Washington State Department of Transportation

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To: Local Agencies and Consultants

From: Michelle Newlean, Right of Way Manager
Headquarters Local Programs

Michelle Newlean
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Date: 2026.11.05 10:48:17 -08'00'

Subject: WSDOT ROW Manual
90 Day Negotiation-Condemnation Requirement

Background
Local agencies and their consultants are required to follow Chapter 25 of the Local Agency Guidelines (LAG) and the WSDOT Right of Way Manual. While there are some differences between the two manuals, Chapter 25 of the LAG takes precedence whenever a discrepancy exists.

The WSDOT Right of Way Manual was recently updated to include a new requirement regarding negotiation timeframes and the initiation of condemnation proceedings. Section 4-10.1 states:

"Negotiations extending 90 days after the formal offer is presented to the property owner require the approval of the Acquisition Program Manager. If the acquisition is recommended for condemnation, the 10-day letter should be sent to the property owner explaining the status of negotiations prior to the start of final action procedures noted in Section 4-13.1."

Local Programs ROW Policy
Local Programs ROW will not implement this new requirement on federally funded local agency projects. Instead, the local agency retains responsibility and discretion to determine when negotiations have reached an impasse and when it is appropriate to initiate final action procedures and pursue condemnation.

Local agencies are not required to obtain approval from Local Programs ROW to extend negotiations beyond 90 days or to follow the additional 10-day notification requirement outlined **in Section 4-10.1 of the WSDOT ROW Manual.**

Implementation
This difference in policy and procedure will be incorporated into Chapter 25 of the LAG during the next revision cycle. Until the revised guidance is published, this memorandum serves as interim direction and formally acknowledges the exemption of local agencies from the 90-day negotiation and associated approval requirements in Section 4-10.1 of the WSDOT ROW Manual.

MN: mn