

extension supplement. PennDOT must verify the expiration date on individual insurance policies when issuing a time-extension Supplement. See Chapter 4.

Right-of-Way Procedures for HOP Applicants

1. Background

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

Utilize appropriate resources within each District to accomplish these transactions, including, but not limited to, the right-of-way, utilities, plans, and bridge units as appropriate. The Office of Chief Counsel will assist with legal issues but is not a right-of-way acquisition unit.

Obtaining necessary right-of-way is the responsibility of the permit applicant. PennDOT will not acquire right-of-way for an applicant. However, local municipalities are authorized to acquire right-of-way for an applicant amicably or by condemnation, as discussed below.

Following are some of the important right-of-way related issues in the permit process:

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

An outline of the procedures explained below is included in Appendix C3 of this manual.

2. Application of procedures and general requirements

These procedures apply to the acquisition of highway right-of-way by an applicant as part of a permit project. They apply only as appropriate where the project involves the use of Federal highway funds in any phase of the project; where the project involves the use of State highway funds in any phase of the project; or where a local government may condemn land for State

highway right-of-way in connection with the permit project.

The following procedures apply in the various types of projects mentioned; the last one being the most common on permit projects:

a. Project involving the use of Federal highway funds in any phase of the project.

All acquisitions by local government agencies or private persons must conform to the Uniform Real Property Acquisition and Relocation Assistance Policies Act of 1970, as amended, and the regulations promulgated thereunder. 42 USC §4601 et seq., and 49 CFR Part 24 (“the Uniform Act”).

If the agency or person undertaking the project has the power of eminent domain, all requirements of the Uniform Act apply. Among other general requirements, negotiations must be held based upon an approved appraisal. 49 CFR §24.102. The [Local Project Delivery Manual](#) (Publication 740 – Chapter 5 Right-of-Way) is a good publication explaining the necessary procedures.

If the agency or person undertaking the project does not have the power of eminent domain, the general requirements of the Uniform Act do not apply. However, a written offer to purchase must be made advising the landowner that the agency or person does not have or will not exercise the power of eminent domain if negotiations fail and what the agency or person believes to be the fair market value of the property. 49 CFR §24.101(a)(2).

b. Projects involving the use of State highway funds in any phase of the project.

All acquisitions by local government agencies or private persons that have the power of eminent domain and intend to exercise it if necessary, must conform to PennDOT’s Right-of-Way Manual (Publication 378). These procedures are generally consistent with the Uniform Act requirements. [Local Project Delivery Manual](#) (Publication 740 – Chapter 5 Right-of-Way) is a good publication explaining the necessary procedures.

If the agency or person undertaking the project does not have the power of eminent domain or does not plan to exercise it for the project in question, the Right-of-Way Manual procedures need not be followed. However, a written offer to purchase must be made advising the landowner that the agency or person does not have or will not exercise the power of eminent domain if negotiations fail and what the agency or person believes to be the fair market value of the property.

c. Projects not involving the use of Federal or State highway funds where a local government may condemn land for State highway right-of-way.

All acquisitions by local government agencies or private persons authorized by PennDOT to acquire land for a highway project must conform to PennDOT’s Right-of-Way Manual (Publication 378). These procedures are generally consistent with the Federal Uniform Act requirements. The [Local Project Delivery Manual](#) (Publication 740 – Chapter 5 Right-of-Way) is a good publication explaining the necessary procedures.

- d. Projects not involving the use of Federal or State highway funds or the possible condemnation of highway right-of-way.

Acquisitions need not conform to the Federal Uniform Act or PennDOT Right-of-Way Manual (Publication 378) provided the landowner is informed in writing prior to the start of negotiations that although the land may eventually become part of a State highway, PennDOT is only involved because of its authority to issue highway occupancy permits for driveways onto State highways and entities with condemning authority will not exercise the power of eminent domain in the event negotiations fail.

- e. All projects.

The applicant must also follow the procedures set forth below.

3. When is right-of-way required and what type of interest should be required?

Whenever a proposed highway facility, highway drainage structure or other highway related structure falls outside of the existing legal right-of-way, new right-of-way will be required. The nature and interest PennDOT should require the applicant to acquire is set out in the Design Manual, Part 3 (Publication 14M). See specifically “Design Manual, Part 3”, Chapter 3, Section 3.1 EE “HOP Plans” and generally “Design Manual, Part 3”, Chapter 3, Section 3.1 “Interest to be Acquired”.

The general policy is to have the permittee include all State 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 highway purposes. A highway easement may be appropriate where the municipality will require the applicant to subdivide if fee simple title is acquired. The acquisition of traffic signal easements on behalf of the municipality is also permitted on HOP projects, if the municipality has agreed to accept the easement and to apply for a signal permit See “Design Manual, Part 3”, section 3.1.Y. Slope easements, drainage easements and other lesser property interests may be acquired by a permittee in contravention of the general policy to acquire required right-of-way when approved by the District Executive based on special circumstances.

Special circumstances meriting acquisition of interests other than fee right-of-way would include but not be limited to slope easements in commercial areas where a fee take would adversely impact parking and drainage easements for ditches other than parallel ditches. Other considerations would be impacts to the remainder, possible environmental issues, open space and setback requirements of a municipality, and minor cuts and fills that will not jeopardize the integrity of the road. The District Executive should make these determinations with the advice of their supporting units based on the administrative risks.

If land has been previously dedicated to public use but not accepted, PennDOT may be able to accept that dedication as part of the HOP acquisition process. In other situations, the dedication would need to be accepted by the local government and transferred to PennDOT. The appropriate approach depends on the nature of the previous dedication. PennDOT will only accept dedications of areas required to maintain the State highway system. A complete discussion of this topic is set

forth in the Right-of-Way Manual, Appendix C, Article 10 (Dedications and Ordainments). As discussed below, PennDOT does not accept dedication deeds as part of the HOP acquisition process.

4. Right-of-Way Plans

A right-of-way plan, in PennDOT approved design format, is required for every HOP application where right-of-way will be conveyed to PennDOT. This serves several purposes, including documentation of the highway right-of-way for future use by PennDOT and others and a means to ensure that appropriate right-of-way is acquired for the HOP project. ~~The right-of-way plan will generally be drafted by the consulting engineer/surveyor after the HOP construction plan is approved. As such, it is one of the last plan approval steps in the HOP process.~~

In accordance with “Design Manual, Part 3”, Chapter 3, Section 3.0.H (HOP Plans), there are three types of plans related to the highway occupancy permit process: drawings depicting right-of-way to be deeded to PennDOT; 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. The District permit and right-of-way units should also review the plans.

- a. Drawings Depicting Right-of-way to Be Deeded to PennDOT. The most common HOP-related plan is that developed to document right-of-way deeded to PennDOT as part of the HOP process. These deed plans do not transfer title. The permittee must transfer title to PennDOT 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 Design and Delivery, Plans and Reproduction, for appropriate filing. Deed plans must also be recorded at the appropriate county courthouse to document the highway right-of-way.

- b. Plans Authorizing a Local Government to Acquire Land for a State Highway. This type of plan is also sometimes required in the HOP process. 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 Design and Delivery, Plans and Reproduction, for appropriate filing. Local authorization plans must also be recorded at the appropriate county courthouse to document the highway right-of-way. The plan may not be recorded until approved by PennDOT but must be recorded prior to condemnation by the local government under the plan.

- c. Plans Accepting the Dedication of Right-of-way. This type of plan is available in the HOP process but is typically not appropriate. The best practice is to have the land deeded to PennDOT and documented with a plan depicting right-of-way to be deeded to PennDOT.

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 PennDOT. 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 government or, even if general, the local government 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 Design and Delivery, Plans 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 PennDOT is acceptance of the dedication; there is no need for a separate deed of dedication.

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

Where the majority of the HOP construction is within existing right-of-way, only a few properties are involved and the areas to be acquired are minor, the right-of-way plan can be a simple, one- or two-page plan that need not depict related proposed highway construction features. See “Design Manual, Part 3”, Chapter 3, Section 3.0.G (Simplified Right-of-Way Plans). Typical drawings must be on 22” X 34” sheets and organized as follows. For detailed requirements, see “Design Manual, Part 3”, Chapter 3.

- Sheet 1 – Title Sheet to include special title and signature blocks for the Secretary of Transportation to approve the plan for themselves and the Governor, as well as a District Executive approval and recording block. The title sheet must contain a recording block because the plan will be recorded. Appropriate personnel, such as the District Plans Engineer, District Chief of Surveys, District Permit Manager and/or District Right-of-Way (ROW) Administrator, should review the plan prior to signature. See Section 3.2, including 3.2.1.6 and 3.2.1.7 for HOP right-of-way plans.
- Sheet 2 – Index Sheet which may be combined with Sheet 3 if a one-sheet presentation is being used. See Section 3.3, including 3.3.A.14 for HOP right-of-way plans.
- Sheet 3 – Typical Section Sheet. See Section 3.4, including 3.4.H.5.m for HOP right-of-way plans.
- Sheet 4 – Plan Sheet(s) showing the proposed work area with legal and required right-of-way designated. Instead of the normal designation of “required R/W” the areas that will be deeded to PennDOT should be designated as “required R/W to be deeded to the Commonwealth.” If an area is intended for other than highway right-of-way the area should be marked in a similar manner indicating the nature of the interest that will be transferred to

PennDOT (e.g., “required limit of slope to be deeded to the Commonwealth”). Show all dimensions, plus(s)/offsets, and geometric data. If the centerline of the road is relocated, it must be clearly referenced and dimensioned from the existing centerline. Note: This may span multiple sheets as needed. See Section 3.5, including 3.5.X for HOP right-of-way plans.

- Sheet 5 – Property Plot Plan(s) (formally known as Property Plat) of parcel from which the right-of-way is being acquired. Include only if required, as determined by the District Permit Manager in coordination with the District ROW Administrator. Identify deed information on plot. Fit plots to topographic features. Mark proposed right-of-way monument points. Include all other slope easements, drainage easements, utility easements, etc. Note: These sheets follow the final Plan Sheet. See Section 3.6.

~~HOP right-of-way plans must contain an approval block for the Secretary of Transportation to approve the plan for themselves 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 “Design Manual, Part 3”, Chapter 3, Sections 3.2.I.6 and 7; and Sections 3.3.A.14 “legend on index sheet”, 3.4.H.5.m “special general note”, and 3.5.X and Y “additional special directions” on plans presentation for HOP right-of-way plans.~~

HOP right-of-way plans should be reviewed and approved before any deeds are reviewed and accepted by PennDOT. The plan should designate the property owners as they exist before the applicant purchases the necessary right-of-way. See Section 5 below on the conveyance process. Temporary construction easements are not to be shown on plans depicting right-of-way to be deeded to PennDOT because the permittee will not be conveying rights to PennDOT in such areas. See “Design Manual, Part 3”, Chapter 3, Section 3.4.H.5.i.

Please note that HOP right-of-way plans submitted by consultants do not always correctly reflect the proper legal right-of-way lines. It is important to obtain and review the right-of-way plans on file in the district plans room, as well as straight line diagrams. The Right-of-WayROW Administrator may also be of help in this determination. See “Design Manual, Part 3”, Chapter 3, Section 3.8 (Determination of Legal Right- of-Way Widths).

Please also note that consultants often show dedicated and ultimate right-of-way areas as legal right-of-way. This is not correct because until properly accepted by some government entity, the property owner still owns these areas subject to the offer of dedication. See “Right-of-Way Manual”, Appendix C, Article 10 “Dedications and Ordainments” and Subsection c above on plans accepting the dedication of right-of-way.

5. Conveyance of right-of-way to PennDOT

Amicable conveyance by Applicant to PennDOT - Needed State highway right-of-way should be conveyed to PennDOT from the applicant, usually in a single deed. That is, the applicant must purchase any areas not owned by it and then deed it to PennDOT. The main reason for this requirement is to have the warranty of title be from the applicant rather than an unrelated third party. Exceptions to this requirement have been made when the land is under the control of other government entities. For example, jurisdiction of Commonwealth-owned land can be transferred to PennDOT directly from other Commonwealth agencies by memorandum of understanding.

The right-of-way plan should be used to ensure the correct areas are included in the conveyance. The plan will contain a numbered list of property parcels, identified by a circle (indicating that land is required from that parcel) or a circle inside a triangle (indicating no land is required). There will also be a right-of-way information block for each parcel for each property from which land is required, containing a tabulation of required areas.

It is recommended that the Permit Manager meet with the District Right-of-Way ROW Administrator or other appropriate District real estate expert to review the proposed deed in conjunction with the right-of-way plan. This review would include ensuring that all required deeds have been provided and that each deed is properly executed and suitable for recording at the County Recorder of Deeds Office. It may be appropriate to have the applicant's attorney present at this review to answer questions where the conveyance is significant.

Form of deed - Use Deed M-950D1 (Deed, Fee Simple) if required right-of-way is being acquired in fee simple and Deed M-950D2 (Deed of Easement) if required right-of-way is only being acquired as a highway easement or the acquisition of a drainage or other easement has been approved. The Right-of-Way Plan will reflect the nature of the title to be acquired.

The deeds are interactive and may not otherwise be altered without review and approval of the District Right-of-WayROW Administrator or other District personnel with real estate expertise. Permit personnel should consult with the District Right-of-WayROW Administrator or other District personnel with real estate expertise when completing the deeds. They are much like deeds used when PennDOT is acquiring right-of-way for a highway project.

The District can consult with the Office of Chief Counsel as appropriate. The deeds do not need to be approved as to form and legality because they are not being executed by PennDOT. If the District would like a deed approved as to form and legality, the deed should be forwarded to the Office of Chief Counsel via the PennDOT OCC HOP resource account (rapdpenndotocchop@pa.gov) Real Property Division, Permit Programs Attorney.

The Deed M-950D1 (Deed, Fee Simple) provides for use of a metes and bounds description if it is used only to transfer fee title. See the subsection below entitled "Plot plans and written descriptions" for concerns in this regard.

Documentation of title – The applicant must provide an investigation of title to the property being conveyed based on courthouse records. That is, no deed may be accepted without documentation and review of the title through a record owner and lien certificate, an abstract of title or title report based on a title search. The purpose of these documents is to ascertain the history and present condition of the title with reference to liens, encumbrances, easements, etc., to determine if there is marketable title. This is a legal term meaning title that is free from reasonable doubt, can be sold or mortgaged, and will not expose the owner to potential litigation or conflicts regarding use or ownership of the land.

The title documentation may be from a title company or an attorney at law. A record owner and lien certificate are the best document but an abstract of title or title report is acceptable. The District Permit Manager should consult with the District Right-of-WayROW Administrator or other District real estate expert to review the documentation for any title defects that must be cleared before

the deed can be accepted by PennDOT. Such defects could include utility easements, liens of record, mortgages, etc. PennDOT must be identified as a beneficiary of the title work certificate.

The executed deed and title information must be reviewed and accepted by the District ~~Right-Of-Way~~ ROW Administrator or other District real estate expert prior to recording. A bring down/update of the title should be provided to within 15 calendar days of the date the permit is to be issued.

Title insurance to be paid for by the applicant can be required but is not recommended. Under such a policy the title insurance company protects the insured from losses caused by defects in the title of the property which have not been excluded from coverage. PennDOT must be named as an insured or beneficiary to be protected. Examples of items not usually excluded would be losses resulting from title being vested in someone else, unmarketability of the title and lack of the right of access to the land conveyed. As a practicable matter most policies exclude the defects that are problematic for PennDOT such as utility easements and liens of record and the existence of the policy may not even be discovered if a problem arises later unless some tracking system is established. The District would also be required to approve the amount of coverage based on the estimated value of the property being conveyed. There is also added cost to the applicant to provide the insurance.

Please note that the title documentation need only apply to the property being conveyed to PennDOT. It does not need to cover the entire property. Indeed, documentation covering the entire property often causes undue problems by noting easements and other issues that do not apply to the property being conveyed. Limiting a record owner and lien certificate to only the property being conveyed is highly recommended.

Mortgages and other liens and judgments – Mortgages and other liens and judgments on the property should be released as to the area conveyed at the expense of the applicant. This will ensure that PennDOT is not included on foreclosures or other legal actions relating to the mortgage or other lien. With the approval of the District Executive, a deed may be accepted without release of a mortgage or other liens under the following circumstances: 1) the value of the land being conveyed is \$25,000 or less and the District ~~Right-of-Way~~ ROW Administrator or other District real estate expert certifies that the land being conveyed is sufficiently minor that it does not materially affect the ability of the remainder of the property to provide security for liens and judgments. The applicant must prove to the District that the value of land is \$25,000 or less based on the purchase price, an appraisal or other documentation deemed acceptable to the District.

Utility and other easements – Utility and other easements on the property should be eliminated as to the area conveyed at the expense of the applicant. This will ~~insure~~ ensure that the utility or other easement owner does not retain private property rights within the highway right-of-way which PennDOT may be required to acquire in the future. As to utilities, they would retain the right to substitute right-of-way and reimbursement for future relocations from the right-of-way because they would have private status. Not eliminating the easement would also allow the utility or other easement owner to argue it has rights within the right-of-way not controlled by PennDOT's police powers, including the utility occupancy regulations.

In exceptional circumstances and with the approval of the District Executive, a deed may be accepted without elimination of an easement on the land being conveyed. An example of an exceptional circumstance would be when a utility already has private status for its facility within legal right-of-way or perhaps where there are no actual facilities within the easement. The risks

and possible future costs to PennDOT by not eliminating the easement should be considered in making the determination.

If a utility is allowed to remain in place without private status, a new or amended utility HOP should be made a condition of issuing the driveway HOP. If a utility is allowed to remain in place with private status, a private status agreement should be executed to insure the utility is subject to PennDOT's regulation.

Proper execution of the deed – The information block and all blanks on the deed form should be filled in. The proper party must execute the deed on behalf of the applicant. See “Signature Authority Guide in Appendix C6” of this manual.

Plot plans and written descriptions – PennDOT right-of-way acquisition forms do not typically use metes and bounds descriptions, but rather use plot plans. This approach has been incorporated into the M-950 deed forms. A metes and bounds description is not required by Pennsylvania law and it is simpler to compare a plot plan to the approved right-of-way plan for accuracy than to have a metes and bounds description reviewed by the survey or other district unit for accuracy. Using only a plot plan avoids problems with discrepancies between a plot plan and a metes and bounds narrative. Under Pennsylvania law, if both are attached to a deed, the words take precedence over the plan.

The best approach is where the plot plan is part of the right-of-way plan and is reviewed as part of the plan review. However, if not part of the right-of-way plan, the plot plan must be reviewed for accuracy when reviewing the deed.

A metes and bounds description may be included in the deed if the District requests or approves of this approach. In that case, however, the description should be supported by a sealed survey for PennDOT review. In any event, the description must be reviewed by someone in the District with sufficient knowledge to assure it accurately describes the property being transferred to PennDOT as depicted on the plan. Such a review may be impractical from a staffing standpoint. There is also the risk that the description may not close.

Surveys must be performed according to PennDOT Publication 122M, Survey and Mapping Manual. Confirm with PennDOT prior to performing a field survey. Review by PennDOT's Survey Unit typically requires verification of the point of beginning and subsequent deed calls, which can be impractical.

Timing – ~~Deeds and related documentation should be provided for review as soon as practicable after the right of way plan is approved, but well before issuance of the HOP. The right of way plan should not be prepared until the HOP construction plans are prepared to ensure proper right-of-way is acquired.~~ Executed deeds for all necessary State highway rights-of-way should be provided to PennDOT before a permit is issued. Conditioning an HOP on acquisition of required right-of-way is not advisable because the District will then be required to ensure work is not performed under the permit on lands of third parties and may never obtain title to where highway features have been constructed. If allowed in view of special circumstances approved by the District Executive, the condition must be clear that the permittee is not allowed to do work depicted on the HOP plan that is outside the applicant's land before that right-of-way is conveyed to PennDOT. The start of work must be conditioned on delivery of acceptable deeds and

appropriate documentation. An example where it may be appropriate to issue an HOP conditioned on the completion of right-of-way acquisition would be if the applicant's financing entity will not release funds to purchase the property without issuance of an HOP and leases with tenants are put in jeopardy. Another example would be where a local government has agreed to use its power of condemnation if necessary. These issues must be approached on a case-by-case basis.

Recording - The right-of-way plan must be recorded in the County Recorder of Deeds office where other such plans are recorded. It must also be filed in the District Plans Room, with copies forwarded to the Bureau of Design and Delivery in accordance with standard procedures for plans showing PennDOT right-of-way.

The deed conveying the right-of-way to PennDOT must be separately recorded in the County Recorder's Office where other deeds are recorded. Deeds should not be recorded prior to PennDOT approval.

The applicant must pay all fees necessary for recording the documents.

Right-of-Way Units in some ~~De~~istricts assist in recording plans and deeds.

Acquisition of required right-of-way by condemnation - PennDOT will not acquire right-of-way for HOP projects by amicable acquisition or by condemnation. However, in exceptional circumstances, a local government may use its condemnation authority to acquire State highway right-of-way. Execution of a plan authorizing a local government to acquire land for a State highway is required to enable the municipality to acquire right-of-way for the State highway. See Section 4b above.

Where PennDOT executes a plan authorizing condemnation of State highway right-of-way by a municipality, all acquisitions by the local government and the applicant must conform to PennDOT's Right-of-Way Manual (Publication 378). The [Local Project Delivery Manual](#) (Publication 740 – Chapter 5 Right-of-Way) is a good publication explaining the necessary procedures. See Section 2c above. PennDOT should also follow the review procedures that apply to acquisitions by local governments under the LPA procedures.

Authorizing a local government to acquire right-of-way for a State highway does not obligate PennDOT to assume any liability for costs associated with condemnation or other acquisition of the land in question. The applicant or municipality is solely liable for all such costs and expenses.

6. Environmental and historical concerns

Once PennDOT accepts a deed for the right of way associated with a state road, PennDOT can become responsible for environmental conditions on the property conveyed. Consequently, all environmental issues such as hazardous materials, wetlands or historic preservation should be thoroughly investigated and evaluated prior to acceptance of a deed. In all situations, the District permit staff should conduct a thorough visual inspection of the property for evidence of environmental issues before accepting a deed.

An environmental report should be developed by the applicant if the District has a concern as a

result of a visual inspection. For example, at least a Phase I environmental report would be appropriate if the property has been put to a prior commercial use that could cause issues (e.g., a factory, dry cleaner, automotive repair garage, gas station, tannery, chemical plant, etc.) or there is evidence of possible contamination due to fuel tanks above or below the surface, dumping or storage of chemicals. Guidance from the District environmental unit should be obtained if an environmental report is being recommended.

Permitted projects may also have an effect on properties included in or eligible for inclusion in the National Register of Historical Places. The "Memorandum of Understanding between the Pennsylvania State Historic Preservation Officer and the Pennsylvania Department of Transportation Regarding Consultation of State-Funded Transportation Projects in Pennsylvania", executed October 2011 addresses this topic. Stipulation III of the MOU provides specific guidance on HOP. This document should be referenced when addressing historic preservation issues.

Note: Additional environmental studies may be required if federal or state funds are being provided for the project or if a point of access issue is involved. If federal funds or other actions requiring FHWA approval are involved, a formal NEPA document is required. If state funds are involved, a formal Environmental Document is required.