

R/W MANUAL CHANGE

RWMC- 237

PROCEDURAL HANDBOOK
 (1984 Edition)

RWPH-__-__-__
 TRANSMITTAL#__

TITLE:
 LOCAL PROGRAMS

APPROVED BY:

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DATE ISSUED:
FEB 10 2014

Page 1 of 1

SUBJECT AREA:
 CHAPTER 17 - LOCAL PROGRAMS

ISSUING UNIT:
 OFFICE OF APPRAISALS AND LOCAL PROGRAMS

SUMMARY OF CHANGES: Revises Exhibit 17-EX-18, "Right of Way Certification."

PURPOSE/BACKGROUND

This transmittal revises:

- Exhibit 17-EX-18 of R/W Manual Chapter 17 in accordance with current FHWA requirements for compliance with MAP-21 and Buy America regulations.

EFFECTIVE DATE

Immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
17 - Exhibits	17-EX-18 (6/2002)	17-EX-18 (REV 1/2014)

RIGHT OF WAY CERTIFICATION

(Form #)

LOCAL PUBLIC AGENCY NAME HERE

Date: _____

Dist.-Co.-Rte.-P.M.: _____

EA (Design Phase No.): _____

Const. Fed.-Aid No.: _____ ¹

Right of Way Fed.-Aid No.: _____

Right of Way Certification No. _____ for the project _____
(Location and Work Description from PS&E)

ONLY THE PARAGRAPHS RELATING TO THE SPECIFIC PROJECT SHOULD BE USED TO COMPLETE THIS FORM

1. STATUS OF REQUIRED RIGHT OF WAY: The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

(OR)

1. STATUS OF REQUIRED RIGHT OF WAY: Right of way (has been) (will be) acquired with applicable policy and procedure covering the acquisition of real property. (Local Public Agency) will gain legal and physical possession and right to enter on all lands as follows:

A. Total number of parcels required: _____ ²

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded): _____

Parcel Number	Owner	Project R/W Required ³	Excess (Yes or No)	Close of Escrow Date

2. Parcels covered (or anticipated to be covered) by Order for Possession: _____

Parcel Number	Owner	Project R/W Required	Effective Date

3. Parcels covered by Right of Entry: _____

Parcel Number	Owner	Project R/W Required	Type ⁴	Effective Date	Date Funds Made Available to Owner ⁵

¹ Insert the word "None" or input the Federal Construction and/or Federal Right of Way Aid Number.

² Parcels listed in items A1-A6 on pages 1 and 2 should total the number shown on line A above.

³ Items A1-A6: List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.

(To add table rows, set cursor to right of last column in empty table set, then press enter, additional table rows will populate.)

⁴ List as either right of entry (RE), early possession clause (PC) included in right of way contract, or possession and use agreement (PU).

⁵ If no entry is made in this column, a full explanation is required.

RIGHT OF WAY CERTIFICATION (Cont.)

(Form #)

4. Parcels covered by Right of Entry executed prior to appraisal: _____

Parcel Number	Owner	Project R/W Required	Effective Date

5. Parcels covered by Resolution of Necessity Only: _____⁶

Parcel Number	Owner	Project R/W Required	Resolution Date	Anticipated OP Effective Date

6. Parcels covered by other acquisition documents as follows: _____⁷

Parcel Number or Location P.M.	Owner	Project R/W Required	Type Document	Effective Date	Expiration Date

B. Construction Permits, other required permits: _____⁸

Location (P.M.)	Owner	Type Document	Effective Date	Expiration Date

2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:

None Affected

(OR)

The _____ Railroad has approved the proposed work, which is within their right of way but which does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

(OR)

The _____ Railroad (and when needed, the Public Utilities Commission) has approved the proposed work, which is within the railroad right of way and does require the adjustment of railroad facilities. The railroad, or its contract forces, will provide the necessary labor, materials and/or equipment to adjust their facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

CPUC approval type and date: _____

C&M execution date: _____

⁶ To be used only rarely in a Certification No. 3; the project must be advertised, Resolution of Necessity adopted, Order for Possession has been served, but is not effective.

⁷ This section covers acquisitions where the document is a license, permit, etc., not otherwise covered by A1-A5 above.

⁸ Detail should be added showing expiration dates of documents with fixed termination dates. Include Caltrans encroachment permits where applicable.

RIGHT OF WAY CERTIFICATION (Cont.)

(Form #)

3. MATERIAL SITE(S) - (Select appropriate statement/s)

- None required
- Commercial
- Optional site(s) secured as follows:
- Mandatory site(s) secured as follows:

Parcel Agreement	Owner	Document Effective Date	Expiration Date

4. DISPOSAL SITE(S) - (Select appropriate statement/s)

- None required
- Commercial
- Optional site(s) secured as follows:
- Mandatory site(s) secured as follows:

Parcel Agreement	Owner	Document Effective Date	Expiration Date

5. STATUS OF REQUIRED UTILITY RELOCATIONS: Select appropriate statement(s), remove those that do not apply:

None Required

(OR)

Utility agreements are not required on this project, therefore Buy America requirements do not apply.

(OR)

Check appropriate statement:

_____ Project specific utility agreement/s is (are) fully executed and include/s the Buy America language.

_____ Project is not covered by NEPA document and Buy America requirements do not apply.

(AND)

All utility work has been completed in accordance with applicable policy and procedure covering the adjustment of utility facilities.

(OR)

All utility work will be completed in accordance with applicable policy and procedure covering the adjustment of utility facilities by a stated date prior to award of the contract (see schedule below).

(OR)

All necessary arrangements have been made for the completion of all remaining utility work in accordance with applicable policy and procedure covering the adjustment of utility facilities required to be coordinated with project construction. The special provisions in the contract provide for the coordination (see schedule below).

(AND)

Arrangements have been made with the owners of all conflicting utility encroachments, which will remain within the right of way of the project so that adequate control of the right of way will be achieved.

(AND)

Utility notices have been issued (if applicable).

Federal participation has been authorized (if applicable).

RIGHT OF WAY CERTIFICATION (Cont.)

(Form #)

(And When Applicable)

The following utilities are located within the project’s right of way, but require no relocations:

Company	Facility Type

The following utilities are in conflict with the project and require relocations as follows:

R/W Notice Number and Notice Date	Company	Type of Facility	Liability % (Owner = O) (Local Public Agency = LPA)	Utility Agreement Date	Federal Participation (Yes ⁹ /No)	Input: Relocation schedule Start & End dates (or) concurrent with construction (or) bid item/s. Additional bid item info to be listed directly below ¹⁰

List each (applicable) bid item here:

Bid Item Number	Owner & Facility Type	Liability % (Owner = O) (Local Public Agency = LPA)	Federal Participation (Yes/No)

6. RIGHT OF WAY CLEARANCE

There were no improvements or obstructions located within the limits of this project.

(OR)

All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction.

(OR)

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	Location (P.M.)	Description	Salvable Non Salvable	Method of Disposal ¹¹	Date Site Available to Construction Contractor

7. AIRSPACE AGREEMENTS

There are no airspace lease properties within the limits of this project.

(OR)

All necessary arrangements have been made with the airspace lessee/s and/or special provisions in the contract to minimize conflicts between lessee/s activities and contractor’s operation.

(OR)

Airspace lease (describe) has been cancelled effective (date).

(OR)

(Provide explanation of other disposition of airspace lease area).

⁹ A copy of Specific Authorization to Relocate Facility Utilities Memorandum must be attached for each facility relocation item.

¹⁰ Additional information is required for each bid item if highway contractor will complete work as part of highway contract.

¹¹ Demolition Contract, Construction Contractor, or Owner.

RIGHT OF WAY CERTIFICATION (Cont.)

(Form #)

8. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

Compliance was not required as there are no displacements on this project.

(OR)

The project has no occupied parcels (except as explained below). The (Local Public Agency) has complied with the Federal Uniform Relocation Assistance and Real Property Acquisition Act, as amended. The (Local Public Agency) has also complied with all the steps relative to relocation advisory assistance and payments as required by applicable policies and procedures, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the (Local Public Agency) has made replacement housing available to the relocatees.

Types of relocation involved on this project: (Mark all that apply with an “X”)

Personal Property Relocation	Residential Relocation	Business, Farm, Nonprofit Relocation

Exceptions:

Occupants of residences, businesses, farms and nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Parcel Number	Location (P.M.) Owner or Tenant	Name of Occupant	Date to Vacate	Type of Occupancy ¹²

Explanation: Describe the exceptions and the reason/s the R/W is not clear.

9. COOPERATIVE AGREEMENTS:

None Required

(OR)

Agency	Agreement Number or Document Number

10. ENVIRONMENTAL MITIGATION

No environmental mitigation parcels are required for this project.

(OR)

All environmental mitigation parcels on the project have been acquired.

(OR)

Acquisition of environmental parcels is ongoing (include explanation below).

¹² Residential, Business, Farm, Nonprofit Organization, or Personal Property only.

RIGHT OF WAY CERTIFICATION (Cont.)

(Form #)

11. The (Local Public Agency) agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liability which may result in the event the right of way for this project is not clear as certified. The (Local Public Agency) shall pay, from its own non-matching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to (Local Public Agency) for the orderly performance of the project work.

12. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1) or (C)(2). The project may be advertised with contract award being made at any time.

(OR)

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to Paragraph (C)(1) or (C)(2) by _____ (date).

(AND)

(Explanation and reasons why a Certification #3 is being used and substantiation that the Cert #1 or #2 date given above is realistic.)

(OR)

“I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No. 3W will be provided by _____.”¹³

(OR)

“I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around.”¹⁴

¹³ Certification statement to be used on the initial submittal of Special Certification No. 3.

¹⁴ Certification statement to be used on the updated Special Certification No. 3 required no later than 15 days prior to bid opening.

RIGHT OF WAY CERTIFICATION (Cont.)

(Form #)

LOCAL PUBLIC AGENCY AUTHORIZED SIGNATURE

NOTE: Certification must be signed by person authorized by current resolution of City or County Board of Supervisors.

By: Type name of authorized representative here

Title: Type title of authorized representative here

Date: _____

Approved by:

CALTRANS AUTHORIZED SIGNATURE

By: Print name of Caltrans Authorized Right of Way Representative

Title: Type title of authorized representative here

Date: _____

(AND)

Applicable for Certification Levels 3, 3W

BRENT L. GREEN, Chief
Division of Right of Way and Land Surveys

(AND)

Add signature block if FHWA approval is required (HPP projects and special Certification Levels 3 & 3W) and project is federal-aid eligible.

MELANI M. MILLARD, Realty Officer
Federal Highway Administration