

Expires – Upon Issuance of LPP

## Revisions of LAPM Exhibits 13-A & 13-E

### I. BACKGROUND

A Lean Six Sigma (LSS) process improvement approach was completed on the Local Assistance Procedures Manual (LAPM) Exhibit 13-A: Short Form - Right of Way Certification. The LSS team included staff from Division of Local Assistance, Division of Right of Way and Land Surveys, Federal Highway Administration, and a Local Public Agency (LPA). Exhibit 13-A had no processing time baseline, resulting in unidentified efficiencies and inefficiencies. The LSS analyzed twenty-one (21) samples of accepted Exhibit 13-A's over four months and was able to estimate a cost savings of \$1,044,753.00.

As a result of the LSS, a revision was also needed on LAPM Exhibit 13-E: Preliminary Engineering Right of Way Checklist.

### II. POLICY

Effective May 2024, use of the revised LAPM Exhibit 13-A: Short Form Right of Way Certification Local Assistance Project (off the State Highway System) and LAPM Exhibit 13-E: Preliminary Engineering Right of Way Checklist will be required for all federally funded local projects.

### III. PROCEDURE

- The submittal procedures for both LAPM Exhibit 13-A and LAPM Exhibit 13-E have not changed.
- The LPA will continue to submit the completed Exhibit 13-A to the District Local Assistance Engineer (DLAE), signed by the person authorized by current resolution of the LPA.
- Exhibit 13-A has added a required attachment checklist of documents to be submitted with the Exhibit 13-A. The required documents are:
  - Final NEPA Clearance
  - PS&E package
  - Resolution (if not on file)
  - Cooperative/Agency Agreement (if applicable)
  - LAPM 14-D; Exhibit 14-E; Exhibit 14-I; or Exhibit 14-F if applicable and Exhibit 14-C if applicable.
- For Exhibit 13-E a question for the LPA was added to answer if they have a Resolution granting authority for a signatory for a signature for the Right of Way Certification.



#### IV. APPLICABILITY/IMPACTS

This Office Bulletin applies to all federal-aid projects.

The following LAPM sections and Exhibits will be updated to incorporate the revised policy and procedures associated with this Office Bulletin.

Chapter/Exhibit	New / Revised Text
<p><b>LAPM Chapter 13.10</b> Right of Way Certification</p>	<p>When the LPA performs R/W activities on a federally assisted local project, the LPA prepares the R/W Certification. Prior to submission, a valid NEPA document is required. If it is over 3 years old, a re-evaluation is necessary (23 CFR 771.129 and LAPM Chapter 6, Section 6.3).</p> <p>The R/W Certification is necessary prior to authorization for construction and must be consistent with the project's approved PS&amp;E (23 CFR 635.309). The purpose of the R/W Certification is to document that any interests necessary for the project have been, or are being secured, and physical obstructions including buildings, utilities, and railroads have been, or will be removed, relocated, or protected as required for construction, operation, and maintenance of the proposed facility. The R/W Certification also documents that R/W activities, including the relocation of any displaced persons, are conducted in accordance with applicable state and federal laws and regulations.</p> <p>The Right of Way Certification (Exhibit 13A or Exhibit 13B) must be submitted for review and acceptance with the signature of the person authorized to sign for the submitting Local Public Agency (LPA). Signing authority is granted by a Resolution passed by the City Council, or by the County Board of Supervisors. The Resolution will name the person, or the position of the person authorized to sign the certification document on behalf of the LPA. A copy of the Resolution is to be submitted to Caltrans Local Assistance R/W Staff along with the signed Certification document.</p> <p>Note: For projects requiring CTC allocation approval, see LAPG Chapter 25: State Programs for Local Agency Projects.</p>
<p><b>LAPM Exhibit 13-A</b> Short Form Right of Way Certification for Local Assistance Project</p>	<ul style="list-style-type: none"> <li>• Form will have a "Required Attachment Checklist" of documents which need to be attached to the Exhibit 13-A before submitting for acceptance.</li> <li>• Form will have a note indicating "Certification must be signed by person authorized by current resolution of the LPA."</li> </ul>



	<ul style="list-style-type: none"> <li>• Form will replace the line for Project ID with Federal Project No./Federal Program Prefix-Project No.</li> <li>• Removal of check box in #5. Status of Required Utility Relocation: <del>“Project is not covered by NEPA document; therefore, Buy America requirements do not apply.”</del></li> <li>• Updated distribution instructions</li> </ul>
<p><b>LAPM Exhibit 13-E</b> Preliminary Engineering Right of Way Checklist</p>	<ul style="list-style-type: none"> <li>• Removed the original question #2 and moved the original question 2(a): “When does qualification approval expire?” to question #1(a).</li> <li>• Changed “UNK” checkbox option to “TBD” throughout</li> <li>• Added a last question: “Does the LPA currently have a Resolution granting authority for a signatory for the Right of Way Certification?”</li> <li>• Updated distribution instructions</li> </ul>

Recommended: Approved by email on May 1, 2024

Lisa M. Spellenberg, Resource Coordinator  
Office of Local Right of Way

Approved: Approved by email on April 25, 2024

Neidy Pinuelas, Chief  
Office of Local Right of Way

Attachments:

- Exhibit 13-A: Short Form Right of Way Certification Local Assistance Project (rev. May 2024)
- Exhibit 13-E: Preliminary Engineering Right of Way Checklist (rev. May 2024)