MassDOT
Right of Way Bureau
Community Compliance
Compliance Team

- Pam Marquis – Compliance Administrator
- Linda Walsh - Transportation Planner
- Shirley Shiver - Community Compliance Officer
- Robin Giando - Community Compliance Officer
- Bryan Slack - Transportation Planner
- Karen Axtel - Community Compliance Officer
- Gerry Doherty - Community Compliance Officer
- Craig Sheehan - Community Compliance Officer
Compliance Role

- Work with local public agencies (municipalities) whom are comprised of 312 towns and 39 cities statewide.
- Ensure compliance with the Uniform Relocation and Assistance Act (federal Uniform Act) and MGL Chapt 79 (State Act).
- Responsible for assisting municipalities in acquiring property necessary for advertisement and construction of MPO/TIP funded projects.
- Projects include both traditional and non-traditional projects that are funded with federal aid within local jurisdiction.
Types of Projects
Traditional vs Non-Traditional

- Roads
- Bridges
- Multi-Use Paths
- Safe Routes to School
- Acquisition only
- Complete Streets
- Other
Review Process

• Review ROW Plans and cross reference Construction plans at all phases
  – 25%, 75%, 100%, PS&E and Easement/Layout Plans and Instruments
  – Peer Reviews for each submission
  – Plan reviews to Project Manager and Design Engineer
  – Review Registry of Deeds Instruments
Municipal Responsibilities

• The municipality is the acquiring agency and certifies to DOT that they have acquired the necessary rights in public and private lands.
• The municipality administers the design contract and is responsible for reviewing design in conjunction with DOT.
• The municipality oversees the Design Schedule and should be aware of important milestones and that they are being met.
• Milestones includes:
  – Design Submissions
  – Design Public Hearing
  – **Town Meeting Approval/City Council Votes
  – Legal Representation/Involvement
  – Property Owner Brochure, Appraisals, Review Appraisal, 30 day notice to Property Owners, Payment Tendered, Affidavits and/or certificate of donations or Rights of Entries
  – Instruments (Legal Documents)
Types of Acquisitions

• Temporary Easements and/or Rights of Entries
• Permanent Easements/Fee Takings
• Long Term Leases
• Licenses
• Dedications
• Other Agreements
Compliance Involvement

- Involved in Planning Stage but mainly for non-traditional projects
- Initial meetings and correspondence to local officials introducing CCO and its role at 25% stage
- Initiate site visit and time to meet
- Provide packet of forms and discuss each form with municipal contact
- Keep in touch with municipal contact on a regular basis, including additional meetings
- Attend all Design Public Hearings
Involvement with Other Sections

- Community Compliance is closely involved with Environmental to track NEPA clearance so negotiations can begin with property owners.
- Community Compliance advises municipalities on how not to violate NEPA and stay within the confines of the law.
- Work with Cultural Resources.
Involvement with Other Sections

• Work closely with District Staff on funding and design requirements/changes
• Work closely with Utilities Section for ROW requirement pertaining to Utility Relocations, etc.
• Work closely with Planning Staff to make sure project is programmed on appropriate TIP year and Advertisement Date will be met
Involvement with Other Sections

• Work with Bridge and Geotechnical Sections on Bridge Design Requirements
• Work with Layout Sections when project may have both State and Municipal impacts to ensure all design and ROW requirements are met
• Work with Chief Engineers office and attend weekly Priority of Projects Meetings
Involvement with FHWA

• Compliance Administrator has the primary responsibility to meet with FHWA
  – Discuss potential violations of the Uniform Act with FHWA staff
  – Discuss Potential Violations of the NEPA process with FHWA staff
  – Provide project status’ and updates on a regular basis
  – Conduct Spot Audits on projects for compliance with FHWA requirements and report to FHWA on findings
Project Obstacles

• Examples of areas that can get tricky
  – Leases/licenses
  – Difficult municipality
  – Municipality with limited resources
  – Municipality with limited access to legal counsel
  – Municipality with limited engineering staff
  – City vs Town requirements
    • City Counsel vs Town Meeting
Meeting Project Deadlines

• Continuous Guidance and Suggestions to municipalities
• Requires continuous contact and need to keep municipality motivated and on track
• Meeting all federal and state requirements
  – Examples, Zoning Board, Conservation Commissions, Planning Boards, School Committees, City Counsel or Board of Selectmen votes/endorsements, requirements, etc.
Right of Way Certificate

• When all these requirements are met, the Team provides the necessary information to the Director of ROW to issue a ROW certificate.

• The Right of Way certificate is documentation that certifies that the municipality has met all of its ROW requirements and the project can be advertised for funding and eventual construction.