|  |  |  |  |
| --- | --- | --- | --- |
|  | **Date:** |  |  |
|  |  |  |
| **File:** | Dist.‑Co.‑Rte.‑P.M.: |  |
|  |  |  | EA (Design Phase No.): |  |
| **ENTER LOCAL PUBLIC AGENCY NAME HERE** |  |  |  |  |
|  |  |  |  | Const. Fed.‑Aid No.: 1 |  |
|  |  |  |  | Right of Way Fed.‑Aid No.: 1 |  |

**Subject:** Design‑Build Right of Way Certification (insert a brief description of project location and purpose)

 **Total number of parcels required (entire project)**

 Number of parcels acquired to date

 Number of parcels remaining to be acquired

**STATUS OF REQUIRED RIGHT OF WAY:** This is the **\_\_\_\_\_\_\_\_\_\_\_\_\_ Design‑Build Certification.**2

No additional right of way is needed. All work proposed is within existing right of way acquired for a previous construction project.

**(OR)**

1. Additional right of way is needed for this project. All right of way acquired for this project shall be in accordance with applicable policy and procedure covering the acquisition of real property. (Enter Local Public Agency Name here) has legal and physical possession and right to enter on all land as follows:
2. **Parcels required for this Certification (Design‑Build Segment or Parcel Group #)**      3
3. **Parcels acquired as of this submittal (Escrow Closed or Final**

 **Order of Condemnation Recorded):**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Parcel No.** | **Owner****Last Name/Business** | **Project R/W Required**4 | **Excess****(Yes/No)** | **Close of Escrow/Final Order of Condemnation Date** |
|  |  |  |  |  |
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1. **Parcels covered by Order for Possession:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Parcel No.** | **Owner****Last Name/Business** | **Project R/W Required**4 | **CTC Resolution Date** | **Effective OP Date** | **Temporary Rights****Expiration Date** |
|  |  |  |  |  |  |
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1. **Parcels covered by executed R/W Contract with Possession Clause:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Parcel No.** | **Owner****Last Name/Business** | **Project R/W Required**4 | **Effective Date of Contract**5 | **Date Funds Deposited** **into Escrow**6 |
|  |  |  |  |  |
|  |  |  |  |  |

1. **Parcels covered by Possession and Use Agreement only:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Parcel No.** | **Owner****Last Name/Business** | **Project R/W Required**4 | **Effective Date of Contract**5 | **Date Funds Deposited** **into Escrow**6 |
|  |  |  |  |  |
|  |  |  |  |  |

**(To add table rows, set cursor to right of last column in empty table set, press enter, additional table rows will populate.)**

1. **Parcels covered by other acquisition documents as follows:**   7

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Parcel or P.M. Location** | **Owner****Last Name/Business** | **Project R/W Required**4 | **Document Type** | **Effective Date of Contract**5 | **Expiration Date** | **Date Funds Deposited into Escrow**6 |
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1. **CONSTRUCTION PERMITS, OTHER REQUIRED PERMITS:**   8

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Parcel or P.M. Location** | **Owner****Last Name/Business** | **Document Type** | **Effective Date of Contract**5 | **Expiration Date** |
|  |  |  |  |  |
|  |  |  |  |  |

1. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES: (Select appropriate statement[s], remove those that do not apply.)**

None Affected.

**(OR)**

None affected. The \_\_\_\_\_\_\_\_\_ Railroad has approved the proposed work, which is within their right of way but which does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. The project may be advertised.

**(OR)**

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Railroad/s has/have approved the proposed work, which is within their right of way but which does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

**(OR)**

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Railroad/s (and when needed, the Public Utilities Commission) has approved the proposed work, which is within the railroad right of way and does require the adjustment of railroad facilities. The railroad/s or its/their contract forces, will provide the necessary labor, materials and/or equipment to adjust their facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

CPUC approval type and date:

C&M execution date:

1. **MATERIAL/DISPOSAL SITE(S):** **(Select appropriate statement[s], remove those that do not apply.)**

 None required

 Commercial

 Optional site/s secured as follows:

 Mandatory site/s secured as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Agreement No.** | **Owner****Last Name/Business** | **Document Effective Date****MM-DD-YY** | **Expiration Date****MM-DD-YY** |
|  |  |  |  |
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1. **STATUS OF REQUIRED UTILITY RELOCATIONS:** **(Select appropriate statement[s], remove those that do not apply.)**

 There are no Utility Relocations required on the project. Therefore, Buy America compliance does not apply to the utility portion of the project.

**(OR)**

 All utility work has been or will be completed in accordance with applicable policy and procedure covering the adjustment of utility facilities. All utility notices have been issued and arrangements have been made with the owners of all conflicting utility encroachments remaining within the right of way, so that adequate control of the project right of way will be achieved. If applicable, federal participation has been determined.

**(AND)**

All utility work has been completed.

☐ Project specific utility agreement(s) is (are) fully executed and are in compliance with Buy America.

☐ Project is not covered by a NEPA document and Buy America requirements do not apply.

**(OR)**

All utility work will be completed by a stated date prior to award of the contract (see schedule below).

☐ Project specific utility agreement(s) is (are) fully executed and are in compliance with Buy America.

☐ Project is not covered by a NEPA document and Buy America requirements do not apply.

**(OR)**

All necessary arrangements have been made for remaining utility work to be completed as required for proper coordination with project construction. The special provisions in the contract provide for the coordination (see schedule below).

☐ Project specific utility agreement(s) is (are) fully executed and in compliance with Buy America.

☐ Project is not covered by a NEPA document and Buy America requirements do not apply.

**(AND, when applicable)**

The following utilities are located within the project’s right of way, but require no relocations:

|  |  |
| --- | --- |
| **Company** | **Facility Type** |
|  |  |
|  |  |
|  |  |

The following utilities are in conflict with the project and require relocation/ adjustment as follows (if applicable):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **R/W Notice No. and Notice Date** | **Company** | **Type of Facility** | **Liability % (Owner = O) (Local Public Agency = (LPA)** | **Agreement Date**9 | **Federal Participation Yes**10**/No** | **Relocation Schedule Start & End Dates and Bid Items. (Also list bid item information below)**11 |
|  |  |  |  |  |  |  |
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List each (applicable) bid item here or state: no bid items.

|  |  |  |  |
| --- | --- | --- | --- |
| **Bid Item No.** | **Owner and Facility Type** | **Liability %****(Owner = O)****(Local Public Agency = LPA)** | **Federal Participation** **(Yes/No)**12 |
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1. **RIGHT OF WAY CLEARANCE: (Select appropriate statement[s], remove those that do not apply.)**

There were no improvements or obstructions located within the limits of this segment of the project.

**(OR)**

All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction within this segment of the project.

**(OR)**

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Parcel No.** | **Location (P.M.)** | **Description** | **Salvable/****Non Salvable** | **Method of Disposal**13 | **Date Site Available to Construction Contractor** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
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1. **AIRSPACE AGREEMENTS: (Select appropriate statement[s], remove those that do not apply.)**

There are no airspace lease properties within the limits of this project.

**(OR)**

All necessary arrangements have been made with the airspace lessee/s and/or special provisions in the contract to minimize conflicts between lessee/s activities and contractor’s operation.

**(OR)**

Airspace lease (describe) has been cancelled or will be canceled effective (date).

**(OR)**

(Provide explanation of other disposition of airspace lease area).

1. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM: (Select appropriate statement[s], remove those that do not apply.)**

Compliance is not required as there are no displacements on this project.

**(OR)**

The project has no occupied parcels (except as explained below). The State has complied with all steps relative to relocation advisory assistance and payments as required by applicable policies and procedures, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to the displacees.

**Types of relocation involved on this project: (Mark all that apply with an “X”)**

| **Personal Property Relocation** | **Residential Relocation** | **Business, Farm, Nonprofit Relocation** |
| --- | --- | --- |
|  |  |  |

**Exceptions:**

Occupants of residences, businesses, farms and nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

| **Parcel No.** | **Location (P.M.) Owner or Tenant** | **Notice to Vacate Issue Date** | **Date to Vacate** | **Type of Occupancy**14 |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |

 **Explanation**: Describe the exceptions and the reason the R/W is not clear.

1. **COOPERATIVE AGREEMENTS:**

None required.

**(OR)**

List names of cooperating entities/agencies, agreement/document number, and date/s approved.

|  |  |  |
| --- | --- | --- |
| **Agency** | **Agreement No. or** **Document No.** | **Date****MM-DD-YY** |
|  |  |  |

1. **ENVIRONMENTAL MITIGATION:**

No environmental mitigation parcels are required for this project.

**(OR)**

All environmental mitigation parcels on the project have been acquired.

**(OR)**

Acquisition of environmental parcels is ongoing (include explanation below).

1. **INDEMNIFICATION**

 The (enter Local Public Agency Name here) 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 (enter Local Public Agency Name here) shall pay, from additional funds secured outside of funding programmed for this project, 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 (enter Local Public Agency Name here) for the orderly performance of the project work.

1. **CERTIFICATION:** I hereby certify the right of way for ***(insert Parcel Group or Package #)*** as conforming to 49 CFR Part 24, 23 CFR(s): §635.309 (c)(1), (g), (h), and (p)(1)(v), §710.309 and the current Caltrans Design‑Build certification process. This Design‑Build project has been authorized by Section 6800 of the California Public Contract Code. All necessary arrangements for right of way clearance, utility, and railroad work have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedules in the Design‑Build Contract ***(insert Contract No***.). Construction may commence on the portions of the construction corridor that are cleared by this certification.

|  |  |  |
| --- | --- | --- |
| **LOCAL PUBLIC AGENCY AUTHORIZED SIGNATURE***“I do hereby attest I have authority via resolution to sign this document on behalf of my agency”* |  | **NOTE**: **Certification** **must be signed by person authorized by current resolution of City or County Board of Supervisors.****Resolution#\_\_\_\_\_\_\_\_\_\_\_** |
| By: | **Type name of authorized representative here** |
|  |
| Title: | **Type title of authorized representative here** |
|  |
| Date: |  |
|  |  |
|  |
| **Accepted by:** |
|  |
|  |
| **CALTRANS AUTHORIZED SIGNATURE** |
|  |
|  |
| By: | **Type name of Caltrans Authorized Right of Way Representative here** |
|  |
| Title: | **Type title of authorized representative here** |
|  |
| Date: |  |
|  |  |

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| --- |
| **(AND, if required per delegation matrix in R/W manual)** |
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|  |  |  |
|  |  |  |
| **Division Chief****Headquarters Division of Right of Way and Land Surveys** |  |  |
|  |  |  |
| Date: |  |

|  |
| --- |
| **(AND)*****Add FHWA signature block if FHWA approval is required. Projects requiring FHWA approval include Certification No. 3 & 3W when project is federal‑aid eligible.*** |
|  |  |  |
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| **Realty Officer****Federal Highway Administration** |  |  |
|  |  |  |
| Date: |  |

 Attachments

c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer

 Headquarters, Program Manager, HQ R/W - Attn: Project Delivery Liaison

# **Endnote Instructions**

1. Insert the word “None” or input the Federal Construction and/or Federal Right of Way Aid Number. If there is no Federal Aid for Construction, but the Federal Aid Number has not been assigned, insert the word “Pending”.
2. Insert the word “**initial**” for the original design‑build certification. For subsequent design‑build certifications for a project, insert a naming convention that describes the sequence or “package” of the certification, i.e., second, third, or, segment 2, segment 3, etc.
3. Parcels listed in items 1. A. 1–5 on pages 1 and 2 should total the number shown on line 1. A.

List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Do not use acronyms. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.

Date must be day of/ or be post funds deposited date.

Funds must be deposited into an escrow account (internal or external) and be made available (able to withdraw), as legally permissible, to the grantor/s, as a condition of use of a possession clause in a right of way contract or by a stand‑alone Possession and Use Agreement.

1. This section covers acquisitions where the document is a license, permit, etc., not otherwise covered by 1. A. 1‑4.

Detail should be added showing expiration dates of documents with fixed termination dates.

Date of agreement in which the Utility Company agrees to move. Use the Utility Agreement Date if there is one. If there is no Utility Agreement, use the original encroachment permit date.

If there is Federal Participation, a copy of the Specific Authorization to Relocate Facility Utilities Memorandum (RW 13-15) must be attached for each facility relocation item.

Must include actual dates. If the relocation is concurrent with construction use the construction start and end dates.

1. A copy of Specific Authorization to Relocate Facility Utilities Memorandum (RW 13‑15) must be attached for each Bid Item.
2. Demolition Contract, Construction Contractor or Owner

Residential, Business, Farm, Nonprofit Organization or Personal Property only.