal offense for any person to "stop, fill up or injure any such drain or ditch, or . . . divert or change the course thereof without authority from the Department . . . ."

Although it provides broad authority for the Department to enter lands beyond the highway right-of-way to protect State highways, Section 417 does not allow entry without payment where existing drainage rights do not exist. If the Department is re-establishing or maintaining an existing drainage facility, then the property owner is not entitled to compensation. However, if the Department substantially alters the natural flow of water in the area by creating a new facility, compensation is due.

Drainage easements shall be acquired for a drain or ditch regardless of how far the drain or ditch extends from the highway. Drains and ditches shall be delineated in the same manner as channel changes and may include temporary construction easements. See paragraph on channel easements below. See also Section 3.6.A.2.e.(12).(c) for the applicable general note. Parallel ditches shall be included in the required right-of-way or slope easement.

Acquiring a general drainage easement allows the Department more flexibility to use either pipes or ditches, depending on the Department's needs as they arise. Designation of land as required for drainage easement does not prevent the property owner from making any legal use of the land which is not detrimental to the necessary flow of water. However, no structure of any kind may be erected within the easement, nor may any pipe or ditch be connected to the Department's pipe or ditch without advanced written approval by the Department.
Existing drainage easements can be shown on plans. The extent of the existing easement may be difficult to ascertain because the procedures used by the Department to show drainage features have not always been consistent. Many old plans merely show arrows leading from the highway where the water would flow into or to a natural drainage course. Other old plans do not even show the arrows, although it is apparent water must flow from a pipe outlet.

Where a defined area was acquired, that area can be designated on plans as legal drainage easement, ditch easement or underground drainpipe easement, as the case may be. Where the area is not defined, a drainage easement can still be designated based on an existing plan, field observation, aerial photography, and/or engineering expertise. For example, the extent of a ditch required to outflow a pipe can be ascertained based on the invert of the pipe and the topography of the land. Also, old aerial photographs can show the extent of ditches that led from pipe outlets at relevant times in the past.

Determination of the extent of ditches and pipe outflow in the past is important because if a public facility has existed for 20 years, there is a legal presumption that the government established it in accordance with the law and that payment was made. Moreover, the person entitled to compensation for the taking of a legal interest is the owner at the time of the entry, not a subsequent owner. These principles have been specifically applied to Department drainage facilities.

P. **Channel Easements.** The Department has authority to acquire easements to change water channels as a lesser estate under Section 2003 of the Administrative Code. In addition, Section 418 of the State Highway Law (36 P.S. Section 670-418) specifically authorizes the Department to enter upon private property to change or protect existing stream channels where deemed advisable to protect a highway or bridge. The Department retains a permanent interest in the channel easement following relocation of the stream to insure the necessary flow of water for safety of the highway or bridge.

The location of the bottom of the stream shall be delineated by the standard water course symbol for streams. Use a solid line approximating the top of stream bank to denote the Required Channel Easement. Land adjacent to the channel easement needed during construction for relocation of the stream shall be delineated by a solid line and designated temporary construction easement. These areas shall be geometrically tied to the right-of-way baseline. See Section 3.6.A.2.e.(12).(d) for the applicable general note. See also Chapter 15, Section 15.1, Plate A-II.

When dealing with a navigable stream, the streambed is considered a public easement and shall be designated as legal right-of-way. Any part of the existing streambed utilized permanently to change the channel or temporarily during construction shall not be designated as required. Non-navigable streams, however, are not in public ownership. When dealing with a non-navigable stream, the entire channel easement and temporary construction easement is to be included as required. A listing of navigable streams in Pennsylvania (which may differ from navigable waters of the United States administered by the U.S. Coast Guard and the Corps of Engineers) may be obtained from the Department of Environmental Protection. See Section 3.6.A.2.e.(12).(o) on the applicable general note for streams.

Q. **Occasional Flowage Easements.** In some situations it is desirable or necessary for the Department to acquire an easement to allow periodic flooding. This is necessary when the structure size adopted may result in significant flood damage beyond that which existed or when required by a regulatory agency. See Publication 13M, Design Manual, Part 2, *Highway Design*, Chapter 10, for additional information.

The land needed for potential flooding outside the legal and required right-of-way for the highway shall be delineated by a solid line and labeled as required occasional flowage easement. In addition, the 100-year flood or other flood frequency used for acquiring the occasional flowage easement as well as the part within the existing 100-year flood line shall be shown. See Section 3.6.A.2.e.(12).(e) for the applicable general note.

R. **Temporary Construction Easements.** Areas needed for temporary roadways, temporary bridges, demolition of the balance of a building which is partially in the right-of-way, etc., shall be acquired as temporary construction easements.

The general rule is that no parenthetical should be placed after the designation of a temporary construction easement. Placing a parenthetical such as (demolition) or (erosion control) will limit the Department's use of the easement to that specific activity. Not placing a parenthetical allows the Department to use the easement for any construction.
related activity. If the Department is sure the easement is only needed for a limited purpose, that purpose (e.g. channel, drainage, demolition, erosion control, access, temporary roadway, staging, driveway adjustment, etc.) can be designated. This may assist in negotiation of the right-of-way claim, but will legally limit the Department's use of the easement to that specific activity. That is, the land could not be used for general staging purposes.

The District is responsible to see that the premises are restored to a condition commensurate with that of the balance of the property of the landowner, such restoration to include removal of debris, filling of holes left by the removal of buildings or structures, draining, filling and/or capping of wells, cesspools and septic tanks; grading and sowing of grass. If it is determined, prior to the letting of bids for construction or demolition, that a temporary area is to be utilized, the plans, bid documents and the contract shall indicate the restoration requirements.

A temporary construction easement should be acquired for driveway adjustments where the entry onto private property necessary for the adjustment is substantial or the driveway would not function if the landowner does not allow entry. Without the acquisition of a temporary construction easement, entry cannot be made onto private property to make the adjustment without the permission of the landowner. Not adjusting the driveway may subject the Department to damages for change of grade and interference with access.

See Section 3.6.A.2.e.(12).(f) for applicable general note.

S. Legal Right-of-Way Converted to Aerial Easement. There are instances where the reconstruction of a structure causes land previously occupied on the surface to be required only for an aerial structure and its piers and other appurtenances. In this situation, the Department may convert the legal right-of-way to an aerial easement by use of the appropriate note. See Section 3.6.A.2.e.(12).(l) for applicable general note. There is no right-of-way claim in this situation because the Department is reducing the extent of its property interest. Conversely, however, if the Department intends to convert an aerial easement to a surface taking in fee simple or as an easement for highway purposes, the area should be designated as required right-of-way and a right-of-way claim established for acquisition of the increased property interest.

T. Underground Structure Support Easements. When a highway facility requires substructure support elements to either hold the facility back or up, such as anchors, MSE wall straps, batters, or other subsurface elements outside the right-of-way, an underground structure support easement may be acquired. This area shall be of sufficient size to provide for the installation and maintenance of the structure support elements. See Section 3.6.A.2.e.(12).(g) for applicable general note.

U. Sound Barrier Easements. When a highway facility requires construction of a sound barrier, the best practice is to acquire the entire area needed for the barrier and maintenance purposes as required right-of-way in fee simple. If deemed appropriate to mitigate damages, however, a sound barrier easement may be acquired. This area shall be sufficient in size to provide for the installation and maintenance of the sound barrier. See Section 3.6.A.2.e.(12).(k) for applicable general note.

V. Sight Distance Easements. In very limited circumstances, acquisition of a sight distance easement over property abutting a highway may be appropriate to remove obstructions to the sight distance of those using the highways across and over lands of another. The acquisition includes restrictions on the land owner from allowing future obstructions in the easement. This is a lesser interest that the Department may acquire under the Administrative Code, but is also authorized by Section 413 of the State Highway Law (36 P.S. Section 670-413). See Section 3.6.A.2.e.(12).(m) for applicable general note.

W. ITS Conduit Easements. When a highway facility requires an Intelligent Transportation Systems communication line, the best practice is to include them within legal or required right-of-way. However, if deemed appropriate to be located outside legal or required right-of-way, an ITS conduit easement may be acquired. This area shall be of sufficient size to provide for the installation and maintenance of the ITS facilities. See Section 3.6.A.2.e.(12).(q) for applicable general note.

X. Sidewalk Easements. The best practice is to include areas needed for sidewalks within legal or required right-of-way for the State highway. However, if deemed appropriate to be located outside legal or required right-of-way, a required sidewalk easement may be used to designate areas necessary for sidewalk construction. This area shall be sufficient in size to provide for the installation and maintenance of the sidewalk. See Section 3.6.A.2.e.(12).(r) for
applicable general note. Whether acquired as required right-of-way or as a sidewalk easement, the area where the sidewalk is located is part of the State highway owned by the Department.

The acquisition cost, construction and maintenance of sidewalk areas have historically been the responsibility of the municipality within which the sidewalk is located. This is accomplished by an agreement or permit, depending on the circumstances, and cannot be accomplished by designation through a plan note. Unless a legal agreement or permit provides otherwise, the Department may be required to maintain sidewalk that it constructs.

A sidewalk maintenance agreement requires the municipality to assume all maintenance related to the sidewalk and to indemnify the Department against liability arising from the obligations assumed under the agreement. Ownership of the right-of-way on which the sidewalk is located remains with the Department whether an agreement is executed or a permit issued; with repair and maintenance responsibility for the sidewalk transferred to the municipality under the agreement or permit.

Y. Traffic Signal Easements. The best practice is to include areas needed for traffic signals and their appurtenances within legal or required right-of-way for the State highway. However, if deemed appropriate to be located outside legal or required right-of-way, a required traffic signal easement may be used to designate areas necessary for the installation, operation, and maintenance of a traffic signal. This area shall be sufficient in size to provide for the installation and future operation and maintenance of the signal and any appurtenances. See Section 3.6.A.2.e.(12).(s) for applicable general note.

Whether acquired as required right-of-way or as a traffic signal easement, the area where the signal is located is part of the State highway owned by the Department. However, ownership and maintenance of traffic signals are the responsibility of the municipality. This is accomplished by an agreement and/or permit, and cannot be accomplished by designation through a plan note. Unless a legal agreement provides otherwise, the Department may be required to maintain a traffic signal that it constructs.

A traffic signal maintenance agreement requires the municipality to assume ownership of the traffic signal and appurtenances, to assume all maintenance related to the signal, and to indemnify the Department against liability arising from the obligations assumed under the agreement. Ownership of the right-of-way on which the signal and appurtenances are located remains with the Department whether an agreement is executed or a permit issued; with ownership and maintenance of the signal and appurtenances transferred to the municipality under the agreement. Department ownership of the area on which the signal is located (whether in fee or easement) is consistent with its location adjacent to the State highway and the many situations where traffic signals are constructed within existing legal right-of-way of the Department.

Z. Service Roads. A service road is a public highway, either existing or new or a combination thereof, parallel or approximately parallel to a limited access highway, which will provide ingress or egress to or from highway or areas which would otherwise be isolated by the construction or establishment of a limited access highway. Upon completion of construction, service roads must be maintained by and at the expense of the municipality in which they are located. Title therefore lies with the local government after construction. The Department may, upon request, provide the local government with a confirmatory quit claim deed reflecting that title to the land vested in the local government upon the completion of construction. See Section 3.4.H.5.h for applicable general note.

Service roads will generally be acquired in fee simple. An easement for highway purposes may be taken under those circumstances applicable to acquisitions of required right-of-way for State highways. See Section 3.1.A.

AA. Local Roads and Streets. The Department's ability to deed land or easements to public entities is restricted. For this reason, when it must acquire local road right-of-way in connection with a project, the Department acquires the right-of-way for the benefit of the local government. This allows the Department to possess the lands for construction purposes, but provide that title is being acquired for the benefit of the local government. The Department may, upon request, provide the local government with a confirmatory quit claim deed reflecting that title to the land vested in the local government upon acquisition as set forth in the plan authorizing the acquisition. See Section 3.4.H.5.n for applicable general note.

Right-of-way for local roads and streets will generally be acquired in fee simple. An easement for highway purposes may be taken under those circumstances applicable to acquisitions of required right-of-way for State highways. See Section 3.1.A.
BB. Private Access. The Department's ability to deed land or easements to private individuals or entities is restricted. For this reason, the best practice when the Department is required to provide private access to a property in order to mitigate damages to remaining property is to acquire the land for the benefit of the affected private individuals or entities. This allows the Department to possess the lands if necessary for construction purposes, but provide that title is being acquired for the benefit of the private individuals or entities. The Department may, upon request, provide the private individuals or entities with a confirmatory quit claim deed reflecting that title to the land vested in the private individuals or entities upon acquisition as set forth in the plan authorizing the acquisition. See Section 3.4.H.5.o for applicable general note.

Private accesses should normally be taken in fee simple. This provides the property or properties being provided access full control over the area acquired for their benefit and eliminate any responsibility of the property owner from whom it is acquired. If, however, the property owner from whom the area is being acquired should also maintain use of the area, only an easement for driveway purposes should be acquired for the benefit of the other property or properties. This would be appropriate where the property owner from whom the area is being acquired must also have use of the area for access or where a fee simple taking would sever the remaining lands of the property owner from whom the area is being acquired.

CC. Acquisition for Replacement Lands. The Department's ability to deed land to other public entities is restricted. For this reason, the best practice when the Department is required to replace lands acquired from a public entity (for example public parklands or Game Commission lands) is to acquire the land for the benefit of the public entity from which lands are being acquired. This allows the Department to possess the lands if necessary for construction purposes, but provide that title is being acquired for the benefit of the other public entity. The Department may, upon request, provide the public entity with a confirmatory quit claim deed reflecting that title to the land vested in the public entity upon acquisition as set forth in the plan authorizing the acquisition. See Section 3.4.H.5.p for applicable general note.

Replacement lands should normally be taken in fee simple. This provides the government entity for which the lands are being acquired full control over the area acquired and eliminates any responsibility of the property owner from whom it is acquired. It is also consistent with the nature of the title normally acquired for parks and game lands. If, however, the entity for which the lands are being acquired requests that only an easement be acquired, then an easement for parklands or an easement for game lands should be acquired. This may be appropriate, for example, if existing parklands of the government entity are held only in easement.

DD. Environmental Mitigation Takes. Acquisitions for environmental mitigation purposes must be included in the environmental document for the project. If required for wetland or terrestrial mitigation, the preferred approach is to acquire such sites in fee simple, with the subsequent recording of restrictive covenants. If required for stream mitigation, an easement acquisition is normally appropriate. Easements can also be acquired for terrestrial or wetland sites if deemed appropriate by the District Executive and approved by the Corps of Engineers. See Sections 3.4.H.5.q, Section 3.6.A.2.e.(12).(n), Section 3.6.A.2.e.(12).(o), and Section 3.6.A.2.e.(12).(p) for applicable general notes.

EE. Highway Occupancy Permit Plans. The general policy is to have the permittee include all highway features within Required Right-of-Way and to have the right-of-way acquired in fee simple. If appropriate, right-of-way can be acquired as an easement for transportation purposes. See Sections 3.0.H, 3.2.I.8, 3.4.H.5.m, and 3.5.X on HOP plans. The acquisition of traffic signal easements on behalf of the local municipality is permitted on HOP projects, if the municipality has agreed to accept the easement and to apply for a signal permit. This exception does not apply to Department projects. See Section 3.1.Y.

FF. Vacation and Abandonment. See Section 3.9.

3.2 TITLE SHEET

The information presented in this Section shall be shown on the Title Sheet, in the appropriate location, for all Right-of-Way Plans. An example of a typical Title Sheet is shown in Chapter 15, Section 15.2, Plate B-VIII.
A. **Title Block Identification Data.** The following data shall constitute the Title Block on the Title Sheet:

1. Headings and Title of Plan.
2. State Route.
3. Section Number with Suffix "R/W".
4. County or Counties.
5. Township, Borough or City.

B. **Identification Block.** The following information shall be provided in the Identification Block in the upper right-hand corner. When applicable, the Federal Project Number shall be shown above the Identification Block (use only the 10 digit number code). Refer to Chapter 15, Section 15.2, Plate B-VIII for an example of an Identification Block for Right-of-Way Plans:

1. State Route.
2. Section Number with Suffix "R/W".
3. Engineering District.
4. County or Counties.
5. Township, Borough or City.
6. Total Number of Sheets.
7. MPMS Number.

C. **"Also" Routes.** Interchange, rest area and escape ramp route numbers shall be included as an "Also" route if they are part of the route appearing in the Title Block (show State Route Numbers only, do not show stations).

D. **Stationing Limits.** When the project consists of two or more routes, the Stationing Limits of each shall be shown with their individual lengths and the total overall length of acquisition.

If a project is located in two counties, a break in the station should begin at the county line and should be stationed ahead starting with Station 0+000.000 (Station 0+00.00). Stationing should be from South to North and from West to East. If recorded, the project should be recorded in the Courthouse of each county, with two recording blocks provided accordingly.

Stationing Limits shall be extended to include a full take on a property to prevent the need for a second claim on an adjacent project. When the length of the right-of-way acquisition is different on left and right, the longer length shall govern. See Chapter 15, Section 15.1, Plates A-V and A-VII for examples.

E. **Limited Access Highway Facility Note.** If limited access has been established for any portion of the project, a Note to that affect and a reference to the establishment plan shall be required and placed below the Identification Block as indicated below:

```
ESTABLISHED AS A LIMITED ACCESS HIGHWAY FROM
STATION_________ TO STATION_________ BY PLAN OF STATE ROUTE
___________ SECTION __________ RIGHT-OF-WAY
(Where Applicable)

APPROVED_____(Date)____
```

Note: The stations should be the Stationing Limits shown on the referenced Right-of-Way Plan.

F. **Bar Scales.** Normally, a horizontal scale of 1:250 (1" = 25') shall be used on all projects, particularly in built-up areas, where considerable topographic detail is necessary. Horizontal scales of 1:500 (1" = 50') or 1:200 (1" = 20') may be used if conditions dictate, at the discretion of the District Executive.

The vertical scale of the profile shall be one-fifth of the horizontal scale. Circumstances may dictate other scales in which case special permission should be secured from the District Executive before commencing plan preparations.
A Bar Scale shall be used to represent the horizontal and vertical dimensional values as indicated below. A script representation, i.e., 1:250 (1" = 25'), etc., shall not be used to indicate these values:

**Metric:**

```
SCALE

HORIZONTAL  0  2.5  5  10 m

VERTICAL    0  0.5  1  2 m
```

**English:**

```
SCALE

HORIZONTAL  0  25  50FEET

VERTICAL    0  5  10FEET
```

**G. Design Designation Block.** Complete the Design Designation Block, in the lower left-hand corner, under the heading DESIGN DESIGNATION. The following items shall be included: Highway Functional Classification including designation of "Urban", "Rural", etc., Design Speed, Pavement Width, Shoulder Width, Median Width (Maximum and Minimum), Traffic Data Including letting year ADT, design year ADT and DHV, D (%) and T (%). Refer to Chapter 15, Section 15.2, Plate B-VIII for an example of a Design Designation Block for Right-of-Way Plans.

**H. Professional Seal Block.** If the plans are prepared in the District Office the signature, title and seal of the appropriate Assistant District Executive responsible for the preparation of the plan shall be provided in a small block at the bottom of the sheet. In addition, the Plans Engineer's signature shall be placed above the District Executive's signature, see Chapter 15, Section 15.2, Plate B-VIII.

Plans prepared by Consultants shall have a small block at the bottom of the Title Sheet indicating the name and address of the Consultant, the signature, title and seal of the person responsible for the preparation of the plans and the date.

For all Right-of-Way Plans, the title sheet shall be sealed and signed by a Professional Land Surveyor, PLS, who has direction and control of the land surveying aspects of the plan. The layout of the seal and signature block shall be as shown in Figure 3.4, Typical Signature Blocks. For projects designed in house, the Chief-of-Surveys shall be the PLS.
The responsible registrants shall place a black ink rubber stamp seal on the Title Sheet. The registrants shall also place either a black ink rubber stamp seal or a facsimile seal on all subsequent sheets. Impression seals are not permitted.

Examples of typical Signature Blocks are indicated in Figure 3.4.

FIGURE 3.4
EXAMPLES OF TYPICAL SIGNATURE BLOCKS
Chapter 3 - Right-of-Way Plans

I. Titles and Corresponding Laws. The Titles on all plans shall be prepared according to the following examples:

1. Free Access Highway:
   a. Authorization to Acquire Right-of-Way:

   DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR SR 1033, SECTION A04, RIGHT-OF-WAY, IN ADAMS COUNTY.

   THIS PLAN PREPARED PURSUANT TO SECTION 2003(e) OF THE ADMINISTRATIVE CODE, AS AMENDED, 71 P.S. SECTION 513(e), AND SECTION 302(b)(3) OF THE EMINENT DOMAIN CODE, 26 Pa.C.S., SECTION 302(b)(3).

   b. Authorization to Acquire Right-of-Way Combined with Construction Plan:

   DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY AND CONSTRUCTION OF SR 1033, SECTION A04, RIGHT-OF-WAY, IN ADAMS COUNTY.

   THIS PLAN PREPARED PURSUANT TO SECTION 2003(e) OF THE ADMINISTRATIVE CODE, AS AMENDED, 71 P.S. SECTION 513(e), AND SECTION 302(b)(3) OF THE EMINENT DOMAIN CODE, 26 Pa.C.S. SECTION 302(b)(3).

2. Limited Access Highway:
   a. Establishment of Limited Access Highway and Authorization to Acquire Right-of-Way:

   DRAWINGS ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR SR 1033, SECTION A04, RIGHT-OF-WAY, IN ADAMS COUNTY.


   *See Note on This Page.

   b. Reestablishment of Limited Access Highway and Authorization to Acquire Right-of-Way:

   DRAWINGS REESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR SR 1033, SECTION A04, RIGHT-OF-WAY, IN ADAMS COUNTY.


   *Note: If a highway is a NHS Route, the titles in examples 2a and 2b shall also contain the standard reference to Section 4 of the Outdoor Advertising Control Act of 1971, as amended, 36 P.S. Section 2718.104. Also, a plan which includes any Safety Rest Areas shall contain the following standard reference:

3. **Substitute Right-of-Way.** Plans which show Required Substitute right-of-way shall, in the "authorization" paragraph of the Title Sheet, refer to Section 412 of the Highway Law by revising the normal paragraph or adding a separate paragraph, e.g.:

412 Added to Normal Paragraph:

THIS PLAN PREPARED PURSUANT TO SECTION 2003(e) . . . AND SECTION 412 OF THE STATE HIGHWAY LAW, AS AMENDED, 36 P.S. SECTION 670-412.

Or as a Separate Paragraph:

PORTIONS OF THIS PLAN PREPARED PURSUANT TO SECTION 412 OF THE STATE HIGHWAY LAW, AS AMENDED, 36 P.S. 670-412.

For plans revised to add required substitute right-of-way after the governor's signature, and the original title sheet did not refer to Section 412, the above described separate authorization paragraph must be added.

The limits of authorization shown on the title sheet are for acquisition of required right-of-way for highway construction. These limits need not include, nor are they to be revised to include, areas or additional routes, segments, and longitudinal roadway offset distances where required substitute right-of-way is to be acquired.

4. **Project Subject to PUC Appropriation of Property.** The Public Utility Commission (PUC) has jurisdiction over railroad-highway grade crossings and shall appropriate certain property within their jurisdictional area.

For most projects involving PUC jurisdiction, the PUC shall only appropriate the railroad operating right-of-way; therefore, the Stationing Limits to be used on the Title Sheet shall only cover this railroad operating right-of-way. Special cases may arise for which the wording indicated below may not be acceptable. In such cases, the Bureau of Project Delivery, Highway Delivery Division, Utilities and Right-of-Way Section, Grade Crossing Unit, in coordination with the Office of Chief Counsel, shall establish the proper wording.

In any case, the Grade Crossing Engineer in the Grade Crossing Unit assigned to the project should be contacted concerning the proper Note and Stationing Limits to use on any specific project.

Listed below are specific Notes to be used where the PUC appropriates some of the property:

DRAWSINGS (ESTABLISHING LIMITED ACCESS HIGHWAY AND)** AUTHORIZING ACQUISITION OF RIGHT-OF-WAY (AND CONSTRUCTION)* FOR

SR _______________ SECTION _______________ COUNTY _______________


*When a Combination Plan is prepared.

**In cases of limited access highway facilities.

5. **Drawings Vacating and Confirming Disposition of Right-of-Way:**

DRAWSINGS VACATING RIGHT-OF-WAY AND CONFIRMING DISPOSITION OF RIGHT-OF-WAY FOR SR 1033, SECTION A04 IN ADAMS COUNTY.
Chapter 3 - Right-of-Way Plans


This title sheet is to be used for plans filed following the disposition of rights of ways owned in easement and fee simple. See Section 3.0.1 for general discussion on this type of plan.

The plan must contain an approval block for the Secretary of Transportation to approve the plan for himself and the Governor, as well as a District Executive approval and recording block.

See Sections 3.0.1, 3.4.H.5.j, and 3.4.H.5.k discussing plans vacating and confirming disposition of right-of-way.

6. Drawings Depicting Right-of-Way to Be Deeded for State Highways:

Metric Example:

DRAWINGS DEPICTING RIGHT-OF-WAY
TO BE DEEDED TO THE
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
UNDER HOP APPLICATION NO.
BY________ (NAME OF APPLICANT)
FOR
STATE ROUTE _______
IN _______ COUNTY
FROM STA _______ TO STA _______ LENGTH
FROM SEG _______ OFFSET _______ m TO SEG _______ OFFSET _______ m

English Example:

DRAWINGS DEPICTING RIGHT-OF-WAY
TO BE DEEDED TO THE
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
UNDER HOP APPLICATION NO.
BY________ (NAME OF APPLICANT)
FOR
STATE ROUTE _______
IN _______ COUNTY
FROM STA _______ TO STA _______ LENGTH
FROM SEG _______ OFFSET _______ TO SEG _______ OFFSET _______

THIS PLAN PREPARED TO DOCUMENT THE RIGHT-OF-WAY FOR STATE HIGHWAY PURPOSES THAT WILL BE DEEDED TO THE COMMONWEALTH AS REQUIRED BY THE PROVISIONS OF 67 PA. CODE CHAPTER 441, ENTITLED "ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS."

The plan must contain an approval block for the Secretary of Transportation to approve the plan for himself and the Governor, as well as a District Executive approval and recording block. Appropriate personnel, such as the District Plans Engineer, District Chief of Surveys, District Permit Manager and/or District Right-of-Way Administrator, should review the plan prior to signature.

See Sections 3.0.H and 3.5.X discussing deeding of right-of-way to the Department as part of the HOP process. See Chapter 15, Section 15.2, Plate B-XV for a sample title sheet.
7. Drawings Authorizing Acquisition by Local Governments on State Highways:

Metric Example:

DRAWINGS AUTHORIZING ACQUISITION
OF
RIGHT-OF-WAY
FOR
STATE ROUTE _______, SECTION____ (IF APPLICABLE)____
IN _______ COUNTY
BY _______ TOWNSHIP
ON BEHALF OF
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
FROM STA____ TO STA_____ LENGTH____
FROM SEG_____OFFSET _____ m TO SEG_____OFFSET _____

English Example:

DRAWINGS AUTHORIZING ACQUISITION
OF
RIGHT-OF-WAY
FOR
STATE ROUTE _______, SECTION____ (IF APPLICABLE)____
IN _______ COUNTY
BY _______ TOWNSHIP
ON BEHALF OF
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
FROM STA____ TO STA_____ LENGTH____
FROM SEG_____OFFSET _____ TO SEG _____OFFSET ____


The plan must contain an approval block for the Secretary of Transportation to approve the plan for himself and the Governor, as well as a District Executive approval and recording block. Appropriate personnel, such as the District Plans Engineer, District Chief of Surveys, District Permit Manager and/or District Right-of-Way Administrator, should review the plan prior to signature.

A signature block should be added to show the approval of the appropriate local government. It should contain a line to indicate the municipal resolution number.

See Sections 3.0.H, 3.4.H.5.m, and 3.5.Y discussing acquisitions of State highway right-of-way by local governments as part of the HOP process. See Chapter 15, Section 15.2, Plate B-XIV for a sample title sheet.

8. Right-of-Way Dedicated in Highway Occupancy Permit Process:

DRAWINGS ACCEPTING DEDICATION OF RIGHT-OF-WAY FOR SR 1033, SECTION A04 IN ADAMS COUNTY.
Chapter 3 - Right-of-Way Plans

THIS PLAN PREPARED PURSUANT TO SECTION 2003(e) OF THE ADMINISTRATIVE CODE, 71 P.S. SECTION 513(e)), AND 67 PA CODE CHAPTER 441. HIGHWAY OCCUPANCY PERMIT NO. ________.

See Section 3.0.H.3 discussing the limited use of this type of plan.

J. Reference Note. A Reference Note shall be placed on the Title Sheet below the Identification Block referencing the major routes to their previous Legislative Route numbers as indicated below:

SR ________ PREVIOUSLY KNOWN AS LR ________

Metric Plans Only: SEGMENT OFFSETS ARE MEASURED IN METERS

K. Metric Conversion Factor. Beneath the Identification Block provide the conversion factor which was used to convert feet to meters. The recommended factor is 1 ft = 0.30480061 m.

L. MPMS Number. Beneath the title block, add the MPMS number.

3.3 INDEX SHEET

The following general information shall be shown on the Index Sheet for all Right-of-Way Plans.

1. Index Map.
2. Location of Project on State Map.
3. Sheet Index Block.
4. Tabulation of Equalities between Segment End Points and the right-of-way Baseline (if available).
5. The Appropriate Professional Seals.

A. Index Map. The Index Map shall be placed on the sheet to best advantage, using a scale no smaller than 1:5000 (1" = 500') and shall show the following data, where applicable.

1. Survey and right-of-way Baseline or Survey and right-of-way Centerline and stations identified at maximum 100 m (500 ft) intervals and radius (PC, PT, TS, SC, CS and ST circles only).
2. Edge of existing roadways.
3. State Routes and Township Roads (Show posted Traffic Route numbers).
4. Local road names.
5. Railroads.
6. Edge of streams (Identify major streams).
7. Outline of proposed and existing bridges.
8. Political subdivisions.

12. Temporary roadways.

13. Distances to the nearest 0.1 km (0.1 mi) to the nearest community at each end of project. Also give similar distances from project limits at crossroads to nearest community in each direction. If no towns are nearby, indicate kilometers (mileages) to intersecting Traffic Routes or State Routes.

14. Limits of project covered within each sheet with the sheets identified using the following appropriate symbols on the sheet and identified in the Legend:

**LEGEND**

- PLAN
- PROFILE
- PLAN AND PROFILE
- PARCEL IDENTIFICATION NUMBER
- PARCEL IDENTIFICATION NUMBER-NO TAKE

For HOP plans, the designation should be "Parcel Identification Number – No Acquisition".

15. Property lines. Property owner's names shall be spelled out and appear exactly as shown on Deeds and the Plan Sheets. Where space permits, property owner's names and parcel numbers shall be shown parallel and equidistant to the right or left of the centerline. A parcel number shall be used for every piece of property for which there is a separate owner. Where one owner owns contiguous property, only one parcel number shall be shown. Parcels separated by a road or railroad are not contiguous; however, when two or more non-contiguous parcels in the same ownership are being used together, e.g., as a single farming or manufacturing operation (but not as a real estate development), they shall be treated as a single property. When the scale is small and/or the properties are too numerous, code the properties with a small, circled number and tabulate the property owners elsewhere on the sheet. Property owners which are numbered but have no right-of-way take shall be indicated as NO TAKE. Questions of unity of use shall be considered with the Bureau of Project Delivery, Highway Delivery Division, Utilities and Right-of-Way Section and the Office of Chief Counsel.

16. Project Limits:

   a. On limited access highway facility projects, at the beginning and the ending of the project, the terminology shall read: LIMIT OF ESTABLISHMENT AND AUTHORIZATION. (Note: The Limit of Authorization is not always coincidental to the Limit of Establishment. In such a case, a separate notation shall be made.)

   b. On free access highway facility projects, the terminology for the designation of termini shall read: LIMIT OF AUTHORIZATION.

   c. On intersecting roads and "Also" routes incidental to the main project, the terminology shall read: BEGIN AUTHORIZATION and END AUTHORIZATION.
d. On plans common to both right-of-way and Construction, the terminology shall read: LIMIT OF WORK AND AUTHORIZATION or any combination of the above that may be applicable.

**Metric Example:**

LIMIT OF ESTABLISHMENT AND/OR AUTHORIZATION  
STA 20+570.000  
SEGMENT ________ OFFSET ________ m (if applicable)  
SR 1033 SEC C04 R/W  
GREENWOOD TOWNSHIP  
PERRY COUNTY

**English Example:**

LIMIT OF ESTABLISHMENT AND/OR AUTHORIZATION  
STA 675+00.00  
SEGMENT ________ OFFSET ________ (if applicable)  
SR 1033 SEC C04 R/W  
GREENWOOD TOWNSHIP  
PERRY COUNTY

e. Project limits shall be indicated at county lines and breaks in the State Route designations, except when a structure spans the county line. When a structure is present, the Limiting Stations shall shift to the beginning or end of the structure in accordance with segment breaks as shown in Figure 3.5.

17. Channel Changes. When a baseline has been established, channel changes shall be shown with BEGIN CHANNEL CHANGE and END CHANNEL CHANGE Notes, as applicable.

18. Abandonment Notes (See Section 3.9).

19. Allow space for an appropriate Note regarding the type of acquisition (See Section 3.4.H.2).

**B. Location of Project on State Map.** Indicate the location of the project on the State Map and enclose within two concentric circles as shown in Chapter 15, Section 15.2, Plate B-XII.

**C. Sheet Index Block.** On projects involving many sheets, a Sheet Index Block is suggested. Small projects may also require a Sheet Index Block when there is more than one Supplemental Plan. A sample Sheet Index Block is shown in Figure 3.6.

**D. Tabulation of Segment Equalities.** See Chapter 2, Section 2.2.G.
FIGURE 3.5
LIMIT OF AUTHORIZATION DESIGNATION

*NOTE:
LIMIT OF AUTHORIZATION ASSIGNED BY MAINTENANCE RESPONSIBILITY.
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>SHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE SHEET</td>
<td></td>
</tr>
<tr>
<td>INDEX MAP</td>
<td></td>
</tr>
<tr>
<td>LOCATION MAP</td>
<td></td>
</tr>
<tr>
<td>TYPICAL SECTIONS</td>
<td></td>
</tr>
<tr>
<td>PLAN SHEETS</td>
<td></td>
</tr>
</tbody>
</table>

FIGURE 3.6
SAMPLE OF SHEET INDEX BLOCK

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3.4 TYPICAL SECTION SHEET

The following general information shall be shown on the Typical Section Sheet for all Right-of-Way Plans:

1. Tabulation of Overall Length and Authorization Length.
2. List of Stationing Equalities.
3. Location Map.
4. List of Public Utilities.
5. Tabulation of Project Coordinates (Alignment control points and R/W line break points).
7. Typical Sections.
8. The Appropriate Professional Seals.

A. Tabulation of Overall Length. The Overall Length is the longest length between the Limit of Establishment stations, the Limit of Reestablishment stations or the Limit of Authorization stations. On plans common to both right-of-way and Construction, the "Limit of Work" station lengths, the Limit of Authorization lengths and the Limit of Establishment or Reestablishment lengths shall be tabulated.

The Overall Lengths shall be shown to the nearest 0.001 km (0.01 ft or 0.001 mi). The authorization length will reflect the overall length minus any breaks where right-of-way is not being acquired.

B. List of All Equalities. All equalities occurring on the major routes shall be listed on the first Typical Section Sheet. If there are no equalities, indicate as such.

C. Location Map. The Location Map shall be placed in the lower left-hand corner on the first Typical Section Sheet and may be reproduced from County or City maps. This map shall be orientated so that the North Arrow is vertical toward the top of the sheet with a Bar Scale, indicated in kilometers (miles), and placed below the map. Also indicate the following data on the Location Map:

1. Label and place a Legend below the Location Map as shown in Chapter 15, Section 15.2, Plate B-XIII.
2. All adjacent and intersecting State Routes, Traffic Routes and Township Roads by number.
3. If a City map is used, streets should be shown and named.
4. Cities, towns and physical features such as lakes, streams, canals, railroads, etc.
5. City limits, Township Lines and urban limits, where applicable.
6. Show project Limits of Authorization (Do not show for "Also" routes).
7. Bar Scale.

For an example of a typical Location Map, refer to Figure 3.7.

D. Special Details. Indicate special design features including curb and sidewalks which may influence the right-of-way acquisition. An appropriate scale shall be used for these sketches.

E. Identification Block. Complete the Identification Block in the upper right-hand corner. A sample of an Identification Block is shown in Figure 3.8.

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FIGURE 3.7 (METRIC)
TYPICAL LOCATION MAP
FIGURE 3.7 (ENGLISH)
TYPICAL LOCATION MAP
F. Listing of Public Utilities. List all Public Utilities known to be located within the scope and extent of work activity defined for this construction area in accordance with Act 287-1974, as amended. List the name of the Public Utility, their address with Zip Code, the telephone number, title and the name of the utility representative responsible for the project, and show the unique acronym to indicate ownership that accompanies the utility line depictions on the plans.

List the Pennsylvania One Call System telephone number and serial number for the project. Each municipality will have a separate serial number.

An up-to-date list of the Public Utilities, obtained from each County Courthouse within the District limits, shall be kept on hand by the District to show correct names and addresses for all Public Utilities.

G. Tabulation of Project and Required Right-of-Way Break Point Coordinates. Provide a tabulation of project coordinates as required in Chapter 2, Section 2.3.H.

H. General Notes. The wording of General Notes on Right-of-Way Plans shall be as follows:

1. The first Note shall refer to the Legal right-of-way and shall include the following for all roadways within the limits of authorization:

   a. State Route, Township Road or the names of roads which are shown on the Right-of-Way Plan.
   b. Identifying stations.
   c. Legal width of all roads within the area of taking.
   d. Basis of legal width, including dates of plans, ordinances, etc., and places and dates of record.

Metric Examples:

   a. THE LEGAL RIGHT-OF-WAY ON SR 1524 FROM THE WEST CHESTER BOROUGH LINE (STATION 0+000.0) TO THE INTERSECTION OF SR 1059 (STATION 0+285.0) IS 60 FEET (18.29 m), BASED ON PLAN OF LR 21524, SECTION 1, SIGNED ON JULY 2, 1949, AND RECORDED ON AUGUST 5, 1949, IN THE CHESTER COUNTY RECORDER’S OFFICE IN PLAN BOOK 3, PAGE 17.

   b. THE LEGAL RIGHT-OF-WAY ON SR 1524, FORMERLY LR 17, FROM THE WEST CHESTER BOROUGH LINE TO THE INTERSECTION OF SR 1059, FROM STATION 0+000.0 TO STATION 0+285.0 IS 50 FEET (15.24 m) BASED ON REPORT OF VIEWERS, CONFIRMED ON APRIL 26, 1846, FILED IN CHESTER COUNTY COURT OF QUARTER SESSIONS.
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Publication 14M (DM-3)

Change #2 - Revised 8/13

c. THE LEGAL RIGHT-OF-WAY ON SR 6046, FORMERLY LR 359, FROM STATION 6+127.1 TO STATION 6+589.9 IS 50 FEET (15.24 m), BASED ON POTTSTOWN BOROUGH ORDINANCE DATED MAY 1, 1929, RECORDED IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE ON JUNE 15, 1929, IN DEED BOOK 21, PAGE 171.

d. THE LEGAL RIGHT-OF-WAY ON SR 3021, FORMERLY LR 15039 IS 33 FEET (10.06 m), BASED ON THE ACT OF MAY 1, 1933, P.L. 103, SECTION 1105, AS AMENDED. PRIOR TO THE ADOPTION OF LR 15039 AS A STATE HIGHWAY IN 1942, IT HAD BEEN OPENED AND MAINTAINED FOR TWENTY-ONE (21) YEARS OR MORE BY GREEN TOWNSHIP, A SECOND-CLASS TOWNSHIP. THERE IS NO PUBLIC RECORD OF ANY OTHER WIDTH.

e. THE LEGAL RIGHT-OF-WAY ON SR 6114, FORMERLY LR 19054, FROM STATION 0+000.0 TO STATION 0+279.5 IS 50 FEET (15.24 m) BASED ON DEED OF DEDICATION DATED MAY 29, 1856, AND RECORDED IN DEED BOOK 311, PAGE 47, IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE. BY THIS PLAN, THE COMMONWEALTH HEREBY ACCEPTS THE AREAS DEDICATED FOR STATE HIGHWAY PURPOSES.

f. THE LEGAL RIGHT-OF-WAY ON SR 6032 FROM STATION 6+127.1 TO STATION 6+598.9, IS 30 FEET (9.14 m) ON THE LEFT AND IS BASED ON A PLAN OF LOTS OF BROOKFORD MANOR RECORDED IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE ON MAY 27, 1948, IN PLAN BOOK Q, PAGE 27. BY THIS PLAN, THE COMMONWEALTH HEREBY ACCEPTS THE AREAS DEDICATED FOR STATE HIGHWAY PURPOSES.

g. THE LEGAL RIGHT OF WAY ON S.R. 6114, FORMERLY LEGISLATIVE ROUTE 19054 FROM STA. 0+279 TO STA. 1+123 IS VARIABLE BASED ON THE ACTUAL WIDTH OCCUPIED BY PAVEMENT AND SHOULDERS AS MEASURED IN THE FIELD. THERE IS NO PUBLIC RECORD OF OTHER WIDTH.

English Examples:

a. THE LEGAL RIGHT-OF-WAY ON SR 1524 FROM THE WEST CHESTER BOROUGH LINE (STATION 0+00) TO THE INTERSECTION OF SR 1059 (STATION 9+35) IS 60 FEET, BASED ON PLAN OF LR 21524, SECTION 1, SIGNED ON JULY 2, 1949, AND RECORDED ON AUGUST 5, 1949, IN THE CHESTER COUNTY RECORDER'S OFFICE IN PLAN BOOK 3, PAGE 17.

b. THE LEGAL RIGHT-OF-WAY ON SR 1524, FORMERLY LR 17, FROM THE WEST CHESTER BOROUGH LINE TO THE INTERSECTION OF SR 1059, FROM STATION 0+00 TO STATION 9+35 IS 50 FEET BASED ON REPORT OF VIEWERS, CONFIRMED ON APRIL 26, 1846, FILED IN CHESTER COUNTY COURT OF QUARTER SESSIONS.

c. THE LEGAL RIGHT-OF-WAY ON SR 6046, FORMERLY LR 359, FROM STATION 201+02 TO STATION 216+50 IS 50 FEET, BASED ON POTTSTOWN BOROUGH ORDINANCE DATED MAY 1, 1929, RECORDED IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE ON JUNE 15, 1929, IN DEED BOOK 21, PAGE 171.

d. THE LEGAL RIGHT-OF-WAY ON SR 3021, FORMERLY LR 15039 IS 33 FEET, BASED ON THE ACT OF MAY 1, 1933, P.L. 103, SECTION 1105, AS AMENDED. PRIOR TO THE ADOPTION OF LR 15039 AS A STATE HIGHWAY IN 1942, IT HAD BEEN OPENED AND MAINTAINED FOR TWENTY-ONE (21) YEARS OR MORE BY GREEN TOWNSHIP, A SECOND-CLASS TOWNSHIP. THERE IS NO PUBLIC RECORD OF ANY OTHER WIDTH.

e. THE LEGAL RIGHT-OF-WAY ON SR 6114, FORMERLY LR 19054, FROM STATION 0+00 TO STATION 9+17 IS 50 FEET BASED ON DEED OF DEDICATION DATED MAY 29, 1856, AND RECORDED IN DEED BOOK 311, PAGE 47, IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE. BY THIS PLAN, THE COMMONWEALTH HEREBY ACCEPTS THE AREAS DEDICATED FOR STATE HIGHWAY PURPOSES.

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f. THE LEGAL RIGHT-OF-WAY ON SR 6032 FROM STATION 201+02 TO STATION 216+50, IS 30 FEET ON THE LEFT AND IS BASED ON A PLAN OF LOTS OF BROOKFORD MANOR RECORDED IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE ON MAY 27, 1948, IN PLAN BOOK Q, PAGE 27. BY THIS PLAN, THE COMMONWEALTH HEREBY ACCEPTS THE AREAS DEDICATED FOR STATE HIGHWAY PURPOSES.

g. THE LEGAL RIGHT OF WAY ON S.R. 6114, FORMERLY LEGISLATIVE ROUTE 19054 FROM STA. 0+27 TO STA. 1+12 IS VARIABLE BASED ON THE ACTUAL WIDTH OCCUPIED BY PAVEMENT AND SHOULDERS AS MEASURED IN THE FIELD. THERE IS NO PUBLIC RECORD OF OTHER WIDTH.

2. The second Note shall refer to the terms of acquisition.

a. When required right-of-way will be acquired in fee simple, the Note shall be stated as follows:

ALL REQUIRED RIGHT-OF-WAY FOR THIS PROJECT SHALL BE ACQUIRED IN FEE SIMPLE UNLESS OTHERWISE NOTED. AREAS, IF ANY, NOT TO BE ACQUIRED IN FEE SIMPLE SHALL BE ACQUIRED IN THE LESSER ESTATE OR INTEREST NOTED ON THE PLAN SHEET.

b. When required right-of-way will be acquired in easement for highway purposes only, the Note shall be stated as follows:

ALL REQUIRED RIGHT-OF-WAY FOR THIS PROJECT SHALL BE ACQUIRED AS EASEMENT FOR HIGHWAY PURPOSES. AREAS, IF ANY, NOT TO BE ACQUIRED AS EASEMENT FOR HIGHWAY PURPOSES SHALL BE ACQUIRED IN THE LESSER ESTATE OR INTEREST NOTED ON THE PLAN SHEET.

c. When most of the required right-of-way will be acquired in fee, but certain right-of-way will be acquired in easement for highway purposes, the note set forth in a. above should be used with the specific highway easement areas designated "Required Right-of-way (Easement for Highway Purposes)."

See Section 3.1 on interest to be acquired.

3. A note shall be added concerning the plotting of the property lines:

When no private property lines are surveyed, a note shall be added concerning the plotting of the property lines as follows:

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

When some of the property lines are surveyed during project development, a note shall be added concerning the plotting of the property lines as follows:

ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY. PROPERTY LINES WERE SURVEYED ONLY WHEN DETERMINED NECESSARY BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.

See Section 3.1.1 discussing when it is appropriate to survey property lines.

4. A General Note may be added, if desired, to cross reference the State Route numbers to their previous Legislative Route numbers.

5. Other Notes, Where Applicable:
a. BUILDINGS AND STRUCTURES MARKED \[C\] HAVE BEEN OR ARE TO BE REMOVED OR ALTERED BY THE DEPARTMENT OR OTHER AUTHORITY RESPONSIBLE FOR THE PAYMENT OF PROPERTY DAMAGES.

b. BUILDINGS AND STRUCTURES MARKED \[O\] ARE ENCROACHMENTS WHICH ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS TO REMOVE.

c. **Metric:**) THE HALF CIRCLED NUMBER INDICATES A SCALED DIMENSION.

```
+085.1
15.0 m
```

INDICATES MONUMENTED DIMENSIONS.

```
+085.114
15.000 m
```

**English:**) THE HALF CIRCLED NUMBER INDICATES A SCALED DIMENSION.

```
+85
50'
```

INDICATES MONUMENTED DIMENSIONS.

```
+85.04
50.00'
```

Note: Monumented dimensions indicate that a monument has been set at the designated values.

d. The General Notes shall indicate if the horizontal survey information is based on the Pennsylvania State Plane Coordinate System (SPCS 83), or an independent arbitrary coordinate system. The notes for vertical control shall state if the elevations are based upon the North American Vertical Datum of 1988 (NAVD 88) or an independent arbitrary datum. Also include the definition of the curve data.

e. All NHS routes shall be identified in the General Notes as follows:

**Metric Example:**

SR 0076 IS A NHS ROUTE FROM STATION 0+000.0 TO STATION 0+388.9.

**English Example:**

SR 0076 IS A NHS ROUTE FROM STATION 0+00 TO STATION 12+76.

f. Indicate the following key for the Slope Limit in the General Notes:

```
CUT          FILL
---C---      F---
```

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g. A Note shall be provided to indicate which streams within the project are classified as "Navigable Streams" because as such, they are public highways. If no streams are so classified, the Note shall so state.

h. When service roads are designated on a Right-of-Way Plan, one of the following Notes is to be used:

(1) MAINTENANCE RESPONSIBILITY AND TITLE TO THE LOCAL SERVICE ROADS DESIGNATED ON THIS PLAN VESTS IN THE MUNICIPALITY IN WHICH THEY ARE LOCATED UPON COMPLETION OF CONSTRUCTION THEREOF.

(2) FORMER STATE ROUTE ________ IS HEREBY DESIGNATED A LOCAL SERVICE ROAD FROM STATION ______ TO STATION ______. MAINTENANCE RESPONSIBILITY AND TITLE TO SAID ROADWAY VESTS IN THE MUNICIPALITY IN WHICH IT IS LOCATED UPON COMPLETION OF CONSTRUCTION THEREOF.

See Section 3.1.Z for general discussion of acquisitions for service roads.

i. When a Temporary Construction Easement is required, the expiration shall be indicated in the General Notes as follows:

TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL THE CONSTRUCTION OR WORK INDICATED BY THE PLAN IS COMPLETED, UNLESS SOONER RELINQUISHED IN WRITING BY THE DEPARTMENT.

The expiration date shall be at the discretion of the District Executive.

Temporary easements are not to be shown on HOP plans reflecting property to be deeded to the Department. They are not deeded to the Department, but rather used by the permittee during construction.

See Section 3.1.R and Section 3.6.A.2.e.(12).(f) for further discussion of temporary construction easements.

j. Plans that include vacations and abandonment.

When abandonment or vacations are part of a right-of-way acquisition plan, the following General Notes must be included:

ABANDONMENTS AS SHOWN ON THIS PLAN ARE EFFECTIVE ONLY AFTER THE ROAD HAS BEEN OPENED TO TRAFFIC AND PROPER NOTICE HAS BEEN GIVEN TO THE LOCAL AUTHORITIES.

VACATIONS AS SHOWN ON THIS PLAN ARE EFFECTIVE ONLY AFTER AN ORDER OF VACATION HAS BEEN EXECUTED BY THE DEPARTMENT AND FILED IN THE APPROPRIATE COUNTY COURTHOUSE.


When a plan is filed to vacate right-of-way and confirm the disposition of rights of way after the disposition process, the following General Note must be included:

THIS PLAN SHALL CONSTITUTE A WRITTEN ORDER AND DECLARATION UNDER SECTION 210 OF THE STATE HIGHWAY LAW, 36 P.S. SECTION 670-210, THAT THE RIGHT-OF-WAY SHOWN AS VACATED IS VACATED IMMEDIATELY UPON THE RECORDING OF THE PLAN.
A general note must also be included designating the plan under which the right-of-way was originally acquired. See also Section 3.0.1 on plans vacating right-of-way and confirming the disposition of rights after the disposition process. This note and type of plan may only be used when the right-of-way disposition process has been followed. See Publication 378, Right-of-Way Manual, Chapter 7, "Excess Land".

A general note specifying that the vacation is made subject to the rights of existing public utility facilities to remain unadjusted within the area vacated is not appropriate if the utilities occupy the right-of-way by permit only. The Department cannot reserve an easement for a utility when it vacates public right-of-way.

i. De Facto Takings. The following General Note shall be placed on all partial take Right-of-Way Plans:

THE FILING OF THIS PLAN IS NOT A CONDEMNATION OF THE PROPERTIES DESIGNATED THEREIN AND DOES NOT IN ANY MANNER WHATSOEVER RESTRICT THE USE OR DISPOSAL THEREOF AUTHORIZATION TO CONDEMN UNDER THIS PLAN EXTENDS FOR ONLY ONE YEAR FROM THE DATE OF THE SECRETARY'S SIGNATURE OR INITIALLY AUTHORIZING ACQUISITION OR SUBSEQUENTLY REVISING THE PLAN OR REAUTHORIZING ACQUISITION THEREUNDER.

The following General Note shall be placed on all total take Right-of-Way Plans:

THE FILING OF THIS PLAN IS NOT A CONDEMNATION OF THE PROPERTIES DESIGNATED THEREIN OR ANY OTHER PROPERTIES WITHIN THE PROPOSED HIGHWAY PATH AND DOES NOT IN ANY MANNER WHATSOEVER RESTRICT THE USE OR DISPOSAL THEREOF AUTHORIZATION TO CONDEMN UNDER THIS PLAN EXTENDS FOR ONLY ONE YEAR FROM THE DATE OF THE SECRETARY'S SIGNATURE OR INITIALLY AUTHORIZING ACQUISITION OR SUBSEQUENTLY REVISING THE PLAN OR REAUTHORIZING ACQUISITION THEREUNDER.

Where the Right-of-Way Plans have been filed and contain neither of the prior General Notes and the project involved has been delayed for any reason, e.g., lack of funding, etc., the Right-of-Way Plans shall be revised to show the following General Note:

REVISED TO INDICATE THAT ACQUISITION FOR THIS PROJECT HAS BEEN DISCONTINUED, AND TO CLARIFY THAT THIS PLAN IS NOT A CONDEMNATION OF THE PROPERTIES DESIGNATED THEREON OR ANY OTHERS, AND DOES NOT IN ANY MANNER WHATSOEVER RESTRICT THE USE OR DISPOSAL THEREOF AUTHORIZATION TO CONDEMN UNDER THIS PLAN CAN ONLY BE REVIVED BY THE SECRETARY'S REAUTHORIZATION OF CONDEMNATION THEREUNDER.

m. Drawings Authorizing Acquisition by Local Governments on State Highways. A general note should be added to the plan stating:

THIS PLAN AND ANY RELATED HIGHWAY OCCUPANCY PERMIT AUTHORIZE WORK ONLY IN DEPARTMENT HIGHWAY RIGHT-OF-WAY.

See Sections 3.0.H, 3.5.X, and 3.5.Y also relating to acquisitions of State highway right-of-way by local governments as part of the HOP process.

n. When right-of-way for a local road or street is required, the following Note is to be used:

REQUIRED RIGHT-OF-WAY FOR LOCAL ROADS OR STREETS IS ACQUIRED FOR THE BENEFIT OF THE APPLICABLE MUNICIPALITY IN THE SAME ESTATE OR INTEREST AS DESIGNATED HEREIN FOR REQUIRED RIGHT-OF-WAY FOR STATE HIGHWAY PURPOSES, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH. TITLE SHALL VEST IN THE
APPLICABLE LOCAL MUNICIPALITY UPON ACQUISITION AND MAINTENANCE RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION.

See Section 3.1.AA for general discussion of acquisitions for local roads and streets.

o. When a private access is required, the following Note is to be used:

LAND REQUIRED FOR PRIVATE ACCESS IS ACQUIRED IN THE SAME ESTATE OR INTEREST DESIGNATED (EITHER FEE SIMPLE OR EASEMENT FOR DRIVEWAY PURPOSES) FOR THE BENEFIT AND USE OF THE PROPERTY OR PROPERTIES DESIGNATED, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH, IF NECESSARY. TITLE SHALL VEST IN THE OWNERS OF THE DESIGNATED PROPERTIES UPON ACQUISITION AND MAINTENANCE RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION, IF ANY.

This General Note should not change. The individual information for the specific acquisition will be shown on the line leaders to the area acquired on the applicable Plan sheets and property plot, if any.

See Section 3.1.BB for general discussion of acquisitions for private access.
FIGURE 3.9
EXAMPLE FOR PRIVATE ACCESS
When lands are required for the replacement of parkland or game lands, the following Note is to be used:

LAND REQUIRED FOR REPLACEMENT [insert proper type of land, e.g. PARKLAND, GAME LAND] IS ACQUIRED IN THE SAME ESTATE OR INTEREST DESIGNATED (EITHER FEE SIMPLE OR EASEMENT FOR [insert proper type of land] PURPOSES) FOR THE BENEFIT AND USE OF THE PUBLIC ENTITY DESIGNATED, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH, IF NECESSARY. TITLE SHALL VEST IN THE PUBLIC ENTITY UPON ACQUISITION AND MAINTENANCE RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION, IF ANY.

This General Note should remain the same except for the designation of the type of land being replaced. The nature of the title being acquired will be shown on the line leaders to the area acquired on the applicable plan sheets and property plot, if any.

See Section 3.1.CC for general discussion of acquisitions for replacement lands.
FIGURE 3.10
EXAMPLE FOR REPLACEMENT OF PARKLAND OR GAME LANDS
q. When land required for environmental mitigation purposes is to be taken in fee simple, the following Note is to be included:

LAND REQUIRED FOR ENVIRONMENTAL MITIGATION PURPOSES (WETLAND, STREAM OR TERRESTRIAL) SHALL BE ACQUIRED IN FEE SIMPLE UNLESS OTHERWISE NOTED. FOLLOWING ACQUISITION, RESTRICTIVE COVENANTS WILL BE FILED OF RECORD LIMITING USE OF THE LAND.

When land required for environmental mitigation purposes is to be taken in easement, no Note is required on the Typical Section Sheet. See Section 3.6.A.2 on wetland, stream and terrestrial mitigation easements.

See Section 3.1.DD for general discussion of acquisitions for environmental mitigation.

r. Aerial Easement Notes.

1) When an aerial easement is to be acquired, the following notes shall be used:

WHERE AN AERIAL EASEMENT IS ACQUIRED, IT SHALL INCLUDE AN EASEMENT IN THE AIR FOR THE ACCOMMODATION OF THE ELEVATED HIGHWAY STRUCTURE UNLIMITED IN VERTICAL DIMENSION ABOVE THE STRUCTURE, A SURFACE EASEMENT UNLIMITED IN VERTICAL DIMENSION FOR THE ACCOMMODATION OF PIERS AND OTHER APPURtenANCES AND A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES INCLUDING THE STORAGE OF MATERIALS DURING CONSTRUCTION FOR THE ENTIRE AREA. THE FOLLOWING LIMITATIONS SHALL BE IMPOSED ON THE PROPERTY BENEATH THE AREA AFFECTED BY THE AERIAL EASEMENT.

2) NO USE SHALL BE MADE OF THE PROPERTY WHICH SHALL ENDANGER THE STRUCTURE OR THE HEALTH, SAFETY OR WELFARE OF THE TRAVELING PUBLIC.

3) NO FLAMMABLE, EXPLOSIVE, DANGEROUS OR HAZARDOUS MATERIAL SHALL BE USED, PLACED OR STORED ON THE PROPERTY.

4) NO BUILDING OR OTHER FACILITY SHALL BE CONSTRUCTED ON THE PROPERTY WITHOUT PRIOR AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION. IF AND WHEN SUCH AUTHORITY IS GRANTED, THE PLANS FOR THE BUILDING OR FACILITY AND CONSTRUCTION METHODS SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF TRANSPORTATION.

5) NO INTERFERENCE SHALL BE MADE WITH THE RIGHT OF THE DEPARTMENT OF TRANSPORTATION TO ENTER UPON THE PROPERTY FOR THE PURPOSES OF INSPECTION, MAINTENANCE, REPAIR, PAINTING, RECONSTRUCTION OR ALTERATION OF THE STRUCTURE OR APPURtenANCES. MOVEABLE ITEMS MAY HAVE TO BE REMOVED BY THE OWNER DURING SOME OR ALL OF THE ABOVE OPERATIONS.

6) ANY SUBSTANTIAL CHANGE IN PROPERTY USE TO BE MADE SUBSEQUENT TO THE ACQUISITION OF THE EASEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF TRANSPORTATION.

7) Add the following Note when a railroad is involved:

THE NOTES ON THESE DRAWINGS SHALL NOT BE CONSTRUED AS LIMITING OR INTERFERING IN ANY WAY WITH THE PRESENT AND FUTURE OPERATION, USE, MAINTENANCE, REPAIR, RENEWAL, CHANGE, ADDITION, BETTERMENT OR ALTERATION OF THE RAILROAD AND ITS SUPPORTING FACILITIES.
See Section 3.1.L for general discussion of aerial easement acquisitions. A separate sketch shall be included for each aerial easement condition. See Figure 3.11, Aerial Easement Sketch.

**FIGURE 3.11**

**AERIAL EASEMENT SKETCH**

Sketch showing estate to be acquired for a limited aerial easement from STA _______________ to STA _______________.

(The above sketch, modified to fit the project, with applicable dimensions, is added to the General Notes.)

* Actual dimension (0.65 m (2 ft) minimum)

** Actual dimension (4.60 m (15 ft) desirable).

Use of airspace beneath the established grade line of the highway shall provide sufficient vertical and horizontal clearances for the construction, operation, maintenance, ventilation and safety of the highway facility. The estate acquired above the aerial easement line may be entered on by moving vehicles such as trucks or railroad rolling stock.

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s. Mining Reservations. Add the following Note to each Plan Sheet on which the estate to be acquired (whether fee simple or easement) should be limited in vertical dimension to avoid interference with deep mining, including removal of gas and oil by means of wells located off the right-of-way:

THE ESTATE TO BE ACQUIRED IS LIMITED IN VERTICAL DIMENSION SO AS NOT TO INTERFERE WITH DEEP MINING OF MATERIALS, INCLUDING REMOVAL OF GAS AND OIL BY MEANS OF WELLS LOCATED OFF THE RIGHT-OF-WAY. THE OWNER OF THE MINERALS MAY REMOVE ANY OR ALL OF SAME LOCATED BENEATH THE MINIMUM DEPTH INDICATED.

Note: The depth of permissible mining operations is to be based on the type of rock, possible voids, etc., and shall be indicated on the appropriate Plan Sheet.

t. All existing easements shall be indicated in the general notes. Use the description of the easement from the existing Right-of-Way Plan or see the previous listed notes for the appropriate wording.

u. Typical Sections. One Typical Section shall be shown for each roadway listed on the Title Sheet. Typical Sections are also desirable for ramps, unlisted side roads, etc. The Typical Sections may be shown on as many additional sheets as necessary.

The minimum data required on each Typical Section shall include the following:

1. Profile grade point.
2. Pavement width.
3. Shoulder width.
4. Median width.
5. Embankment and cut slopes.
6. Applicable station limits.

The type and depth of pavement, subbase and shoulders, etc., are not required.

3.5 PLAN SHEETS

A. List of Items for Plan Sheets. The Plan Sheets shall show the following items:

1. Required and Legal Right-of-Way Lines.
4. Easements (For permanent utility easement, see Publication 16M, Design Manual, Part 5, Utility Relocation) and associated Easement Notes (See Section 3.6.A.2.e).
5. Topography.
6. Property Lines and Ownership (Use parcel numbers enclosed with one heavy circle). See Section 3.6.A.2.e.(3) for the data required.
7. Limit of Slope Lines.
8. Edge of existing and proposed pavement, curb and new depressed curb, for free access facilities.
9. Tabulation of areas (if no separate property plot is prepared).
10. Survey references and survey book numbers.
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11. All drainage that affects property damage shall be shown. Of particular interest are inlet and outlet drainage onto or from properties. Pipe and ditch sizes may be determined from preliminary drainage computations.

12. Right-of-Way Fence. Generally placed 0.6 m (2 ft) inside the right-of-way line. Breaks of 90° should be avoided.


15. Location of existing or proposed bicycle facilities and trails.

16. Seal of the professional land surveyor and professional engineer who are in responsible direction and control of the work shall be shown.

17. Driveway Adjustments.

18. Intersection ties between baselines (by station and angle).

B. Metes and Bounds and Tabulation of Properties. When directed by the District Right-of-Way Administrator, the total ownership (entire perimeter with metes and bounds) of each parcel shall be shown either directly on the Plan Sheet or on an appropriately-referenced Property Plot. In either case, the same property data that is on the plots is required.

Metes shall be indicated on Right-of-Way Plans as follows:

Metric: Dual units with the converted dimension, meters, in brackets
(English: English units in feet)

The data may be tabulated or shown in a block similar to that used on a Property Plot. For information on areas, see Section 3.6.

C. Data Affecting Right-of-Way. All pertinent data affecting the cost of the right-of-way, such as structures outside the right-of-way line affected by the taking, access roads, improvements and fences shall be shown. The means of access to the property, both before and after construction, including the services or access roads, shall be shown. This data shall be shown on both the Plan Sheet and on the Property Plots.

D. Steps, Walls and Sidewalks. All Right-of-Way Plans, including Property Plots, shall clearly indicate whether steps, walls, sidewalks, etc., are included as construction items or are included as items of property damage. Where one or more of the aforementioned items occur on the Right-of-Way Plan, the following Note shall be placed on the plan:

STEPS (or others) SHALL BE INCLUDED AS AN ITEM OF PROPERTY DAMAGE (or CONSTRUCTION).

E. Water Supply Sources, Gas and Oil Wells. The location of all water supplies, i.e., water well casings, dug wells and springs, shall be shown. All gas and oil wells, which may be affected by the highway construction, shall also be shown.

F. Entry or Exit from Traffic Lanes. On projects where the access has been or is to be affected, the Extent of Limited Access and all approved points of entry to or exit from the traffic lanes shall also be shown.

Wherever possible, the Extent of Limited Access should stop short of the nearest property line to allow for present or future construction of a driveway or street, within a regulated distance, into the property, thus avoiding the necessity of paying right-of-way damages for a landlocked property.
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On interchange designs, the control of access should extend along the cross road beyond the ramp terminals about 90 m (300 ft) or more in rural areas and 30 m (100 ft) or more in urban areas.

G. Correlation with Legal Descriptions. The arrangement of Acquisition of Right-of-Way Plans shall conform to the general requirements for the Construction Plans and shall contain sufficient dimensional and angular data to permit ready identification and correlation with the legal descriptions of all parcels and easement areas that are required by the associated highway project.

H. Right-of-Way Widths. The required right-of-way widths shall be sufficient to contain the highway construction and provide a reasonable border to permit normal maintenance. When replacing an existing utility access road, the minimum width of required right-of-way shall be that of the existing access road. When providing an access road for a utility where none previously existed, the width of required right-of-way shall be held to a minimum as determined by terrain and by the needs of the utility.

I. Location of Required Right-of-Way Lines:

1. On all limited access highway facilities and on free access highway facilities in other than built-up areas, the required right-of-way lines shall be placed to include the construction slope.

2. On free access highway facilities in built-up areas, the required right-of-way lines may be maintained at a uniform width and the construction slope areas designated as required limit of slope line.

On curved highways, the Department normally limits its right-of-way acquisition to the area from face-of-curb to face-of-curb plus a minimal strip (usually 1.0 m to 1.5 m (3 ft to 5 ft)) beyond the face-of-curb where signs or traffic signal supports require additional right-of-way. The Department shall not reduce the right-of-way where the legal right-of-way exceeds these requirements.

3. Angle points should be used to transition between parallel segments of right-of-way lines. Every break in the right-of-way line shall be tied to the right-of-way centerline by providing the station and offset on the plan. See Figure 3.13a. For major relocation projects or projects on new location, a list of the station and offset point coordinates for proposed monument locations shall be provided on the Typical Section sheet. For these projects, it shall be necessary to provide proposed monument points on the right-of-way lines. See Figure 3.13b. Monument symbols (proposed and existing) shall be shown on the plan sheets and placed in accordance with Publication 122M, Surveying and Mapping Manual.

J. Combining Right-of-Way Damages into One Claim. When a Right-of-Way Plan for a project ends at other than a property line and it is anticipated additional acquisition is necessary on that property for the next construction sections, the plan shall be extended to complete the acquisition with the first project. This eliminates the need for two claims on the same project.

K. Geometrically Defined Area. The required right-of-way shall be a geometrically-defined area noted by dimensions and pluses or pluses and offsets and coordinates. Coordinates shall not be shown on the plan sheets. For minimum right-of-way take areas adjacent to existing right-of-way only the centerline geometry will be established by coordinates with pluses and offsets provided for the right-of-way control. See Figure 3.13a. The horizontal Construction Plan data and the Right-of-Way Plan geometrics shall be identical.

L. Intersecting Right-of-Way Lines. The required right-of-way lines for a limited access mainline facility shall be carried through the legal or required right-of-way lines for the intersecting side road in interchange areas (See Figure 3.12). The right-of-way lines for the proposed intersecting side roads shall be carried through the right-of-way lines of the mainline.

M. Breaks in Right-of-Way. Show pluses and offsets at each break point in the required right-of-way line. Breaks in the required right-of-way lines shall not be established on property lines unless approved by the District Executive. If a right-of-way line break at a property line is required, it should be based on a field located property line and shown as per Figure 3.13b. These property line pluses may be shown on the Property Plot in lieu of the plan sheet. See Figures 3.13a and 3.13b for an example of breaks in the required right-of-way.
N. **Legal Right-of-Way.** It is required that the legal right-of-way line appear on the plans. The width of the legal right-of-way shall be shown and it shall be tied at points where it intersects the required right-of-way line. For metric Right-of-Way Plans, indicate the legal width in dual units with the converted dimensions (meters) in brackets. (For English Right-of-Way Plans, indicate the legal width in feet.) The legal right-of-way line should be tied to the centerline or baseline at the beginning and end of projects. Regardless of whether the legal right-of-way has been established by a previous plan or in some other way, the legal right-of-way lines shall be shown on the Right-of-Way Plan and designated as legal right-of-way line. At a minimum, the legal right-of-way shall be indicated near the left and right side of each plan sheet and at every break.

O. **Utilities.** The location of all existing surface, subsurface, and aerial utility lines shall be clearly shown on the plan and profile. Show overhead clearances at the minimum sag height over the pavement and shoulders for aerial utility lines and the depth below existing ground for subsurface utilities (reference Publication 16M, Design Manual, Part 5, *Utility Relocation*, Section 6.3), when included in the scope. Where utility congestion is significant, a separate Detailed Utilities Plan Sheet may be necessary (reference Chapter 2, Section 2.13). Utilities shall be shown in accordance with Sections 2.13, 3.7.B, and 13.5.

P. **Profile Data.** For plans at a scale of 1:2000 (1" = 200’), profile elevations shall be shown at intervals of not more than 60 m (200 ft). Profiles shall show existing ground lines, datum lines, stations, lengths of vertical curves, vertical curve data and percentages of gradients. For existing bridges and structures, the clearance and the cross section of the stream bed, type, size, skew, span length, high water elevation and date of occurrence shall be shown. The approximate minimum clearance of proposed structures shall be shown. Profiles of existing streams shall also be provided.

Q. **Required and Legal Right-of-Way Lines.** The required right-of-way line shall be a heavy, solid line broken at intervals by two dashes and designated as Required Right-of-Way line. If the highway facility has been designated as a limited access highway facility, the required right-of-way line shall be designated as Required Right-of-Way line for limited access. On all such limited access plans, the beginning and ending of the limited access feature should be indicated very clearly, especially on ramps and interchanges. The Legal Right-of-Way line, regardless of how established, shall be shown by a solid line broken at intervals by three dashes and designated as LEGAL RIGHT-OF-WAY LINE. Right-of-Way line labels shall have leader lines with arrows from the outside of the right-of-way line. Area labels shall have leader lines with arrows from the inside of the designated area.

R. **Safety Rest Areas.** The area required for Safety Rest Areas may be included in the roadway Right-of-Way Plans or may be a separate plan. The required area shall be delineated as required Right-of-Way line or Required Right-of-Way line for limited access.

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FIGURE 3.12
EXAMPLE OF INTERSECTING RIGHT-OF-WAY LINES
FIGURE 3.13a (METRIC)
EXAMPLE OF BREAKS IN
REQUIRED RIGHT-OF-WAY
WITH ONLY R/W BASELINE MONUMENTED

NOTE:
A HALF CIRCLE IS USED IF ONLY
ONE DIMENSION IS SCALLED.
FIGURE 3.13a (ENGLISH)
EXAMPLE OF BREAKS IN REQUIRED RIGHT-OF-WAY
WITH ONLY R/W BASELINE MONUMENTED

NOTE:
A HALF CIRCLE IS USED IF ONLY ONE DIMENSION IS SCALD.
FIGURE 3.13b (METRIC)
EXAMPLE OF BREAKS IN REQUIRED RIGHT-OF-WAY WITH R/W AND BASELINE MONUMENTED
FIGURE 3.13b (ENGLISH)
EXAMPLE OF BREAKS IN
REQUIRED RIGHT-OF-WAY
WITH R/W AND BASELINE MONUMENTED
S. **Ownership Search.** Care shall be used in ascertaining the correct names of property owners and the correct location of property lines and that the names are exactly the same on the Plan Sheets, the Index Sheets and the Property Plots. It is necessary that the correct ownership be determined before any settlement can be made with a property owner for his property damage claim. It is, therefore, important that the court records of ownership be searched not more than 30 days prior to the submission of the Right-of-Way Plan to the District Executive so as to avoid numerous revisions to an approved plan.

When a corporation, limited or general partnership or sole proprietorship business utilizing a fictitious name, is a claimant, a record search should be initiated at the Corporation Search Section, Department of State, North Office Building, Harrisburg, Pennsylvania within the same time frame.

T. **Slope Limits.** Construction Slope Limits (edge of rounding) shall be shown on all Plan Sheets and on all Property Plots. The following symbol shall be used to depict the slope limits. The key to this symbol shall be shown in the General Notes. When parallel ditches are involved, show the mainline slope. The outside cut line for the ditch shall also be shown.

![Slope Limits Diagram]

Also indicate changes between cut and fill as shown.

U. **Hatching.** When a total property is shown on the Plan Sheet, thus eliminating the need for a Property Plot, hatching shall be shown on the Plan Sheet and the key to the hatching indicated on the sheet, if needed for plan recording (For additional information on hatching, see Section 3.6).

V. **Referencing Required Right-of-Way.** The required right-of-way shall be referenced to tangents and simple curves and tied to the centerline or baseline of the roadway it is serving. The reference lines shall be indicated as either survey and right-of-way baselines or survey and right-of-way centerlines. When the new right-of-way baseline differs from the existing right-of-way centerline, it is recommended that the right-of-way break points be re-identified.

W. **Interchanges and Channelized Intersections.** In addition to the normal Plan Sheets, all specified interchanges and involved intersections shall be drawn to a scale of 1:2000 (1” = 200’) or smaller to show the complete interchange on a single sheet. This drawing shall follow the last Plan Sheet for the interchange and shall be included in the total number of sheets in the plan.

The drawings shall include the following data:

1. Right-of-Way Centerline or Baseline.
2. Stations identified at a maximum 100 m (500 ft) interval with "ticks" at 20 m (100 ft) intervals.
3. All geometrics including curve data (curve data may be tabulated) and equalities.
4. Coordinates for control points shall be shown in a tabular form (See Figure 2.7 in Chapter 2, Section 2.3).
5. Existing streams and proposed relocations.
6. Identification of all routes and ramps.
7. Proposed structures.
8. Existing and/or proposed railroads and railroad structures.
10. Existing and proposed utility transmission lines and pipes.

X. Drawings Depicting Right-of-Way to Be Deeded for State Highways. The preparation of the plans shall follow the procedures of the normal Right-of-Way Plan. However, instead of the normal designation of Required Right-of-Way, the areas on the sheets of the plan depicting the areas that will be deeded to the Department should be designated as Required Right-of-Way to be deeded to the Commonwealth. If it is for other than right-of-way, the area should be marked in a similar manner for the nature of the interest that will be transferred to the Department (e.g., REQUIRED LIMIT OF SLOPE to be deeded to the Commonwealth and REQUIRED DRAINAGE EASEMENT to be deeded to the Commonwealth). Include a tabulation of areas block identifying the deed information.

For a sample title sheet, see Section 3.2.1.6 and Chapter 15, Section 15.2, Plate B-XV. Also, see Sections 3.0.H and 3.1.EE, discussing deeding of right-of-way to the Department as part of the HOP process.

Y. Drawings Authorizing Acquisition by Local Governments on State Highways. The right-of-way that will be acquired by the local government should be designated in the normal manner as required right-of-way. However, if there are areas on the plan that will not need to be acquired by the local government because they are owned by the permittee, these areas should be designated as required right-of-way to be deeded to the Commonwealth. A separate plan to document this new right-of-way to be deeded to the Commonwealth will then not be necessary.

Certain types of municipalities have specific statutory authority to acquire land for the State highway purpose. For example, Townships of the second class can do so with the approval of the Department [53 P.S. Section 67304(b)]. Other types of municipalities do not have specific authority to do so, but can be granted that authority by virtue of the Department's statutory mandate to coordinate its transportation activities and cooperate with other public agencies such as political subdivisions of the Commonwealth [71 P.S. Sections 512(a)(6) and (7)].

Plans authorizing the acquisition of right-of-way for State highways by local governments should follow the procedures set forth in this manual for generating drawings authorizing the acquisition of right-of-way for Department projects, with the following differences:

1. A signature block should be added to show the approval of the appropriate local government. It should contain a line to indicate the municipal resolution number.

2. A general note should be added to the plan stating: "THIS PLAN AND ANY RELATED HIGHWAY OCCUPANCY PERMIT AUTHORIZE WORK ONLY IN DEPARTMENT HIGHWAY RIGHT-OF-WAY".

See Sections 3.0.H, 3.2.1.7, and 3.4.H.5.m, also relating to acquisitions of State highway right-of-way by local governments as part of the HOP process.

Z. Drawings Vacating and Confirming Disposition of Right-of-Way. Existing legal right-of-way lines should be shown on the plan, with the new right-of-way lines designated as required right-of-way lines. Areas that have been disposed (between the legal and required lines) should be designated as either "Area Vacated" (if the Department owned only a highway easement) or "Area Sold" (if the Department owned fee simple title). The owners of the fees underlying the highway easements at the time of disposition and the persons to whom fee land was sold should be shown on the plan.

3.6 PREPARATION OF PROPERTY PLOTS AND BOARD OF VIEW PLANS

A. Property Plots.

1. Exceptions to Property Plot Requirements. Unless the District Executive directs otherwise, Property Plots are not required for the following:
a. On projects primarily on existing right-of-way where only minor property take is involved. In such cases, the District Right-of-Way personnel should view the project in the field to determine if the right-of-way take can be appraised without Property Plots.

b. Total takes.

c. The total property and data are shown on the Right-of-Way Plan (even though only a partial take).

d. See Section 3.1.1 discussing the terms property plot and property plat.

2. Identification Data. In all other cases not indicated in Section 3.6.A.1, above, a Property Plot shall be required. The Property Plot should include the following items:

a. Title Block (as shown in Chapter 15, Section 15.1, Plate A-I or on the preprinted Property Plot Sheets).

b. Deed Information:

   (1) Deed Book and Page Number.

   (2) Date of Deed.

   (3) Date of Recording.

   (4) Consideration.

   (5) Amount of State Reality Transfer Tax Stamps.

   (6) Name of Grantor.

   (7) Date of Verification of foregoing information (shall be not more than 30 days prior to date of submission of plan).

   (8) Name of Owner (exactly as it appears on the Deed).

c. Accuracy of Plot. The Designer shall prepare Property Plot Plans from the Deed of Record or Recorded Subdivision Plans or related documents, and from the property lines established in the field survey. These plots shall be initially plotted without adjustment. Upon completion of the plotting, the responsible Professional Land Surveyor will determine the accuracy or necessary adjustments of the plots. When the responsible Professional Land Surveyor has established that the property lines affected by the right-of-way take are shown properly, no further adjustments will be required. The original plots and a narrative report of all the adjustments will be kept as part of the right-of-way records and will not be shown on the Right-of-Way Plan or plot.

Where a large property is involved, i.e., an industrial plant, an industrial complex or public lands, the owner should be contacted for a copy of his Property Plot for possible use in preparation of the Right-of-Way Plan and the Property Plot.

The Designer shall place, on all individual Property Plot Plans, the following notes concerning the plotting of property lines:

(1) Use the following note when some of the property lines were surveyed during project development. Example: right-of-way breaks on property lines of full property takes along existing highway and/or new construction and also partial takes are shown on the plan.

   ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY. PROPERTY LINES WERE SURVEYED ONLY WHEN DETERMINED NECESSARY BY THE PROFESSIONAL
LAND SURVEYOR RESPONSIBLE FOR THE PROJECT. PROPERTY LINES NOT
ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING
TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.

(2) Use the following note when no private property lines were surveyed. Example: Strip takes
along existing highways or new construction when only partial takes are required.

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD,
RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL
FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT
SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE
PROJECT.

(3) THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY
SURVEY.

Where no Property Plot Plan is provided, note (1) or (2) above shall appear on the appropriate Right-of-
Way Plan Claim Information Block.

d. Closures and Areas. When property closure errors are present in the Deed, the Department will
follow reasonable survey procedures to determine the correct location of property lines which are affected
by the right-of-way take. This procedure may include additional deed research, contacts with property
owners and field survey of property lines when determined necessary by the responsible Professional
Land Surveyor. However, it is not the policy of the Department to correct erroneous property line calls in
the deeds when it does not affect the take area, resolve property line disputes or to do boundary surveys in
all circumstances.

The area of taking and the residual area shall be calculated. The calculations will be kept as part of the
right-of-way records. The accuracy of the planimeter method or the use of CADD graphics software shall
not be acceptable.

In the cases where there is an overlapping of properties within the right-of-way, the Designer should refer
these situations to the responsible Professional Land Surveyor who may consult with the District Right-
of-Way Administrator. A possible solution is to label as disputed land then proceed to condemn in both
names.

e. The Drawing:

(1) The entire property of the claimant shall be shown:

   (a) If the claimant owns two or more contiguous parcels, all such parcels shall be shown
even if only one or a part of one is to be acquired. Where one owner owns contiguous
property, only one parcel number shall be shown. Parcels separated by a road or a railroad are
not contiguous; however, where two or more noncontiguous parcels in the same ownership are
being used together, e.g., as a single farming or manufacturing operation (but not as a real
estate development), they shall be treated as a single property. Questions of unity of use shall
be discussed with the Department's Bureau of Project Delivery, Highway Delivery Division,
Utilities and Right-of-Way Section and the Office of Chief Counsel.

   (b) If some of the property described in the Deed has been sold, the parcel or parcels sold
shall be shown as adverse or exceptions. If adverses or exceptions plus roads and railroads
have the effect of breaking contiguity, show only the land contiguous to the taking. See
Chapter 15, Section 15.1, Plate A-1 for definitions.

   (c) If there is a private right-of-way across the claimant's land (e.g., a utility transmission
easement), it shall be shown with the name of the owner of the easement.

(2) Show the location of proposed right-of-way monumentation as required by Section 3.5.1.3.
(3) Tabulation of Areas:

(a) Show the area of the parcel(s) as recorded in the Deed unless a lesser area is used because of a lack of contiguity.

(b) List the total area of adverse(s) and/or exception(s) within the area shown above.

(c) List the total area of any legal right-of-way within the metes and bounds of the property or that portion shown above.

(d) Show the effective area by subtracting the total area of adverse(s) and/or exception(s) and the total area of legal right-of-way from the area shown in Item (3)(a) above.

(e) List the area within the required right-of-way line.

(f) List any other required area if it is to be taken as right-of-way in fee (utilities, safety rest areas, etc.).

(g) Show the total residue by subtracting the area of required right-of-way and the area of right-of-way in fee from the effective area.

(h) If the property is severed by the new construction, the total residue shall be distributed as the areas left and right of the required right-of-way, when looking to the ahead stationing, and indicated as RESIDUE LEFT and RESIDUE RIGHT.

(i) Any area required to be reserved for use during construction or after construction, but remaining in the possession of the property owner(s), such as the area required for slopes, aerial easements, drainage easements, temporary construction and substitute utility easements, should be shown on the plot but included in the residue. For aerial easements, the area required for piers shall be noted with the Property Plot Block.

(j) Areas required for channel changes are normally included in the residue. Where such changes involve large areas of land and extensive diversions, they shall be reviewed with the District Right-of-Way Administrator for determination whether they shall be included in the residue or not.

(k) The unit of measurement, when computing areas, should be selected on the following basis:

(i) Use square meters when the area of the parcel is less than 1 ha. (Use square feet when the area of the parcel is less than 2 acres.)

(ii) Use hectares when the area of the parcel is 1 ha or greater. (Use acres when the area of the parcel is 2 acres or greater, but show the take areas in both acres and square feet if the take is 500 ft² or less.)

In any case, the selection of the unit of measurement should be influenced by the need for clarity, accuracy and the real estate value. On metric (English) plans, list areas in metric and English (English) units.

(l) If any residue left or right is landlocked, it should be noted as such and labeled on the plot.
(4) Legal and required right-of-way lines and easement lines shall be designated:

(a) Pluses, offsets and radii of required and legal right-of-way and easement lines shall be shown.

(b) Required substitute utility easements shall be shown if the location is known when the Property Plot is prepared.

(5) All topography and alignment shall agree with the Right-of-Way and Construction Plans. Show centerlines and/or baselines with bearings, roadway shoulder, curb, depressed curbs, curb cut ramps, driveways and driveway slopes, drainage and other construction plans as they affect the damage claims. Major property improvements, such as buildings, etc., shall be accurately spotted and "C" or "O" Notes shall be shown, where applicable.

(6) Borough or Township lines shall be shown, where applicable.

(7) Indicate North Arrow and Bar Scale.

(8) Construction slope limits shall be shown by symbol.

(9) All information concerning abandonment and vacation shall appear on the individual Property Plots involved with the change.

(10) Drainage that affects property damage shall be shown. Of particular interest are inlets for drainage from the property and outlets for drainage onto the property. Pipe and ditch sizes may be determined from preliminary drainage computations.

(11) Water wells, leech beds, septic tanks, gas tanks, oil wells and accessories are to be located on the Property Plot. It should be made clear that the locations shown are approximate.

(12) Easements and Other Notes placed on each Property Plot. The following easement definitions are to be used, as applicable.

For easements that are not listed, a formal request for approval shall be submitted to the Department's Office of Chief Counsel which will coordinate with the Bureau of Project Delivery, Highway Delivery Division, Utilities and Right-of-Way Section.

(a) Slope Easements.


See Section 3.1.N for general discussion of acquisitions for slopes.

(b) Aerial Easements. The Note required to be placed on each Plan Sheet, which contains an aerial easement and/or a railroad-highway crossing, shall read as follows:

FOR THE AERIAL EASEMENT DEFINITION, SEE GENERAL NOTES, SHEET ________.

The pluses and offsets for the boundary of the aerial easement and the approximate foundation location shall be shown on the plan sheets.
See Section 3.1.L further discussing aerial easements.

(c) Drainage Easements.

DRAINAGE EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF HIGHWAY DRAINAGE FACILITIES. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT DETRIMENTAL TO THE NECESSARY FLOW OF WATER. HOWEVER, NO STRUCTURE OF ANY KIND MAY BE ERRECTED IN THE AREA, NOR MAY ANY PIPE OR DITCH BE CONNECTED TO THE DEPARTMENT'S PIPE OR DITCH WITHOUT ADVANCED WRITTEN APPROVAL BY THE DEPARTMENT OF TRANSPORTATION.

See Section 3.1.O for general discussion of acquisitions for drainage.

(d) Channel Easements.

CHANNEL EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF THE COURSE OF THE CHANNEL. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT DETRIMENTAL TO THE NECESSARY FLOW OF WATER.

See Section 3.1.P for general discussion of acquisitions for channel changes.

(e) Occasional Flowage Easements.

OCCASIONAL FLOWAGE EASEMENT. AN EASEMENT ALLOWING THE PROPERTY TO BE INUNDATED BY NATURAL FLOOD WATERS. THE EASEMENT SHALL NOT OTHERWISE, IN ITSELF, PREVENT THE LANDOWNER FROM MAKING ANY LEGAL USE OF THE EASEMENT AREA.

In addition, the existing 100-year flood or other flood frequency used for acquiring the occasional flowage easement shall be shown and that part within the existing 100-year flood line shall be designated by adding it, where appropriate, as follows:

OCCASIONAL FLOWAGE EASEMENT – 1.491 ha (3.684 ACRES) (EXISTING FLOWAGE AREA – 1.107 ha (2.736 ACRES))

OCCASIONAL FLOWAGE EASEMENT – 3.684 ACRES (EXISTING FLOWAGE AREA – 2.736 ACRES)

See Section 3.1.Q for general discussion of acquisitions for occasional flooding.

(f) Temporary Construction Easements.

TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL THE CONSTRUCTION OR WORK INDICATED BY THE PLAN IS COMPLETED, UNLESS SOONER RELINQUISHED IN WRITING BY THE DEPARTMENT.

See Section 3.1.R for general discussion of temporary acquisitions for construction. The temporary construction easement shall be delineated by a thin, solid black line on the original drawings and labeled as shown in Chapter 15, Section 15.1, Plate A-II.
(g) Underground Structure Support Easement.

UNDERGROUND STRUCTURE SUPPORT EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF UNDERGROUND STRUCTURE SUPPORT ELEMENTS. THE EASEMENT SHALL NOT PREVENT THE OWNER FROM MAKING USE OF THE SURFACE FOR FARMING, PARKING AND SIMILAR LEGAL PURPOSES WHICH SHALL NOT INJURE THE STRUCTURE SUPPORT ELEMENTS. HOWEVER, NO STRUCTURE OF ANY KIND MAY BE ERECTED THEREON, NOR IS ANY EXCAVATION OR DRILLING ALLOWED WITHOUT ADVANCED WRITTEN APPROVAL BY THE DEPARTMENT OF TRANSPORTATION.

See Section 3.1.T for general discussion of acquisitions for underground structural supports.

(h) Mining Reservations. Use the following Note where deep mining, including removal of gas and oil by means of wells located off the right-of-way, is involved.

MINING RESERVATION. DEEP MINING OF MINERALS, INCLUDING REMOVAL OF GAS AND OIL BY MEANS OF WELLS OFF THE RIGHT-OF-WAY, BENEATH THE RIGHT-OF-WAY FROM STATION _________ TO STATION _________ IS PERMITTED BELOW A MINIMUM DEPTH OF _________ m (_______ ft) FROM THE ROADWAY GRADE. APPROVAL BY THE STATE MINING COMMISSION IS REQUIRED FOR ALL MINING OF COAL.

(i) Right-of-Way for Local Roads and Streets.

REQUIRED RIGHT-OF-WAY FOR [insert proper type of local road or street; e.g. TOWNSHIP ROAD, BOROUGH STREET, CITY STREET]. RIGHT-OF-WAY ACQUIRED FOR THE BENEFIT OF THE APPLICABLE MUNICIPALITY IN THE SAME INTEREST AS DESIGNATED HEREIN FOR REQUIRED RIGHT-OF-WAY FOR STATE HIGHWAY PURPOSES, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH. TITLE SHALL VEST IN THE APPLICABLE LOCAL MUNICIPALITY UPON ACQUISITION AND MAINTENANCE RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION.

See Section 3.1.AA for general discussion of acquisitions for local roads and streets.

(j) Utility Easements. The utility easements shall be labeled in accordance with the requirements presented in Section 3.7.B.

(k) Sound Barrier Easements.

SOUND BARRIER EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF A SOUND BARRIER, INCLUDING A SURFACE EASEMENT WITH NECESSARY SUPPORT FOR ACCOMMODATION OF THE SOUND BARRIER AND RELATED APPURTENANCES AND AN EASEMENT OF INGRESS AND EGRESS OVER THE REMAINING AREA FOR MAINTENANCE PURPOSES. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT DETRIMENTAL TO ITS USE FOR SOUND BARRIER PURPOSES, EXCEPT THAT NO BUILDING OR OTHER FACILITY SHALL BE CONSTRUCTED ON THE PROPERTY WITHOUT PRIOR APPROVAL OF THE DEPARTMENT OF TRANSPORTATION. MOVEABLE ITEMS MAY NEED TO BE REMOVED BY THE OWNER WHEN THE DEPARTMENT ENTERS UPON THE AREA FOR PURPOSES OF INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION OR ALTERATION OF THE BARRIER OR APPURTENANCES.
See Section 3.1.U for general discussion on acquisitions for sound barriers, indicating that they should normally be located within required right-of-way.

(l) Legal Right-of-Way Converted to Aerial Easement.

LEGAL RIGHT-OF-WAY CONVERTED TO AERIAL EASEMENT. PROPERTY IN WHICH THE DEPARTMENT INTENDS TO VACATE ITS EXISTING SURFACE EASEMENT FOR HIGHWAY PURPOSES AND RETAIN AN AERIAL EASEMENT AS DEFINED ELSEWHERE ON THIS PLAN, SUBJECT TO THE APPROVAL OF THIS PLAN BY THE GOVERNOR, THE FILING OF THIS PLAN AS A PUBLIC RECORD IN THE OFFICE OF THE DEPARTMENT AND THE RECORDING OF THIS PLAN IN THE COUNTY RECORDER OF DEEDS OFFICE, THIS NOTE SHALL CONSTITUTE AN ORDER OF VACATION PURSUANT TO SECTION 210 OF THE STATE HIGHWAY LAW, 36 P.S. SECTION 670-210, AS TO THE SURFACE EASEMENT FOR HIGHWAY PURPOSES, EFFECTIVE WHEN THE CONSTRUCTION IS COMPLETED.

If the definition of aerial easement is not otherwise included on the plan, the entire note defining an aerial easement must be set forth on the index page as a General Note.

See Section 3.1.S for general discussion of converting legal right-of-way to aerial easement.

(m) Sight Distance Easements.

SIGHT DISTANCE EASEMENT. AN EASEMENT TO REMOVE, INITIALLY AND IN THE FUTURE, ANY STRUCTURE, VEGETATION OR OTHER IMPROVEMENT THAT MAY INTERFERE WITH OR OBSTRUCT THE FREE AND UNOBSTRUCTED VIEW DOWN AND ACROSS THE LANDS BY ANY PERSON OR PERSONS TRAVELING UPON THE HIGHWAY OR HIGHWAYS. THE PROPERTY OWNER SHALL NOT USE THE LAND SUBJECT TO THE EASEMENT FOR ANY PURPOSE OR IN ANY MANNER WHICH MAY INTERFERE WITH OR OBSTRUCT THE VIEW DOWN AND ACROSS THE LANDS; HOWEVER, THE EASEMENT SHALL NOT OTHERWISE PREVENT THE OWNER FROM MAKING ANY LEGAL USE OF THE LANDS WHICH ARE NOT DETRIMENTAL TO THE NECESSARY FREE AND UNOBSTRUCTED VIEW.

See Section 3.1.V for general discussion of acquisitions for sight distance.

(n) Wetland Mitigation Easements.

Reserved. The Office of Chief Counsel is in discussions with the United States Corps of Engineers on this note. Please contact the Assistant Counsel in Charge of the Environmental Section at (717) 787-5299 for guidance when this type of easement is to be acquired.

See Section 3.1.DD for general discussions of acquisitions for environmental mitigation.

(o) Stream Mitigation Easements.

Reserved. The Office of Chief Counsel is in discussions with the United States Corps of Engineers on this note. Please contact the Assistant Counsel in Charge of the Environmental Section at (717) 787-5299 for guidance when this type of easement is to be acquired.

See Section 3.1.DD for general discussions of acquisitions for environmental mitigation.

(p) Terrestrial Mitigation Easements.

Reserved. The Office of Chief Counsel is in discussions with the United States Corps of Engineers on this note. Please contact the Assistant Counsel in Charge of the Environmental Section at (717) 787-5299 for guidance when this type of easement is to be acquired.
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See Section 3.1.DD for general discussions of acquisitions for environmental mitigation.

(q) ITS Conduit Easements.

ITS CONDUIT EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, OPERATION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF CONDUIT FACILITIES FOR INTELLIGENT TRANSPORTATION SYSTEMS (ITS). THE EASEMENT SHALL NOT PREVENT THE OWNER FROM MAKING USE OF THE SURFACE FOR FARMING, PARKING AND SIMILAR PURPOSES WHICH SHALL NOT INJURE THE CONDUIT. HOWEVER, NO STRUCTURE OF ANY KIND MAY BE ERECTED THEREON, NOR IS ANY EXCAVATION OR DRILLING ALLOWED WITHOUT ADVANCED WRITTEN APPROVAL BY THE DEPARTMENT OF TRANSPORTATION.

See Section 3.1.W for general discussion of acquisitions for ITS conduits, indicating that they should normally be located within required right-of-way.

(r) Sidewalk Easements.

SIDEWALK EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF A SIDEWALK. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT DETRIMENTAL TO ITS USE FOR SIDEWALK PURPOSES.

See Section 3.1.X for general discussion of acquisitions for sidewalks, indicating that they should normally be located within required right-of-way.

(s) Traffic Signal Easements.

TRAFFIC SIGNAL EASEMENT. AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, OPERATION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF A TRAFFIC SIGNAL AND APPURtenance THERETO. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT DETRIMENTAL TO ITS USE FOR TRAFFIC SIGNAL PURPOSES.

See Section 3.1.Y for general discussion of acquisitions for traffic signals, indicating that they should normally be located within required right-of-way.

(t) Private Access.

REQUIRED PRIVATE ACCESS. LAND ACQUIRED IN THE INTEREST DESIGNATED (EITHER FEE SIMPLE OR EASEMENT FOR DRIVEWAY PURPOSES) FOR THE BENEFIT AND USE OF THE PROPERTY OR PROPERTIES DESIGNATED, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH, IF NECESSARY. TITLE SHALL VEST IN THE OWNERS OF THE DESIGNATED PROPERTIES UPON ACQUISITION AND MAINTENANCE RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION, IF ANY.

This General Note should not change. The individual information for the specific acquisition, i.e. the nature of the interest acquired and the parcels benefited, will be shown on the line leaders to the area acquired.

See Section 3.1.BB for general discussion of acquisitions for private access.
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See Figure 3.9 for an example plot.

f. Hatching. On Property Plots, only the required right-of-way shall be hatched, unless there is additional right-of-way in fee.

For navigable streams, the stream bed shall be considered as the legal right-of-way and shall not be cross-hatched on the Property Plot Plan or cut-out or included in the calculated required right-of-way area. The bed of any non-navigable stream, however, belongs to the abutting property owner and shall be included in the Deed of easement or declaration of taking.

The highwater mark shall be used to determine the area of legal right-of-way for navigable streams.

g. Size of Property Plots. Property Plots may be prepared on the available preprinted sheets. An appropriate scale shall be selected which clearly depicts the required Plans. Should the property be of a large area, the entire property shall be shown on one sheet, regardless of the scale necessary to plot the entire property, with appropriate metes and bounds. The portion of the property directly affected by the right-of-way acquisition shall be enlarged elsewhere on the sheet.

h. Submission of Property Plots. Property Plot Plans shall be submitted to the District Office as part of the Right-of-Way Plan. The Property Plot sheets shall be placed at the back of the plans and shall be incorporated in the total number of Right-of-Way Plan sheets.

i. Professional Seals. Each plot shall contain the seal of the Professional Land Surveyor and the Professional Engineer who are in responsible direction and control of the work.

B. Board of View Plans.

1. Introduction.

Section 509 of the Eminent Domain Code, 26 Pa.C.S. requires the preparation of plans for review by a selected Board of View for all right-of-way claims which go to litigation. The City of Philadelphia's Board of View Plans are incorporated with the Right-of-Way Plan and their requirements are presented in Section 3.10.

2. Title Area.

a. Heading Data.

(1) Board of View Plan.

(2) Commonwealth of Pennsylvania.

(3) Department of Transportation.

b. Identifying Data.

(1) Property Owner(s).

(2) Parcel Number.

(3) Sheet Number(s) of Right-of-Way Plan on which parcel appears.

(4) State Route Number, Section Number, Claim Number.

(5) Municipality (City, Borough, Township).

(6) County.

(7) Name of Consultant.
3. Deed Information.
   a. Deed Book and Page Number.
   b. Date of Deed.
   c. Date of Recording.
   d. Name of Grantor(s).
   e. Date of Verification of Foregoing Information.

4. The Drawing.
   a. The entire property of the claimant, including improvements, shall be shown:
      (1) If the claimant owns two or more contiguous parcels, all such parcels shall be shown even if
          only part of one parcel has been acquired.
      (2) If some of the property described in the Deed was sold prior to condemnation, only the area
          still owned by the claimant shall be shown.
      (3) Existing easements shall be clearly identified.
   b. Perimeter distances shall be shown by metes and bounds.
   c. Identifying stations of all intersecting property lines shall be shown.
   d. Areas shall be computed as follows:
      (1) Area of parcel(s) as shown in Deed and/or calculated area.
      (2) Area of adverse(s).
      (3) Area within legal right-of-way.
      (4) Effective Area (1-2-3).
      (5) Required right-of-way.
      (6) Total Residue (4-5).
      (7) Required slope, if any.
      (8) Required channel easement, if any.
      (9) Required aerial easement, if any.
      (10) Required occasional flowage easement, if any.
      (11) Required drainage easement, if any.
      (12) Required temporary construction easement, if any.
      (13) Required underground structure support easement, if any.
   e. If the property is severed by the new construction, the total residue shall be indicated as residue left
      and residue right or residue parcel A, residue parcel B, residue parcel C, etc.
f. Improvements:

(1) Distance from each improvement (or from the improvement closest to the right-of-way line in a group of improvements) to the right-of-way line shall be indicated to scale, if the distance is 30 m (100 ft) or less.

(2) Type of construction of improvement shall be indicated; that is, whether the building is brick, frame, stone or such identifying data as may be obvious.

g. Extent and Nature of the Condemnation:

(1) Legal and required right-of-way lines and widths shall be shown as well as roadway lines and widths, slope and channel easements, temporary construction easements, substitute utility easements, as well as any other easements.

(2) Drainage and other structures, pipes, ditches, location and direction of flow of outlets, etc., that have any effect on the property should be shown even though these may not necessarily be on the property itself.

h. Easements and Other Notes shall be placed on the Board of View Plan. See Section 3.6.A.2.e.(12) for easement definitions that are to be used, as applicable.

i. Physical Data:

(1) Cuts and fills shall be indicated at 10 m (50 ft) intervals in built-up areas and at 20 m (100 ft) intervals in open country by placing in a circle, opposite the appropriate station, a figure representing the difference, in meters (feet), between the elevation of the existing terrain at the required right-of-way line and the elevation of the proposed roadway at the outside edge of the shoulder. A plus (+) figure indicates a fill and a minus (-) figure a cut.

In addition, where an improvement to an existing roadway is involved, a figure, placed within a square, shall accompany the circled figure. This figure shall represent the difference, in meters (feet), between the elevations of the existing roadway at the outside edge of the shoulder. Again, a plus (+) figure indicates a fill and a minus (-) figure a cut. Figure 3.14 indicates the distances to be shown in the circles and squares.

The following Legend should be placed on all plans where only the circled figures are appropriate:

Figures Within Circles - The difference, in meters (feet), between the elevation of the existing terrain at the required right-of-way line and the elevation of the proposed roadway at the outside edge of the shoulder, at that station.

Plus (+) figures indicate the edge of the shoulder of the proposed roadway is at a higher elevation than the existing terrain at the required right-of-way line. Minus (-) figures indicate the edge of the shoulder of the proposed roadway is at a lower elevation than the existing terrain at the required right-of-way line.

The following Legend shall be placed on all plans where both the circled figure and the squared figure are appropriate:

Figures Within Circles - The difference, in meters (feet), between the elevation of the existing terrain at the required right-of-way line and the elevation of the proposed roadway at the outside edge of the shoulder, at that station.

Figures Within Squares - The difference, in meters (feet), between the elevation of the existing terrain at the legal right-of-way line and the elevation of the existing roadway at the outside edge of the shoulder, at that station.
Plus (+) figures indicate the edge of the appropriate roadway is at a higher elevation than the existing terrain at the appropriate right-of-way line. Minus (-) figures indicate the edge of the shoulder of the appropriate roadway is at a lower elevation than the existing terrain at the appropriate right-of-way line.

(2) Trees, swamps, rock and/or other terrain features including man-made features such as power lines, fences, walls, etc.

(3) Indicate North by a directional arrow. North should be in the direction of the top or left-hand border.

INTENTIONALLY BLANK
FIGURE 3.14 (METRIC)
INDICATION OF PHYSICAL DATA 
FOR CUT AND FILLS
FIGURE 3.14 (ENGLISH)
INDICATION OF PHYSICAL DATA
FOR CUT AND FILLS
5. **Preparation of Board Of View Plans.**

Good judgment and drafting practices should be exercised in the preparation of the Board of View Plans. Plans shall be prepared on a reproducible of either the standard ANSI C size of 558.8 mm × 431.8 mm (either 22 in × 17 in) or the standard ANSI D size, 863.6 mm × 558.8 mm (34 in × 22 in) and at any scale in keeping with the clarity of the drawing. However, the area affected by the take shall be at a scale reduced to not less than 1:1000 (1" = 100').

This area may be expanded either on the same sheet as the drawing or, if the area of take is too large, on a separate sheet. If the property is too large for one sheet, it may be placed on separate sheets that can be matched in such a way that prints can be combined to make an exhibit 1117.6 mm × 863.6 mm (44 in × 34 in) or 1117.6 mm × 1727.2 mm (44 in × 68 in).

6. **General Requirements.**

When the Board of View Plans have been completed, they shall be submitted to the District Right-of-Way Administrator. Extreme care shall be exercised to be certain the information that appears on the Board of View Plans is the same as that contained on the Right-of-Way Plans and the Individual Plot Plans, if any. In addition, the Board of View Plans shall be updated to reflect any change or proposed change before or during construction.

7. **Total Take.**

The Board of View Plans for properties totally taken shall show all pertinent information concerning the property prior to construction. Construction details shall not be shown.

8. **Priority.**

When the Board of View Plans are requested, they shall be completed with all possible haste. The time lapse between the request for the plans and the scheduled hearing is usually 15 days.

3.7 **RIGHT-OF-WAY TERMINOLOGY ON RIGHT-OF-WAY PLANS**

A. **List of Terminology.** The following terminology shall be used on all Right-of-Way Plans:

1. REQUIRED RIGHT-OF-WAY LINE
2. LEGAL RIGHT-OF-WAY LINE
3. REQUIRED RIGHT-OF-WAY LINE FOR ----------------------- (insert the proper type of local road or street; e.g. township road, borough street, or city street)
4. LEGAL RIGHT-OF-WAY LINE FOR ----------------------- (insert the proper type of local road or street; e.g. township road, borough street, or city street)
5. LEGAL RIGHT-OF-WAY LINE (Dedicated by property owner for public use)
6. REQUIRED RIGHT-OF-WAY LINE FOR LIMITED ACCESS
7. LEGAL RIGHT-OF-WAY LINE FOR LIMITED ACCESS
8. EXTENT OF LIMITED ACCESS
9. TEMPORARY CONSTRUCTION EASEMENT (See Section 3.1.R for details)
10. REQUIRED RIGHT-OF-WAY LINE FOR SERVICE ROAD
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11. LEGAL RIGHT-OF-WAY LINE FOR SERVICE ROAD
12. REQUIRED SLOPE EASEMENT
13. LEGAL SLOPE EASEMENT
14. REQUIRED CHANNEL EASEMENT
15. LEGAL CHANNEL EASEMENT
16. REQUIRED DRAINAGE EASEMENT
17. LEGAL DRAINAGE EASEMENT
18. REQUIRED AERIAL EASEMENT
19. LEGAL AERIAL EASEMENT
20. REQUIRED OCCASIONAL FLOWAGE EASEMENT
21. LEGAL OCCASIONAL FLOWAGE EASEMENT
22. REQUIRED SIDEWALK EASEMENT
23. LEGAL SIDEWALK EASEMENT
24. REQUIRED PRIVATE ACCESS (_____ , _____) [The parcel number or numbers of the property or properties for which the access is being acquired and the interest being acquired (fee simple or easement for driveway purposes, not both) should be designated within the parenthesis.]
25. LEGAL PRIVATE ACCESS (_____ , _____) [The parcel number or numbers of the property or properties for which the access was acquired and the interest taken (fee simple or easement for driveway purposes, not both) should be designated within the parenthesis.]
26. REQUIRED WETLAND MITIGATION (FEE SIMPLE) or (EASEMENT)
27. LEGAL WETLAND MITIGATION (FEE SIMPLE) or (EASEMENT)
28. REQUIRED STREAM MITIGATION (FEE SIMPLE) or (EASEMENT)
29. LEGAL STREAM MITIGATION (FEE SIMPLE) or (EASEMENT)
30. REQUIRED TERRESTRIAL MITIGATION (FEE SIMPLE) or (EASEMENT)
31. LEGAL TERRESTRIAL MITIGATION (FEE SIMPLE) or (EASEMENT)
32. REQUIRED REPLACEMENT _______________ [insert proper type of land, e.g. parkland or game land] (_____ , _____) [The public entity for which the lands are being acquired and the interest being acquired (fee simple or easement for xxx land purposes, not both) should be designated within the parenthesis.]
33. LEGAL REPLACEMENT _______________ [insert proper type of land, e.g. parkland or game land] (_____ , _____) [The public entity for which the lands were acquired and the interest taken (fee simple or easement for xxx land purposes, not both) should be designated within the parenthesis.]
34. REQUIRED UNDERGROUND STRUCTURE SUPPORT EASEMENT
35. LEGAL UNDERGROUND STRUCTURE SUPPORT EASEMENT
36. LEGAL DITCH EASEMENT
37. LEGAL UNDERGROUND DRAINPIPE EASEMENT
38. LEGAL UNDERGROUND ANCHOR EASEMENT
39. REQUIRED SOUND BARRIER EASEMENT
40. LEGAL SOUND BARRIER EASEMENT
41. REQUIRED SIGHT DISTANCE EASEMENT
42. LEGAL SIGHT DISTANCE EASEMENT
43. REQUIRED ITS CONDUIT EASEMENT
44. LEGAL ITS CONDUIT EASEMENT
45. REQUIRED TRAFFIC SIGNAL EASEMENT
46. LEGAL TRAFFIC SIGNAL EASEMENT
47. LEGAL RIGHT-OF-WAY CONVERTED TO AERIAL EASEMENT
48. AREA TO BE ABANDONED
49. AREA TO BE VACATED

Where an entire area in an interchange or other area is to be acquired, the following designations may be used, where necessary, for clarity with arrows to the extremities of the taking:

1. ENTIRE AREA INCLUDED IN REQUIRED RIGHT-OF-WAY
2. ENTIRE AREA INCLUDED IN REQUIRED RIGHT-OF-WAY FOR LIMITED ACCESS

On limited access projects, for the beginning and ending of a project, the terminology shall be as follows:

"LIMIT OF ESTABLISHMENT AND AUTHORIZATION"

On free access projects, the designation of all termini for the mainline shall be as follows:

"LIMIT OF AUTHORIZATION"

There may be conditions whereby the "LIMIT OF ESTABLISHMENT" may not be the same as the "LIMIT OF AUTHORIZATION". In such cases separate notations shall be made.

On intersecting roads and "Also" routes incidental to the main project, the terminology shall be as follows:

"BEGIN AUTHORIZATION" and "END AUTHORIZATION"

On plans common to both Right-of-Way and Construction, the terminology shall be as follows:

"LIMIT OF WORK AND AUTHORIZATION" and, if required, any combination of the above that may be applicable.

Naturally, all situations which may arise cannot be covered here and a particular situation deviating from the above should be referred to the District Right-of-Way Administrator. Also, see Section 3.6.A.2.e.(12).
B. Utility Terminology.

1. Existing. All existing utility right-of-way is to be initially shown on highway drawings.

Whenever the utility right-of-way lines and/or easement areas are outside the areas to be required by the Department for highway purposes, the lines/areas must be labeled on the Right-of-Way and Construction Plans as follows:

EXISTING EASEMENT

Existing Right-of-Way of (Utility).

EXISTING FEE SIMPLE

Shown as normal property lines with the complete name of the utility as property owner.

All existing utility right-of-way is to be shown on highway drawings as a width (if clearly defined) or centerline (if not clearly defined), as applicable, including any utility right-of-way occupied by the Department for highway purposes.

If a utility's existing right-of-way is overtaken by highway right-of-way, the plans must be labeled, either initially or by update, as shown in Sections 3.7.B.2 and 3.7.B.3 listed below.

2. Reserved. When utility right of way is being overtaken by highway right-of-way and there are no utility relocations/adjustments or utility relocations/adjustments are within the utility's existing easement, the Right-of-Way and Construction Plans must be labeled to show:

EXISTING EASEMENT

Right-of-Way Reserved by (Utility).

EXISTING FEE SIMPLE

Right-of-Way Reserved in fee by (Utility).

Designation of an area as reserved by a utility does not mean the utility's property interest is being excepted and reserved from the Department's acquisition of the land; rather, it means the Department intends to grant the utility private status, thereby reserving relocation rights in the future. In accordance with 67 Pa. Code Section 459.1, private status is the status of a utility's facilities, which are situated within public right-of-way by agreement with the Department, after the Department condemned the utility's easement and did not provide a substitute right-of-way.

A description of rights is not required where right-of-way is reserved by a utility if the utility is to remain in the existing utility right-of-way with or without adjustment, as long as the utility has a defined easement (See Publication 16M, Design Manual, Part 5, Utility Relocation, Section 7.3.E.).

A private status agreement is required where a right-of-way is reserved by a utility or where a right-of-way is reserved in fee by a utility (see Publication 16M, Design Manual, Part 5, Utility Relocation, Section 8.1.L).

3. Substitute Right-of-Way. When utility right-of-way is being overtaken by highway right-of-way and there are utility relocations/adjustments outside the utility's existing easement, the Right-of-Way Plan must be labeled to show:

All substitute right-of-way to be acquired by the Department for utility relocation will be identified on the highway drawings in accordance with the following terminology.
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a. If a substitute utility right-of-way, OUTSIDE the area to be acquired by the Department for highway purposes must be labeled on the highway plans as follows:

TO REPLACE EXISTING EASEMENT

Right-of-Way Plan: Required Substitute Right-of-Way for ____(Utility)____.

Construction Plan: Substitute Right-of-Way for ____(Utility)____.

TO REPLACE EXISTING FEE SIMPLE

Right-of-Way Plan: Required Substitute Right-of-Way in Fee for ____(Utility)____.

Construction Plan: Substitute Right-of-Way in Fee for ____(Utility)____.

b. If a substitute right-of-way, WITHIN the area to be acquired by the Department for highway purposes, must be labeled on the Right-of-Way and Construction Plans as follows:

TO REPLACE EXISTING EASEMENT

Substitute Right-of-Way for ____(Utility)____ with Future Easement Interest.

TO REPLACE EXISTING FEE SIMPLE

Substitute Right-of-Way for ____(Utility)____ with Future Fee Interest.

A description of rights is required for the property plat (or the plan sheet if there is no property plat) where substitute right of way is required for a utility or where a substitute right of way for a utility with future easement interest is designated (see Publication 16M, Design Manual, Part 5, Utility Relocation, Section 7.3.E). A private status agreement is required where a substitute right of way for a utility with future easement interest or with future fee interest is designated (see Publication 16M, Design Manual, Part 5, Utility Relocation, Section 8.1.L).

See Publication 16M, Design Manual, Part 5, Utility Relocation, Section 7.3 for a discussion regarding the coordination of Substitute Right-of-Way for utility relocation.

See Figure 3.15 for utility Right-of-Way Plan terminology.

4. Utility Access Roads. The following terminology must be used on Right-of-Way Plans for the acquisition of property for utility access roads:

REQUIRED RIGHT-OF-WAY LINE FOR UTILITY ACCESS ROAD

See Publication 16M, Design Manual, Part 5, Utility Relocation, Section 7.5 for additional information regarding utility access roads.

See Figure 3.16 for plan terminology for utility access roads.

C. Definitions of Terminology. See Section 3.1 for definitions of terminology.
FIGURE 3.16

PLAN TERMINOLOGY FOR UTILITY ACCESS ROADS

NOTE: THIS FIGURE IS ONLY TO SHOW THE LABEL LINE OF AN ACCESS ROAD. THE CORRECT LINE TYPES ARE NOT OUTLINED FOR CLARITY.
3.8 DETERMINATION OF LEGAL RIGHT-OF-WAY WIDTHS

The legal width of right-of-way of any State Route can be determined from the following:

A. Prior Highway Plans. Prior highway plans signed by the Governor; note however that the validity of a "legal" right-of-way which is determined from a prior plan signed by the Governor depends on whether notice of the said plan was received by the then-owners of the properties abutting the highway. Such notice could have been given by recording of the plan, by personal contact, by letter, etc. It is presumed that this notice was given if the Department, County or municipal records indicate that the then-owners were paid right-of-way damages. If a prior plan was not recorded in the county recorder's office, it is necessary to ascertain whether there is sufficient evidence of notice given to prior property owners to support a decision to utilize "legal" right-of-way based on such a plan. This is particularly important if the prior plan was signed by the Governor prior to 1934, when the Department began to pay for right-of-way damages. The District Right-of-Way Administrator should be consulted whenever there is doubt as to the validity of the legal right-of-way based on a prior, un-recorded plan.

B. Record of Court Proceedings. Record of court proceedings by which the roadway was originally laid out by viewers (check roadway docket in Court of Quarter Sessions). Note that when the legal right-of-way is based on the width originally laid out by viewers (i.e., where there has been no formal redesignation of the right-of-way lines by plan, ordinance or otherwise), the right-of-way lines are located equidistant from the centerline of the roadway as originally laid out on the ground. Over the years, the paving of a roadway or highway may be moved somewhat to one side or the other. Such movement, of course, does not change the right-of-way lines of the roadway. Hence, after a roadway has been opened for many years, one can no longer rely entirely on the present centerline to locate the side lines of the roadway. To determine the location of the original centerline, and, therefore, of the original right-of-way lines, it is necessary to consider the location of fence lines, walls, buildings, hedges and other monuments as well as the Deeds of abutting properties.

C. City, Borough or Township Ordinances. City, Borough or Township Ordinances which legally opened the street or roadway. Note that "laying out" a street or roadway generally means only that the street or roadway was put onto the municipality's plan as a projected street. Before the designated width of the street can be regarded as the legal right-of-way, it shall have been legally opened and adopted. These exact terms are not always used; however, LEGALLY OPENED means that not only has an ordinance been passed by the political subdivision setting a width, but that the street has been physically opened to its ordained width or at least declared to be LEGALLY OPENED to that width, either of which actions by the municipality would have entitled the property owners to just compensation at that time. When there is any doubt as to the meaning of such an ordinance, the Department's Office of Chief Counsel should be consulted.

D. By Statute. By statute, a legal right-of-way of 10.058 m (33 ft) is presumed on a Township Road in a second-class Township where there is no record of the roadway having been opened to some other width, and where the Township has maintained the roadway with Township funds for at least 21 years. If the roadway in question is now a State Highway, or if the Township or the part of the Township which is the situs of the roadway is now a first-class Township, Borough or City, the 10.058 m (33 ft) width presumption would apply only if on September 1, 1933, the effective date of the Act of May 1, 1933, P.L. 103, or thereafter, and all the foregoing conditions were met, that is:

1. The roadway was a Township Road, and
2. The Township was a second-class Township, and
3. The Township has maintained the roadway during the previous 21 years, and
4. There is no record of any other width.

E. Dedicated to Public Use by Owner. Right-of-Way can be dedicated to public use by present or prior owner by one of the following:

1. By Deed of dedication.
2. By plan of dedication.
3. By plan of lots, if some lots were sold from the plan.
4. By written agreement, properly signed and executed.
To accept dedicated right-of-way, the following activities need to be taken:

1. Provide note(s) in the GENERAL NOTES of the plan which indicate the origin of the dedicated right-of-way along with the following sentence:

   BY THIS PLAN, THE COMMONWEALTH HEREBY ACCEPTS THE AREA DEDICATED FOR STATE HIGHWAY PURPOSES.

2. Label the legal right-of-way as previously recognized by the Department as LEGAL RIGHT-OF-WAY LINE with an arrow to the outside of the existing legal right-of-way line.

3. Label the dedicated right-of-way to be accepted as LEGAL RIGHT-OF-WAY (BY DEDICATION) with arrows to the inside of the dedicated area.

4. Label the outside line as REQUIRED RIGHT-OF-WAY LINE with an arrow to the outside.

5. Include the dedicated right-of-way area in the tabulation of legal right-of-way when preparing claim blocks.

See Figure 3.17 for an example of the plan presentation.

F. By Actual Width. If there is no other provable legal right-of-way, the legal right-of-way should be determined from the actual width of the existing edges of pavement and shoulders. If there is an existing slope, it should be designated as the LEGAL LIMIT OF SLOPE EASEMENT.
FIGURE 3.17
EXAMPLES OF DEDICATED RIGHT-OF-WAY
3.9 ABANDONMENT AND VACATION

A. Definitions. Abandonment of a State Highway is the transfer by the Department of the jurisdiction and maintenance of an existing State Highway to a municipality. Vacation, on the other hand, is the return of a portion of any existing State Highway to the private property owner whose abutting property originally contained that portion of State Highway vacated. Only highway easements may be vacated; land held in fee title must be disposed in accordance with Publication 378, *Right-of-Way Manual*, Chapter 7, "Excess Land." Road segments held in either easement or fee may be abandoned.

B. Deciding Whether to Abandon or Vacate. Whether a roadway should be abandoned or vacated is dependent on many factors, including safety, convenience of access to property owners (Sections 201 and 214 of the State Highway Law), and possible damage claims under Section 613 of the Eminent Domain Code. Abandonment and vacation decisions shall be made by the District Executive in consultation with the Department's Right-of-Way Administrator and the Municipal Services office.

C. Plans Presentation. The application general notes when a plan includes abandonment or vacations are set forth in Section 3.4.H.5.j. Refer to Figure 3.18 for examples of typical abandonments and vacations to be indicated on the Right-of-Way Plan:

1. Abandonment. The portion of a State Highway to be abandoned shall be designated as the AREA TO BE ABANDONED and shall have arrows leading to the appropriate lines. This designation is necessary only in the immediate proximity of the project. In addition, a Note describing the limits of abandonment shall be shown on the Index Map as follows:

   **Metric Example:**
   
   EXISTING SR 1033 TO BE ABANDONED AS A STATE HIGHWAY BETWEEN SEGMENT 30 OFFSET 3 m AND SEGMENT 50 OFFSET 11 m UPON COMPLETION OF CONSTRUCTION.

   **English Example:**
   
   EXISTING SR 1033 TO BE ABANDONED AS A STATE HIGHWAY BETWEEN SEGMENT 30 OFFSET 10 AND SEGMENT 50 OFFSET 35 UPON COMPLETION OF CONSTRUCTION.

   Inclusion of the abandonment on a plan approved by, or on behalf of, the Governor is the first step in affecting abandonment (36 P.S. Section 670-210).

   The road segment must be in first class condition before abandoned to the local municipality (36 P.S. Section 670-214). Form M-4226 (entitled "Inspection of Roads to be Abandoned as State Highways") should be used to document that the local municipality agrees the road is in first class condition. Execution of this form is not legally required to affect abandonment, but is prudent to avoid problems.

   Abandonment is not effective until written notice is provided to the local municipality following construction of the project (36 P.S. Section 670-210). A copy of the letter providing this notice must be maintained by the District in the event the local municipality denies responsibility for the road segment in the future. Coordination is required with Municipal Services to insure the road segment is added to the local government's liquid fuels allocation.

2. Vacation. Where the width, lines or location of a State Highway shall be or have been changed, altered or established, according to law, in a manner which does not create an entirely new highway, the section or sections or portions of the right-of-way of the highway, as previously established, which are not included within the changed, altered or established widths shall be considered vacated, if such portions or sections are not the full width of the highway, as previously established (36 P.S. Section 670-214). The portion of State Highway to be vacated shall be shown as an existing legal right-of-way. This area to be vacated shall be designated as the AREA TO BE VACATED and shall have arrows leading to the appropriate lines.
Highway segments less than 3 km (2 mi) in length can also be vacated if determined to be unnecessary for public use and travel, or burdensome or dangerous, having due regard for the convenience of access to the highway system by owners of property abutting the highway segment (36 P.S. Section 670-210). As with the vacation of strips along a highway, the portion of State highway to be vacated shall be shown as an existing legal right-of-way. This area to be vacated shall be designated as the AREA TO BE VACATED and shall have arrows leading to the appropriate lines.

Inclusion of the vacation on a plan approved by, or on behalf of, the Governor is the first step in affecting vacation (36 P.S. Section 670-210).

RW-376 (entitled "Settlement Agreement, Vacation") should be executed by each landowner to whom land will be vacated. Execution of this form is not legally required to affect a vacation, but is prudent to avoid problems.

Vacation is not effective until an order of vacation is executed by, or on behalf of, the Secretary of Transportation. The order of vacation, with a sketch showing the areas vacated and the names of the underlying fee owners, is filed with the recorder of deeds. Thereafter, the part of the highway so vacated shall be closed to public use and travel, and shall no longer be a public road (36 P.S. Section 670-210).

Vacations cannot be made subject to the rights of existing public utility facilities to remain unadjusted within the area vacated if the utilities occupy the right-of-way by permit only. That is, the Department cannot unilaterally reserve easements for other parties as against the land owner when it vacates public right-of-way.

INTENTIONALLY BLANK
FIGURE 3.18
EXAMPLES OF ABANDONMENTS AND VACATIONS
3.10 COMBINATION CITY OF PHILADELPHIA BOARD OF VIEW PLANS AND RIGHT-OF-WAY PLANS

A. Title Sheet. In the City of Philadelphia, Right-of-Way Plans shall also meet the requirements of the Board of View. The statement AND BOARD OF VIEW shall be shown in the title in the upper center of the Title Sheet. The local name of the road should be indicated under the State Route Number and the cross streets indicated at the Stationing Limits of the project as indicated below:

Metric Example:

DRAWINGS ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY AND BOARD OF VIEW PLANS FOR

STATE ROUTE 0063 SECTION A02 R/W
(Woodhaven Road)

IN PHILADELPHIA COUNTY

FROM STA 0+055.474 TO STA 0+132.588
LENGTH 77.114 m (253.00 FEET)
POQUESSING CREEK TO ACADEMY ROAD

English Example:

DRAWINGS ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY AND BOARD OF VIEW PLANS FOR

STATE ROUTE 0063 SECTION A02 R/W
(Woodhaven Road)

IN PHILADELPHIA COUNTY

FROM STA 1+82.00 TO STA 4+35.00
LENGTH 253.00 FEET (0.048 MILE)
POQUESSING CREEK TO ACADEMY ROAD

A City of Philadelphia Acknowledgement Block shall be shown in the lower portion of the Title Sheet. The names of the Chief Engineer, the Surveyor, the Streets Commissioner and the Mayor plus the date of the approval shall be shown in this block.

A Surveyor and Regulator Acknowledgement Block shall be shown in the lower portion of the sheet and shall contain the names of the District Surveyor and Regulator plus the date of the approval.

The statement REVIEWED FOR CITY PLAN DATA AND LEGAL STATUS OF STREETS shall be placed above the space reserved for the signature of the Surveyor and Regulator Acknowledgement Block.

B. General Notes. Where applicable, the following Notes shall be included on the Typical Section Sheet under the General Notes:

1. ALL EXISTING DISTANCES, ALL NEW PROPERTY DISTANCES (RESULTING FROM NEW CONSTRUCTION) AND DISTANCES INVOLVING RECONSTRUCTION AND/OR RELOCATION OF CITY STREETS ARE SHOWN TO CITY OF PHILADELPHIA DISTRICT STANDARD.

NOTE: For clarity, the City of Philadelphia District Standard distances should be followed by an asterisk properly referenced.
2. ALL PROJECT MEASUREMENTS ARE US STANDARD MEASUREMENTS. TO CONVERT TO CITY OF PHILADELPHIA DISTRICT STANDARD, A FACTOR OF ______ IS TO BE USED. THAT IS _______ m (_______ FEET) US STANDARD EQUALS 100.000 m (100.00 FEET) PHILADELPHIA DISTRICT STANDARD MEASUREMENT.

NOTE: Contact the Survey District in which the project is located for the conversion factor(s) to be used for that particular District. In cases where each line may have its own factor, the factor should be indicated for each line and reference should be made in the General Notes accordingly.


**Metric Example:**

ELEV 3.048 m US Coast & Geodetic Survey = ELEV 1.292 m City of Philadelphia

**English Example:**

ELEV 10.00' US Coast & Geodetic Survey = ELEV 4.238' City of Philadelphia

NOTE: Contact the Survey District in which each project is located for the difference between the US Coast and Geodetic Datum and the City of Philadelphia Datum to be used.

4. MONUMENTS OR PROPERTY LINE MARKERS LOCATED WITHIN THE LIMITS OF THIS PROJECT SHALL NOT BE DISTURBED UNTIL THEY HAVE BEEN REFERENCED BY THE CITY OF PHILADELPHIA.

5. **□□□** INDICATES AREAS OF BUILDINGS OR PORTIONS OF BUILDINGS USED TO OBTAIN THE TAKING VOLUMES SHOWN IN THE TABULATION.

C. Plan Sheet. The Right-of-Way Plan Sheet shall contain the following additional details:

1. Properties taken and portions of properties remaining shall be dimensioned in accordance with City of Philadelphia District Standard.

2. The cubical contents of the buildings taken. Where there is a partial taking, the plan should show the cubical contents taken and remaining. State whether the volume includes the basement. The plan should also indicate the construction of the building (frame, brick, etc.).

3. The location and width of all streets. Streets not on the City plan should be so indicated. Indicate clearly whether each street shown on the plan is opened or unopened and show the manner and date of the opening.

4. Where the grade of a street is changed in front of improved property, show elevations of the door sills and cellar window sills on the profiles. Also indicate tops and bottom of all retaining walls and the curb elevation on all streets.

5. Show existing profiles for boundary streets and the proposed profiles for new streets or highways.

6. Where spot elevations on each parcel and elevations along each house line cannot be shown or depicted by contours, a profile should be produced to show this information.
3.11 RIGHT-OF-WAY PLAN REVISIONS

A revision is defined as a change in the original Right-of-Way Plan. Right-of-Way Plan revisions are applicable for plans that have been signed by the Secretary of Transportation.

On a project that requires the Department to acquire an additional estate or easement from a parcel which has been the subject of an acquisition, additional acquisition can not be made until the Right-of-Way Plan has been officially revised.

Procedures and projects for which these revision requirements apply can be found in Publication 10C, Design Manual, Part 1C, Transportation Engineering Procedures, Chapter 4, Section 4.13.J.

The proposed plan revisions shall be highlighted on prints of the appropriate plan sheets.

The print of the Title Sheet shall include an approval block containing a general description of all the proposed changes and a list of the sheets and parcel numbers affected by the revisions as shown in Figure 3.19. It is not necessary to provide detailed information, such as stationing, in the description. Lines for the signatures of the District Executive, the District Right-of-Way Administrator, the District Chief-of-Surveys, the District Plans Engineer, and the Bureau of Project Delivery Field Liaison Engineer shall be included in the block.

After approval of the prints by the District Executive, the District Office shall request the Title Sheet and affected original sheets or reproducibles from the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction. The District should then make changes to the original plan sheets or reproducibles as per the previously approved prints. When making plan revisions, the plan revision block shall be added and completed for each affected plan sheet as shown in Figure 3.20.

Since no erasure of original information is permitted, changes for minor revisions should be made by adding the new information and crossing out the incorrect data. For major revisions, the original sheet shall be marked with a large "X" and a supplemental sheet added to the plan.

An approval block to be included on the original Title Sheet shall contain the general description of all the proposed changes and a list of the sheets and parcel numbers affected by the revisions as previously approved on the print of the Title Sheet. Lines for the signatures of the Deputy Secretary and the Secretary of Transportation along with the statement ON BEHALF OF THE GOVERNOR AS WELL AS HIMSELF are to be included in the block, as shown in Figure 3.21, when the Governor has delegated signature authority. The total number of sheets shall be revised by crossing out the original number and adding the new number.

The revised sheets shall be signed and sealed by the appropriate professional land surveyor and as necessary by the professional engineer. See Figure 3.22 for sample block.

The District shall also include the notary seal block and the recorder of deeds block to have the revised plan re-recorded in the office for the recording of deeds. See Figures 3.23 and 3.24 for sample blocks. The District shall include the Note for reauthorization in the revision block for all projects. For reauthorizations without revisions, the District shall make a request for the reauthorization to the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction. The Plans, Records, and Reproduction shall proceed accordingly.

After the changes have been completed, the District shall submit the Title Sheet and the revised original to the Bureau of Project Delivery, Office Management and Procurement Section, Plans, Records, and Reproduction. These shall be processed similar to the original plans. The District shall be responsible for making copies of the original plans before they are submitted to the Central Office as only the original Title Sheet shall be returned to the District upon receipt of the necessary approvals.

Additionally, when a Right-of-Way Plan was authorized under the previous eminent domain code and a revision and/or reauthorization is made after September 1, 2006 under the new law, the following note must be added to the title sheet:

ALL REVISIONS TO THIS PLAN AFTER SEPTEMBER 1, 2006, ARE FURTHER AUTHORIZED BY SECTION 302(b)(3) OF THE EMINENT DOMAIN CODE, 26 Pa.C.S., SECTION 302(b)(3).
THE PLAN IS REAUTHORIZED AND
REVISED AS/AND FOR CHANGING AUTHORIZATION
LENGTH, ADDING TOPOGRAPHY, REMOVING LEGAL
RIGHT-OF-WAY LINES FROM UNOPENED STREETS.
CHANGING PLOT AREAS AND ADDING PARCELS 121,
122 AND 123. SHEET NO 20A IS A NEW SHEET.

PARCELS INVOLVED ARE: 22, 23, 24, 31, 32, 34, 34A,
35, 36, 40, 51, 59, 64, 82, 119, 121, 122 AND 123.

REVISIONS ON SHEETS: 1, 2, 3, 4, 5, 6, 9, 10, 11, 12,
13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 27, 28, 29,
30, 31, 32 AND 34.

RECOMMENDED ____________________________ 20 ___

____________________________________________
DISTRICT PLANS ENGINEER

RECOMMENDED ____________________________ 20 ___

____________________________________________
DISTRICT CHIEF-OF-SURVEYS

APPROVED ____________________________ 20 ___

____________________________________________
DISTRICT RIGHT-OF-WAY ADMINISTRATOR

RECOMMENDED ____________________________ 20 ___

____________________________________________
BUREAU OF PROJECT DELIVERY FIELD LIAISON ENGINEER

APPROVED ____________________________ 20 ___

____________________________________________
DISTRICT EXECUTIVE

FIGURE 3.19
EXAMPLE OF APPROVAL BLOCK WITH SIGNATURES
FOR PRINT OF TITLE SHEET

<table>
<thead>
<tr>
<th>REVISION NUMBER</th>
<th>REVISIONS</th>
<th>DATE</th>
<th>BY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FIGURE 3.20
EXAMPLE OF PLAN REVISION BLOCK
THE PLAN IS REAUTHORIZED AND REVISED AS/AND FOR CHANGING AUTHORIZATION LENGTH, ADDING TOPOGRAPHY, REMOVING LEGAL RIGHT-OF-WAY LINES FROM UNOPENED STREETS. CHANGING PLOT AREAS AND ADDING PARCELS 121, 122 AND 123. SHEET NO 20A IS A NEW SHEET.

PARCELS INVOLVED ARE: 22, 23, 24, 31, 32, 34, 34A, 35, 36, 40, 51, 59, 64, 82, 119, 121, 122 AND 123.

REVISIONS ON SHEETS: 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32 AND 34.

RECOMMENDED ____________________________ 20 __

____________________________________________________
DEPUTY SECRETARY

APPROVED _________________________________ 20 __

____________________________________________________
SECRETARY OF TRANSPORTATION
(ON BEHALF OF THE GOVERNOR AS WELL AS HIMSELF)

FIGURE 3.21
EXAMPLE OF APPROVAL BLOCK WITH SIGNATURES FOR ORIGINAL OF TITLE SHEET

FIGURE 3.22
EXAMPLE OF TYPICAL SIGNATURE BLOCK FOR A PLAN REVISION
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DAUPHIN SS

BEFORE ME, A NOTARY PUBLIC, PERSONALLY CAME
__________________________________________________,
KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE
PERSON WHO HAS BEEN AUTHORIZED BY WRITTEN
DELEGATION TO AFFIX THE FACSIMILE SIGNATURE OF
[INSERT NAME OF CURRENT SECRETARY] SECRETARY OF
TRANSPORTATION ON PLANS AUTHORIZING ACQUISITION
OF RIGHT-OF-WAY BY THE DEPARTMENT OF
TRANSPORTATION, AND AS SUCH AUTHORIZED
REPRESENTATIVE ACKNOWLEDGED THE WITHIN PLAN,
COMPRISING _______SHEETS, TO BE AN OFFICIAL PLAN OF
THE DEPARTMENT OF TRANSPORTATION AND DESIRED
THAT THE SAME BE RE-RECORDED.

WITNESS MY HAND AND NOTARIAL SEAL

__________________________________________________________

FIGURE 3.23
EXAMPLE OF NOTARY BLOCK WITH SIGNATURES
FOR PLAN REVISIONS

RE-RECORDED IN THE OFFICE FOR THE RECORDING
OF DEEDS, ETC., IN
______________________________ COUNTY, PA.
______________________________ BOOK
______________________________ PAGE
______________________________ TO SHOW REVISIONS ON
______________________________ SHEETS

WITNESS MY HAND AND SEAL OF OFFICE

___________________________________________________

FIGURE 3.24
EXAMPLE OF RECORDER BLOCK WITH SIGNATURES
FOR PLAN REVISIONS