

ENGINEERING DIRECTIVES AND STANDARDS

| Volume | Chapter | Section | Directive Number | Effective Date |
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| III | 1 | 1 | 4 | 7/16/1976 |

SUBJECT: FORM NO. 4206 RIGHT OF ENTRY

- PURPOSE:** The purpose of this directive is to establish a uniform policy for obtaining permission to perform necessary work outside the limits of acquired Right-of-Way or Servitudes.
- SCOPE:** This directive contains necessary details to obtain right of entry.
- PROCEDURE:** The construction of driveways, yard drains and certain other features outside the limits of our right-of-way requires permission of the property owners for entry upon their property to perform the necessary construction. The construction plans will normally include servitudes which will be acquired in conjunction with acquisition of the required right-of-way; or, the plans may only show the specific features of construction outside the required right-of-way, without servitudes, in which case the Right-of-Way Section will obtain the necessary permission in the deed acquiring the right-of-way, or by letter agreement where no right-of-way is acquired.

However, there will be occasions where the need for such construction will not be determined until construction of the project is in progress. In such cases, permission, or right of entry, will have to be acquired from the property owner by the Project Engineer. The Right-of-Way Section will assist the Project Engineer in determining ownership of the property and in securing the right of entry when such assistance is needed.

Form No. 4206, Right of Entry, is to be used for this purpose and is available from the stock room. The form provides space at top for the type construction (vehicular approach, yard drain, etc.), district, project data and date. Space for a brief description of the construction and location by project stationing, including more than one site on the same property as the case may be, is provided in the body of the form. Signatures of the owner, or legally authorized representative, and two witnesses are required. The Project Engineer should sign and distribute signed copies as indicated.

Construction of driveways and yard drains primarily benefits the property on which the construction is to be performed. Should right of entry be denied, construction should normally be modified to conform as close as possible to design criteria, but confined within limits of our right-of-way. Since documentation of such circumstances is required, this form should be used to document the refusal of right of entry by the property owner. This should be done by signature of the Project Engineer and two witnesses with a notation across the space provided for the owner's signature that "right of entry was denied by", listing the name of the person who refused to grant the required permission.

- OTHER ISSUANCES AFFECTED:** All directives, memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.
- EFFECTIVE DATE:** This directive supersedes all instructions in conflict herewith and will be effective upon receipt.

LAWRENCE DOUCET
CHIEF CONSTRUCTION ENGINEER