



MANAGEMENT OF DEPARTMENT-OWNED REAL PROPERTY

Purpose

This policy implements Board Policy 4005 instructing the Department on managing access to the roadway, and delegating authority to purchase, lease, otherwise acquire, dispose, sell, or exchange Department-owned surplus real property.

Legal Authority

[Idaho Code 40-102\(1\)](#) - Definition and use of access easements

[Idaho Code 40-310\(9\) \(10\) & \(11\)](#) - Board powers and duties to regulate access to highway

[Idaho Code 40-311](#) - Board powers and duties with respect to property for highways and related facilities

[Idaho Code 58-335A](#) and [Idaho Code 67-5709A](#) - Governance of surplus property disposal

23 [Code of Federal Regulations part 710](#) - Right-of-Way and Real Estate

49 [Code of Federal Regulations part 24](#) - Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

Access to Roadway

When the owner of land adjacent to a State Highway System roadway requests one or more additional access points, or a change in use of an existing access point, the Department shall review and act on the request pursuant to administrative rules.

Acquisition of Real Property

Real property acquisitions for the Department shall be in fee simple title, except in the following instances when the property can be acquired in easement form:

- Rights-of-way across United States Government land by DOT Easement Deed
 - Rights-of-way across Indian Reservation or tribal lands by revocable Right-of-Way Permits
 - Rights-of-way across State owned lands
 - Right-of-way crossing or encroaching upon railroad or other utility or irrigation districts rights-of-way
 - Acquisitions for beautification programs
 - Aviation easements for airports
 - Temporary and permanent easements required by construction
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When advantageous, purchases or condemnations may include uneconomic remnants, landlocked tracts, or the whole of the real property affected. Remainders that are acquired may be traded for other land needed by the Department, used by the Department, or disposed of.

Disposal of Real Property

It is the policy of the Department of Transportation to efficiently and economically dispose of real property, owned by the Department, which is determined to be surplus property. Remnant parcels acquired through the real estate acquisition process which are not required for the project itself but which, as a result of the acquisition, become uneconomic or undesirable for the Department to retain, are to be identified and, if determined to be surplus, are to be disposed of.

Authority to dispose of surplus real property is granted to the Right-of-Way Section Manager or their designee within the Department. The Department cannot directly dispose of surplus real property which is an administrative facility or a maintenance yard site per [Idaho Code 58-335A](#) and [Idaho Code 67-5709A](#).

The Districts shall report to the Right-of-Way Section Manager all interest in, or changes to the sale or transfer of surplus property. The Right-of-Way Section Manager, on behalf of the Department, shall provide to the Board, a biennial report on the amount and location of surplus properties owned by the Department. The report will identify the current inventory of surplus properties together with information from the disposal of surplus properties which occurred during the reporting period.

Department-Owned Property

Department employees shall not be allowed to purchase or procure (either directly or indirectly, through any person acting on his/her behalf, or for his/her benefit) any real property sold or surplus by the Department. This includes Department-owned real property (land) which the Department offers for sale to the public as surplus property pursuant to [Idaho Code 58-335A](#) and [Idaho Code 67-5709A](#).

Department employees may purchase properties or materials offered for sale through public auction by other State agencies where there has been no Department involvement in the disposal.

The Department shall recover all readily determinable costs associated with the sale of Department-owned materials, supplies, equipment and services to other government agencies per the Financial Accounting Manual and the Business and Support Management (BSM) Manual.

Administrative facilities, administrative office buildings and maintenance yards which are no longer needed by the department shall be transferred to the State Board of Examiners for disposition pursuant to Idaho Code 67-5709A.

Authority to lease Department-owned real property is granted to the Right-of-Way Section Manager.



Brian W. Ness
Director

Date

3/7/2017