

# CHAPTER 1

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(REV 1/2019)

# 1.00.00.00 – INTRODUCTION

## 1.01.00.00 – RIGHT OF WAY MANUAL OVERVIEW

### 1.01.01.00      Purpose

The Right of Way Manual is prepared by the Division of Right of Way and Land Surveys (R/W&LS) to provide uniform procedures and guidance for Right of Way (R/W) functions for the California Department of Transportation (Department). This manual is neither intended as, nor does it establish, a legal standard for these functions. Policies and practices established herein are for the information and guidance of the officers and employees of the Department and those under its oversight. It implements 23 Code of Federal Regulations (CFR) 710.201(c) which in part mandates each state department “**which receives funding from the highway trust fund shall maintain a manual describing its right-of-way organization, policies, and procedures.**” The CFR further obligates other public land acquisition organizations (Local Public Agencies) or private consultants under the Department’s oversight on Federal-aid projects to comply with State and Federal laws, regulations, and the Department’s policies and practices. Local Public Agencies are to use this manual as their guidance tool for delivering their R/W program(s) in a manner that is in compliance with the Uniform Act and Code of Federal Regulations. While this manual outlines some aspect of Land Surveys’ role in project delivery, more detailed guidance for the Land Surveys function is found in the Land Surveys Manual.

### 1.01.02.00      Authorities

- [Code of Federal Regulations \(CFRs\):](#)
  - [Title 23 – Highways](#)
  - [Title 36 – Parks, Forests, and Public Property](#)
  - [Title 43 – Public Lands: Interior](#)
  - [Title 49 – Transportation](#)
  - [Title 50 – Wildlife and Fisheries](#)
  
- [California Codes:](#)
  - [Business and Professions Code \(BPC\)](#)
  - [Civil Code \(CIV\)](#)
  - [Code of Civil Procedure \(CCP\)](#)

- [Education Code \(EDC\)](#)
  - [Evidence Code \(EVID\)](#)
  - [Financial Code \(FIN\)](#)
  - [Fish and Game Code \(FGG\)](#)
  - [Government Code \(GOV\)](#)
  - [Health and Safety Code \(HSC\)](#)
  - [Insurance Code \(INS\)](#)
  - [Labor Code \(LAB\)](#)
  - [Probate Code \(PROB\)](#)
  - [Public Contract Code \(PCC\)](#)
  - [Public Resources Code \(PRC\)](#)
  - [Public Utilities Code \(PUC\)](#)
  - [Revenue and Taxation Code \(RTC\)](#)
  - [Streets and Highways Code \(SHC\)](#)
  - [Vehicle Code \(VEH\)](#)
  - [Water Code \(WAT\)](#)
  - [Welfare and Institutions Code \(WIC\)](#)
- [Stewardship and Oversight Agreement \(Federal Highway Administration/Caltrans\)](#)

### **1.01.03.00      Scope**

The manual includes R/W policies, instructions, and standard practices, as well as forms and exhibits intended to aid field and office operations. This manual is not a textbook or a substitute for law, statute, regulation, knowledge, experience, or judgment.

Administrative regulations, statutory references, and citations from U.S. Code (U.S.C.) and the CFR are referenced but not quoted in their entirety, except where noted. Citations are contained in the exhibits or in other books and pamphlets that are available to the region/district. Flowcharts have been developed for those chapters where applicable and helpful to the reader.

### **1.01.04.00      Manual Organization**

Chapters, sections and subsections are identified by a decimal numbering system to facilitate referencing chapter and section headings in bold print. Quoted text of any referenced law, statute, or regulation is shown in bold italicized print. Abbreviations and acronyms are used wherever possible. A list of all current forms and exhibits immediately follow the chapter sections to which they relate.

This manual is organized along R/W's normal project delivery workflow as much as possible. The first chapters deal with planning, financing, and federalization of R/W activities. The manual then proceeds through the project development process, from initial estimates to final project closeout. Some activities are accomplished after construction of a project, for example, Airspace leasing and disposal of Excess Land. R/W activities not directly related to the Department's project delivery are covered in the last chapters.

### **1.01.05.00      Forms and Exhibits**

Use of a given form or exhibit is mandatory for its stated purpose (unless stated as optional).

- Forms are available online:
  - [External Forms site](#)
  - [Internal Forms site \(Caltrans staff only\)](#)
  
- Exhibits are available online:
  - [External Exhibits site](#)
  - [Internal Exhibits site \(Caltrans staff only\)](#)

As Forms and Exhibits are not located within the R/W Manual, please visit the websites above to ensure you are using the most current version of a Form/Exhibit.

### **1.01.06.00      Revisions**

Revision suggestions can be made via the [R/W Manual Revision Request form](#).

The R/W Manual is currently updated twice a year: once in January and again in July.

In order to accommodate statewide review and allow for comment incorporation and publishing time, deadlines for new content in the next publication of the R/W Manual are on the following schedule:

## **Publication Deadlines for Next R/W Manual (January 2022)**

- 09/15/2021 – last date to submit R/W Manual Revision Requests for January 2022 Manual
- 10/15/2021 – last date Authors can submit approved drafts to Publications Manager for statewide review
- 10/25/2021 – 11/19/2021 – last available statewide review period
- 11/22/2021 – 11/24/2021 – all review comments compiled and submitted to Author
- 11/24/2021 – 12/31/2021 – Author's incorporation of review comments, final edit/review period
- 12/31/2021 – final approved edits due to Publications Manager
- 01/03/2022 – 01/13/2022 – incorporation of all final edits for publication
- 01/14/2022 – publication date

When immediate revisions are required, Right of Way Manual Directives (RWMDs) are published. These interim policy memos are posted online at the [RW Manual Revisions page](#). RWMDs will serve as the official policy for that revised item until incorporation into the next manual publication.

### **1.01.07.00      Accessing the Manual**

The R/W Manual is available online at the [RW Manual page](#).

Subscribe to the Right of Way Manual Updates email list to receive direct email alerts for all revision information, including interim policy updates, updated forms and exhibits, etc. The email subscription sign-up is located at the [RW Manual page](#).