

NTTA Projects	Original Issue Date: 06/05/2008	ROW-02
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Title: Right of Entry (ROE)		

1.0 PURPOSE:

The purpose of this document is to define the procedure for obtaining the appropriate ROE form from property owners in order to conduct NTTA business.

2.0 RESPONSIBILITIES:

- 2.1 The ROW Acquisition Team shall be responsible for coordinating with NTTA legal counsel and the Corridor Manager to obtain the ROE on the NTTA's designated form ROW-02-F1 and for NTTA's designated purpose. However, ROEs can be used for construction purposes, but must specifically provide the type and nature of activity that will be undertaken.
- 2.2 The CM/Project Manager and/or Environmental Manager shall be responsible for coordinating with the ROW Manager and the ROW Acquisition Team to determine ROE priorities for parcels to advance environmental studies, design, and/or construction.
- 2.3 The ROW Manager shall be responsible for completing the form ROW-02-F1, ROE letter template, meeting with the property owner or representative and obtaining the necessary signatures from the property owner(s) and the NTTA's authorized representative. The ROW Manager shall also be responsible for coordinating with the Corridor Manager, property owner and legal team as needed to obtain the executed ROE and archive the ROE into EPDS such that the work may proceed on schedule.

3.0 SCOPE/APPLICABILITY:

This procedure shall apply to all NTTA projects and corridors.

4.0 REFERENCES:

- [ROW-01](#) *ROW Surveying & Mapping* procedure

5.0 DEFINITIONS & ACRONYMS

- ROE – Right of entry for a defined purpose. i.e. surveying, geotechnical drilling/borings

6.0 PROCEDURES:

Obtaining a ROE is typically a function of the ROW Acquisition Team services. The following steps shall be followed to ensure that the ROE accomplishes the intended goal.

- 6.1 **Ascertain the exact need for the ROE** – The ROE letter shall be prepared by the ROW Acquisition Team utilizing ROW-02-F1. The ROW Acquisition Team shall ensure that the ROE request includes all the

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necessary reasons to enter the subject property. These reasons are typically for environmental studies, surveying, and geotechnical/ engineering studies.

If environmental studies need to be conducted on the property, the following language should be added to the bulleted list in the NTTA ROE template letter:

“Environmental studies may involve examining the vegetation, hydrology, and soil characteristics of the land to assist in the determination of the presence or absence of wetlands, threatened or endangered species, hazardous materials, and cultural resources. Minor shovel testing may be required for these studies to dig exploration holes approximately 20” deep by 10” wide. Environmentally sensitive areas may be temporarily marked with wooden stakes for surveying purposes to determine their exact location relative to the proposed ROW alignment. Photographs may be used to document current site conditions, data locations, cultural resources, or other environmentally sensitive areas.”

If ROEs are to be used for ROW acquisition purposes, they shall take the form of a Possession and Use Agreement and shall entail level of payment to a property owner for access to begin construction prior to an agreement and formal closing or condemnation action.

6.2 The ROE is Drafted in Language that is Understandable to Property Owners – The ROW Acquisition Team shall clearly define all the activities, location of activities on the subject property, and the time frame in which they will occur within a formal document to be executed by the property owner. This letter shall also include the following elements:

- Statement concerning liability and responsibility for any property damage
- Statement giving the property owner a limited number of days in which to make a claim
- Contact person and phone number for questions by the property owner
- Nature of work requiring access to the property and exhibit depicting the location of the work to be performed on the property
- Signature and date line(s) for the owner(s)
- Several blank lines for any special instructions or restrictions the property owner may have for entering the property including contact information for the owner or any tenants that need to be notified prior to entering the property

The NTTA may not indemnify a property owner for future property or other damage without the express authorization of its Board of Directors.

No work on the property may be performed without the executed ROE

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If a ROE is to be obtained for construction of permanent improvements, the NTTA's Legal Counsel shall be asked to prepare or review the form of the ROE used.

- 6.3 The ROW Acquisition Team or other designated individual shall meet in person with the property owner or owner's representative to obtain signatures, whenever possible. At a minimum, a follow-up phone call shall be made by the ROW Manager to the property owner within two days of the owner's receipt of the ROE request by mail. All phone correspondence shall be documented and stored in the project file. Any revisions to the ROE letter that are requested by the property owner shall be reviewed and approved by the ROW Manager and the legal team.
- 6.4 The ROW Manager shall be responsible to execute the ROE letter in a timely manner and coordinate with the Corridor Manager and legal team to allow for the necessary work to proceed on time for the project schedule to be adhered to. All executed ROE letters shall be properly archived into the NTTA EPDS system by the ROW Manager.

7.0 REGULATORY REQUIREMENTS:

N/A

8.0 RELATED BOARD POLICY:

N/A

9.0 COMPONENT DOCUMENTS:

- [ROW-02-F1](#), NTTA ROE letter template

10.0 REVISION HISTORY:

Revision	Revised by:	Date Issued	DRN	Reason for Revision
0	Dave Clarke	06/05/2008		Original Issue
1	Gary Reinhardt	09/08/2008		Minor clarifications throughout document to make it available for environmental use.
2	Dave Clarke	03/18/2010	10097	Deleted Section 2, Guiding Principles. Defined responsibility for completing form ROW-02-F1 and when it is to be done. Defined the ROW Manager responsibilities

11.0 FLOWCHART:

N/A