



RIGHT OF WAY MANUAL CHANGE

RWMC 23-01

EFFECTIVE DATE: January 13, 2023

PURPOSE:

The Right of Way (RW) Manual is revised each January and July to update policy, procedure, and guidance. Content revisions are noted on the following pages.

CURRENT RIGHT OF WAY MANUAL DIRECTIVES:

There are no Right of Way Manual Directives (RWMDs) in effect.

SUPERSEDED RIGHT OF WAY MANUAL DIRECTIVES:

There have been no Right of Way Manual Directives (RWMDs) incorporated into the RW Manual since the last publication.

RELATED POLICY AND PROCEDURES:

A summary of revisions includes:

Chapter 1 – Introduction

- **Section 1.01, Right of Way Manual Overview**
 - 1.01.06.00, Revisions – updated publication deadlines for July 2023 RW Manual.

Chapter 2 – Organization and Policy

- **All Sections**
 - Added hyperlinks throughout (no change to revision date).

Chapter 3 – Programming and Budgeting

- **All Sections**
 - Revised to add clarity and update systems information throughout.
 - Added hyperlinks throughout

Chapter 4 – Estimating

- **All Sections**
 - Added hyperlinks throughout (no change to revision date).
- **Section 4.04, Updating the Estimate**
 - 4.04.03.00, Final Cost Estimates At R/W Certification and Construction Contract Acceptance – noted that final cost estimates are not required for Minor and Maintenance programs, consistent with the [2015 Final Cost Estimates memo](#) (internal Caltrans link).

Chapter 5 – Early and Advance Acquisition; Corridor Preservation; Hardship and Protection; Donations and Dedications

- **All Sections**
 - Added hyperlinks throughout (no changes to revision dates).
- **Section 5.02, Corridor Preservation**
 - 5.02.01.00, General – added reference to new Exhibit 05-EX-11, Historical Director's Policy Memo DP 91-1-1.

Chapter 6 – Right of Way Engineering

- **All Sections**
 - Added hyperlinks throughout (no change to revision date).
- **Section 6.10, Standard Clauses for Freeway Deeds**
 - 6.10.12.02, For Right to Remove Slopes – language simplified to remove “the property owner is entitled to the Director's Deed without payment or consideration.”
- **Section 6.15, Director's Deeds**
 - 6.15.04.06, Slope Clause – Right to Remove – language simplified to remove “the property owner is entitled to the Director's Deed without payment or consideration.”

Chapter 7 – Appraisals

- **All Sections**
 - Added hyperlinks throughout (no changes to revision dates).
- **Section 7.18, Delegations**
 - 7.18.01.00, Delegations of Authority – the delegation limit amounts were revised for clarity as proposed by the Division of Accounting. For example, delegated authorities previously written as “Up to \$5M” have been revised to read “\$5M or Less.” No changes to delegation or sub-delegation levels, etc. have been made – revisions are only to clarify existing limits.

Chapter 8 – Acquisition

- **Section 8.70, Delegations**
 - 8.70.01.00, Delegations of Authority
 - The delegation limit amounts were revised for clarity as proposed by the Division of Accounting. For example, delegated authorities previously written as “Up to \$50K” have been revised to read “\$50K or Less.” No changes to delegation or sub-delegation levels, etc. have been made – revisions are only to clarify existing limits.
 - Added hyperlinks.

Chapter 9 – Condemnation

- **All Sections**
 - Added hyperlinks throughout (no change to revision date).

Chapter 10 – Relocation Assistance

- **Section 10.11, Delegations**
 - 10.11.01.00, Delegations of Authority
 - The delegation limit amounts were revised for clarity as proposed by the Division of Accounting. For example, delegated authorities previously written as “Up to \$10K” have been revised to read “\$10K or Less.” No changes to delegation or sub-delegation levels, etc. have been made – revisions are only to clarify existing limits.
 - Added hyperlinks.

Chapter 11 – Property Management

- **Section 11.20, Delegations**
 - 11.20.01.00, Delegations of Authority
 - The delegation limit amounts were revised for clarity as proposed by the Division of Accounting. For example, delegated authorities previously written as “Up to \$1,000” have been revised to read “\$1,000 or Less.” No changes to delegation or sub-delegation levels, etc. have been made – revisions are only to clarify existing limits.
 - Added hyperlinks throughout.

Chapter 12 – Clearance and Demolition

- **All Sections**
 - Added hyperlinks throughout (no changes to revision dates).
- **Section 12.02, Pre-Clearance Considerations**
 - 12.02.07.00, California DOT Stormwater Management Program (SWMP) – corrected stormwater reference.
- **Section 12.03, Clearance Procedure**
 - 12.03.06.00, Sale of Tools and Machinery to the Office of Equipment – removed outdated reference to shipping record form number.

Chapter 13 – Utility Relocations

- **Section 13.02, Planning Phase**
 - 13.02.04.01, Right of Way Data Sheet – updated language to current practice (PYPSCAN is no longer used).
- **Section 13.03, Design Phase**
 - 13.03.02.04, Non-Disclosure Agreements (NDA) – new section to provide direction on NDAs.
 - 13.03.04.01, Manhole Cover Agreement – updated language to provide clarity regarding review and approval and Local Public Agency use.
- **Section 13.04, Liability Determination Phase**
 - 13.04.02.03, Bicycle Path Construction – corrected Streets and Highways Code reference.

- **Section 13.07, Utility Agreements**
 - 13.07.03.03, Section III. Performance of Work – at Item III-6, Travel Expenses and Per Diem, clarified that clause is not needed when Contractor is performing work and the Owner is 100% liable for relocation costs.
 - 13.07.04.00, Processing – updated language to reflect the current practice of electronic files/signatures.
 - 13.07.04.01, Processing a Phase 4 Utility Agreement Where the State's Contractor Will Be Handling All or a Portion of the Utility Relocation for the Owner – updated language to reflect the current practice of electronic files.
 - 13.07.05.01, Amendments for Payments in Excess of Original Utility Agreement – added clarification regarding the need for an amended utility agreement.

- **Section 13.16, Delegations**
 - 13.16.01.00 – Delegations of Authority
 - Removed “pending” NDA delegation as NDAs are prohibited.
 - Added hyperlinks.

Chapter 14 – Right of Way Certification

- **All Sections**
 - Added hyperlinks throughout (no change to revision date).

Chapter 16 – Excess Land

- **Section 16.05, Disposal Methods and Procedures**
 - 16.05.12.00, Request to Decertify and Purchase
 - Added clarification that any recording or incidental fees will be paid by the requesting party.
 - Added the Division of Design to the circulation clearance process.
 - Added language to include “If mitigating measures are required from the requesting party, the Director's Deed will be recorded after the Department inspects, reviews, and releases the required mitigating measures.”

Chapter 17 – Local Programs

- **Section 17.01, General**
 - 17.01.01.00, Introduction – Added clarification as to the role of the Right of Way Manual and the Local Assistance Procedures Manual.

- **Section 17.02, Roles and Responsibilities**
 - 17.02.02.01, Local Public Agency Roles – added clarification of Local Public Agency regarding compliance of right of way activities and early engagement and collaboration with Caltrans.
 - 17.02.04.04, Right of Way Headquarters' Role – added Item G regarding coordination of training opportunities.

- **Section 17.04, Local Public Agency Projects on the State Highway System**
 - 17.04.12.01, Project Certification
 - Added reminder of requirement that payment is required prior to possession.
 - Changed certification “approval” to “acceptance” for consistency.
 - Added clarification that utility agreements must be executed upon certification acceptance.

- **Section 17.05, Local Agency Qualifications**
 - 17.05.05.01, Maintenance Procedures for Qualification Status
 - Updated title to “Maintenance Procedures for Qualification Status and Requalification Status.”
 - Added Item C, Requalification Process
 - 17.05.06.01, Appraisal Review Qualification – updated “Office” of Real Estate Appraisers to “Bureau.”

- **Section 17.06, Consultant Qualifications and Selection Criteria**
 - 17.06.02.01, Consultant Selection Criteria and Guide – at Acquisition Consultants, under “Acquisition Consultants Responsibilities under the Uniform Act,” added clarification regarding mailing offer letters.
 - 17.06.04.03, LPA Responsibilities – at Item 2, Establishment of Just Compensation, added clarification regarding Uniform Act requirements.

- **Section 17.12, Forms and Exhibits**
 - 17.12.00.01, Use of the Department's R/W Forms/Exhibits – added clarification regarding delegations.

Exhibit Updates

- **03-EX-01, Project Identification in Advantage and PRSM** – updated title (removed “PMCS”) and revised to add clarity and update systems information. (12-2022)
- **03-EX-08, Right of Way Object Codes** – added new “051/051N” object codes for Positive Location of Utilities and removed Positive Location from 054/054N object codes. (10-2022)
- **03-EX-09, Right of Way Final Voucher**
 - In “Please Identify” section, removed “target” and clarified Phase 2 and 9 closure dates.
 - Replaced “Approved By” with “Concurred By.” (10-2022)
- **05-EX-11, Historical Director’s Policy Memo DP-91-1** – added historical memo regarding Transportation Corridor Preservation to capture content as an Exhibit. (12-2022)
- **07-EX-26, Notificación de Derecho de Reclamar Pérdida de Plusvalía Comercial (Notification of Right to Claim Loss of Business Goodwill [RW 7-30] – Spanish version)** – retired; converted to Form RW 07-30S.
- **11-EX-J, Employee Housing Rental Agreement**
 - Added clarity throughout.
 - Item 2, Rent – added commencement date placeholder.
 - Item 3, Utilities –
 - Corrected “employee” to “tenant.”
 - Added sentence to address monthly portion charge with an amount placeholder.
 - Item 4, Limits on Use and Occupancy –
 - Added sentence to address business licensing for approved commercial businesses.
 - Added sentence regarding Department’s written consent is provided by Maintenance and Right of Way.
 - Item 11, Conditions-Repairs –
 - Removed “only twice in a 12-month period” policy as it’s too restrictive.

- Added sentence to clarify that tenant must seek Department's permission before installing protective devices.
 - Item 19, Vacating the Property – removed all but the last sentence (redundant).
 - Item 20, Relocation Payment – removed; clause does not apply to an Employee Housing Agreement.
 - Item 22, Right of Entry – removed portion of the sentence regarding showing the property to others; does not apply to an Employee Housing Agreement.
 - Optional Clause 2, Tenant Liability Insurance – removed; clause does not apply to an Employee Housing Agreement.
 - Optional Clause 5, Section 8 Housing – removed; clause does not apply to an Employee Housing Agreement. (08-2022)
- **11-EX-06, Lease Agreement Amendment – Revenue Class 42/Revenue Class 43** – new Exhibit specifically for leases collected under Revenue Class 42 or Revenue Class 43. (12-2022)

Form Updates

- **RW 07-02, Parcel Occupancy Data Form** – added the “Personal Information Notice” consistent with the Caltrans Forms Management policy. (12-2022)
- **RW 07-30, Notification of Right to Claim Loss of Business Goodwill** – updated formatting items only, including:
 - Corrected typos
 - Added an electronic signature
 - Added fillable fields throughout the form (11-2022)
- **RW 07-30S, Notificación de Derecho de Reclamar Pérdida de Plusvalía Comercial (Notification of Right to Claim Loss of Business Goodwill [RW 7-30] – Spanish version)** – converted to a Form from Exhibit 07-EX-26. (10-2022)
- **RW 08-16, Federal Participation Memorandum** – formatted for eSignatures.
- **RW 13-04R, Revised Notice to Owner**
 - Clarified form field titles and added fields for “Revision Date” and email contact info.
 - Formatted for eSignatures (12-2022)
- **RW 13-06, Right of Way Utility Payment Request and Coding Instructions**
 - The “Object Code” field allows for multiple code options.
 - Formatted for eSignatures (12-2022)

- **RW 13-15, FHWA Specific Authorization**
 - Clarified form field and district titles
 - Added “Check only if bid item” at the first checkbox area.
 - Formatted for eSignatures (12-2022)

 - **RW 13-20, Agreement for the Positive Location of Underground Utilities** – on page 3, Item 11, the term "properties" was corrected to "parties." (10-2022)
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The [Right of Way Manual](#) is available on the [Division of Right of Way and Land Surveys webpage](#).

To receive email update notifications, please visit our [subscription sign-up](#).

Anyone can propose an update to the RW Manual! Simply visit the [RW Manual webpage](#) and submit a “Right of Way Manual Revision Request.” (Please save the document to your local drive prior to completing to access all features).

Other comments and suggestions for improvement to the RW Manual may be submitted to RWManual@dot.ca.gov.