



Expires – Upon Issuance of LPP

Right of Way Certification – Short Form (Exhibit 13-A)

I. BACKGROUND

In the past, Exhibit 13-A “No Right of Way Certification Local Assistance Project (Off the State Highway System)” of the Local Assistance Procedures Manual (LAPM) was used for local assistance projects where no additional right of way, rights in real property, or utility relocations of any kind were required. The “No Right of Way Certification” was completed by the local agency and approved by the District Local Assistance Engineer (DLAE).

DLA-OB 10-15 “Deletion of Exhibit 13-A - No Right of Way Certification” discontinued the use of the No Right of Way Certification effective November 18, 2010. Currently, all federal-aid highway construction projects are required to complete Exhibit 13-B “Right of Way Certification” that is reviewed by Caltrans Right of Way agent. This was the result of reviews conducted by the Federal Highway Administration (FHWA) on local federal-aid projects that used “No Right of Way Certification”. FHWA’s reviews found that utility and railroad work were not properly coordinated as required by federal regulations.

Still, a significant number of local federal-aid highway projects, such as roadway repair/rehabilitation projects, only involve construction work that are within the existing rights of ways, with no railroad and only minor utility relocation. In a continued effort to streamline the regulatory review of federal-aid highway projects within the constraint of federal regulations, Caltrans and FHWA have agreed to issue a new Exhibit 13-A, named “Right of Way Certification – Short Form” for federal-aid highway projects administered by local agencies that meet all the following criteria:

- Do not require right of way acquisition,
- Do not require relocation assistance,
- Do not involve railroad,
- Utility relocation is limited to ONLY to the adjustments of utility covers (manhole covers, water valve covers, and box lids) to meet the finish roadway grade.

The purpose of this Office Bulletin is to introduce the new Exhibit 13-A “Right of Way Certification – Short Form” and to prescribe policies and procedures related to the appropriate use of this new Right of Way (R/W) Certification.

II. POLICY

Prior to receiving federal authorization to proceed with construction for federal-aid projects, federal regulations require that the right-of-way clearance, utility relocation, and railroad work are to be coordinated with the physical construction of the projects so that no unnecessary delays or cost will occur.

For local federal-aid highway projects off the state highway system, the above effort is documented by the proper completion, review and approval of the various levels of Right of Way Certifications. For some federal-aid projects, such as roadway rehabilitation projects, that only involve construction activities within the existing right of way, instead of the full R/W Certification Exhibit 13-B, local agencies may choose to use the new Exhibit 13-A “Right of Way Certification – Short Form”, hereafter referred to as “Short Form R/W Cert”. It is included in this Office Bulletin as Attachment 1.

**Criteria for using the Short Form R/W Cert:**

- The project does NOT require right of way acquisition,
- The project does NOT require relocation assistance,
- The project does NOT involve railroad,
- Utility relocation is limited ONLY to the adjustments of utility covers (manhole covers, water valve covers, and box lids) to meet the finish roadway grade.

Instructions for the Short Form R/W Cert:

The Short Form R/W Cert contains ten (10) areas with R/W and utility related check boxes. If anything other than the first box is checked in any of the ten areas, with the only exception of Area 5 “Utility Relocation”, then the project does not qualify for using the Short Form R/W Cert. The second box in Utility Relocation Area applies to the adjustment of utility covers, such as manhole covers, water valve covers, and box lids, within the project right of way. If the second box in Utility Relocation Area is checked, the last page, “Utility Cover Adjustment Summary” of the Short Form R/W Cert shall be completed. The “Utility Cover Adjustment Summary” on the last page of the Short Form R/W Cert contains self-explanatory instructions.

III. PROCEDURE

If it is evident during the early stages that no additional property rights or right of way are required, and the ONLY utilities to be relocated are utility cover adjustments, the local agency can proceed to use the Short Form R/W Cert.

Local Agencies:

- Make a determination that the project qualifies to use the Short Form R/W Cert after consulting the DLAEs;
- Complete and certify the Short Form R/W Cert;
- Submit the completed Short Form R/W Cert along with the Request for Authorization to Proceed with Construction;

District Local Assistance Engineers:

- Receive the completed and certified Short Form R/W Cert from local agencies;
- Forward the Short Form R/W Cert to District R/W for review and acceptance;
- After R/W staff’s acceptance, submit the Short Form R/W Cert along with Request for Authorization to Proceed with Construction to the HQ Local Assistance Area Engineer; or
- Upon R/W staff’s denial, inform the local agency to revise Exhibit 13-A or substitute with Exhibit 13-B.

District Right of Way:

- Review the Short Form R/W Cert;
- Return the Short Form R/W Cert to the DLAE with the decision to accept or deny;
- Provide feedbacks to DLAEs on common problem areas.



IV. APPLICABILITY/IMPACTS

This will impact all federal-aid projects off the state highway system administered by local agencies.

Effective immediately, this form can be used for R/W certification of qualified projects.

Approved: Original Signed By 6/24/11
Ray Zhang, Chief Date
Office of Project Implementation South

Approved: Original Signed By 6/24/11
Bill Sandoval, Chief Date
Office of Project Implementation North

Attachments:

- 1) Attachment 1 – Exhibit 13-A Right of Way Certification – Short Form

Superseded by
LPP 13-02