**OVERVIEW**

The Texas Department of Transportation (TxDOT) is responsible to millions of Texans for planning, building and maintaining the state highway system and certain other public transportation projects. In order to carry out these responsibilities, TxDOT must occasionally obtain land for new or existing facilities.

Transportation projects are not developed arbitrarily. They are the result of cooperative efforts with local and regional partners. In addition, a proposed project weighs the needs for safe and efficient transportation with all alternatives. When weighing alternatives, the department uses a systematic approach to evaluate social, economic, adjacent property and environmental, to name a few.

Under state and federal law, TxDOT can acquire only the right of way (ROW) needed for a transportation project. As a transportation project is being developed, the department's systematic approach extends to informing the public – and potentially affected property owners – about the proposed project. (See Right of Way Process chart)

In many ROW cases, the first time property owners hear that their property is needed is when they are notified of an upcoming public meeting or a public hearing. But before that, a lot of work has already been completed. A schematic has been drawn detailing the project and the land affected by the proposed alignment. As a general rule, before TxDOT can acquire any property, the project must obtain environmental clearance. Then, right-of-way maps are developed that detail every parcel known to be affected. Only then will TxDOT’s Right of Way Division allow the property acquisition process to begin with letters mailed to every individual property owner. At the same time, appraisers are hired to determine the value of the land and any improvements located on the land and the negotiation process begins.

Property owners are given several booklets outlining their rights, the ROW process and the help provided by the department in relocating tenants and property owners. The booklets’ “State Purchase of Right of Way,” “Landowner’s Bill of Rights” and “Relocation Assistance” can be found online at: [http://www.txdot.gov/government/processes-procedures/row.html](http://www.txdot.gov/government/processes-procedures/row.html).

**EFFECTS ON EXISTING PROPERTY**

**Damages to Remaining Property**

TxDOT typically acquires the amount of land necessary for transportation purposes, which can lead to portions of property left remaining after construction. It is important to note that highway construction often enhances the value of remaining property. When only a portion of a property is needed, TxDOT can offer an amount for damages if the appraisal process indicates that the remaining property will have a lesser value after the highway is constructed. The amount established for damages, if any, will be stated separately and will also be included in the total offer made by the department.

**Retention of Improvements**

When TxDOT and a property owner reach an agreement for a voluntary conveyance of the needed right of way, arrangements can be made for property owners to retain a house, building or other fixtures and move them to another location. Removal of such improvements, however, is the owner’s responsibility and should be discussed with a TxDOT authorized representative during negotiations.

**Control of Access**

TxDOT retains the right to deny the ingress and egress from property adjoining certain state highways to ensure safe and efficient traffic flow. The department, however, may be required to compensate property owners along certain state system roadways if existing direct access on and off of their property is materially impaired. Guidelines for access rights along new roadways are treated differently. Once access to a new roadway was not implied before it was built.

**RELOCATION ASSISTANCE**

TxDOT also provides additional benefits during property acquisition. This assistance in locating another home or business, and financial assistance in the form of moving and related expenses. Such benefits, if any, are in addition to the state's offer for the property and are handled separately from the purchase of real property. A relocation assistance booklet is available for property owners who must move.