

Glossary of Terms and Abbreviations

LIST OF ABBREVIATIONS OF TERMS

(See Glossary of Terms for definitions)

ADP - Advance Detail Plans

ARM - Abstract Request Map

CADD - Computer Aided Drafting and Design

CSSQA - Cost, Schedule, Scope, and Quality Agreement

DAD - Design Approval Document

DD - Design Division

DQAB - Design Quality Assurance Bureau

DR - Design Report

DSA - Design Services Agreement

EDPL - NYS Eminent Domain Procedure Law

EO - Executive Order

FDR - Final Design Report

FHWA - Federal Highway Administration

IPP - Initial Project Proposal

NCA - Non-Certification Acceptance

NHS - National Highway System

NYCRR - New York Codes, Rules, and Regulations

NYSDOT - New York State Department of Transportation

PDM – Project Development Manual

PH - Public Hearing

LIST OF ABBREVIATIONS OF TERMS

(See Glossary of Terms for definitions)

PPM - Program and Project Management

PS&E - Plans, Specifications and Estimates

PSR – Project Scoping Report

RD - Regional Director

RDE - Regional Design Engineer

ROW - Right of Way

TASS - Term Agreement for Survey Services

W/OA - Without the right of access to and from abutting property

GLOSSARY OF TERMS

Abandonment - The loss, relinquishment, or abandonment of the public's rights in and to a highway through nonuse.

Abstract Request Map (ARM) - A plan that portrays which properties on a project may require acquisitions. From this plan title data can be requested from the Department of Law.

Abstract of Title - A document showing the condensed history of the title to property during the past 40 years. This document contains portions of all conveyances or other pertinent instruments relating to the estate or interest in the property, and all liens, charges, encumbrances and releases.

Accretion - The increase of riparian land by the gradual deposit, by water, of solid material, whether mud, sand, or sediment, so as to cause dry land which was before covered with water. The owner of the riparian land acquires title to all additions by means of accretion.

Acquisition - The act of vesting of title, right or interest to, real property for a public use, benefit or purpose, by virtue of the condemners exercise of the power of eminent domain.

Acquisition Map - Means the representation of the real property to be acquired by delineation of the perimeter of the parcel, together with a description of the property and a statement of the estate, right or interest in and to such property so acquired.

Advance Detail Plans (ADP) - Project plans, profiles and typical cross-sections that are approximately 90% complete.

Adverse Possession - The act of an occupant of land in acquiring title against the real owner where possession has been actual, continuous, hostile, visible and distinct for the statutory period of time.

Appropriation - The act of selecting, devoting, or setting apart land for a particular use or purpose. In this sense it may refer merely to physical occupation and contemplate payment prior thereto.

Appurtenances - A word employed in deeds, leases, etc. for the purpose of including any easements or other rights used or enjoyed with the real property which are considered to be so much a part of the property that they automatically pass to the grantee under the deed conveying the real property.

Bridge - A structure of over 20 foot span. (Batteries of pipe culverts regardless of their length are not bridges.)

Certificate of Title - A document showing the condensed history of the title to property but covering a lesser period of time than the Abstract of Title. This document contains portions of all conveyances or other pertinent instruments relating to the estate or interest in the property, and all liens, charges, encumbrances and releases.

Computer Aided Design and Drafting (CADD) - An automation tool used in the design and drafting of highway projects and the preparation of acquisition maps.

GLOSSARY OF TERMS

Condemnation - The act of a Federal, State, County or City government or district or public utility corporation vested with the right of eminent domain to take private property for public use when a public necessity exists. It is the act of a sovereign in substituting itself in place of the owner and / or the act of taking all or part of the rights of the owner.

Consequential Damages - Loss in value of a parcel, no portion of which is acquired, results from a highway improvement.

Control of Access - The condition where the right of owners, or occupants, of abutting land to access, light, air or view in connection with a highway is fully or partially controlled by public authority.

Conveyance - An instrument by which some estate or interest in lands is transferred from one person to another; such as by deed, mortgage, etc.

Cost, Schedule, Scope, and Quality Agreement (CSSQA) - A NYSDOT project agreement among the producers of the project.

Court of Claims - A court of law for the resolution of claims against the State of New York

Culvert - Any structure not classified as a bridge which provides an opening under any roadway.

Dedication - The appropriation of land, or an easement therein, by the owner, for the use of the general public, and accepted for such use by or on behalf of the public. This may be by an express dedication or an implied dedication. A dedication may be express, as where the intention to dedicate is expressly given by deed or an explicit oral or written declaration of the owner to devote the land for public use. An implied dedication may be shown by some act or course of conduct on the part of the owner from which a reasonable inference of intent may be drawn, or which is inconsistent with any other theory than that he intended a dedication.

Deed - A duly attested written instrument, under seal, conveying real property or interest therein.

Design Approval Document (DAD) - A report prepared to document the condition, needs, objectives and feasible alternatives of a proposed project. The DAD is used to obtain upper level management approval of a project and may also be used to obtain comments from other government agencies and the local community.

Design Division (DD) (NYSDOT) - A division within the Office of Engineering

Design Quality Assurance Bureau (DQAB) - A NYSDOT Main Office Bureau under the Design Division in Albany that is responsible for issuing and maintaining the Project Development Manual.

GLOSSARY OF TERMS

Design Report (DR) - A Design Approval Document that functions as an in-depth engineering report for projects that do not need an Environmental Impact Statement or a Federal Environmental Assessment. The design report also documents the environmental determination to comply with the National Environmental Policy Act (NEPA) and/or the State Environmental Quality Review Act (SEQR).

Design Services Agreement (DSA) - This type of agreement, which is divided into two stages, as described below, allows the Department to retain a consultant to provide design services for multiple, small scale, routine projects, in a rapid manner.

A **parent** agreement is established with the consultant that allows them to receive future project assignments within the assigned area. The total value of a parent agreement (i.e., the total of all project assignment plus Supplemental Agreements) will not exceed \$ 2.5 million. Some may have lower values, depending on the needs. Projects may be assigned to the parent agreement until approximately 80% of the total value is reached. For an agreement with a \$ 2.5 million limit, assignments can be made until all of the projects have a combined design cost of \$ 2.0 million. The remaining \$ 0.5 million is reserved for future Supplemental Agreements. The Department is not obligated to fill the parent agreements to the maximum limit, and this occasionally happens.

Individual project assignments must be made within one (1) year from the date the parent agreement is approved by the State Comptroller. Each assignment is to be basic and routine in nature, to be completed within three years of the assignment date, with a consultant design cost under \$ 1.0 million. Separate agreements are developed that define the scope and design cost estimate for each project.

Discontinuance - Termination of the existence of a highway by direct and purposeful action of public authorities.

Donation - The voluntary conveyance of private property to public ownership and use without compensation to the owner.

Easement - A right acquired by public authority to use or control property for a designated highway purpose. An interest in land consisting of the right to do an act, otherwise unprivileged, on the land of another. Where the easement is restricted to the use of land, it is appurtenant to the designated land and will pass with a transfer of the land.

Eminent Domain Procedure Law (EDPL) New York State - It is the purpose of this law to provide the exclusive procedure by which property shall be acquired by exercise of the power of eminent domain in New York state; to assure that just compensation shall be paid to those persons whose property rights are acquired by the exercise of the power of eminent domain; to establish opportunity for public participation in the planning of public projects necessitating the exercise of eminent domain; to give due regard to the need to acquire property for public use as well as the legitimate interests of private property owners, local communities and for the quality of the environment; and to that end to promote and facilitate recognition and careful consideration of those interests; to encourage settlement of claims for just compensation and expedite payments to property owners; to establish rules to reduce litigation, and to ensure equal treatment to all property owners.

GLOSSARY OF TERMS

Encroachment - A building, a part of a building, or obstruction which intrudes upon or invades a highway or a sidewalk or trespasses upon the property of another.

Escheat - A preferable right of the State to an estate left vacant and where there is no one in Existence able to make a claim thereto. The estate does not escheat to the State until after a certain period of time has elapsed after the death of the owner of the property. The period of time is governed by State law.

Executive Order (EO) - A mandate signed by the President of the United States or Governor of New York State.

Fee Simple - An absolute estate or ownership in property including unlimited power of alienation.

Federal Highway Administration (FHWA) - An office within the U.S. Department of Transportation responsible for administering federally-aided, highway transportation projects. FHWA is divided into Division Offices for each State, Regional Offices for various regions of the Country and the Headquarters in Washington D.C. FHWA is a sister agency to the Federal Transit Administration (FTA).

Final Design Report (FDR) - A finalized version of the Design Report that reflects the comments obtained from the public and other agencies. The FDR includes a discussion of the recommended alternative and is used to obtain upper level management approval of the project prior to beginning detailed design work.

Freehold - (1) An estate of inheritance, an estate for life, or an estate during the life of a third person. (2) The unencumbered fee simple property, free of any division of interests.

General Warranty Deed - A deed in which the grantor warrants the title against defects arising at any time, either before or after the grantor became connected with the land.

Grantee - A person to whom real estate is conveyed; the buyer.

Grantor - A person who conveys real estate by deed; the seller.

Guarantee Title - A title, the validity of which is insured by an abstract, title of indemnity company. (sometimes called an insured title.) (AASHTO)

Heir - One who inherits the property of a deceased person, testate or intestate.

Highway Boundary - The division between a parcel of land and the highway easement or fee.

GLOSSARY OF TERMS

Highway Right of Way - The area between the highway boundaries held in trust for the People of the State of New York in either fee or easement.

Highway (Street or Road) - A general term denoting a public way for purposes of vehicular travel, including the entire area within the right of way. (AASHTO)

Incumbrance - A claim, lien, charge, or liability attached to and binding upon real property, such as judgment, unpaid taxes, or a right-of-way; defined in law as any right to, or interest in land which may subsist in another to the diminution to its value, but consistent with the passing of the fee.

Indenture - A deed to which two or more persons are parties and in which these enter into reciprocal and corresponding grants or obligations toward each other.

Intestate - Dying without having made a will.

Inverse Condemnation - The legal process by which a property owner may claim and receive compensation for the taking of, or payment for damages to, his property, as a result of a highway improvement. (AASHTO)

Joint Estates - Two or more persons having concurrent and simultaneous estates or interests in the same parcel of land whether or not the estate in land is fee simple, a life estate, or an estate for years. Such cases of co-ownership are called tenancy by the entirety, joint tenancy, tenancy in common and community property.

Joint Tenancy - An estate in fee simple, for life, for years, or at will, arising by purchase or grant to two or more persons. Joint tenants have one and the same interest, accruing by one and the same conveyance, commencing at one and the same time, and held by one and the same undivided possession. The distinct character of joint tenancy is survivorship, by which the entire tenancy on the decease of any joint tenant remains to the survivors, and at length to the last survivor.

Judgment - Decree of court declaring that one individual is indebted to another and fixing the amount of such indebtedness.

Just Compensation - A full and fair equivalent for the loss sustained by the owner as a result of taking or damaging of private property for highway purposes. (AASHTO)

Lease - A contract, written or oral, for the possession of lands and tenements, on the one hand, and a recompense of rent or other income, on the other hand. It is a contract by which one person divests himself of real property and another person takes possession thereof for a determinable and limited time, though not necessarily a definite period of time.

Leased Fee - (1) The title to a real estate subject to a lease. (2) A property held in fee with the right of use and occupancy conveyed under lease to another. A property with the right to receive ground rentals over a period of time and an ultimate repossession.

Leasehold - Property held under tenure of lease. A property consisting of the right of use; occupancy of real property by virtue of lease agreement. The right of the lessee to use and enjoy real estate for a stated time under certain conditions, such as the payment of rent.

GLOSSARY OF TERMS

Legal Access - A right which an owner of land that abuts a highway has to use the highway for ingress and egress.

Lessee - One who acquires the right of use of the property of another. He is the one to whom the lease is granted or the property is rented under the lease. The lessee's interest is known as the leasehold.

Lessor - One who rents real property to another or one who conveys or leases the right of use of real estate to another. He is the landlord, he usually is the fee owner; however, this is not always so, as in the case of a lessee who subleases to another party. The original lessee then also becomes a lessor and the owner of a sandwich lease interest. The lessor's interest is known as the leased fee.

Lien - A hold or claim which one person has upon the property of another as a security for a debt or a charge, judgment, mortgage, taxes, etc.

Life Estate - An estate which is not terminable at any fixed or computable period of time, and cannot last longer than the life or lives of one or more persons. A life estate may arise by operation of law, or may be created by act or agreement of parties. A life estate created by the acts of the parties arises when the conveyance limits the duration of the created estate by the life or lives of one or more identified and existent persons, or when the conveyance, viewed as a whole, manifests the intent of the transferor to create an estate measured by the life or lives of one or more existent persons. A life estate can be conveyed but the life tenant cannot convey a greater estate than his own.

Local Street or Local Road - A street or road primarily for access to residence, business or other abutting property. (AASHTO)

Mechanic's Lien - A species of lien created by statute which exists in favor of persons who have performed work or furnished materials in the erection or repair of a building.

Metes and Bounds Description - A description of a parcel of land by reference to the courses (bearings, that is, the angles east or west of due north or due south) and distances (usually in feet or chains) of each straight line which forms its boundary, with one of the corners tied to an established point, that is, the bearing and to an established point, such as a section corner, or to the intersection of center lines of two roads. If one part of the boundary is on a curve, this part is described by showing the number of degrees of the central angle subtended by the curve arc, the length of the radius, and the length along the curve.

Mortgage - A conditional transfer of real property as security for the payment of a debt or the fulfillment of some obligation. A conveyance of an estate or interest of land as security of a debt with the right of redemption.

Mortgage Deed - A deed by way of mortgage which has the effect of the mortgage on the property conveyed and imposes a lien on the granted estates.

GLOSSARY OF TERMS

Mortgagee - A person to whom property is conveyed as security for a loan. One who takes a mortgage, or one who loans money secured by a mortgage.

Mortgagor - An owner who conveys his property as security for a loan (The debtor). One who gives a mortgage or one whose property is mortgaged.

Natural Drainage Rule - Where two adjoining pieces of land are so situated that one is dominant and the other servient, the dominant land owner has the right to have water flow naturally from his land to that of the servient landowner.

Option - A written agreement granting a privilege to acquire property or an interest therein at a fixed price within a specified period. (AASHTO) The right to purchase or lease a property at a certain price for a certain designated period, for which right a consideration is paid.

Parcel Plat - A map of a single parcel of property or a portion thereof needed for highway purposes, showing the boundaries, areas, the remainder, improvements, access, ownership and other pertinent information. (AASHTO)

Partial Taking - The acquisition of a portion of a parcel of property (AASHTO)

Party Wall - A wall erected upon and over a line which separates two properties and in which the respective owners have common rights of use.

Perch - A unit of land measurement of 16.5 feet, the same length as a rod. There are four perches to a chain.

Plank Roads - Although sand and clay roads were built, the only serious alternative to stone for rural roads was timber (usually cut from the abundant adjacent forests). Plank roads appeared as another option for rural roads by the 1840s. After 1846 some turnpikes were surfaced with wood planks and became plank roads. Constructed as private ventures, plank roads were developed in Toronto (in the British territory of Upper Canada) in 1835 and were first used in the United States in Syracuse, New York, in 1846. Dubbed the "farmer's railroad," plank roads consisted of flat planks nailed onto a foundation of longitudinally sawn logs lain flat side up. Because plank roads were made of wood, they were not durable and rarely lasted more than 10 years, contributing to their demise.

Planting Easement - An easement for reshaping roadside areas and establishing, maintaining and controlling plant growth thereon. (AASHTO).

Prescription - The acquisition of incorporeal hereditaments by an adverse user.

Project Development Manual (PDM) - NYSDOT's text book on how to process a highway project, including how to hold a public hearing or meeting, and what the format and content should be for a Design Approval Document. The PDM ensures that NYSDOT projects are processed according to the appropriate policies, procedures and regulations.

Project Scoping Report (PSR) - A detailed report documenting the scope of a proposed project that concludes the project scoping stage. The EPP is prepared based on the Initial Project Proposal (IPP) and is in the same format as the Design Report to facilitate the transition to preliminary design. The EPP is used by NYSDOT to obtain the Regional Director's (or designee's) approval of a project's scope before beginning preliminary design. The format and content of the EPP is dictated by the Scoping Procedure Manual.

GLOSSARY OF TERMS

Property - The right or interest which an individual has in lands and chattels to the exclusion of all others. Although technically the term means a right or interest in things rather than the things themselves, common usage makes it applicable to things rather than to the right or interest.

Property Line - The division between two parcels of land of different ownership.

Property, Personal - In broad and general sense, everything that is the subject of ownership, not coming under the denomination of real estate. A right or interest in things personal, or right or interest less than a freehold in realty, or any right or interest which one has in things movable.

Quasi - As if; of a similar nature.

Quiet Enjoyment - A covenant that the tenant or grantee of an estate shall enjoy the possession of the premises in peace and without disturbance by hostile claimants.

Quitclaim Deed - A deed conveying, without warranty, any title, interest or claim the grantor may have in the estate conveyed. (AASHTO)

Real Property - The bundle of rights which arise by reason of the ownership of physical real estate. The rights and interests possessed in land and those things affixed to the land. Land and generally whatever is erected or growing upon or affixed to land.

Remainder - The portion of a parcel retained by the owner after a part of such parcel has been acquired. (AASHTO)

Remainder Estate - An estate in property created at the same time and by the same instrument as another estate and limited to arise immediately upon the termination of the other estate.

Remnant - A remainder so small or irregular that it usually has little or no economic value to the owner. (AASHTO)

Reversion - The right to repossess and resume the full and sole use and proprietorship of real property which temporarily has been alienated by lease, easement or otherwise. The reversion right becomes effective at a stated time or under certain conditions such as the termination of a leasehold, etc., according to the terms of the controlling instrument.

Right of Access - The right of ingress to a highway from abutting land and egress from a highway to abutting land. (AASHTO) See "Control of Access".

Right of Survey Entry - The right to enter property temporarily to make surveys and investigations for proposed highway improvements. (AASHTO)

Right of Way - A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to a highway. (AASHTO)

Riparian Rights - The rights of an owner of water-fronting lands in the bed, banks, accretions, water, access, moorage and related items. (AASHTO)

GLOSSARY OF TERMS

Scenic Easement - An easement for conservation and development of roadside views and natural features. (AASHTO)

Servient Land - If two adjoining pieces of land are so situated that one piece is at a lower elevation than the other, the lower piece is considered to be servient.

Setback Line - A line outside the right of way, established by public authority, on the highway side of which the erection of buildings or other permanent improvement is controlled. (AASHTO)
A line established by law, deed restrictions or custom, fixing the minimum distance of the exterior face of the building, walls, and any other construction from a street or highway right of way line. See also "Building Line".

Severance Damages - Loss in value of the remainder of a parcel resulting from an acquisition (sometimes called Indirect Damages). (AASHTO)

Sight Distance - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed.

Sight Line Easement - An easement for maintaining or improving the sight distance.

Slope Easement - An easement for cuts or fills. (AASHTO)

Special Warranty Deed - A special warranty deed is a deed in which the grantor warrants the title against defects arising after he acquired the land but not against defects arising before that time. A deed wherein the grantor limits his liability to the grantee to anyone claiming by, from, through or under him, the grantor.

Statute Law - Laws passed by the New York State Legislative bodies.

Subdivision - A tract of land divided into lots suitable for home building purposes.

Tenancy at Sufferance - A tenancy at sufferance is a possessory interest in land which exists when a person who had an estate in land wrongfully continues in possession of the land after the termination of such estate. Notice to terminate is not essential unless specifically required by statute.

Tenancy at Will - An estate which is terminable at the will of either the landlord or tenant and has no specific duration. The relationship between the landlord and tenant at will is personal in its nature and, therefore, such tenancy is terminated by the death of either party.

Tenancy by Dower - A life estate to which a widow is entitled on the death of her husband in a third of the lands of which he was seized in fee simple, at any time during the marriage.

Tenancy by the Curtsey - A life estate to which, at common law, the husband is entitled in all the lands and tenements of which he and his wife were seized, in the right of the wife, in fee simple during the marriage, providing that there was issue born alive capable of inheriting the estate.

Tenancy by the Entirety - Created by a conveyance to husband and wife, whereupon each becomes seized and possessed of the entire estate and after the death of one, the survivor takes the whole.

GLOSSARY OF TERMS

Tenancy from Period to Period - This type of tenancy arises in a case where the tenancy is automatically renewed at the end of each period unless, prior to the end of any given period, appropriate notice to terminate has been given.

Tenancy in Common - Tenants in common exist where two or more persons have distinct but undivided shares in an estate or interest in property. Each share is several and distinct from the share of the cotenants.

Tenant - In the broadest sense, one who holds or possesses lands or tenements by any kind of right or title, whether in fee, for life, for years, at will, or otherwise.

Tenement - Everything of a permanent nature which may be held.

Terre Tenant - One who has actual possession of land.

Testate - Having made and left a valid will.

Title - The evidence of a person's right to property or the right itself. (AASHTO)

Title Insurance - A policy of insurance which indemnifies the holder for any loss sustained by reason of defects in the title.

Title Opinion - An analysis and interpretation of a title search concerning present ownership, encumbrances, clouds on title and other infirmities. (AASHTO)

Title Search - An investigation of public records and documents to ascertain the history and present status of title to property, including ownership, liens, encumbrances, charges and other interests. (AASHTO)

Torrens Title - A certificate of title issued by a public authority under a system wherein all deeds and documents affecting real property are registered. (AASHTO)

Turnpikes - By the end of the eighteenth century, a shift to inland travel was beginning. However, roads in the United States were not sufficient, wide, or well-maintained enough to support the expanding population, economy and the demand for travel and shipping. When neither local nor state governments had funds to construct or maintain roads, the states began to charter private turnpike companies. They provided improved roads in return for the payment of tolls. The success of Pennsylvania's Lancaster Turnpike (1792) spurred interest in toll roads. Turnpikes also shifted the financial burden of maintenance from the local inhabitants to the users of the roads. Turnpikes stimulated the agricultural production of many regions, allowed the transportation of manufactured goods, and brought settlers into sparsely settled regions of the interior. Farmers and people who drove animals like cows or sheep along the road were the most frequent users of turnpikes. Tolls were often too high for farmers or merchants to afford, so some resorted to using shunpikes, or detours around tollgates. Turnpikes reached their peak in 1830. Then increasing competition from canals and railroads, along with the cost of maintenance, brought an end to the turnpike era in about 1845.

Vendee - The purchaser of real estate under an agreement.

Vendor - The seller of real estate, usually referred to as the party of the first part in an agreement of sale.

GLOSSARY OF TERMS

Waiver - The renunciation, abandonment or surrender of some claim, right or privilege.

Warranty Deed - A deed containing covenants by the grantor, for himself and his heirs, to the grantee and his heirs, to warrant and defend the title and possession of the estate conveyed.
(AASHTO)

Will - A legal declaration of a person's wishes as to the disposition of his real property after his death usually in writing and signed by the testator and attested by witnesses.

