**LOCAL PUBLIC AGENCY NAME HERE**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Dist‑Rte‑PM \_\_\_\_\_\_\_\_\_\_\_\_\_\_

 EA (EFIS) # \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Attention:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chief

 HQ – Certification, Appraisals and Local Programs

**Subject:** **DESIGN‑BUILD – PROJECT RIGHT OF WAY STATEMENT**

(Agency Name) \_\_\_ requests HQ concurrence and FHWA approval of this Design‑Build Right of Way Statement as authorized under 23 CFR 635.309(p) and 23 CFR 710.309 in order to proceed to award this design‑build contract.

**Project Description**

The proposed project is *(refer to description from approved PR). Give brief discussion of need, construction elements/features, etc., including date of award of Design‑Build contract.*

**Status of Environmental Document**

Will the RFP be released prior to the completion of the Environmental Document?

☐ Yes

☐ No

If YES, provide a brief description of the number of alternatives being considered and the number of parcels impacted with each alternative.

**Project Right of Way Activities**

*Identify, quantify and discuss:*

* *Acquisition parcels to be acquired (in compliance with Uniform Act) and BUY AMERICA.*
* *Railroad involvement(s), coordination, CPUC approval(s) and resolution of agreements prior to project need.*
* *Utility conflicts, relocation coordination and resolution of agreements prior to project need.*
* *Displacements - types, compliance with Uniform Act, following steps relative to relocation advisory assistance and payments required by applicable policies and procedures, including 90‑day notice requirements, DS&S, etc.*

          Name

          Date

* *Right of Way Plan and Technical Provisions document identifying the right of way activities and roles for handling such work – must be included in project right of way requirements for the Request for Proposals (RFP). Specify issue date.*
* *Right of way acquisition and clearance activities in RFP must ensure right of way is available prior to start of physical construction on individual parcels.*
* *Right of Way Certification must conform to all applicable policies and procedure as outlined in Caltrans R/W Manual.*

**Indemnification:** 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.

**Statement:** I hereby certify, in accordance with applicable policy and procedure, that all right of way, utility and railroad work has been completed or that all necessary arrangements will be made for the completion of the right of way, utility and railroad work on this Design‑Build Contract \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Proposed Project Milestones:**

Requested by Local Public Agency Authorized Signature: **NOTE: Statement**

**must be signed by person authorized by current resolution of City or County Board of Supervisors**

(Name of authorized Local Agency representative)

Title of authorized representative

Accepted by Caltrans Authorized Signature:

(Name of authorized Caltrans representative)

Title of Caltrans authorized representative

Approved:

(Name)

Realty Officer

Federal Highway Administration