

# CHAPTER 14

## RIGHT OF WAY CERTIFICATION

### INTERNAL CALTRANS EXHIBITS AND FORMS

<b><u>Exhibit No.</u></b>	<b><u>Title</u></b>
14-EX-03	Right of Way Certification (for internal Caltrans use)
14-EX-12	Middle Mile Broadband Network – Right of Way Acceptance (for internal Caltrans use)
14-EX-13	Design-Build Certification (for internal Caltrans use)
14-EX-14	Design-Build – Project Right of Way Statement (for internal Caltrans use)
14-EX-15	Construction Manager/General Contractor (CM/GC) Certification (for internal Caltrans use)

<b><u>Form No.</u></b>	<b><u>Title</u></b>
N/A	

**To:** (Name), \_\_\_\_\_ District Director **Date:** \_\_\_\_\_  
  
Attention: District Division Chief Dist.-Co.-Rte.-P.M.: \_\_\_\_\_  
Project Development EA (Design Phase No.): \_\_\_\_\_  
Const. Fed.-Aid No.: <sup>1</sup> \_\_\_\_\_  
Right of Way Fed.-Aid No.: <sup>1</sup> \_\_\_\_\_

**From:** DEPARTMENT OF TRANSPORTATION – DISTRICT \_\_\_\_\_

**Subject:** Right of Way Certification No. \_\_\_\_\_ for the project \_\_\_\_\_

\_\_\_\_\_  
(Location and Work Description from PS&E)

**Project Milestones:**

**RW Certification Date:** \_\_\_\_\_ **Ready to List:** \_\_\_\_\_ **Advertise:** \_\_\_\_\_

**Bid Opening:** \_\_\_\_\_ **Award:** \_\_\_\_\_ **Begin Construction:** \_\_\_\_\_

- 1. STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

**(OR)**

- 1. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all lands as follows:

**(OR)**

- 1. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been or will be acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has, or will have legal and physical possession and right to enter on all lands as follows:

**RIGHT OF WAY CERTIFICATION (Cont.)**

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**A. Total number of parcels required:** \_\_\_\_\_<sup>2</sup>

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded): \_\_\_\_\_

Parcel No.	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Excess (Yes/No)	Close of Escrow/Final Order of Condemnation Date

2. Parcels covered by Order for Possession: \_\_\_\_\_

Parcel No.	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Effective Date

3. Parcels covered by executed Right of Way Contract with Possession Clause: \_\_\_\_\_

Parcel No.	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Effective Date of Contract <sup>4</sup>	Date Funds Deposited into Escrow <sup>5</sup>

4. Parcels covered by Possession and Use Agreement only: \_\_\_\_\_

Parcel No.	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Effective Date of Contract <sup>4</sup>	Date Funds Deposited into Escrow <sup>6</sup>

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

5. Parcels covered by Right of Entry \_\_\_\_\_<sup>7</sup>

Parcel No.	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Effective Date of Contract <sup>4</sup>	Date Funds Deposited into Escrow <sup>8</sup>

**RIGHT OF WAY CERTIFICATION (Cont.)**

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6. Parcels covered by Resolution of Necessity Only: \_\_\_\_\_<sup>9</sup>

Parcel No. <sup>10</sup>	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Resolution Date	Suit Filing Date & Date Funds Deposited <sup>11</sup>	OP Hearing Date	OP Service Date (All Parties) & Anticipated OP Effective Date <sup>12</sup>

\*13

7. Parcels covered by other acquisition documents as follows: \_\_\_\_\_<sup>14</sup>

Parcel No. or Location P.M.	Owner	Project R/W Required <sup>3</sup> (per appraisal map)	Document Type	Effective Date of Contract <sup>4</sup>	Expiration Date	Date Funds Deposited into Escrow

B. Construction Permits, other required permits: \_\_\_\_\_<sup>15</sup>

Location (P.M.)	Owner	Document Type	Effective Date of Contract <sup>4</sup>	Expiration Date

**2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:**

None Affected

**(OR)**

None affected. The \_\_\_\_\_ Railroad is within the project limits and appears on the Plans but is not impacted. This Certification is subject to the Railroad Clearance Memo along with Section 5-1.2C from the District Railroad Coordinator. The project is now cleared for advertising.

**(OR)**

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 now be advertised.

**(OR)**

The \_\_\_\_\_ Railroad (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, or its 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: \_\_\_\_\_

**3. MATERIAL/DISPOSAL SITE(S) - (Select appropriate statement/s)**

None required

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

Parcel Agreement	Owner	Document Effective Date	Expiration Date

**4. 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.
-

**RIGHT OF WAY CERTIFICATION (Cont.)**

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**(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 are 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 relocations as follows:

R/W Notice No. and Date	Company	Type of Facility	Liability % (Owner = O) (State = S)	Agreement Date <sup>16</sup>	Federal Participation (Yes <sup>17</sup> /No)	Relocation Schedule Start & End Dates and Bid Items. (Also list bid item information below). <sup>18</sup>

## RIGHT OF WAY CERTIFICATION (Cont.)

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List each (applicable) bid item here or state no bid items:<sup>19</sup>

Bid Item No.	Owner & Facility Type	Liability % (Owner = O) (State = S)	Federal Participation (Yes/No)

### 5. RIGHT OF WAY CLEARANCE

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

**(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 <sup>20</sup>	Date Site Available to Construction Contractor

### 6. AIRSPACE AGREEMENTS

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 effective (date).

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(OR)

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

**7. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS**

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 <sup>21</sup>

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

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## RIGHT OF WAY CERTIFICATION (Cont.)

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### 8. 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

### 9. 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).

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### 10. CERTIFICATION

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1) or (C)(2) <sup>22</sup> and 49 CFR Part 24. The project may be advertised with contract award being made at any time."

**(OR)**

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3)(i), (iii), and (iv) and 49 CFR Part 24. The project may be advertised at any time. The project will be certified as conforming to Paragraph (C)(1) or (C)(2) by \_\_\_\_\_ (date) \_\_\_\_\_."

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**(AND)**

(Explanation and reasons why a Conditional Certification No. 3 is being used and substantiation that the Certification No.1 or No. 2 date given above is realistic.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**(OR)**

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3)(ii), (iii), and (iv) and 49 CFR Part 24. The project may be advertised at any time. Appropriate notification has been included in the Bid Documents. An updated Special Certification No. 3W will be provided by (date)."23

**(OR)**

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3)(ii), (iii), and (iv) and 49 CFR Part 24. The project has been advertised and the contract may be awarded. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around."24

By:

\_\_\_\_\_  
Print Name of Caltrans Authorized Right of Way  
Representative  
(or person authorized in writing to sign Certification)

Title: **District Division Chief – Right of Way**

Date:

\_\_\_\_\_

Construction Federal-Aid No.: \_\_\_\_\_

Right of Way Federal-Aid No.: \_\_\_\_\_

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**RIGHT OF WAY CERTIFICATION (Cont.)**

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**(AND, if required per delegation matrix in R/W manual))**

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**Name**  
**Division Chief**  
**Division of Right of Way and Land**  
**Surveys**

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Date

**(AND, if required)**

***Add FHWA signature block (Projects of Division Interest, and Certification No. 3 & 3W for projects on the Interstate Freeway System pursuant to the current Stewardship and Oversight Agreement (SOA) or specific Project Oversight Agreement (POA).***

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**Name**  
**Realty Officer**  
**Federal Highway Administration**

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Date

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**Endnote Instructions**

- 1 Insert the word "None" or input the Federal Construction and/or Federal Right of Way Aid Number. If there's Federal Aid for Construction, but the Federal Aid Number has not been assigned, insert the word "Pending."
  - 2 Parcels listed in items A1-A7 on pages 1 and 2 should total the number shown on line A above.
  - 3 List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc., per appraisal map. Do not use acronyms. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.
  - 4 Date must be day of/or be post funds deposited date.
  - 5 Funds must be deposited into an escrow account and made available, as legally permissible, to the grantor/s, as a condition of use of a possession clause in a right of way contract. If funds are not deposited into escrow, the certification will be a 3W.
  - 6 Funds must be deposited into an escrow account and be made available, as legally permissible, to the grantor/s, as a condition of use. If funds are not deposited into escrow, the certification will be a 3W.
  - 7 Rights of Entry (Exhibits 8-EX-24 and 8-EX-25) must only be used in emergencies, or extremely unusual/extraordinary circumstances.
  - 8 When applicable, funds must be deposited into an escrow account and be made available, as legally permissible, to the grantor/s, as a condition of using a right of entry. Non-Caltrans Rights of Entry documents issued by Federal, State or Local governmental agencies typically do not fall into this same category and must be carefully reviewed for Uniform Act compliance.
  - 9 To be used only rarely and will only allow for a Conditional Certification No. 3 or Special Certification No. 3 with Work-Around. The Resolution(s) of Necessity must already be adopted. All certifications that include RON adoptions as the minimum basis for certification must be preapproved by the Division of HQ RW&LS. Upon filing of court action for OP, funds must be deposited as appropriate and be made available, as legally permissible, to the grantor/s.
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## RIGHT OF WAY CERTIFICATION (Cont.)

EXHIBIT  
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ENDNOTE INSTRUCTIONS

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- 10 Identify work around parcels with an asterisk.
  - 11 There will be 2 dates in this column.
  - 12 There will be 2 dates in this column.
  - 13 Brief explanation of the parcel history and when it is anticipated the contractor can work on the parcel.
  - 14 This section covers acquisitions where the document is a license, permit, etc., not otherwise covered by A1-A6 above. When applicable, funds must be deposited into an escrow account and made available, as legally permissible, to the grantor/s. If funds, when applicable, have not been deposited into escrow, the certification will be a 3W. If there are no funds associated with an acquisition in this section, input NA in the "Date Funds Deposited into Escrow" column. Add foot note explaining why compensation is not required, Gov't Code, Transfer of Jurisdiction, etc.
  - 15 Detail should be added showing expiration dates of documents with fixed termination dates.
  - 16 Date of the agreement in which the Utility Company agrees to move. Use Utility Agreement Date if there is one. If there is no Utility Agreement, use the original encroachment permit date. If the original encroachment permit cannot be obtained, the date from the new encroachment permit can be used.
  - 17 If there is Federal Participation, a copy of Specific Authorization to Relocate Facility Utilities Memorandum (RW 13-15) must be attached for each facility relocation item.
  - 18 Must include actual dates. If relocation is concurrent with construction use the construction contract start and end dates.
  - 19 A copy of the FHWA Specific Authorization to Relocate Utilities Memorandum (RW 13-15) must be included for all Bid Items.
  - 20 Demolition Contract, Construction Contractor, or Owner.
  - 21 Residential, Business, Farm, Nonprofit Organization, or Personal Property only.
  - 22 The statement should reflect (C)(1) **or** (C)(2), delete non-applicable reference from statement.
-

## **RIGHT OF WAY CERTIFICATION (Cont.)**

EXHIBIT

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EA# \_\_\_\_\_

ENDNOTE INSTRUCTIONS

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- 23 Certification statement to be used on the initial submittal of Special Certification No. 3 with Work-Around.
- 24 Certification statement to be used on the updated Special Certification No. 3 with Work-Around required no later than 15 days prior to bid opening. (If able to upgrade to a Certification No. 1 or No. 2, use appropriate CFR certification statement.)
-

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**MIDDLE MILE BROADBAND NETWORK – RIGHT OF WAY  
ACCEPTANCE**

EXHIBIT  
14-EX-12 (REV 12/2024)  
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**To:** (Name), \_\_\_\_\_ District Director **Date:** \_\_\_\_\_  
  
Attention: Right of Way \_\_\_\_\_  
DDD/Manager EA (Design Phase No.): \_\_\_\_\_

**From:** DEPARTMENT OF TRANSPORTATION – DISTRICT \_\_\_\_\_

**Subject:** Middle Mile Broadband Network – Right of Way Acceptance for the Project

**Project Description:** (Location and Work Description from PS&E)

**Status:** ☐ Ready to Construct Entire Project as Described Above.  
(OR)  
☐ RW Acceptance Requires Updating Prior to Construction – limitations exist.

**Type of Project:** DBB ☐ JOC ☐ CMGC ☐

**Project Milestones**

**Original RW Acceptance Date (if updating):** \_\_\_\_\_

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

**Begin Construction:** \_\_\_\_\_

**1. LAND USE AGREEMENTS/PERMITS OVER FEDERAL LANDS:**

Permits are not required.

(OR)

Permit(s) is/are required, fully executed, and listed below.

Location (P.M.)	Owner	Permit Number	Document Type	Effective Permit Date	Expiration Date

(OR)

Permit(s) required is/are listed below. Use of the properties and construction activities cannot commence between postmiles \_\_\_\_\_ and \_\_\_\_\_ until all outstanding permits are fully executed, attached to an updated Right of Way Acceptance, and

**MIDDLE MILE BROADBAND NETWORK – RIGHT OF WAY  
ACCEPTANCE (Cont.)**

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transmitted to the HQ RWLS Office of Planning & Management/Project Coordination. Permitting needs are described below.

Location (P.M.)	Owner	Fully Executed (Y/N)	Permit Number	Document Type	Effective Permit Date	Expiration Date

- 2. STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

**NOTE: Acquisition of parcels is limited to Temporary Construction Easements adjacent to Caltrans R/W when no other rights are required from the same Grantor OR acquisition in CDT's name to allow for construction within existing Caltrans R/W (e.g., in a situation where Caltrans holds a recorded right that is limited in such a way that it is insufficient to permit installation).**

(OR)

- 2. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all lands as follows:

(OR)

- 2. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been or will be acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has, or will have legal and physical possession and right to enter on all lands as follows:

**A. TOTAL NUMBER OF PARCELS ACQUIRED**

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded):

Parcel No.	Owner	Project R/W Required (per appraisal map)	Close of Escrow/ Final Order of Condemnation Date

**MIDDLE MILE BROADBAND NETWORK – RIGHT OF WAY  
ACCEPTANCE (Cont.)**

EXHIBIT  
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**2. Parcels covered by Order for Possession:**

Parcel No.	Owner	Project R/W Required (per appraisal map)	Effective Date

**3. Parcels covered by executed Right of Way Contract with Possession Clause:**

Parcel No.	Owner	Project R/W Required (per appraisal map)	Effective Date of Contract <sup>4</sup>	Date Funds Deposited into Escrow <sup>5</sup>

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

Parcel No.	Owner	Project R/W Required (per appraisal map)	Effective Date of Contract	Date Funds Deposited into Escrow

**5. Parcels covered by Resolution of Necessity only:**

Parcel No.	Owner	Project R/W Required (per appraisal map)	Resolution Date	Suit Filing Date & Date Funds Deposited	OP Hearing Date	OP Service Date (All Parties) & Anticipated OP Effective Date

**3. RIGHT OF WAY USE AGREEMENT:**

The Right of Way Use Agreement has been executed on \_\_\_\_\_.

**(OR)**

The Right of Way Use Agreement is not fully executed. An executed Right of Way Use Agreement is expected on \_\_\_\_\_. It is agreed that no physical construction, including site preparation and breaking ground for the MMBN project can begin without a fully executed RUA. However, the project may be advertised and awarded. Pre-construction activities such as administrative activities related to

**MIDDLE MILE BROADBAND NETWORK – RIGHT OF WAY  
ACCEPTANCE (Cont.)**

EXHIBIT  
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construction paperwork and pre-construction meetings, will be permissible. Once executed, the Right of Way Use Agreement shall be attached to an updated Right of Way Acceptance and transmitted to the HQ RWLS Office of Planning & Management/Project Coordination.

**4. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:**

No Railroad with project limits

**(OR)**

The \_\_\_\_\_ Railroad has authorized the proposed work within its right of way and has issued the required permit(s) listed below. All necessary information will be placed in the informational handout. The project is now cleared for advertisement and award.

Permit #	Railroad	PM	DOT #

**(OR)**

None affected. The \_\_\_\_\_ Railroad is within the project limits and appears on the Plans but is not impacted. This Acceptance is subject to the Railroad Clearance Memo along with Section 5-1.2C from the District Railroad Coordinator. The project is now cleared for advertisement and award.

**(OR)**

There is Railroad within the project limits; an Exception memo has been granted dated \_\_\_\_\_, herein attached. The project is cleared for advertisement and award, however no installation from PM \_\_\_\_ to \_\_\_\_ until Railroad permit has been issued.

**5. STATUS OF REQUIRED UTILITY RELOCATIONS:**

All Utility Potholing and verification will be performed during construction. Note – proceeding with this option present(s) the following risk. If utilities are found during potholing, project CANNOT proceed as proposed.

**(OR)**

There are no Utility Relocations required on the project.

**(AND, WHEN APPLICABLE)**

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

Company	Facility Type

**(OR)**

The following utilities are in conflict with the project and will require protection in place. Notice to Owner(s) have been executed and are for Protect in Place, only.

R/W Notice No. and Date	Company	Type of Facility	Agreement Date	Type of Conflict

**6. EXISTING AIRSPACE AGREEMENTS:**

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

**(OR)**

There are existing airspace leases within the project limits that are impacted by the project. Airspace leases have been modified, amended, or terminated, and the project can be accepted.

**(OR)**

There is/are existing airspace lease(s) within the project limits, however, they will not be affected by the Middle-Mile Broadband project. (Provide a brief narrative on how the airspace leases will not be affected.)

**MIDDLE MILE BROADBAND NETWORK – RIGHT OF WAY  
ACCEPTANCE (Cont.)**

EXHIBIT  
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**7. ADDITIONAL NOTES:** (if applicable)

Right of Way has determined that there are no Right of Way conflicts, and the project can be accepted as proposed.

By:

\_\_\_\_\_  
(Print Name of Caltrans Authorized Right of Way Representative)  
(or person authorized in writing to sign Acceptance)

Title: Right of Way Senior

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

**(OR)**

Right of Way requirements have not fully been met. I understand that an updated Right of Way Acceptance must be transmitted to the HQ RWLS Office of Planning & Management/Project Coordination **before project can be constructed as described, (and/or) before conditions/limitations on construction can be lifted.**

Work orders can be issued without a Right of Way Use Agreement (RUA) in place. Projects cannot commence ground-disturbing activities until there is an approved RUA in place. Proceeding with a work order without an approved RUA in place poses the risk of a right of way delay claim in the event the RUA is not approved prior to the start of construction.

By:

\_\_\_\_\_  
(Print Name of Caltrans Authorized Right of Way Representative)  
(or person authorized in writing to sign Acceptance)

Title: District Right of Way Senior

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

**AND**

I acknowledge receipt of this right of way acceptance document, and I can attest that all conditions and limitations attached and/or set forth in this document have been incorporated into the project plans and specifications.

By:

\_\_\_\_\_  
(Name)

Title: District Design Senior

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

**MIDDLE MILE BROADBAND NETWORK – RIGHT OF WAY  
ACCEPTANCE (Cont.)**

EXHIBIT  
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I acknowledge receipt of this right of way acceptance document, and I can attest that all conditions and limitations attached and/or set forth in this document have been incorporated into the project plans and specifications.

By:

\_\_\_\_\_  
(Name)

Title: District Project Manager

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

I acknowledge receipt of this right of way acceptance document, and I will ensure the contractor complies with all conditions and limitations attached and/or set forth in this document.

By:

\_\_\_\_\_  
(Name)

Title: District Construction Engineer

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

Accepted By:

\_\_\_\_\_  
Adrian Metcalf

Title: Right of Way Program Manager Middle-Mile Broadband Initiative,  
Right of Way and Land Surveys Headquarters

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

Attachment:

Approved Railroad Exception (if applicable)

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**To:** (Name), \_\_\_\_\_ District Director **Date:** \_\_\_\_\_

Attention: District Division Chief Dist.-Co.-Rte.-P.M.: \_\_\_\_\_  
Project Development EA (Design Phase No.): \_\_\_\_\_  
Const. Fed.-Aid No.: <sup>1</sup> \_\_\_\_\_  
Right of Way Fed.-Aid No.: <sup>1</sup> \_\_\_\_\_

**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT \_\_\_\_\_

**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 \_\_\_\_\_

**1. STATUS OF REQUIRED RIGHT OF WAY:** This is the \_\_\_\_\_ **Design-Build Certification.**<sup>2</sup> 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. State has legal and physical possession and right to enter on all land as follows:

**A. Parcels required for this Certification (Initial Design-Build Segment)** \_\_\_\_\_<sup>3</sup>

**1. Parcels acquired as of this submittal (Escrow Closed or Final Order of Condemnation Recorded):** \_\_\_\_\_

Parcel No.	Owner Last Name/ Business	Project R/W Required <sup>4</sup>	Excess (Yes or No)	Close of Escrow/Final Order of Condemnation Date

**DESIGN-BUILD CERTIFICATION (Cont.)**

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**2. Parcels covered by Order for Possession:** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	CTC Resolution Date	Effective OP Date	Temporary Rights Expiration Date

**3. Parcels covered by executed R/W Contract with Possession Clause:** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Effective Date of Contract <sup>5</sup>	Date Funds Deposited into Escrow <sup>6</sup>

**4. Parcels covered by Possession and Use Agreement only:** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Effective Date of Contract <sup>5</sup>	Date Funds Deposited into Escrow <sup>6</sup>

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

**5. Parcels covered by other acquisition documents as follows:** \_\_\_\_\_<sup>7</sup>

Parcel or P.M. Location	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Document Type	Effective Date of Contact <sup>5</sup>	Expiration Date	Date Funds Deposited into Escrow <sup>6</sup>

**DESIGN-BUILD CERTIFICATION (Cont.)**

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**B. CONSTRUCTION PERMITS, OTHER REQUIRED PERMITS:**

8

Parcel or P.M. Location	Owner Last Name/Business	Document Type	Effective Date Of Contract <sup>5</sup>	Expiration Date

**2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:**

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: \_\_\_\_\_

## DESIGN-BUILD CERTIFICATION (Cont.)

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**3. MATERIAL/DISPOSAL SITE(S):** (Select appropriate statement/s, delete inapplicable statement/s)

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

**4. 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.

**DESIGN-BUILD CERTIFICATION (Cont.)**

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**(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 are 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) (State = S)	Agreement Date <sup>9</sup>	Federal Participation Yes <sup>10</sup> /No	Relocation Schedule Start & End Dates and Bid Items. (Also list bid item information below) <sup>11</sup>

**DESIGN-BUILD CERTIFICATION (Cont.)**

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List each (applicable) bid item here or state: no bid items.<sup>12</sup>

<b>Bid Item No.</b>	<b>Owner and Facility Type</b>	<b>Liability % (Owner = O) (State = S)</b>	<b>Federal Participation (Yes/No)</b>

**5. RIGHT OF WAY CLEARANCE: (Select the appropriate statement; 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:

<b>Parcel No.</b>	<b>Location (P.M.)</b>	<b>Description</b>	<b>Salvable Non Salvable</b>	<b>Method of Disposal<sup>13</sup></b>	<b>Date Site Available to Construction Contractor</b>

**6. AIRSPACE AGREEMENTS: (Select the appropriate statement; 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).

**7. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM:**

There are no relocations required for 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")**

<b>Personal Property Relocation</b>	<b>Residential Relocation</b>	<b>Business, Farm, Nonprofit Relocation</b>

**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 <sup>14</sup>

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

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**8. 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

**9. 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).

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**DESIGN-BUILD CERTIFICATION (Cont.)**

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**10. CERTIFICATION:** I hereby certify the right of way for **(insert Parcel Group #)** as conforming to 23 CFR(s): Subpart C-Physical Construction Authorization, §635.309 (c)(1), (g), (h), and (p)(1)(v), §710.313, 49 CFR Part 24 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.

By: \_\_\_\_\_  
**Print Name in Bold of Caltrans Authorized Right of Way Representative, (OR)**  
**Delegated Right of Way Representative.**  
(Delegations must be in writing and on file in the District/Region Office, Division of Right of Way)

Title: **District Division Chief – Right of Way (OR)**  
**Title of Delegated Representative**

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

**(AND, if required per delegation matrix in R/W manual)**

By: \_\_\_\_\_  
**Name**  
**Division Chief**  
**Headquarters Division of Right of Way and Land Surveys**

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

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**DESIGN-BUILD CERTIFICATION (Cont.)**

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**(AND, if required)**

***Add FHWA signature block (Projects of Corporate Interest, Projects of Division Interest depending on delegations identified in the Project Agreement, and special Certification No. 3 & 3W for projects on the Interstate Freeway System).***

By: \_\_\_\_\_

**Name**  
**Realty Officer**  
**Federal Highway Administration**

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

Construction Federal-Aid No.: \_\_\_\_\_

Right of Way Federal-Aid No.: \_\_\_\_\_

Attachments

c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer  
Headquarters, Program Manager, HQ R/W - Attn: Project Delivery Liaison

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**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.
  - 4 List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.
  - 5 Date must be day of/or be post funds deposited date.
  - 6 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.
  - 7 This section covers acquisitions where the document is a license, permit, etc., not otherwise covered by 1. A. 1-4.
  - 8 Detail should be added showing expiration dates of documents with fixed termination dates.
  - 9 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.
  - 10 If there is Federal Participation, a copy of Specific Authorization to Relocate Facility Utilities Memorandum (RW 13-15) must be attached for each facility relocation item.
  - 11 Must include actual dates. If the relocation is concurrent with construction use the construction start and end dates.
-

## DESIGN-BUILD CERTIFICATION (Cont.)

EXHIBIT

14-EX-13 (REV 7/2021)

EA# \_\_\_\_\_

ENDNOTE INSTRUCTIONS

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12 A copy of Specific Authorization to Relocate Facility Utilities Memorandum (RW 13-15) must be attached for each Bid Item.

13 Demolition Contract, Construction Contractor or Owner.

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

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State of California  
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

# Memorandum

**To:** \_\_\_\_\_, Division Chief  
Division of Right of Way and Land Surveys  
**Date:** \_\_\_\_\_  
Dist-Rte-PM \_\_\_\_\_  
EA (EFIS) # \_\_\_\_\_

**Attention:** \_\_\_\_\_, Chief  
HQ – Certification, Appraisals and Local Programs

**From:** \_\_\_\_\_  
Deputy District Director (or equivalent)  
District \_\_\_\_ - Right of Way  
DEPARTMENT OF TRANSPORTATION

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

District \_\_\_\_ requests HQ approval of this Design-Build Right of Way Statement as required under 23 CFR 635.309(p) and 23 CFR 710.309 in order to request FHWA's project authorization for final design and physical construction. Design-Build Right of Way Statements do not require FHWA approval unless determined otherwise on a case-by-case basis.

## **Project Description**

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

---

\_\_\_\_ Name \_\_\_\_\_  
\_\_\_\_ Date \_\_\_\_\_  
Page 2

### **Project Right of Way Activities**

*Identify, quantify, and discuss:*

- *Acquisition parcels to be acquired (in compliance with Uniform Act), the FHWA-approved R/W manual, and BUY AMERICA requirements.*
- *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.*
- *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 the issue date.*
- *Right of way acquisition and clearance activities in RFP must ensure right of way is available prior to the start of physical construction on individual parcels.*
- *Right of Way Certification must conform to all applicable policies and procedures as outlined in Caltrans R/W Manual.*

**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 \_\_\_\_\_.

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**DESIGN-BUILD – PROJECT RIGHT OF WAY  
STATEMENT (Cont.)**

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Page 3

**Proposed Project Milestones:**

Requested by:

\_\_\_\_\_  
(Name)  
Deputy District Director  
Right of Way

Approved:

\_\_\_\_\_  
(Name)  
Division Chief  
Division of Right of Way and Land Surveys

FHWA Approved (when applicable):

\_\_\_\_\_  
(Name)  
Realty Officer  
Federal Highway Administration

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION**

EXHIBIT  
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**To:** (Name), District Director **Date:** \_\_\_\_\_  
  
Attention: District Division **File:** Dist.-Co.-Rte.-PM: \_\_\_\_\_  
Chief Project EA (Design Phase No.): \_\_\_\_\_  
Development Const. Fed-Aid No.: <sup>1</sup> \_\_\_\_\_  
Right of Way Fed-Aid No.: <sup>1</sup> \_\_\_\_\_

**From:** DEPARTMENT OF TRANSPORTATION – DISTRICT \_\_\_\_\_

**Subject:** Initial CM/GC Right of Way Certification (insert a brief description of project location, purpose, and provide an explanation of the right of way delivery plan including the number of proposed certification package submittals).

**Total estimated number of parcels required (entire project)** \_\_\_\_\_

Number of parcels acquired to date: \_\_\_\_\_

Number of parcels remaining to be acquired: \_\_\_\_\_

**1. STATUS OF REQUIRED RIGHT OF WAY:** This is the \_\_\_\_\_ **CM/GC Certification.**<sup>2</sup> 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. State has legal and physical possession and right to enter on all land as follows:

**A. Parcels required for this Certification (Initial CM/GC Segment)** \_\_\_\_\_<sup>3</sup>

**1. Parcels acquired as of this submittal (Escrow Closed or Final Order of Condemnation Recorded):** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Excess (Yes/No)	Close of Escrow/Final Order of Condemnation Date

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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**2. Parcels covered by Order for Possession:** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	CTC Resolution Date	Effective OP Date MM-DD-YY

**3. Parcels covered by executed R/W Contract with Possession Clause:** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Effective Date of Contract <sup>5</sup>	Date Funds Deposited into Escrow <sup>6</sup>

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

**4. Parcels covered by Possession and Use Agreement only:** \_\_\_\_\_

Parcel No.	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Effective Date of Contract <sup>5</sup>	Date Funds Deposited into Escrow <sup>6</sup>

**5. Parcels covered by other acquisition documents as follows:** \_\_\_\_\_<sup>7</sup>

Parcel or P.M. Location	Owner Last Name/Business	Project R/W Required <sup>4</sup>	Document Type	Effective Date of Contract <sup>5</sup>	Expiration Date	Date Funds Deposited into Escrow <sup>6</sup>

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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**B. CONSTRUCTION PERMITS, OTHER REQUIRED PERMITS:**

8

Parcel or P.M. Location	Owner Last Name/ Business	Document Type	Effective Date	Expiration Date

**2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:**

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 now 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: \_\_\_\_\_

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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**3. MATERIAL/DISPOSAL SITE(S):** (Select appropriate statement/s, delete inapplicable statement/s)

None required  
Commercial  
Optional site/s secured as follows:  
Mandatory site/s secured as follows:

Parcel Agreement	Owner Last Name/ Business	Document Effective Date	Expiration Date

**4. 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.

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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**(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 are 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
	Last Name/Business

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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

<b>R/W Notice No. and Notice Date</b>	<b>Company</b>	<b>Type of Facility</b>	<b>Liability % (Owner = O) (State = S)</b>	<b>Agreement Date<sup>9</sup></b>	<b>Federal Participation (Yes<sup>10</sup>/No)</b>	<b>Relocation Schedule Start &amp; End Dates and Bid Items. (Also list bid item information below)<sup>11</sup></b>

List each (applicable) bid item here or state no bid items: <sup>12</sup>

<b>Bid Item No.</b>	<b>Owner and Facility Type</b>	<b>Liability % (Owner = O) (State = S)</b>	<b>Federal Participation (Yes/No)</b>

**5. RIGHT OF WAY CLEARANCE: (Select the appropriate statement; 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:

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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Parcel No.	Location (P.M.)	Description	Salvable/ Non Salvable	Method of Disposal <sup>13</sup>	Date Site Available to Construction Contractor

**6. AIRSPACE AGREEMENTS: (Select the appropriate statement; 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 effective (date).

**(OR)**

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

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

EXHIBIT  
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- 7. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM:** There are no relocations required for this project (remove the remaining information in this section).

**(OR)**

The project has no occupied parcels (except as explained below). The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, 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 displaced.

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

<b>Personal Property Relocation</b>	<b>Residential Relocation</b>	<b>Business, Farm, Nonprofit Relocation</b>

**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.

<b>Parcel No.</b>	<b>Location (P.M.) Owner or Tenant</b>	<b>Notice to Vacate Issue Date</b>	<b>Date to Vacate</b>	<b>Type of Occupancy<sup>14</sup></b>

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

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**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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**8. COOPERATIVE AGREEMENTS:** None required.

**(OR)**

List each agreement by number, names of cooperating entities and date/s agreements were approved.

Agency	Agreement Number or Document Number	Date
		MM-DD-YY

**9. 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).

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

EXHIBIT  
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EA# \_\_\_\_\_  
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**10. CERTIFICATION:** I hereby certify the right of way for **(insert Parcel Group #)** as conforming to 23 CFR(s): Subpart C-Physical Construction Authorization, §635.309(c)(1) or (c)(2) <sup>15</sup>, (g), and (h), 49 CFR Part 24 and the current Caltrans CM/GC certification process. This CM/GC project has been authorized by Assembly Bill 2498 and approved by the California State Transportation Agency, and codified under Public Contract Code, Division 2, Part 1, Chapter 6.3. 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 CM/GC Construction Contract **(insert Contract No.)**. Construction may commence on the portions of the construction corridor that are cleared by this certification.

By: \_\_\_\_\_

**Print Name in Bold of Caltrans Authorized Right of Way  
Representative (OR) Delegated Right of Way Representative**

(Delegations must be in writing and on file in the  
District/Region Office, Division of Right of Way.)

Title: **District Division Chief – Right of Way (OR)  
Title of Delegated Representative**

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

**AND (if required per delegation matrix in R/W manual)**

By: \_\_\_\_\_

**Name  
Division Chief  
Headquarters Division of Right of Way and Land Surveys**

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

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**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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**AND (if required)**

*Add FHWA signature block (Projects of Division Interest depending on delegations identified in the specific Project Oversight Agreement).*

By: \_\_\_\_\_  
**Name**  
**Realty Officer**  
**Federal Highway Administration**

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

Attachments

c: District, Office Engineer – Attn: Scheduling Engineer  
Headquarters, Program Manager, HQ R/W – Attn: Project Delivery Liaison

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**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

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EA# \_\_\_\_\_  
ENDNOTE INSTRUCTIONS

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**Endnote Instructions**

- 1 Insert the word "None" or input the Federal Construction and/or Federal Right of Way Aid Number. If there's 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 CM/GC certification. For subsequent CM/GC 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.
  - 4 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.
  - 5 Date must be day of/or be post funds deposited date.
  - 6 Funds must be deposited into an escrow account 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.
  - 7 This section covers acquisitions where the document is a license, permit, etc., not otherwise covered by 1. A. 1 - 4. When applicable, funds must be deposited into an escrow account and made available, as legally permissible, to the grantor/s. If there are no funds associated with an acquisition in this section, input NA in the "Date Funds Deposited into Escrow" column.
  - 8 Detail should be added showing expiration dates of documents with fixed termination dates.
  - 9 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.
  - 10 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.
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**CONSTRUCTION MANAGER/GENERAL CONTRACTOR  
(CM/GC) CERTIFICATION (Cont.)**

EXHIBIT

14-EX-15 (REV 7/2021)

EA# \_\_\_\_\_

ENDNOTE INSTRUCTIONS

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- 11 Must include actual dates. If relocation is concurrent with construction use the construction contract start and end dates.
  - 12 A copy of the FHWA Specific Authorization to Relocate Utilities Memorandum (RW 13-15) must be included for all Bid Items.
  - 13 Demolition Contract, Construction Contractor, or Owner.
  - 14 Residential, Business, Farm, Nonprofit Organization, or Personal Property only.
  - 15 The statement should reflect (c)(1) or (c)(2) – remove non-applicable reference from the statement.
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