

The plan should show the property boundary and all topographic features on the property (within the normal distance into the property) and all existing roadway features. The proposed roadway features (pavement, entrances, drainage, retaining walls, construction limits, guardrail, etc.) should be shown as well as the proposed right of way and easement limits. While not needed for the plans any drainage calculations should be retained in the file.

Right of Way Division will issue a Notice to Proceed on "No Plan" projects when incidental costs, such as fencing, shrubbery, etc. occur. Activity 52 should be added to iPM because of the costs.

The Commonwealth Transportation Board's resolution of February 16, 1961 specifies a minimum 40-foot right of way is to be provided for any initial improvement to the secondary system, except in extenuating circumstances.

Section [33.2-332](#), Code of Virginia permits consideration for hard surfacing of a secondary road on less than a 40-foot right of way.

Right of Way - Donations

An exception to the public hearing requirement will normally be executed on "No Plan" and "Minimum Plan" projects when all landowners are willing to donate the right of way provided there is no evidence of controversy, the landowners have been advised of their right to receive just compensation prior to requesting donations, and the project files have been so documented.

Right of Way - Acquisitions

On "No Plan" and "Minimum Plan" projects when right of way must be acquired, a "Willingness to Hold a Public Hearing" shall be advertised and public hearings shall be conducted upon request. A public hearing handout and appropriate environmental document, on projects with Federal Oversight, will be prepared following the usual guidelines. If there are questions concerning the public hearing requirements or procedures, check with the State Location and Design Engineer.

Right of Way – Certification

Type I certificates are required on all No Plan and Minimum Plan projects with the exception that a Type II certificate may be used if approved by the District Engineer/Administrator or his designee.

* Rev. 7/15