



## REPM Introduction/Overview

The Wisconsin Department of Transportation (WisDOT) Real Estate Program Manual (REPM)\* is for the exclusive use of WisDOT Real Estate staff and consultants ONLY; it includes WisDOT/Real Estate (RE) forms and related documents required for use by staff and consultants. The REPM has been approved in accordance with the Code of Federal Regulations [23 CFR §710.201](#) Grantee and subgrantee responsibilities\* describing (a) Program oversight; (b) Organization; and, (c) ROW manual\* (full text included below). The REPM is an authoritative and a stand-alone guide, which is a culmination of and reference to both state and federal requirements. Provisions of this manual have been drafted to comply with the applicable state and federal statutes and regulations. The purpose of the REPM is as a guide to the parties responsible for right of way and real estate activities. Objectives of the REPM are to summarize, standardize, clarify, and explain essential responsibilities and underlying activity. In short, the REPM is a user guide (a.k.a., operations manual), which establishes policy and describes processes specific real estate acquisition, valuation, relocation, and property management and disposal requirements and related procedures. This manual is intended to be a living document; hence, it is published online only. It is revised periodically to make improvements and to reflect new requirements. The REPM is to be used by all parties responsible for right of way activities in executing the WisDOT highway real estate acquisition program.\*

\* *Acquisition program* means activities to obtain an interest in, and possession of, real property.

\* *Grantee* means the party that is the direct recipient of title 23 funds and is accountable to FHWA for the use of the funds and for compliance with applicable federal requirements. *Subgrantee* means a government agency or legal entity that enters into an agreement with a grantee to carry out part or all of the activity funded by title 23 grant funds. A subgrantee is accountable to the grantee for the use of the funds and for compliance with applicable federal requirements.

\* *REPM (or ROW manual)* means an operations manual that establishes a grantee's acquisition, valuation, relocation, and property management and disposal requirements and procedures, and has been approved in accordance with §710.201(c).

➤ REPM w/RE Forms – on the web at:

<http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/repm.aspx>.

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WisDOT staff and consultants are expected to adhere to the guidance contained herein for a uniform approach in applying policy and carrying out processes relating to highway right of way real estate acquisition activities. The Wisconsin Department of Transportation (WisDOT) Real Estate Program Manual (REPM) is intended to guide WisDOT Real Estate (RE) staff and consultant agents in understanding policy. It should be used for reference in carrying out the procedures of WisDOT's complex and multifaceted highway right of way real estate acquisition program. The policies, procedures, and guidance of the REPM are applicable to all types of highway improvement transportation projects on Wisconsin's state highway system; and, for other street/highway systems for which federal-aid\* highway funds may be used, state facility road systems with state funds administered by the department; and, for other highways and roads for which WisDOT may act as an administrative agent.

\* *Federal-aid* project means a project funded in whole or in part under, or requiring an FHWA approval pursuant to provisions in chapter 1 of title 23, United States Code.

\* *Transportation project* means any highway project, public transportation capital project, multimodal project, or other project that requires the approval of the Secretary.

The REPM describes key phases within WisDOT's area of responsibility for acquiring any real property or real property interest\* in land and any improvements thereto, including fee and less-than-fee interests as part of the right of way, including but not limited to, appraisal and appraisal review, negotiation, eminent domain, property management, and relocation assistance. The intent of this manual is to reference and explain applicable laws, rules, regulations, policies, and procedures; and, to prescribe practical steps necessary in sufficient detail and depth so to provide reliable guidance to state employees, contractors, consultants, local agencies and others charged with acquiring and managing real property relating to WisDOT's highway real estate acquisition program.

\* *Real property or real property interest* means any interest in land and any improvements thereto, including fee and less-than-fee interests such as: temporary and permanent easements, air or access rights, access control, options, and other contractual rights to acquire an interest in land, rights to control use or development, leases, and licenses, and any other similar action to acquire or preserve ROW (a.k.a., R/W) for a transportation facility. As used in this part, the terms "real property" and "real property interest" are synonymous unless otherwise specified.

Federally Assisted Projects\* – These are projects carried out by state, local or other project sponsors with authorized funding from the federal agency. Work is undertaken by the staff or contractors of the state, local or other sponsor and expenditures are billed to and reimbursed by the federal funding agency. The federal funding agency has an oversight or stewardship responsibility for the work undertaken by its partners to ensure compliance with all federal governing laws and regulations. Compliance with the Uniform Act\* and its implementing regulations is a condition of receiving federal assistance. WisDOT Real Estate is accountable under the Federal Highway Administration (FHWA) to document policies and procedures relating to the administration of the federal-aid highway program. States administer the federal-aid highway program and, as such, all state agencies are required to maintain an approved and up-to-date right of way manual describing their organization, policies, and procedures for all phases of their right of way program. WisDOT's written right of way policy and procedures are reviewed periodically by FHWA to ensure continued compliance with regulations. FHWA has reviewed and accepted WisDOT's Real Estate Program Manual (REPM) as meeting grantee and subgrantee responsibilities for a right of manual and as otherwise described under [23 CFR §710.201](#).

\* *Federally assisted* means a project or program that receives grant funds under title 23, United States Code.

\* *Uniform Act* means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The Bureau of Technical Services-Real Estate (BTS-RE), Wisconsin Department of Transportation (WisDOT) maintains and publishes this manual. The WisDOT Real Estate Program Manual (REPM) manual is published in an electronic format only, and includes print-ready/fillable WisDOT/Real Estate (RE) approved [forms](#), as well as 'view only' READS (Real Estate Automated Data System) generated forms (templates), and other required printable documents. All print-ready WisDOT Real Estate (RE) forms and 'view only' forms (READS templates) included and published as part of the REPM are the ONLY forms/templates authorized for use, unless otherwise approved by special consultation and permission. All revisions made to REPM forms or templates (e.g., READS generated forms) must be coordinated through the respective regional authorities with notification and/or approvals also coming through BTS-RE (central office).

The REPM serves as the primary source of guidance to staff and consultants performing highway real estate acquisition related functions on behalf of WisDOT, and will provide additional detail to local public agency activity beyond that of the [Local Public Agency \(LPA\)](#)

[Manual for Right of Way Acquisition](#). It is organized to provide specific direction and guidance to key functions that are part of WisDOT's real estate acquisition program. Staff and consultants contracted to perform real estate acquisition program work will use this manual as a guide and reference tool in conducting their daily work activities. The REPM attempts to address essential right of way functions and to provide detailed written guidance relating to real estate valuation, acquisition, condemnation, relocation, property management, contracting for right of way services, and more. It also covers important administrative processes and closely related auxiliary processes. Its content is applicable to WisDOT staff and consultants and to local agency personnel who need to acquire and manage real property within the right of way on jointly funded projects.

The REPM includes links to WisDOT required forms and related materials. The REPM will also reference and provide citations to other related manuals and authorities. Staff and consultants who work under the scope of the WisDOT REPM are required to comply with its provisions. When appropriate, there may be deviations from these written procedures due to changes in policy, interpretation, piloting initiatives, and due to evolution of the process itself. The department recognizes that some situations develop during projects that cannot be anticipated or addressed in formal policy. Complex or unique circumstance may need individual consideration. Real Estate staff and consultants must communicate and collaborate with project managers and other key positions on complex or unique situations as soon as they become apparent. This will help to enable prompt and unified decisions in order to resolve issues. Decisions on all such cases must comply with laws, meet the intent of this manual, and be fair to all parties.

Information provided and described in this manual is intended to provide enough detail to give clear and practical guidance to how Wisconsin will carry out and comply with items covered in 23 U.S.C.; 23 CFR 710; 49 CFR Part 24 Eminent Domain Law; and, procedures under sec. 32.05 Wisconsin Statutes. When a project is receiving federal financial assistance, the Uniform Act may provide additional or different protections than those outlined by the state. All applicable policies of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (*Uniform Act*)\* providing protections and assistance for people affected by federally-funded projects (typically referred to as federal aid), and the implementing regulations at 49 CFR Part 24 will be followed, even if not individually or explicitly explained as part of this manual. State and local agencies are required to comply with the Uniform Act if any part of a project receives federal-aid funds or federal financial assistance, even if federal-aid is not used in the right of way portion of the project. Furthermore, when any FHWA program is administered directly by another state agency, the administering agency must submit assurances to WisDOT. The U.S. Department of Transportation is the lead federal agency for the Uniform Act, and this responsibility is further delegated to the Federal Highway Administration (FHWA). FHWA works in cooperation with states to identify potential opportunities for agencies to improve the implementation of the Uniform Act. Where necessary, this manual attempts to identify and clarify key differences. If necessary, information can be made available in another format or a language other than English.

\* *Uniform Act* means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Pub. L. 91-646, 84 Stat. 1894; primarily codified in 42 U.S.C. 4601 *et seq.*), and the implementing regulations at 49 CFR part 24.

- Information and a summary, basic to Wisconsin citizen rights can be found in these required brochures of Rights of Landowners Under Wis Eminent Domain Law; and, Wisconsin Relocation Rights - Residential or Business (each linked in the REPM/Forms page).

- A broad summary and overview specific to federal rules and citizens' rights can be found in these publications: [Acquisition: Acquiring Real Property for Federal and Federal-Aid Programs and Projects](#) and [Your Rights and Benefits as a Displaced Person](#) (also available in [Spanish](#)).

## Revisions and Updates

The REPM is a living document and may be changed at any time. As such, staff must continually reference the current online version of the manual. We encourage staff and consultant business partners to review the manual periodically for the purpose of suggesting changes to help keep it current and to minimize differences between the manual and actual or developing practice. Because the REPM is a "living document," procedures do evolve and change. Individuals involved in providing associated services to WisDOT/Real Estate (e.g., project development, appraisal, acquisition, litigation, relocation, property management, finance, quality assurance, contamination guidance, etc.) must perform these services in compliance with current policies and procedures. The manual will be revised and updated to conform to changes in law, regulations, WisDOT organization and policy, and to incorporate best practices identified through quality assurance activities. WisDOT, in fact, must certify to the Federal Highway Administration (FHWA) every five years that our right of way manual conforms to existing practices and procedures comply with state and federal laws and regulations.

Notice about key revisions to the REPM are published on WisDOT's website when they become available. It is the responsibility of the individual right of way agent (both staff and consultants) to watch for notices and to stay current with changes to WisDOT materials. The REPM is maintained and kept current in the most practical manner, but it is a "living" document and as such, should be considered to always to be a work in progress to describe the WisDOT R/W organization, policies, and procedures. Editorial efforts are continuous. If changes to Uniform Act assurances result in differences or conflicts specific to the guidance of the REPM or LPA manual, WisDOT DTSD/BTS - Real Estate managers, statewide coordinators, and the REPM editor will work the FHWA Division and/or FHWA Office of Real Estate Services in a coordinated effort for advice and to formulate a plan for updates to policy and procedures as necessary. Reviews and approvals of the REPM are performed in a coordinated effort FHWA and the WisDOT DTSD/BTS-Real Estate (BTS-RE; a.k.a., central bureau) office. BTS-RE does not provide formal web notice to users when modifications are made in all cases. Insignificant format updates and minor corrections are not always announced using a revision date; therefore and once again, printed copies are discouraged as updates to this electronic publication can occur without notice. WisDOT also does not routinely provide hard or printed copies of its contents. Individuals choosing to print and utilizing a hard copy version or any portion thereof, without first accessing the website for updates, risk providing non-compliant services. All users must be aware that the online version is the official version. WisDOT/Real Estate only provides notice of manual changes directly on the REPM's home page. Each area of significant update is summarized with a brief announcement that remains posted for a maximum period of six months. Users of the manual can access the entire contents of the REPM, including the LPA manual sub-set on a 24/7 basis with no log on required. Contents of the REPM is not meant to be the basis for creating absolute requirements or law except where state or federal law or administrative rules with the force of law apply. BTS-RE management, on behalf of WisDOT, has the ability to exercise discretionary judgment in the use or application of this manual. The existence, distribution, application and use of this manual do not constitute an acknowledgment or guarantee of outcome, expressed or implied, by WisDOT.

Each person using this manual has a responsibility to contribute to its upkeep and improvement. Users should notify the BTS-RE editor with questions or issues and are encouraged to make suggestions for revisions. Central bureau staff, primarily statewide coordinators (a.k.a., statewide facilitators), will typically take a lead role and have an ongoing responsibility to draft program area guidance for the REPM. Updates and revisions to the REPM will typically be for new policy and procedures and for clarification or changes to existing policy and procedure. Updates will also be initiated when the editor, contributing writers or readers find errors or for other reasons as necessary. The responsible BTS-RE central bureau manager(s), with approval as needed from FHWA, Office of Right of Way, may also initiate changes to the REPM at any time and whenever policy updates occur. The editor will work directly with BTS-RE central bureau statewide coordinators, other individuals, work groups, and managers on language and authorization prior to publication. The editor works to coordinate communications and to engage all affected and knowledgeable parties in helping to develop precise and clarifying language. The editor is responsible for final review prior to publication with authority to request and suggest modifications and to independently draft or re-draft language as necessary, and will make modifications and/or adjustments as appropriate prior to official publication.

All substantive changes to any form, letter, other document, process, procedure or formal activities included or described in this manual, must be submitted through a regional supervisor, the statewide program coordinator and/or the chief(s) of BTS-RE. This should be done where application of policy as written could be misunderstood or have an unintended effect when applied to special situations. All interpretations, clarifications and exceptions must comply with requirements of state or federal laws or regulations. Users are also encouraged to ask questions and ask for interpretation through the appropriate statewide coordinator in the central bureau (Madison office) or to the chief(s) of the Bureau of Technical Services – Real Estate (BTS-RE). Users may also seek assistance directly from the REPM editor for program and planning, who will in turn work with each appropriate statewide coordinator and the chief(s) of the BTS-RE section to resolve questions and issues as needed. Users are also encouraged to review and discuss items amongst regional lead staff and supervisors for clarity, for training, and to establish consistency in interpretation and application. All interpretations, clarifications and exceptions must comply with requirements of state or federal laws or regulations. Central bureau office statewide coordinators, the Real Estate chief positions, regional supervisors, and Technical Services directors are all authorized to provide official interpretation. The BTS-RE chief(s) are authorized to approve exceptions to provisions of this manual, unless as otherwise as delegated by formal authority, such as may be described in the delegation table or the FHWA/WisDOT Stewardship & Oversight Agreement.\*

\* Stewardship/Oversight Agreement means the written agreement between the SDOT and FHWA that defines the respective roles and responsibilities of FHWA and the State for carrying out certain project review, approval, and oversight responsibilities under title 23, including those activities specified by 23 U.S.C. 106(c)(3).

## Forms, Format, Organization and Numbering

The REPM consists of multiple chapters to comprise a complete manual and comprehensive guide. The WisDOT Real Estate Program Manual (REPM) manual is published in an electronic format only, and includes print-ready/fillable WisDOT/Real Estate required approved [forms](#), as well as 'view only' READS (Real Estate Automated Data System) generated forms (templates), and other required printable documents. Documents in this manual require either Microsoft Word or Excel software and Acrobat® Reader™ PDF. Pages and content of the REPM are published using a "Portable Document Format" (PDF). We use the "bookmark" feature to interconnect each chapter, section, and sub-section, subject and topic within the manual. You

may download Acrobat® Reader™ free. The REPM is divided into a number key and core processes and organized into topical areas based on like activity. The hierarchy and numbering system is as follows: Chapter 0; Section 0.0; Sub-Section 0.0.0; Subject 0.0.0.0; and, Topic 0.0.0.0.0. See sample numbering structure:

Table 1 - REPM structure

<p>'BOOKMARK STRUCTURE'</p> <p>Chapter 0: Name SECTION 0.0 Sub-Section 0.0.0</p> <ul style="list-style-type: none"> <li>● Subject 0.0.0.0             <ul style="list-style-type: none"> <li>○ Topic 0.0.0.0.0.</li> </ul> </li> </ul>	<p><b>Real Estate Program Manual Chapter 0: Name / Section 0.0</b></p> <p><b>SECTION 0.0</b></p> <p><b>Sub-Section 0.0.0</b></p> <ul style="list-style-type: none"> <li>● <b>Subject 0.0.0.0</b> <ul style="list-style-type: none"> <li>○ <b>Topic 0.0.0.0.0.</b></li> </ul> </li> </ul>
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Policies and procedures relating to these functions included in the Facilities Development Manual (FDM) or other technical manuals will generally not be repeated verbatim in the REPM. Occasionally, complex information may be repeated for convenience if exact detail is critical. Convenience links to other manuals and other sources of information may be provided throughout the manual. For all administrative matters concerning this manual, including where to locate certain or specific written policy/procedural guidance, general comments or when assistance needed for using this manual, contact the REPM editor at WisDOT/DTSD/Bureau of Technical Services - Real Estate (central bureau/Madison office). Email: [DOT DTSD BTS Statewide Real Estate](mailto:DOT_DTSD_BTS_Statewide_Real_Estate).

### Guidance for LPAs (Local Public Agencies)

The REPM is a guide, serving both the experienced and inexperienced practitioner. It is used to promote uniformity and continuity among WisDOT regional staff and consulting firms. Additionally, the REPM serves local public agencies (LPAs) by expanding detail and clarifying concepts and procedures set forth in the [Local Public Agency \(LPA\) Manual for Right of Way Acquisition](#). The LPA manual, in fact, is a sub-section of the Real Estate Program Manual (REPM). By default, local agencies are expected to adopt the guidance, policies and procedures as set forth within WisDOT's LPA manual and REPM. Local Public Agencies (LPAs) must follow the minimum procedures outlined within WisDOT's manuals to secure the approvals needed to proceed with right of way acquisition on state or federal aid projects. If WisDOT were approached, and were to enter into any agreements to adopt and ultimately approve a right of way manual other than its own with another state, county, municipal, or local public land acquisition organization or with private consultants, WisDOT will require assurances that any such manual(s) conforms to federal and state real estate laws, rules, and regulations. The department will also require those agencies or organizations to have their manual(s) reviewed by WisDOT periodically and to be certified by the LPA chief administrative officer to assure that any such manual(s) conforms to existing practices and contains necessary procedures that comply with the Uniform Act along with federal and state real estate laws and regulations. Because of continuous improvement efforts, processes and procedures will be adjusted, and because state and federal laws do change, the REPM and LPA manual are each subject to updates.

Tip: For best search results, open [REPM in its entirety](#) and search using the 'find' feature (ctrl + f). For convenience, each REPM chapter is saved as a single document in a PDF format.

## FHWA Program Oversight and State Responsibilities

### ➤ Federal Acronyms'

- SDOT\* = State Department of Transportations; state agency\*
- ROW or right-of-way\* = WisDOT's equivalent use of R/W.

\* *State agency* means the department, agency, or instrumentality of a state or of a political subdivision of a state; any department, agency, or instrumentality of two or more states or of two or more political subdivisions of a state or states; or any person who has the authority to acquire property by eminent domain, for public purposes, under state law.

\* *State department of transportation (SDOT)* means the state highway department, transportation department, or other state transportation agency or commission to which title 23, United States Code, funds are apportioned.

\* *Right-of-way (ROW)* means real property and rights therein obtained for the construction, operation, maintenance, or mitigation of a transportation or related facility funded under title 23, United States Code.

**Per:** CFR, Title 23, Ch. 1, Subchapter H, Subpart B – Program Administration, [§710.201 Grantee and subgrantee responsibilities](#) (state responsibilities); emphasis here is to §710.201(c) *ROW manual*.

(a) Program oversight. States administer the Federal-aid highway program, funded under chapter 1 of title 23, United States Code, through their SDOTs. The SDOT shall have overall responsibility for the acquisition, management, and disposal of real property interests on its Federal-aid projects, including when those projects are carried out by the SDOT's subgrantees or contractors. This responsibility shall include ensuring compliance with the requirements of this part and other Federal laws, including regulations. Non-SDOT grantees of funds under title 23 must comply with the requirements under this part, except as otherwise expressly provided in this part, and are responsible for ensuring compliance by their subgrantees and contractors with the requirements of this part and other Federal laws, including regulations.

(b) Organization. Each grantee and subgrantee, including any other acquiring agency acting on behalf of a grantee or subgrantee, shall be adequately staffed, equipped, and organized to discharge its real property related responsibilities.

**(c) *ROW manual*.** (1) **Every grantee must ensure that its title 23-funded projects are carried out using an FHWA-approved and up-to-date ROW manual or RAMP that is consistent with applicable Federal requirements, including the Uniform Act and this part. Each SDOT that receives funding under title 23, United States Code, shall maintain an approved and up-to-date ROW manual describing its ROW organization, policies, and procedures. Non-SDOT grantees may use one of the procedures in paragraph (d) to meet the requirements in this paragraph; however, the ROW manual options can only be used with SDOT approval and permission. The ROW manual shall describe functions and procedures for all phases of the ROW program, including appraisal and appraisal review, waiver valuation, negotiation and eminent domain, property management, relocation assistance, administrative settlements, legal settlements, and oversight of its subgrantees and contractors. The ROW manual shall also specify procedures to prevent conflict of interest and avoid fraud, waste, and abuse. The ROW manual shall be in sufficient detail and depth to guide the grantee, its employees, and others involved in acquiring, managing, and disposing of real property interests. Grantees, subgrantees, and their contractors must comply with current FHWA requirements whether or not the requirements are included in the FHWA-approved ROW manual.**

(2) The SDOT's ROW manual must be developed and updated, as a minimum, to meet the following schedule:

(i) The SDOTs shall prepare and submit for approval by FHWA an up-to-date ROW Manual by no later than August 23, 2018.

(ii) Every 5 years thereafter, the chief administrative officer of the SDOT shall certify to the FHWA that the current SDOT ROW manual conforms to existing practices and contains necessary procedures to ensure compliance with Federal and State real estate law and regulation, including this part.

(iii) The SDOT shall update its ROW manual periodically to reflect changes in operations and submit the updated materials for approval by the FHWA.

**(d) ROW manual alternatives.** Non-SDOT grantees, and all subgrantees, design-build contractors, and other acquiring agencies carrying out a project funded by a grant under title 23, United States Code, must demonstrate that they will use FHWA-approved ROW procedures for acquisition and other real estate activities, and that they have the ability to comply with current FHWA requirements, including this part. This can be done through any of the following methods:

- (1) Certification in writing that the acquiring agency will adopt and use the FHWA-approved SDOT ROW manual;
- (2) Submission of the acquiring agency's own ROW manual to the grantee for review and determination whether it complies with Federal and State requirements, together with a certification that once the reviewing agency approves the manual, the acquiring agency will use the approved ROW manual; or
- (3)(i) Submission of a RAMP setting forth the procedures the acquiring agency or design-build contractor intends to follow for a specified project or group of projects, along with a certification that if the reviewing agency approves the RAMP, the acquiring agency or design-build contractor will follow the approved RAMP for the specified program or project(s). The use of a RAMP is appropriate for a subgrantee, non-SDOT grantee, or design-build contractor if that party infrequently carries out title 23 programs or projects, the program or project is non-controversial, and the project is not complex.
- (ii) Subgrantees, design-build contractors, and other acquiring agencies carrying out a project for an SDOT submit the required certification and information to the SDOT, and the SDOT will review and make a determination on behalf of FHWA. Non-SDOT grantees submit the required certification and information directly to FHWA. Non-SDOT grantees are responsible for submitting to FHWA the required certification and information for any subgrantee, contractor, and other acquiring agency carrying out a project for the non-SDOT grantee.
- (e) Record keeping. The acquiring agency shall maintain adequate records of its acquisition and property management activities.
- (1) Acquisition records, including records related to owner or tenant displacements, and property inventories of improvements acquired shall be in sufficient detail to demonstrate compliance with this part and 49 CFR part 24. These records shall be retained at least 3 years from the later of either:
- (i) The date the SDOT or other grantee receives Federal reimbursement of the final payment made to each owner of a property and to each person\* displaced from a property; or
- (ii) The date of reimbursement for early acquisitions or credit toward the State share of a project is approved based on early acquisition activities under §710.501.
- (2) Property management records shall include inventories of real property interests considered excess to project or program needs, as well as all authorized ROW use agreements for real property acquired with title 23 funds or incorporated into a program or project that received title 23 funding.
- (f) Procurement. Contracting for all activities required in support of an SDOT's or other grantee's ROW projects or programs through the use of private consultants and other services shall conform to 2 CFR 200.317, except to the extent that the procurement is required to adhere to requirements under 23 U.S.C. 112(b)(2) and 23 CFR part 172 for engineering and design related consultant services.
- (g) Use of other public land acquisition organizations, conservation organizations, or private consultants. The grantee may enter into written agreements with other State, county, municipal, or local public land acquisition organizations, conservation organizations, private consultants, or other persons to carry out its authorities under this part. Such organizations, firms, or persons must comply with the grantee's ROW manual or RAMP as approved in accordance with paragraphs (c) or (d) of this section. The grantee shall monitor any such real property interest acquisition activities to ensure compliance with State and Federal law, and is responsible for informing such persons of all such requirements and for imposing sanctions in cases of material non-compliance.
- (h) Assignment of FHWA approval actions to an SDOT. The SDOT and FHWA will agree in their Stewardship/Oversight Agreement on the scope of property-related oversight and approvals under this part that will be performed directly by FHWA and those that FHWA will assign to the SDOT. This assignment provision does not apply to other grantees of title 23 funds. The content of the most recent Stewardship/Oversight Agreement shall be reflected in the FHWA-approved SDOT ROW manual. The agreement, and thus the SDOT ROW manual, will indicate which Federal-aid projects require submission of materials for FHWA review and approval. The FHWA retains responsibility for any approval action not expressly assigned to the SDOT in the Stewardship/Oversight Agreement.

\* Person, as used in the above, means any individual, family, partnership, corporation, or association.

- **Per:** (h) *Assignment of FHWA approval actions to an SDOT* – as described above, also see: [Federal Highway Administration and Wisconsin Department of Transportation Stewardship & Oversight Agreement](#).

## Related Citations/References – 23 CFR §710 Subpart A-General and Subpart B-Program Administration

Per §710.101 Purpose. The primary purpose of the requirements in this part is to ensure the prudent use of Federal funds under title 23, United States Code, in the acquisition, management, and disposal of real property. In addition to the requirements of this part, other real property related provisions apply and are found at 49 CFR part 24.

Per §710.103 Applicability.

(a) This part applies whenever title 23, United States Code, grant funding is used, including when grant funds are expended or participate in project costs incurred by the State or other Title 23 grantee. This part applies to programs and projects administered by the Federal Highway Administration (FHWA) and, unless otherwise stated in this part, to all property purchased with title 23 grant funds or incorporated into a project carried out with grant funding provided under title 23, except property for which the title is vested in the United States upon project completion. Grantees are accountable to FHWA for complying with, and are responsible for ensuring their subgrantees, contractors, and other project partners comply with applicable Federal laws, including this part.

(b) The parties responsible for ROW and real estate activities, and for compliance with applicable Federal requirements, can vary by the nature of the responsibility or the underlying activity. Throughout this part, the FHWA identifies the parties subject to a particular provision through the use of terms of reference defined as set forth in §710.105. It is important to refer to those definitions, such as “State Department of Transportation (SDOT),” “grantee,” “subgrantee,” “State agency” and “acquiring agency,” when applying the provisions in this part.

(c) Where title 23 funds are transferred to other Federal agencies to administer, those agencies’ ROW and real estate procedures may be utilized. Additional guidance is available electronically at the FHWA Real Estate Services Web site: [www.fhwa.dot.gov/real\\_estate/](http://www.fhwa.dot.gov/real_estate/).

## Additional, Related and Outside References

For right of way guidance and real estate forms specific to local public agencies, use the [Local Public Agency \(LPA\) Manual for Right of Way Acquisition](#) as your primary resource; and, then the REPM for additional details as necessary. Throughout this manual, frequent references are made to the [Wisconsin Statutes](#) and to the [Facilities Development Manual](#) (FDM). The REPM attempts to provide convenience links to relevant state statutes, administrative code, federal laws and regulations as needed for additional reading. The most frequent references and basis for guidance included and explained throughout this manual come from these key areas:

- State statutes: [Chapter 32 - Eminent domain](#); [Chapter 60 - Towns](#); [Chapter 61 - Villages](#); [Chapter 62 - Cities](#); [Chapter 66 - General municipality law](#); [Chapter 82 - Town highways](#); [Chapter 83 - County highways](#); [Chapter 84 - State trunk highways; federal aid](#); [Chapter 86 - Miscellaneous highways](#); [Chapter 91 - Farmland preservation](#); [Chapter 244 - Uniform power of attorney for finances and property](#); [Chapter 703 - Condominiums](#); [Chapter 706 - Conveyances of real property; recording; titles](#); [Chapter 846 - Real estate foreclosure](#); [Chapter 893 - Limitations .... for claims against governmental units](#).
- Administrative code: Trans 201 - Control of outdoor advertising along and visible from highways on the interstate and federal-aid primary systems; and, Comm. 202 - Relocation assistance - has been renamed and renumbered to Department of Administration [Administrative code: Chapter 92 - Relocation assistance](#).
- [Federal laws/regulations](#) (← see all at FHWA/Realty – Legislation & Regs): 23 CFR - Highways; 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for federal and federally-assisted programs; and, Uniform relocation assistance and real property acquisition policies act of 1970, as amended. See full text of [Title 23 Chapter I Subchapter H](#) → [Part 710 – Right OF WAY AND REAL ESTATE](#).

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## Related Links

- [Facilities Development Manual \(FDM\)](#)
- [Guide to Utility Coordination \(UC Guide\) w/TUMS](#) - for Utility staff
- [Local Public Agency \(LPA\) Manual for Right of Way Acquisition w/LPA forms](#)
- WisDOT Real Estate – “[Highway projects and your property](#)” public info page
  - Also see Bureau of Technical Services – Real Estate and key tools for WisDOT [RE consultants/staff](#) and [READS](#) (new users must request permission)
- [Wis cities, towns and villages Wis counties](#)
- [Wis Register of Deeds Offices](#)
- [Wis Statutes](#)

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## Last Substantial Update

This Intro/Overview section of the WisDOT REPM was last updated, with significance, to reflect the August 23, 2016, Federal Highway Administration 23 CFR Parts 635, 710, and 810 Right-of-Way and Real Estate Final Rule provisions, which became effective on September 22, 2016, and to remove any conflicting provisions. Additional inconsequential updates may occur at any time without formal notice.