

**SUPERSEDED BY EB 21-057
EFFECTIVE 11/24/21**



ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

SUBJECT: NOTIFICATION PRIOR TO ENTERING
PRIVATE PROPERTY FOR SURVEY AND/OR SOIL
EXPLORATIONS - FORM HC 176
Subject Code: 7.41

Distribution:



Main Office



Regions



Special

Code: EI 73-67

Date: 9/5/73

APPROVED:

Wm. P. Holmann
Deputy Chief Engineer, Technical Services

Supersedes:

1. Prior to entering private property for the purpose of making surveys and/or soil explorations, Form Letter HC 176 shall be sent to the property owner of record by registered mail with a return receipt requested.

The return receipt will serve as indication that the property owner was notified.

2. The Regional Director shall designate the Group or Groups that are responsible for sending the notification.
3. When surveys and/or subsurface explorations must be made on private property the Group that is responsible for notifying the property owners shall determine the name and address of the owner of record; send the notification; and advise the Survey Chief and/or Regional Soils Engineer that the return receipt has been received.
4. Prior to occupying private property every reasonable effort should be made to make a personal contact with the property owner to describe the nature and duration of the work contemplated.

PREL.	FINAL
PHOTOGRAM.	LANDSCAPE
RECEIVED	
FACILITIES DESIGN SUBDIVISION	
SEP 13 1973	
MALCOLM D. GRAHAM	
CHIEF	
FILE	

*Section 30, paragraph 17 reads as follows: "Notwithstanding the provisions of any general, special or local law, the commissioner of transportation, his officers, agents or contractors when acquiring property in accordance with the procedure of this section or when engaged on work connected with the highway system of the State of New York, as described in this chapter, may enter upon any property for the purpose of making surveys, test pits, test borings, or other investigations and also for temporary occupancy during construction. Claims for any damage caused by such entry, work or occupation not exceeding one thousand dollars may be adjusted by agreement by the commissioner of transportation with the owner of the property affected as determined by him by reasonable investigation without appropriating such property. Upon making any such adjustment and agreement, the commissioner of transportation shall deliver to the comptroller such agreement and a certificate stating the amount due such owner and the amount so fixed shall be paid out of the state treasury from monies appropriated for the acquisition of property for the project requiring such entry, work or occupation.

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
Raymond T. Schuler, Commissioner

EI 73-67



Dear Sir:

Re: Project #
County

The New York State Department of Transportation is engaged in planning and designing the above project. In order to properly carry out this project, it will be necessary for members of this Department to enter property within the design area in order to make surveys and soil explorations. We find that property belonging to you is within this area.

Although this Department has the legal right to enter your property for this purpose as authorized by Section 30, paragraph 17 of the Highway Law, we would prefer to have your cooperation as well as the cooperation of all the other owners of property within the project area. If any damage is done to your property as a result of such entry, surveys and borings, you have a right to make a claim. Claims, in the sum of \$1,000.00 or less, may be addressed to the Regional Director. Such claims may be adjusted by agreement by the Commissioner of Transportation. For larger claims, the procedure outlined in Section 10 of the Court of Claims Act must be followed. Please feel free to direct any questions you have on this matter to me.

A copy of section 30, paragraph 17 is attached for your information.

Very truly yours,

Regional Director

Attachment

HC 176-1b (4/73)