



# RIGHT OF WAY MANUAL DIRECTIVE

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**RWMD NUMBER:**

26-02

**ISSUANCE DATE:**

06-10-2026

**EFFECTIVE DATE:**

06-10-2026

**APPROVED BY:**

GRANT J. SEMPLE  
Chief, Office of Appraisals and Local Programs  
Division of Right of Way and Land Surveys

**SUBJECT:**

End of Waiver Trial and Delegation Updates

**PURPOSE:**

To end the Waiver Trial limit of \$25,000 and return to a \$15,000 limit for waivers, except for those Districts that demonstrated adequate quality at the end of the trial.

**REFERENCES:**

- [49 CFR 24.102](#)
- [Right of Way Manual](#) Chapter 7, Sections 7.02.13.00 & 7.18.00.01

**BACKGROUND:**

[49 CFR 24.102](#) states that Agencies shall acquire real property expeditiously and that an appraisal of the real property must be performed. An exception to the appraisal requirement is provided in 49 CFR 24.102(c)(2), which states that a Waiver Valuation can be utilized in place of an appraisal for parcels valued at \$15,000 or less. However, that limit can be increased to \$35,000 if the agency notifies the grantors of their right to request an appraisal in writing. Districts have requested approval to use the higher limit for Waiver Valuations to facilitate more efficient project delivery effort. RWMB has agreed to a trial period during which the higher limit can be used. At the end of the trial period, on April 1, 2026, the effectiveness of the temporary policy change will be evaluated and possibly made permanent.

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### **EXISTING POLICY OR PROCEDURE:**

The criteria governing Waiver Valuation usage remain consistent, with the exception of an increase in the maximum value limit to \$25,000. On April 8, 2024, the HQ Office of Appraisals obtained concurrence from FHWA regarding the Waiver Valuation Trial, which concluded on April 1, 2026. District staff are required to offer grantors the option to request an appraisal instead of a waiver valuation for all parcels, thereby mitigating the risk of noncompliance with CFRs. An Associate Right of Way Agent must sign the title page of each report, recommending approval. Throughout the trial period, the HQ Office of Appraisals will oversee implementation of the policy to assess its effectiveness.

### **NEW POLICY OR PROCEDURE:**

The criteria for employing a Waiver Valuation remain unchanged, limiting its application exclusively to noncomplex valuation problems. Parcels presenting complex appraisal issues – such as significant damages or condemnation concerns, hazardous waste, disputed or altered highest and best use, access difficulties, or acquisitions that materially affect the remainder parcel – are not eligible for Waiver Valuation. There are now two delegation thresholds for Waiver Valuations: the first at \$15,000, applicable to districts lacking sufficient participation or quality in their Waiver Valuations, and the second at up to \$25,000. Waiver Valuations will be reviewed through the QEJR process to uphold consistent standards and ensure appropriate delegation based on demonstrated work quality. An Associate Right of Way Agent is required to sign the report's title page and recommend approval. These updated delegations apply to reports approved on or after **June 10, 2026**, with further information available on the following page.

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Reference (Statutory, WBS, Director's Policy, Deputy Directive, etc.)	RW Manual Section	Responsibility	Delegation	Lowest Level of Sub- Delegation
<a href="#">49 CFR §24.102(c)(2)</a>	7.02.13.00	Approval of Waiver Valuations in Lieu of an Appraisal (\$15K or Less)	Districts 1, 2, 4, 7, 8, 9, 11, 12	Senior RW Agent
<a href="#">49 CFR §24.102(c)(2)</a>	7.02.13.00	Approval of Waiver Valuations in Lieu of an Appraisal (\$25K or Less)	Districts 3, 5, 6, 10	Senior RW Agent

**RESPONSIBILITIES:**

Districts shall:

- Estimate the value of all subject parcels, including damages, and only utilize the waiver valuation process if parcels qualify under their respected Waiver Delegation.
- Ensure the parcel qualifies for a waiver valuation based on the criteria listed in Right of Way Manual Section 7.01.02.00.
- Ensure compliance with Right of Way Manual Section 7.02.13.00.
- Upload completed waiver valuations into ROWMIS, including the associated working files.

HQ Office of Appraisals shall:

- Update the relevant Right of Way Manual Sections and Exhibits referenced in this RWMD.
- Review a sampling of parcels acquired using waiver valuations during QEJRs of those districts that have the higher delegation.

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