The following questions may serve as a helpful guide to identify a potential for Region/District Right of Way involvement in a local agency project. This list of questions is not exclusive; unique situations particular to a specific project may occur that require Right of Way expertise. Right of Way Local Programs is available should Local Assistance need interpretation of right of way impacts on local projects.

Before analyzing the right of way impacts, the Local Assistance Area Engineer should determine the type of funding used in all phases of a local project.

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| --- | --- | --- | --- | --- |
| **Project Funding** |  |  |  |  |
| * Does the local agency project use Federal transportation funds?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project use State Transportation Improvement Program (STIP) funds?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project use Federal transportation funds in conjunction with other State and/or local funding?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| If any of the above questions are answered “Yes,” you should continue reviewing this checklist for potential Region/District Right of Way involvement. |  |  |  |  |
|  |  |  |  |  |
| **State and Public Right of Way** |  |  |  |  |
| * Does the local agency project use property or facilities belonging to the State Department of Transportation, including conventional highways, freeways, expressways, rights of way held for future use, airspace or excess lands?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require a cooperative agreement or an encroachment permit with the State Department of Transportation?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project involve its own local agency property or property rights located outside of the area used to operate and maintain the agency’s existing facility?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project realign or modify a roadway to create excess land from property that was purchased with Federal transportation dollars?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project impact other local agencies, Federal lands, State lands, or Indian lands?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Property and Property Rights** |  |  |  |  |
| * Does the local agency project involve the permanent or temporary use of surface or subsurface private property or private property rights, including access rights, air rights, mineral rights, easements for retaining walls, footings, driveway conforms, or slope and similar roadway protection easements, for construction, operation or maintenance of the local facility?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project involve the use of existing permanent or temporary property rights, such as an easement, license, permit, on private property, or involve the use of an existing agreement with a public agency?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require a permanent or temporary change in access to private property, including changes to private roads, frontage roads, private utilities, sidewalks and pedestrian separations, changes in grade and combination drainage and vehicular or stock passes?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Although no property acquisition is necessary, does any property adjacent to the local agency project experience a change in traffic patterns on the local streets?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require the use of private property concurrent with the property owner’s use of their property?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency intend to exchange local agency property or other assets in return for property or property rights of another?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |

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| **Property Acquisitions** |  |  |  |  |
| * Does the local agency project involve property or property rights in public ownership that is or was the subject of a dedication?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project involve property or property rights that is or was the subject of a development agreement?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project involve property or property rights that is or was the subject of a donation?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project involve property acquired for a previous project that was not constructed?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Has the local agency acquired any property for this project in advance of the project’s Federal environmental clearance?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Has the local agency secured, or does the local agency intend to secure a permit to enter, a permit to enter and construct, or a right of entry from any property owner for project work that will benefit the property owner or the project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency propose to exchange, for cost or no cost, lands or improvements, with any public or private entity, to secure the property required for the local agency project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Improvements** |  |  |  |  |
| * Does the local agency project require the acquisition of any structures, including buildings, fencing, outdoor advertising signs, or mobile homes located on public or private property?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require relocation or removal of minor improvements, such as fencing, lighting, landscaping, decorative garden fixtures, septic system, leach lines, utilities or utility connections, or similar items, for the construction, operation, or maintenance of the local facility?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project permanently or temporarily impact any privately owned utility service, water wells or other water sources?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require any curative work on private property?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the agency need to restore private property to its original condition as a result of removal of a local agency facility, such as a right of way fence, concrete fence posts, or drainage improvements?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Eminent Domain and Special Legal Counsel** |  |  |  |  |
| * Does the project involve a condemnation action?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency have a Resolution of Necessity for any parcel required for the local agency project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Has an inverse condemnation action been filed against the local agency associated with the local agency project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency require the services of a special legal counsel in connection with any right of way issues on the local project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Excess Lands and Functional Replacement** |  |  |  |  |
| * Does the local agency project realign a roadway constructed by an earlier Federally funded project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require the relocation or replacement of a publicly owned or nonprofit facility?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |

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| **Contract Work** |  |  |  |  |
| * Has the local agency directed the project bidders or contractors to use specific sites, not owned by the local agency, for project staging?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Has the local agency directed the project bidders or contractors to use specific sites in local agency ownership for project staging that causes the displacement of any persons, business, or personal property?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Railroads** |  |  |  |  |
| * Does the local agency project impact any railroad facilities, including tracks, bridges, crossing gates, or signals?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project cross any railroad tracks?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project come within 35 feet of any railroad facilities?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Material and Disposal Sites** |  |  |  |  |
| * Does the local agency project contract specifications indicate that the project contractor use commercial, or optional, or specific, or mandatory material sites for the project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project contract specifications indicate that the project contractor use commercial, or optional, or specific, or mandatory disposal sites?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Utilities** |  |  |  |  |
| * Does the project have the potential for cost sharing, or cost liability for utilities?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the project Plans, Specifications and Estimate contain specific bid items pertaining to utilities?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the project involve construction on a conventional highway or freeway or State‑owned expressway that may impact utilities within the right of way?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project cause any interruption of utility service to any private property?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Clearance** |  |  |  |  |
| * Does the local agency project impact any privately or publicly owned improvements or obstructions which need to be removed for construction of the local project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the project Plans, Specifications and Estimate contain specific bid items instructing the contractor to remove or relocate any privately or publicly owned improvements or obstructions?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Has the local agency, or will the local agency, by use of local forces or contractors, remove or relocate, any improvements or obstructions on private or public property prior to, concurrent with, or after the construction of the project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Environmental Investigation, Mitigation, and Hazardous Materials** |  |  |  |  |
| * Does the local agency require access to any public or private property for environmental observation or investigation, or hazardous waste or hazardous material testing?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require any additional property for environmental mitigation?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require specific types of private property to satisfy environmental concerns or obligations?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Is the agency in the process of acquiring environmental mitigation sites?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |

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| **Airspace or Lease Agreements** |  |  |  |  |
| * Does the local agency have any leased or rented or permitted properties within the limits of the project?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does Caltrans, or any public agency involved in the project, have any leased or rented or permitted properties within the project limits?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Relocation Assistance** |  |  |  |  |
| * Does the local agency project involve the permanent or temporary displacement from public or private property of residential occupants, personal property, businesses, farms, nonprofit organizations, or any other type of occupant?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require the relocation of mobile homes, located on public or private property?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| * Does the local agency project require the relocation of signboards or advertising signs?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |
| **Age of Certification** |  |  |  |  |
| * Does the local agency project have an approved Right of Way Certification that is over two years old?
 |  | Yes [ ]  |  | No [ ]  |
|  |  |  |  |  |

If the project has Federal or STIP funding, and if any of the above questions are answered “Yes,” you should consult with your Right of Way Local Programs representative to determine the appropriate form to use when certifying the right of way.