

- To perform Utilities work, the LPA employee must have:
 - Training and experience in preparing utility relocation estimates based on construction in the manner proposed, coordinating work to positively locate underground utility facilities including all High/Low risk utility facilities within the project limits.
 - Understand the determination of liability for cost of utility relocation and responsibility. Obtain and analyze data to allocate cost between the utility owner and local agency for all required utility adjustment work and to clearly document, support and set forth the basis of this finding in a Report of Investigation.
 - Training and experience in preparing Utility Agreements between the utility owner and local agency.
 - Training and experience in preparing Notices to Owner for utility facility adjustments.
 - Knowledge of Local, State and Federal laws, policies and procedures that deal with utility relocation.

17.05.02.03 Qualification Questionnaire

Historically, agencies were qualified only after answering an extensive questionnaire that covered all aspects of their organizations, policies, and staff experience. Completing the questionnaire is no longer a requirement, but we have included it as an information exhibit (see [Exhibit 17-EX-12, Qualification Questionnaire](#)) to simultaneously assist LPAs requesting qualification and Caltrans Right of Way Local Programs staff as an illustration of the depth of experience we are seeking for LPA qualification. At the same time, the questionnaire provides a convenient framework to help structure the interview and assessment of the applicant's level of qualification.

17.05.03.01 Independent Office of Audits and Investigations (IOAI)

Caltrans may coordinate with the [IOAI](#) to evaluate an LPA before the agency will be approved for qualification. The primary objective is to determine if the LPA's accounting system is capable of accumulating and segregating reasonable and allowable project costs. Specifically, [IOAI](#) evaluates the LPA's billing procedures, procurement procedures, project management, internal controls, and accounting policies and procedures to ensure the LPA's right of way accounting procedures are in compliance with Department's fiscal requirements for Locally Administered Right of Way Projects and increase LPA's awareness of federal reimbursement requirements where necessary. Follow-up reviews will be made as necessary to ensure this capability is maintained.

When the Region/District Right of Way Local Programs Coordinator receives a request from an LPA for qualification, the district should decide if an accounting system audit is needed. If the District Local Programs Coordinator elects to pursue this, he/she should notify HQ R/W Office of Local Programs in writing and ask that [IOA](#) perform the evaluation. The summary of the audit evaluation will go directly to HQ R/W and will be forwarded to the Region/District for integration into the local agency qualification request.

17.05.04.01 Region/District Approval

The Region/District R/W Manager or designee will approve the request (if appropriate) and notify the LPA by letter that its organization has been approved to perform right of way functions on its projects. Copies of the letter will be sent to the HQ R/W Local Programs Office Chief. At a minimum, the letter to the LPA apprising them of their qualification status should address the following primary points:

1. Effective term of the approval.
2. Specification of the functions they are receiving approval to perform.
3. Confirmation of their possession and use of the current [Caltrans R/W Manual](#).
4. The LPA's obligation to inform the Department of any organizational or policy changes affecting their qualification within 7 days of the change.
5. Department will review their work for compliance.
6. Qualified status can be withdrawn if deficiencies are found and not corrected or the qualifications of the staff change to the point where they can no longer meet the minimum requirements.
7. The LPA will be invited to attend FHWA and Department-sponsored classes.

In the event the LPA's qualifications cannot be approved, the Coordinator will inform the LPA of the necessary steps which must be taken to achieve approval.

17.05.05.01 Maintenance Procedures for Qualification Status and Requalification Process

The Regions/Districts will review all of their qualified LPAs on a project-by-project basis for work “ON” the State Highway System and at least every three years for work “OFF” the State Highway System to determine if staff and procedures are still adequate to perform right of way activities in the functions approved in conformance with federal and/or state regulations. The review and documentation should be completed as outlined below depending on the category.

A. Work “ON” the State Highway System

Right of way organizations that will be performing work “ON” the State Highway System involving right of way acquisition activities will be qualified on a project-by-project basis. In this category, the Coordinator will complete the following:

1. A Memorandum to File approving the Qualification for the Project including:
 - a. A statement that the LPA has performed adequately for right of way on prior projects, if applicable.
 - b. An updated organization chart for the LPA including résumés as necessary.
 - c. A statement that the Local Public Agency has adopted current Caltrans procedural manuals to be used for the project to comply with current federal laws and regulations.
2. Submission of a copy of the Memorandum and updated Organization Chart to HQ R/W Local Programs to update the qualification files.
3. Caltrans Audits and Investigations’ Accounting System Evaluation, if necessary. When the Local Public Agency’s accounting practices have already been evaluated, the Department’s experience with the LPA may be satisfactory and, thus, an audit evaluation may not be required. Regions/Districts should only initiate requests for audit evaluations when circumstances dictate, then the request should be processed through HQ R/W Local Programs.

4. Notification of the LPA of approval in writing.

B. Work “OFF” the State Highway System

In this category are all Local Public Agencies that are performing work on federal-aid projects “OFF” the State Highway System involving right of way acquisition activities. The Coordinator will complete the following activities at least once every three years and keep the Qualification information in a file for each Local Public Agency:

1. Complete an in-depth review to determine if the LPA's organizational plan and policies and procedures have remained in substantial conformance with federal regulations. The review should encompass the areas outlined above.
2. If deficiencies are found, the Region/District should so notify the LPA and ask them to rectify the matter.
3. If the deficiencies are corrected or none are found, a summary of the review with a current organization chart should include a statement that, in the Region/District's opinion, there is reasonable assurance the LPA will perform right of way activities in compliance with requirements. The summary should also include the rationale for this opinion.
4. A copy of the memo is to be forwarded to HQ R/W Local Programs.
5. Caltrans Audits and Investigations' Accounting System Evaluation - Same as Category A.3. above.
6. The LPA is to be notified of the approval in writing.

C. Requalification Process

Both Caltrans and qualified agencies shall track expiration date of qualification to ensure the application process for renewal is started prior to current expiration, to avoid a lapse in qualification status.

17.05.06.01 Appraisal Review Qualification

On federal-aid projects, a formal review of the appraisal is necessary to establish the Fair Market Value for the property. (See [49 CFR 24.104.](#)) A consultant review appraiser must have a valid general license issued by the

[State Department of Consumer Affairs – Bureau of Real Estate Appraisers \(BREAA\)](#) and experience in eminent domain appraisals.

If the LPA receives a qualification of Level 1 or 2 without having the staff or means to perform the appraisal review function, the agency shall hire either a qualified consultant (see Section 17.06.00.00) **or** another agency qualified to perform the review.

NOTE: It must be noted that in instances where the LPA must hire a consultant or another agency to act as review appraiser, **only** the sponsoring LPA can determine the just compensation to be paid based on the approved appraisal; another agency or consultant cannot make that determination.

17.05.07.01 Nonqualified LPAs – Options

Local agencies that are not qualified to perform any or all of the respective right of way functions for a project must either hire another agency which is qualified to perform those functions or retain a consultant(s) who meets the Consultant Selection Criteria discussed in Section 17.06.00.00.

As part of the review process for projects on the State Highway System, the LPA must provide work plans, timelines with milestones, and staffing plans (including their plans for contracting with consultants or another LPA) for review and concurrence prior to execution of any consultant contracts covering right of way activities. This review should be triggered by the Authorizing Document and should be initiated at the time the Cooperative Agreement is being drafted.

Nonqualified LPAs have the following options:

1. Contract with a qualified agency.
2. Contract with a qualified private consultant(s) to perform one or more right of way functions. Appraisal consultants must have a license issued by the [State Bureau of Real Estate Appraisers](#); acquisition consultants must have a valid California Real Estate Brokers License or Sales License and work for a Real Estate Broker with a valid license; relocation consultants must have training and experience in relocation work under the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#). For additional information, refer to Section 17.06.00.00 on consultant qualifications.

3. Contract with a R/W Project Management Consultant. The contract must include provisions requiring any subcontractors to meet the right of way qualification standards set forth for right of way consultants. The LPA must retain the ability to monitor and control the qualifications of any subcontractors through the contract process.
4. Utilize a mixture of LPA staff and the resources available above at Items 1 and 2.
5. Contract with a “turnkey” consultant. The contract must include provisions requiring the subcontractor meet the right of way qualification standards set forth for right of way consultants. The LPA must retain the ability to monitor and control the qualifications of subcontractors through the contract process.

17.05.08.01 Rescinding LPA Qualification Status

If an LPA fails to maintain qualified staff, cooperate in correcting identified deficiencies, or perform in accordance with state and/or federal requirements, the Region/District shall notify the LPA in writing that the failure will result in a loss or reduction of its qualification status as well as jeopardize federal participation in the project. If, after this notification, the LPA fails to correct identified deficiencies or continues its noncompliance with state/federal regulations, the Region/District will notify the LPA that its qualification status has been rescinded. This notification should be signed by the District Director or designee. Copies of this notification will be forwarded to HQ R/W Office of Local Programs and the FHWA Division Administrator.

NOTE: At each of the above steps in the qualification process, the LPA must be informed in writing of all approvals and denials whenever application is made or reviews are performed.

17.05.08.02 Concurrent Penalties

It should also be emphasized that in a number of cases failure to correct deficiencies, particularly having to do with [Uniform Act](#) violations, can have far more serious consequences. As noted in Sections 17.03.00.00 and 17.04.00.00, failure to comply with [Uniform Act](#) requirements or to correct any such violations can result in the loss of federal funding for the parcel, the entire right of way portion of the project, and/or the entire project including construction depending on the seriousness of the violation.

17.06.00.00 – CONSULTANT QUALIFICATIONS AND SELECTION CRITERIA

17.06.01.01 Consultant Qualifications – General

It is extremely important for the LPA to scope the work in compliance with the [Uniform Act](#) and select a R/W consultant who not only knows what the LPA's specific needs are, but has the qualifications to perform the work legally and ethically to meet those specific needs.

The authority for the selection of private sector consultants to perform right of way functions on both local assistance projects (Off State Highway System) and locally funded projects (On State Highway System) with or without federal funding has been delegated to the Local Public Agency. The selection process will be administered by the LPA using the Consultant Selection Criteria and Guide (below). The Criteria establish recommended minimum levels of experience and permit the evaluation of prospective consultant firms. Work samples provided by the consultant should be reviewed by the LPA.

It is strongly recommended that the LPA engages Caltrans as early as possible during the consultant selection process and should invite Caltrans to participate on the hiring panel.

The LPA must advertise and seek competitive bids from consultants who meet the selection criteria for the right of way function needed on a project-by-project or time base method when there is State or Federal funding in the project.

17.06.02.01 Consultant Selection Criteria and Guide

RIGHT OF WAY ESTIMATING CONSULTANTS

To be used when an estimate of the cost of right of way requirements is needed for a project or an update to the right of way estimate is needed. When selecting consultants to prepare right of way estimates, care must be exercised to ensure that the candidates have expertise in appraisal fields of all types of real estate needed for transportation projects, acquisition for transportation projects, relocation for transportation projects, and utility relocation.

The consultant is required to possess either an Appraisal License or a Real Estate License. The consultant must have a minimum of two (2) years experience and the knowledge necessary to estimate the value of all types of real estate needed for transportation projects, including, assessing severance damages to property acquisitions/remainders, the cost to relocate displacees under the requirements of the [Uniform Act](#), and the costs associated with utility relocations.

When an estimate is prepared by a consultant with a real estate license, the consultant should have at a minimum, completed basic appraisal courses and practical experience as an appraiser. Additional courses in building cost estimating and a working familiarity with various cost estimating resources are recommended. Although estimates are opinions, they are expected to be as solidly based as possible using appraisal principles. Please see [Exhibit 17-EX-21, Right of Way Data Sheet for Local Public Agencies](#).

APPRAISAL CONSULTANTS

To be used on projects where property rights are to be acquired for a project, whether those rights are temporary, permanent, in fee, or easement, or compensable damages accrue to property as a result of the project. The appraiser measures the fair market value of the rights to be acquired to include, assessing severance damages to property acquisitions/remainders.

When selecting appraisal consultants, care must be exercised to ensure that the candidates have expertise in the specific appraisal field appropriate for the contemplated project. The greater the complexity of the project, the greater the need for highly specialized and/or experienced appraisers. An Appraisal License is required by law for transportation projects on or off the State Highway System.

Appraisal Consultants are required to possess:

- Appropriate Appraisal license as issued by the [California Department of Consumer Affairs – Bureau of Real Estate Appraisers](#) in accordance to the degree, complexity and value of the appraisal required:
 - a) Residential License for any noncomplex 1-4 family property with value of \$1 million and Nonresidential property with a transaction value up to \$250,000.
 - b) Certified Residential for any 1-4 family property without regard to transaction value or complexity; and Nonresidential property with a transaction value up to \$250,000.
 - c) Certified General for all real estate without regard to transaction value or complexity.

- Minimum two (2) years experience in appraisal of rights for eminent domain purposes.
- Successful completion of a course in appraisal of partial acquisitions for public agencies.
- Successful completion of a course in the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#) taught by a recognized organization.
- Specific knowledge and experience appropriate for the proposed project, including effects of [State Eminent Domain Law](#) on the appraisal process.

Appraiser Responsibilities under the Uniform Act:

- Property owner must be notified in writing of Agency's decision to appraise.
- Property owner or designee must be given opportunity to accompany appraiser during property inspection.
- Responsibility for delivery of [Title VI](#) information.
- Diary entry of notifications and contacts.
- Appraisal to contain minimum recognized standards for public acquisition according to requirements outlined in [49 CFR 24.103, Criteria for Appraisals](#).
- All appraisals must contain Appraiser and Review Appraiser Certificates.

REVIEW APPRAISER CONSULTANTS

Each appraisal must be reviewed by a qualified review appraiser and contain a Review Appraiser Certificate. The review appraiser is the person responsible for assurance of appraisal quality and completeness and accuracy of the value determination. The review appraiser must remain independent and must not be subject to undue influence or pressure from any source to arrive at a particular value or to accept inadequate appraisal reports. For this reason, it is recommended there be a distinct and separate association between the fee and review appraisers in order to maintain the integrity of the review process. It is essential the review appraiser understands his/her responsibility is to recommend an estimate of value for just compensation determination by the acquiring agency. **The [Uniform Act](#) requires that an official of the acquiring agency must make the final determination of just compensation.**

Review Appraiser Consultants are required to possess:

- Certified Residential License for any 1-4 family property without regard to transaction value or complexity; and Nonresidential property with a transaction value up to \$250,000 or

- Certified General License for all real estate without regard to transaction value or complexity.
- Minimum two (2) years experience in reviewing appraisals for eminent domain purposes.
- Successful completion of courses in the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#).
- Specific knowledge and experience appropriate for the proposed project, including effects of [State Eminent Domain Law](#) on the appraisal process.

Review Appraiser Responsibilities under the [Uniform Act](#):

- Confirmation of Analysis of Highest and Best Use, Damages, and Cost to Cure Damages.
- Confirmation of valuation.
- Confirmation of Calculations and Report Integrity.
- Prepare signed statement certifying value of appraisal reviewed, including an explanation of the basis for recommendation.

ACQUISITION CONSULTANTS

To be used when rights are to be acquired, whether those rights are temporary, permanent, in fee, or easement, or compensable damage payments are to be made as a result of the project.

When selecting acquisition consultants, care must be exercised to ensure that the candidates have expertise with the conditions affecting the acquisition that are present in the contemplated project. These may vary, and some factors to be considered include property type, type of occupancy, and project design/impact on remainder.

Acquisition Consultants are required to possess:

- Real Estate Broker's or Salesperson's License (when under the direct supervision of a Real Estate Broker) as issued by the [California Department of Real Estate](#) (required by law). All Right of Way Contracts must be approved for content and signed or initialed by the Real Estate Broker.
- Minimum two (2) years experience in the acquisition of rights for eminent domain purposes.
- Successful completion of courses in the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#) taught by recognized organizations.
- Specific knowledge and experience appropriate for the proposed project, including knowledge of [State Eminent Domain Law](#).

It is **extremely important** for the local agency to be fully aware of the acquisition consultant's qualifications and knowledge of the [Uniform Act](#). If there are violations by the acquisition consultant or consulting firm, the local agency could jeopardize a portion of, or all of the federal funding for the entire project.

If you have questions or concerns, please contact the Department's Right of Way Local Programs Coordinator in your area.

Acquisition Consultants Responsibilities under the [Uniform Act](#):

- Ensure establishment of just compensation by local agency prior to initiation of negotiations, including mailing offer letters.
- Expeditious acquisition within 30 days of approved appraisal.
- First Written Offer should be presented in person when possible.
- Summary Statement (basis for the appraisal) to be included with the First Written Offer.
- Owner to be given reasonable time to consider offer and present material relevant to value determination (i.e., 30 days and a minimum of 3 contacts).
- Payment is required before taking possession ([49 CFR 24.102\[jj\]](#)) Local agency is responsible for payment of all incidental expenses (title, escrow, surveys, prepayment penalties, etc.)
- Preparation of Administrative Settlements when it is reasonable and in the public interest ([49 CFR 24.102\[ji\]](#)).
- Diary entries including, but not limited to, confirmation of delivering Title VI information if project is federally funded.
- By signing the Right of Way Contract, the Broker or Principal of the Company acknowledges responsibility for maintaining a complete file on each parcel.
- Follow record keeping requirements per [49 CFR 24.9](#).

RELOCATION CONSULTANTS

To be used when there are occupants and/or personal property within the project area that must be relocated outside the project area. Occupancy may be residential or nonresidential, including agricultural uses. Relocation specialists may be used to prepare the relocation impact documents (part of the environmental clearance document) in the planning stage. It is important that a distinct separation be maintained between the Acquisition and Relocation functions, since the Uniform Act was not meant to be an expansion of just compensation, but a separate obligation of the displacing agency.

When selecting relocation consultants, care must be exercised to ensure that the candidates have expertise with types of occupancy affected by contemplated project, whether residential (owner-occupied), residential (tenant-occupied), personal property only, business, or nonprofit organization. The greater the complexity of the project, the greater the need for highly specialized and/or experienced relocation consultants.

Relocation Consultants should possess:

- Minimum two (2) years experience at the working level providing public agency relocation assistance.
- Successful completion of courses in the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#) taught by recognized organizations.
- Specific knowledge and experience appropriate for the proposed project, including [State Eminent Domain Law](#).

UTILITY RELOCATION CONSULTANTS

Utility Consultants should be used when there are utilities within the project area that must be relocated. Utility Consultants may be used to prepare preliminary utility engineering documents as part of the environmental clearance document in the planning stage. FHWA requires that Caltrans approve all Utility Agreements prior to executing, since Caltrans acts on behalf of FHWA when signing Utility Agreements and advancing utility relocation work on federal-aid projects. These actions cannot be delegated to LPAs or other subgrantees. Any such Utility Agreements not approved by Caltrans would be unauthorized and invalid.

When selecting Utility relocation consultants, a local agency must ensure that the candidates have expertise with Utility relocation. The greater the complexity of the project, the greater the need for highly specialized and/or experienced consultants. Local agencies are encouraged to include Caltrans District Right of Way Utility Coordinators on their selection panels.

Utility Consultants for all Local Agency Projects should possess the following:

- Training and experience in preparing utility relocation estimates based on construction in the manner proposed, coordinating work to positively locate underground utility facilities including all High/Low Risk utility facilities within the project limits.
- Understand the determination of liability for cost of utility relocation and responsibility. Obtain and analyze data to allocate cost between the utility owner and local agency for all required utility adjustment work and

to clearly document, support and set forth the basis of this finding in a Report of Investigation.

- Training and experience in preparing Utility Agreements between the utility owner and local agency.
- Training and experience in preparing Notices to Owner for utility facility relocations.
- Knowledge of Local, State and Federal laws, policies and procedures that deal with Utility relocation, including but not limited to Chapter 14 of the [Local Assistance Procedures Manual](#) and Chapter 13 of the [Caltrans Right of Way Manual](#).

Utility Consultants for Local Agency Projects “On the State Highway System” should also possess the following:

- Knowledgeable in Caltrans Project Development process, Caltrans Encroachment Policy, Caltrans R/W Utilities policy and procedures, and local encroachment policy and procedures.
 - Understanding R/W Utility activities timelines and schedules
 - [Caltrans Encroachment Permits Manual](#) Chapter 6
 - [Caltrans R/W Manual](#) Chapter 13 – Utility Relocations
 - [Project Development Procedures Manual](#) Chapter 17 – Encroachments and Utilities, Section 3 – Utility Policies, Article 2 – Policies
- Training and experience in preparing utility estimates (data sheet) based on proposed construction and scopes of work.
- Experience in coordinating with utility companies and Project Engineers for all utility activities.
 - Utility Verification
 - Utility Conflict
 - Utility Relocation
 - Billings
- Knowledgeable in liability determination for cost of utility relocation.
 - Understanding Master Contracts between Caltrans and utility companies
 - [State's Streets and Highways Code/Statutes](#) relating to the Department of Transportation
 - Property rights
- Knowledgeable of the Utility relocation process.
 - Preparing Claim Letter, Report of Investigation, Notices to Owner, Utility Agreements
 - Requesting Encroachment Permits
- Knowledge of Local, State and Federal laws, policies and procedures that deal with Utility Relocation.

PROPERTY MANAGEMENT CONSULTANTS

To be used when tenants will be in occupancy of the right of way after the agency has acquired the property but prior to displacement.

When selecting property management consultants, care must be exercised to ensure that the candidates have expertise with types of tenancies affected by the contemplated project, whether residential, personal property only, business, or nonprofit organization. The greater the complexity of the project, the greater the need for highly specialized and/or experienced property management consultants.

Property Management Consultants must possess:

- Real Estate Broker's or Salesperson's License (when under the direct supervision of a Real Estate Broker) as issued by the [California Department of Real Estate](#) (required by law).
- Minimum two (2) years experience at the working level in management of rental properties.
- Knowledge of applicable sections of the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#), [State Eminent Domain Law](#), and [Landlord Tenant Law](#).
- Specific knowledge and experience appropriate for the proposed project.

RIGHT OF WAY PROJECT MANAGEMENT CONSULTANTS

May be used to coordinate and direct the work of other consultants as well as local agency staff. Will have primary responsibility to ensure the work products for the project satisfy all requirements of applicable laws, statutes, regulations, policies, and procedures.

Project Management Consultants should possess:

- Minimum five (5) years experience at a supervising, managerial, or oversight level in a right of way organization operating with the power of eminent domain.
- Knowledge of the Federal [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#) and [Article 1, Section 19 of the California Constitution](#) (granting the power of eminent domain law).
- [State Eminent Domain Law](#) taught by recognized organizations. Successful completion of courses in the [Uniform Relocation and Real Property Acquisition Policies Act](#).

- Familiarity with project management theories and techniques, including project scheduling, staff assignments, and coordination and communication with other project entities.

Project Management Consultant or Principal of the consulting firm's responsibilities:

- Ensure right of way process has been followed in accordance with the [Uniform Act](#).
- Ensure consultants have appropriate licenses for the scope of work.
- Ensure Broker signs or initials all right of way contracts.
- Approval of all right of way files (signature in diary) that files are complete and in accordance to the [Uniform Act](#) with appropriate diary entries.

TURNKEY RIGHT OF WAY CONSULTANTS

Multifunctional right of way organizations that may be used to provide all right of way services required of a given project. Should be competent in each individual functional area. Staff are required to meet the criteria listed above in each of the Right of Way functions involved in the project. Turnkey consultants must have sufficient staff to preserve separation of the appraisal, appraisal review, and acquisition functions. An individual may be technically proficient in multiple functions, but may not be used as a turnkey consultant. All appropriate licenses/certifications are required for the type of services performed.

17.06.03.01 Competitive Bidding

Competitive bidding is one of the cornerstones of a financially successful project. It should be stressed to LPAs that seeking bids from qualified firms will ensure that the agency is getting the most reasonable price. Prior to soliciting bids, careful consideration should be given to defining the scope of work for the consultant, estimating the cost of the consultant's work, determining the type of contract needed, and whether to seek bids on a project-by-project or time base method.

The project-by-project method is appropriate for use when an LPA has only one project or has an extensive project expected to last more than 36 months. Under this method, the consultant performs the tasks exclusively on the designated project until completion. All four commonly used contracts are suitable for use with the project-by-project method and include (a) Actual Cost plus Fixed Fee, (b) Cost per Unit of Work, (c) Specific Rates of Comparison, and (d) Lump Sum.

The time base method is appropriate for LPAs with multiple projects occurring simultaneously. This method is more cost effective as the LPA is not required to complete the competitive bid process for each individual project. Under this approach, the same consultant can perform right of way tasks on different projects during the contract term. The maximum contract length is 36 months. If the contract needs to be extended due to unforeseen circumstances, the LPA must complete a [Request for Approval of Cost-Effectiveness/Public Interest Finding \(Exhibit 12-F of the Local Assistance Procedures Manual \[LAPM\]\)](#) and submit to the DLAE along with a written justification. The contract may be extended once with a maximum length of 12 months. Of the four types of contracts noted above, it is not appropriate to use the Lump Sum contract with the time base method.

The LPA should be advised that caution must always be exercised in the choice of a consultant. Just because a particular consultant meets the threshold criteria, this should never be the only basis for retaining them. Other factors, such as experience on past projects as well as references, should be given careful consideration. Each project and each agency have unique demands; and just because a prospective consultant meets the broad qualifications contained in the Consultant Criteria, this does not also mean that the consultant can meet the LPA's requirements. The LPA is responsible for maintaining documentation concerning the consultant selection process. This information should be made available to the Department as part of the oversight process.

17.06.04.01 Local Public Agency Liability for Consultants

LPAs should be reminded that, as noted above, they are responsible and accountable for the actions of their consultants in properly executing their duties and activities in accordance with the Uniform Act. The LPA retains the ultimate responsibility for signing the Right of Way Certifications and is accountable for the actions and performance of their consultants.

The consultant's work products will be subject to oversight by the Department's Region/District R/W Local Programs staff.

The Department has established broad criteria for use in evaluating the qualifications in the respective right of way functions, but the Department is not liable for the performance of the consultants selected by the LPA. Local agencies are responsible and accountable for the selection and performance of their consultants in properly executing their duties and activities in accordance with the [Uniform Act](#). In the event the actions or performance of the consultant results in the loss of federal funds for the

project, it is the sole responsibility of the local agency to reimburse these funds.

17.06.04.02 Consultant Contracts

In entering into consultant contracts, it should be stressed to the LPA that consultants must perform right of way functions to the same standards, practices, rules, and regulations as the LPA. The following additional discussion about contracting responsibilities should also be clearly conveyed to the LPA.

17.06.04.03 LPA Responsibilities

In each contract, the LPA responsibilities include the following:

1. Appraisal Review – As noted above, when state or federal funds are used for any portion of the project, a formal review of the appraisal by a review appraiser is required. When the parcel is on the State Highway System, a formal review must be done, whether or not federal funds are used.
2. Establishment of Just Compensation – In projects involving the acquisition of right of way, it will be necessary for the LPA to determine just compensation. The [Uniform Act](#) requires that an official of the acquiring agency must make the final determination of just compensation. This action shall be in writing and signed and dated by the agency official prior to initiation of negotiations (ION), and mailing of offer letters. **This action cannot be delegated to a consultant.**
3. Assignment of a Contract Manager – The manager will serve as the contact person during the course of the project. The Contract Manager must be an employee of the LPA. The Contract Manager should be knowledgeable about all aspects of the project.

17.06.04.04 Contract Manager Responsibilities

The Contract Manager is responsible for the following:

1. Coordinating the review and approval of all consultant work products.
2. Approving requests for payment.
3. Coordinating all consultant activities for the project.
4. Providing interim and final contract completion reports.
5. Following the [California Department of Transportation Right of Way Manual](#) in the performance of any right of way activities.

17.06.04.05 Contract Manager Qualifications

The Contract Manager ideally should have the following background:

1. Strong professional experience in the functional area under contract.
2. Familiarity with the project and contract objectives.
3. Understanding of management expectations.
4. Experience with the contract process.
5. The ability to communicate effectively.

17.07.00.00 – COOPERATIVE AGREEMENTS

17.07.01.01 Introduction

A Cooperative Agreement is a formal, legally binding contract between the Department (Caltrans) and a Local Public Agency (LPA) through which the parties to the agreement outline their high-level responsibilities regarding an improvement project on the State Highway System (SHS), including identification of: project component(s); sponsor (project advocate and securer of financial resources), implementing agency (responsible for the performance of work), and funding commitments. An agreement is not effective until fully executed by all parties.

NOTE: [Section 138 of the Streets and Highways Code](#) requires that all legally binding contracts, including Cooperative Agreements, be approved by either the Attorney General or an attorney employed by the Department. All Cooperative Agreements must be approved by an attorney in the HQ Legal Division.

A Cooperative Agreement should not be used when the other party to the Agreement is not a public agency and project partner. The most common type utilized is the standard two-partner agreement between Caltrans and a public entity involving one or more project development and construction components of a design-bid-build project type. Other formal types of cooperative agreements, including relinquishments, are identified and discussed in Chapter 16 of the [Project Development Procedures Manual](#) and the [Cooperative Agreement Handbook](#) (internal Caltrans link).

A project may require Cooperative Agreements among the Department and more than one entity, e.g., with two cities, a city and county, or a city and a transportation authority, etc.

The focus of this chapter is Agreements with LPAs for projects on the SHS.

17.07.01.15 Agreement Types and Usage

Agreements for R/W services generally fall into one or more of the following categories and are more fully described in later sections of this chapter:

- A. Memoranda of Understanding
- B. Project Cooperative Agreements – Roles and Responsibilities
- C. Highway Improvement Agreements
- D. Advanced Acquisition (Hardship and Protection) Agreements
- E. Encroachment Permits (Occasionally)

17.07.01.16 Agreement Preparation

Cooperative Agreements that provide for project development activities, including right of way, are usually initiated by either the appropriate District Project Development or Project Management Branch (see also 17.07.01.05). Certain Agreements, such as Advanced Acquisition Agreements (see below) that are part of an overall Master Agreement with the LPA, may be initiated by the Region/District R/W Division. They may be reviewed by HQ R/W Local Programs, which has the responsibility to coordinate the technical and legal review on all Agreements with right of way provisions.

The Region/District Cooperative Agreement Coordinator and HQ Office of Development and Improvement Agreement should be consulted when the Region/District is preparing a draft agreement for R/W services. Regardless of the type of agreement, many of the clauses covering right of way activities will be identical.

17.07.02.01 Memoranda of Understanding – General

A Memoranda of Understanding (MOU), also referred to as Letter of Understanding or Letter of Intent, is an informal non-binding agreement occasionally entered into between the Department and LPA or private entity that outlines understandings and responsibilities for various components of project development and construction. An MOU is not a cooperative agreement. Caltrans most often uses MOUs on locally funded projects to reach conceptual agreement on project scope, funding, staffing, and processing.

The MOU constitutes only a guide to the obligations, intentions and policies of the parties involved and not intended for use as a funding or programming

commitment. The preface of an MOU should include language to this effect. (Refer to [Cooperative Agreement Handbook](#) [internal Caltrans link], Chapter 9).

17.07.02.02 Process and Approvals

MOUs are usually prepared, executed, and processed without HQ or Legal review because they are not binding contracts.

See [Cooperative Agreement Handbook](#) (internal Caltrans link), Section 9.4 for form and content of an MOU. When requested, the HQ R/W Local Programs staff is available for advice.

The MOU is to be executed by the District Director (or his/her designee at the principal level) and an authorized representative of the other party.

In most cases, the MOU will be initiated, prepared, and processed by the Region/District Project Development Branch. If R/W issues are to be addressed, the Region/District's R/W section must be given the opportunity to provide input. It is important that the R/W Local Programs Coordinator establish and maintain liaison with Project Development to ensure that R/W is afforded that opportunity.

17.07.02.03 Sample MOUs

[Cooperative Agreement Handbook](#) (internal Caltrans link), Appendix I provides a sample MOU.

17.07.03.01 Cooperative Agreements – Roles and Responsibilities

The Department's policy is contained in [Deputy Directive 23 \(DD-23-R2\) \(see Exhibit 17-EX-07\), Roles and Responsibilities for Development of Projects on the State Highway System, dated December 2018](#). It provides that the Department, as owner/operator of the State Highway System (SHS), has a statutory and inherent obligation to ensure that all modifications or additions to the SHS, regardless of project sponsor or funding source align with the State and Department's goals and objectives for development and delivery of sustainable highway improvement projects that add value to the public and meet or exceed stakeholder expectations for safety, operations and maintenance.

Based on the foregoing, a cooperative agreement requires its parties adhere to the standards, policies, and procedures (or have an approved exception) that Caltrans would normally follow when it plans, designs, and constructs projects on the SHS. A cooperative agreement will not commit Caltrans to any arrangement that it does not have legal authority to pursue or the financial capacity to fund. See [Cooperative Agreement Handbook](#) (internal Caltrans link).

17.07.03.02 Process and Approvals

The Cooperative Agreement(s) should be entered into as soon after the Project Approval stage as possible—certainly prior to commitment to perform oversight and/or agreeing to perform R/W services that will be reimbursable by the LPA. See Section 17.07.01.05 Development, Preparation and Processing.

17.07.04.01 Highway Improvement Agreements (Privately Funded Projects) – General

Highway Improvement Agreements (HIAs) are utilized on state highways for privately funded projects costing over \$1,000,000. Frequently, these projects require that additional right of way be acquired by the developer and subsequently conveyed to the state to become part of the highway system. They are similar to a Cooperative Agreement in form, content, and legal commitment.

Once a privately funded project is identified, a decision must be made to designate the project sponsor. As noted above, the Department strongly encourages LPAs to sponsor these projects to demonstrate community acceptance and to improve coordination with other LPAs. If an LPA sponsors a privately funded project, it becomes a “Locally Funded Project” (see above) and is processed as such. Where an LPA will not sponsor the privately funded project, the Department will work directly with the private project sponsor.

A Highway Improvement Agreement will be required for all privately funded projects. Prior to the execution of the Agreement, the Region/District shall require the private project sponsor to pay an advance deposit to cover the state’s oversight costs until the HIA is executed and an escrow account, if applicable, is established.

As the owner/operator responsible for assessing the impact of improvements on the existing State Highway System, the Department is responsible for

preparing the PSR at Department's expense. It is the responsibility of the private project sponsor to provide suitable engineering data and technical and financial information needed for Department to prepare the PSR. If the Department is unable to comply with the schedule desired by the project sponsor, the private entity sponsor may prepare and submit a draft PSR at its own expense. The private sponsor is responsible for performing and funding all subsequent project development, right of way, and construction activities, with Department providing oversight *at the sponsor's expense*. If requested by the private project sponsor, the Department may perform some of the services for which the private project sponsor is responsible on a reimbursed basis if Department has sufficient staffing resources and reimbursed budget authority.

17.07.04.02 Development, Process and Approvals

Highway Improvement Agreements are *usually* initiated by the Region/District Encroachment Permit Section, with input provided by all functional units, including RW. The formal process for authorization, development and approval of a Highway Improvement Agreement are the same as for all other types of cooperative agreements and discussed in detail in Section 17.07.01.04 and 17.07.01.05 of this chapter. As with all Agreements for projects on the SHS, it is imperative that the Local Programs Coordinator establish and maintain good communications with the Permit Section and other PDT members to ensure that all right of way issues, including utilities and railroads, are addressed.

The Agreements are executed prior to the issuance of an Encroachment Permit. R/W's *primary* concern is that an acceptable degree of title be conveyed to the State.

17.07.05.01 Agreements for Advance Acquisition – General

Agreements for Advance Acquisition (Hardship and Protection) between the Department and LPAs may be entered into as the need arises. They are generally entered into in advance of a formal Cooperative Agreement covering regular R/W services. The criteria required in order to establish a parcel's eligibility for hardship or protection acquisition is found in Chapter 5 of this Manual.

On locally funded and tax measure projects, the cost of all advance acquisition activities performed by the department will be borne by the LPA through the use of advance deposits.

Refer to the [Cooperative Agreement Handbook](#) (internal Caltrans link) for further guidance.

17.07.06.01 Encroachment Permits – General

Encroachment Permit projects are projects on the SHS that are 100% funded by either an LPA or a private developer with construction cost under \$1,000,000 and which are located within the existing or ultimate right of way. These projects follow established permit procedures. Normally no Cooperative Agreement is required.

On occasion, however, the sponsor requests the Department to perform project development work, such as right of way, for which the LPA is responsible. The Department may perform these activities on a reimbursed basis if there is sufficient staffing and reimbursed authority. A Cooperative Agreement will be required to set forth the responsibilities for the reimbursed services.

17.08.00.00 – PROJECT CERTIFICATION

17.08.01.00 Definition

A Right of Way Certification is a written statement summarizing the status of all right-of-way-related matters with respect to a proposed construction project.

17.08.02.00 Purpose

The purpose of the Right of Way Certification is to document that real property interests have been or are being secured, and physical obstructions, including buildings, utilities, and railroads, have been or will be removed, relocated, or protected as required for the construction, operation, and maintenance of the proposed project. The Right of Way Certification also documents that right of way activities were conducted in accordance with applicable policies and procedures.

17.08.03.00 Projects on State Highway System Requiring a Right of Way Certification

When a Local Public Agency (LPA) performs right of way activities on a portion of a state highway, regardless of fund source, the LPA prepares the Certification as outlined in this chapter. This certification must match the approved PS&E reflecting RW involvement for the entire project. Where an Encroachment Permit onto the state highway right of way is required for construction to commence, a Certification consistent with policies outlined in this chapter must first be prepared and accepted. See [Caltrans Encroachment Permit Manual](#), Section 202 for Oversight Projects and [Project Development Procedures Manual \(PDPM\)](#), Article 8 and Appendix I.

NOTE: For projects off the State Highway System that are administered through the Division of Local Assistance, please see the [Local Assistance Procedures Manual \(LAPM\)](#), Chapter 13, for guidance on right of way certification requirements. A Local Public Agency (LPA) must prepare a ROW certification for all federal-aid projects, regardless of phase.

17.08.04.00 Unusual Project Circumstances/Conflicts

“Unusual circumstances” are defined as any deviation from the requirements or standard practices outlined in this chapter. When there are unusual circumstances in a project, a full explanation shall be forwarded to the

Region/District Division Chief, R/W, for approval. The request shall be forwarded to the Local Programs Coordinator at least three months prior to the project advertising date. The Approval should be included in the Certification or in an attachment and made a part of the Certification.

17.08.05.00 **Time Requirement for Right of Way Certifications Requiring FHWA Approval**

For a full discussion of R/W Certifications and their usage, see Chapter 14, "Project Certification," in this manual.

17.08.06.00 **Updating the Right of Way Certification**

Right of Way Certifications prepared for state-advertised projects shall be updated when:

- A. The Certification is one year old and the project it was prepared for has yet to be advertised,
- B. At the request of the Project Manager or Project Engineer,
- C. When dates or anticipated actions are no longer consistent with the current date of the Certification,
- D. Any changes in project scope or right of way requirements,
- E. When project description is no longer consistent with the PS&E.

For a full discussion of R/W Certifications and their usage, Chapter 14, "Project Certification" in this manual.

17.08.07.00 **Corrections, Additions, and Deletions to Certification**

The Department shall not take action on verbal requests to alter significant, factual data in a Certification. There must be a written request from the LPA describing any change required. This request must then be attached to and made a part of the original Certification. Revised Certifications must have the word "Revised" clearly stamped in the upper center of the front page.

17.08.08.00 Functional Monitoring and Record Retention

R/W functional monitoring of LPA projects must be documented in the Region/District R/W Local Programs Project Coordinator's files. Such monitoring information, together with the original LPA or developer Right of Way Certification and any pertinent correspondence, will be retained by the Region/District R/W Local Programs unit in accordance with the Standardized Records Disposition Schedule for R/W Project Files. Also, a copy of the original Certification should be retained in the Local Programs project files.

17.08.09.00 Procedures for Certification of Privately Funded Projects on the State Highway System

The Department accepts the completed project (tax-measure or locally or privately funded) into the State Highway System provided the project was Department-approved, and the right of way was acquired and the project constructed in accordance with Department practices. See [Caltrans Encroachment Permit Manual](#), Section 202 for Oversight Projects and Chapter 14, "Project Certification" of this manual.

- A. The developer provides the Encroachment Permits Engineer a Right of Way Certification ([Exhibit 17-EX-16](#)) prior to state's granting an Encroachment Permit to the developer. This is required regardless of whether there is a highway improvement or not.
- B. The Encroachment Permits Engineer transmits the Certification to R/W for review and acceptance.
- C. Prior to accepting the certification, the R/W Local Programs Coordinator verifies Certification statements and obtains a policy of title insurance where required from the developer prior to accepting the Certification. Title insurance policies are required prior to Caltrans acceptance of the certification for projects where property is being conveyed from the Developer to Caltrans.
- D. The R/W Local Programs Coordinator reviews and accepts the Certification on behalf of the District.
- E. The R/W Local Programs Coordinator notifies the Permit Section the Certification has been accepted and sends copies to the Encroachment Permits Engineer.

F. The Encroachment Permit is then issued.

17.08.10.00 Prerequisites to Certification of a Project by an LPA

Prior to issuing a Right of Way Certification, the LPA shall review the draft PS&E to confirm pertinent data. Included in this review should be such items as project identification, location description, work description, and special provisions relating to utility, railroad and/or right of way clearance coordination. The Certification also includes confirmation that right of way construction contract obligations are properly included in the PS&E, and confirmation that the right of way as shown on the construction plans is consistent with the LPA's Certification.

Conflicts which could affect the construction contract such as utility, railroad, or clearance work to be done in coordination with construction must be identified in the Certification so that they can be called to the bidder's attention in the Bid Documents (Contract Special Provisions).

17.08.10.01 General Steps for an LPA Certification of a Project

- A. LPA prepares the Right of Way Certification.
- B. LPA transmits the Certification to the DLAE.
- C. The DLAE sends the Certification, along with plans, maps, and other documents, to the Region/District R/W Local Programs Coordinator for review.
- D. The R/W Coordinator reviews the LPA Certification for compliance with all applicable laws and procedures. Region/District functional monitoring records are included in the review. Further monitoring/review may be performed, if required, to check Certification accuracy.
- E. Staff time permitting, the R/W Coordinator conducts field reviews to confirm all occupants within the right of way have been relocated and arrangements for utility relocation are being completed in conformance with regulations.

- F. When the R/W Coordinator confirms that the LPA Certification statements are correct, the authorized R/W Representative will accept the Certification.
- G. The R/W Coordinator returns the accepted original of the LPA Certification to the DLAE. A copy of the original Certification is kept in the Region/District Local Programs project file.
- H. If the Department is advertising the project, the DLAE forwards four copies of the accepted Certification with the PS&E submittal to the District Office Engineer for bid package preparation. If the PS&E has already been processed, a copy of the original Certification will be submitted to the HQ Division of Local Assistance.
- I. If any federal funds are involved in the project, HQ DLA processes the LPA Certification through the HQ Federal Aid Branch. In the event the project in question is on the Interstate System, the Federal Aid Branch forwards the Certification to the [Federal Highway Administration](#).

17.08.10.02 Certification Levels

There are four levels of certification: Certification Nos. 1, 2, Conditional Certification No. 3, and Special Certification No. 3 With Work-Arounds. These levels correspond to the degree of control of the right of way that has been achieved for the project as outlined in [23 CFR Sections 635.309\(c\) 1, 2, or 3](#), respectively.

For a full discussion of these Certifications and their usage, see Chapter 14, "Project Certification," in this Manual.

17.08.10.03 Right of Way Certification Process in the Region/District

Right of Way Certification on LPA projects that will be advertised by the state will be handled in accordance with Sections 14.02.05.01 and 14.02.05.02 of the R/W Manual.

17.08.11.00 Certification Format

The method of Certification as specified under [23 CFR 635.309\(c\)](#) entitled, "Physical Construction Authorization," is applicable to all federal-aid construction projects. The format also applies to all special-funded projects regardless of funding.

LPA Right of Way Certifications for all projects will be made using the Certification format shown in [Exhibit 17-EX-18](#). The LPA should use only those portions of the format applicable to the certification level being prepared and the project being certified. The format contains specific language developed collaboratively with [FHWA](#). Any deviation from the standard language requires HQ approval, otherwise the Certification may be invalidated. Any deviation from the format or the wording must be fully explained in the Certification and have prior Region/District R/W Local Programs' approval. Privately funded projects may be certified using the Certification format shown in [Exhibit 17-EX-16](#).

17.08.11.01 Federal Aid in Right of Way and Utilities

When there is any federal aid in the right of way cost of a project to be advertised by the state, the Right of Way federal-aid project number(s) will be shown on the Right of Way Certification. If there is no federal aid in the right of way cost, the Right of Way Certification shall show "None." The Right of Way federal-aid project numbers are available from the Region/District's R/W Planning and Management unit.

The use of federal-aid for Construction should be confirmed with the Project Manager. Occasionally when the project is to be certified, the federal-aid project number for Construction may not have been received. In this case, "Pending" shall show for the Construction federal-aid project number.

The HQ or District Office of Office Engineer will add the Construction federal-aid project number to the Right of Way Certification at the time the project is listed for advertising as appropriate.

17.08.11.02 Required Right of Way

All property rights required for a project must be reflected in the Right of Way Certification. Parcels to be included in a Right of Way Certification are regular right of way parcels acquired by deed, Final Order of Condemnation, Order for Possession, Right of Entry, Agreement for Possession and Use, license, permit, or other acquisition documents used by certain governmental entities.

Temporary rights must also be listed in the Certification. These include Temporary Easements, Temporary Permits to Enter (Or Enter and Construct), etc. It is important to include the expiration date of any temporary rights in the Certification so they may be evaluated in terms of the final construction schedule.

17.08.11.03 Certifications with Agreements for Possession and Use or Rights of Entry

Certifying a project where Agreements for Possession and Use or Rights of Entry are used to control right of way should be minimized to the greatest extent possible. Such Agreements may be used sparingly, and only after an appraisal has been completed and the initial offer of settlement has been presented to the Owner.

Agreements for Possession and Use or Rights of Entry obtained prior to making the first written offer can be used *only* to certify control of right of way in emergency or other justified situations. If an LPA believes it is necessary to solicit these types of agreements from an Owner prior to completion of the appraisal and making the first written offer, they must obtain the prior approval of Region/District R/W Local Programs Coordinator. Specific guidelines for the use of Agreements for Possession and Use and Rights of Entry are found in Chapter 8, "Acquisition," of this [R/W Manual](#).

LPA requests to certify projects utilizing such Agreements should be submitted to Region/District R/W Local Programs Coordinator with the facts justifying the proposed action. The request may be made in writing, in person, or in emergency situations by telephone.

Region/District R/W can approve all standard form Agreements for Possession and Use or Rights of Entry. All nonstandard agreements shall be forwarded to the HQ R/W Local Programs for approval. The LPA will be notified of the acceptance of their request in writing. LPA Certifications containing such agreements should include a reference to the prior approval. Certifications where all or a major portion of the parcel are controlled through these types of agreements shall be avoided except when public safety or emergency projects are involved.

17.08.11.04 Status of Affected Railroad Facilities

The “Affected Railroad Facilities” portion of the Right of Way Certification applies to a railroad's “operating property” only. The railroad determines which of their properties are “operating” or “nonoperating.” Acquisition of railroad operating property will also be covered under Section 1 of the Certification, “Status of Required Right of Way.”

A Clearance Letter from the Department's Office of Structures is required for ANY project with railroad involvement that is advertised by the State Office of the Office Engineer, even when the railroad arrangements were made by an LPA. Refer to Chapter 14, “Project Certification,” in this Manual for additional information.

17.08.11.05 Material and Disposal Sites

List in the Right of Way Certification all optional or mandatory material or disposal sites which require a Local-Agency-secured agreement and which are being made available for use for the project being certified.

On some projects, bidders are advised of “available” sites that have been previously tested and approved for use. Contractors make their own arrangements for use of such sites. These sites are listed on the Right of Way Certification when the project does not require a previously secured agreement with the site Owner.

17.08.11.06 Status of Required Utility Relocations

An LPA Right of Way Certification is not to be issued until it can be stated that either there are no required utility relocations, the state will handle the utility relocation, or the LPA will handle the utility relocation. Use one or more of the clauses found in Chapter 14, “Project Certification,” in this Manual to complete the Utility Portion of the Certification.

17.08.11.07 High and Low Priority Underground Facilities

A statement concerning High and Low Priority Underground Facilities is no longer required in the Certification. The Office of Project Planning and Design is responsible for administration of the High and Low Priority Utility Facilities policy.

17.08.11.08 Right of Way Clearance

The LPA Right of Way Certification requires information concerning the disposition of improvements. Refer to Chapter 14, "Project Certification," of this Manual for appropriate clauses.

17.08.11.09 Compliance with Relocation Assistance Program Requirements

This section provides assurances that current policy and procedure have been followed relative to relocation advisory assistance payments. Detailed data regarding any remaining occupants and/or personal property are also provided. (See also requirements for Special Certification No. 3 With Work-Arounds.)

17.08.11.10 Cooperative Agreements

This is an optional section used as a check to ensure that needed Cooperative Agreements have been secured.

17.08.11.11 Certification – Authorized Signature

The LPA Right of Way Certification should be submitted with a resolution by the governing body that authorizes execution of the document. As an alternative, the appropriate agency, e.g., County Board of Supervisors or City Council, may adopt a resolution giving the Chairman of the Board, Mayor of the City, Public Works Director, Transportation or Traffic Authority or other responsible official a blanket authority to execute Right of Way Certifications. Certifications executed by this official would then be acceptable. If this second alternative is used, a copy of the original resolution need not accompany each Certification submitted to the Region/District. It will be sufficient to have a copy of the original resolution on file in the Region/District.

In the cases when the Region/District will recertify the project, e.g., the state is doing part of the work, the Region/District Right of Way Certification will be issued over the signature of the Region/District Division Chief, R/W, or designee.

17.08.11.12 Indemnification by Local Agency for On-System Projects

The Department reviews and approves only those LPA Right of Way Certifications prepared for projects where Department advertises, awards, and administers the contract. As in the case with off-system projects, all other LPA-prepared Right of Way Certifications are “accepted” by the Department. It is, therefore, important that the LPA certify that any right of way acquired for a project which will subsequently be conveyed to the Department be acquired in accordance with our own policies and procedures. Use of this clause reaffirms that the LPA has overall responsibility and accountability for proper project certification.

Use of the “Indemnification by Local Agency” clause is required in all LPA Right of Way Certifications and has been incorporated into the Certification exhibits.

17.09.00.00 – TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) AND ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM)

17.09.01.01 EEM/TEA – General

There are two programs where funding is made available for LPAs with environmental objectives: one is state-funded and the other federally funded. The R/W Local Programs Branch will generally have similar responsibilities for each program. The state-funded program is entitled the [Environmental Enhancement and Mitigation \(EEM\) Program](#). The federally funded effort is the [Transportation Enhancement Activities \(TEA\) Program](#). They are similar in objectives and operations, but have different project approvals and funding mechanisms. The Department administers both programs. The primary responsibility for processing agreements for the [TEA Program](#) lies with each District's Local Assistance Engineer (DLAE). The [EEM](#) agreements are processed initially by the [EEM](#) Program Coordinator in Headquarters, Division of Local Assistance (DLA) with assistance from the DLAE where the project is located.

For our purposes herein, both programs require matching funds from the recipient and both permit use of the funds to acquire land, which triggers the majority of the R/W involvement. The eligible costs of acquiring land, in addition to the purchase price, may include appraisals, surveys, preliminary title reports/title insurance and escrow fees, legal fees and clearance/demolition expenses.

There are other issues that may involve R/W such as utility relocation, modifications to railroad facilities, or access impairment. After the projects are approved and funding is in place, the R/W effort is generally the same for each program.

The policies and procedures for both programs are described in the [DLA Local Assistance Program Guidelines](#). The [TEA Program](#) is dealt with in Chapter 8 and the [EEM Program](#) is found in Chapter 20.

NOTE: Both the existing [TEA funding program](#) and the recent legislation commonly referred to as [TEA-21](#) have the same acronym. Care should be taken so as not to confuse textual references to local agency transportation enhancement projects with the 1998 federal legislation.

17.09.02.01 EEM – General

The [EEM Program](#) was established by the Legislature in 1989 with the addition of [Section 164.56 of the Streets and Highways Code](#). The program receives \$10 million in annual funding, subject to appropriation in each year's state budget. The purpose is to provide grants to local, state and federal agencies and nonprofit entities to mitigate the environmental impact of transportation projects *in addition* to any requirements of the environmental document. When the funds are used for property acquisition, compliance with the [State Government Code \(State Uniform Act\) Section 7260 et seq.](#) is required. This does not apply to private entities.

The grants are available for use in three broad categories:

1. Highway Landscaping/Urban Forestry
2. Resource Lands
3. Roadside Recreational

For further information about the [EEM Program](#), see Chapter 20 of the [Local Assistance Program Guidelines](#).

17.09.03.01 TEA – General

The [TEA Program](#) was one of the components in the 1991 ISTEA. Funding for TEA projects has been reauthorized in [TEA-21](#). TEA procedures allow R/W donations to count toward the local funding share of a project. Donations must be from private ownership to public ownership for project purposes. Acquired right of way is not eligible as the match. Land that has been acquired previously and is already intended or available for use by the public does not qualify for donation credit.

Anyone seeking information about the availability of TEA funds and/or how to apply for them should be referred to the [TEA website](#).

The purpose of the [TEA Program](#) is to provide federal aid to local and state agencies for transportation-related projects that enhance the quality of life in or around the transportation facility. As with the [EEM Program](#), the funds are to be used for projects *over and above* any required mitigation for the project. TEA projects must be directly related to the surface transportation system. There are 12 categories of eligible uses for the funds. Some examples of common projects are bikeways, scenic land preservation, historic

preservation of transportation facilities, landscaping or other types of scenic beautification, and preservation of railroad corridors for trail use.

17.09.03.02 Environmental Clearance

Projects in both programs require environmental clearance prior to funding approval. TEA projects require compliance with [NEPA](#) and EEM projects require compliance with [CEQA](#).

17.09.04.01 Restrictive Covenants

When any of the project funds are used for land acquisition, both Programs place restrictions on the subsequent use of the lands. These restrictions are embodied in an Agreement Declaring Restrictive Covenants (ADRC) which is recorded along with the Grant Deed conveying the subject property to the applicant. The ADRC for the [TEA Program](#) is similar to the ADRC for the [EEM Program](#). (For a sample ADRC for the EEM Program, see [Exhibit 17-EX-19](#).) The ADRC limits the uses of the land to the purposes intended by the Program and protects the investment in the land should it be sold or no longer used for the approved purposes. Any subsequent transfer of the acquired property from the applicant to another party must be approved by the Department. Each ADRC includes exhibits for the Legal Description, Management and Maintenance of the property and Notice of Revocation of Restrictive Covenants.

NOTE: The ADRC must be signed by the Right of Way District Division Chief, or designee.

When the project funds are used for acquisition of a Conservation Easement only, the ADRC is not used. Contact the HQ EEM or TEA Coordinator for further details.

17.09.05.01 R/W Responsibilities

The DLAE should forward grant applications involving acquisition of real property or a conservation easement to the District Right of Way Office for their early review and involvement in these acquisition projects. By the time R/W becomes involved, the projects have already been reviewed, a specific amount of funding has been approved, and the CTC has allocated the funds. Thus, the role of the R/W Local Programs Coordinator, after the early review, is limited to either assisting the applicant, the DLAE and/or the TEA/EEM Program Coordinator in approving reimbursement for the acquisition expenses *after* the close of escrow or to facilitate the purchase *beforehand* by depositing

the project funds in escrow accompanied by the appropriate escrow instructions.

NOTE: Although possible, condemnation is very rarely used in the TEA/EEM Programs. Most land purchases are the result of negotiations between a willing buyer and seller. Often the land has been for sale on the open market and both parties have agreed to the price. The Department's charge in these cases is to determine that the purchase price *fairly* represents the value of the land and to assist the parties as needed in the conveyance of the property. If there is a discrepancy between the purchase price and the appraised value, there should be some reasonable justification why the two amounts are different.

17.09.05.02 Reimbursement Procedures

A substantial number of TEA/EEM projects involve reimbursing agencies for the expenses already incurred in connection with land acquisition and related costs. In these cases, the following documentation will be submitted to the DLAE who will forward them for R/W review:

1. An appraisal in support of the purchase price.
2. A copy of the Grant Deed conveying the property to the applicant.
3. A copy of Policy of Title Insurance showing title vested in the applicant.
4. An invoice for reimbursement.

If the documents are in order, the Local Programs Coordinator should approve the invoice for payment and return the package to the DLAE. Any questions about the transaction may be referred to HQ Local Programs.

17.09.05.03 Responsibilities for Purchase Escrows

When the applicant requests that the Department deposit the funds directly into escrow for the purchase of the land, opening the escrow is the responsibility of the applicant. On these projects, the applicant will *usually* submit the following documents to the DLAE who, in turn, will forward them to the R/W Coordinator for review and approval.

1. Two copies of the Applicant-State Agreement

2. An executed Agreement Declaring Restrictive Covenants (ADRC) including Exhibits
3. A copy of a preliminary title report
4. A current appraisal in support of the purchase price
5. A copy of the escrow instructions
(See item "C" below for additions to the escrow instructions.)
6. An invoice for payment

The R/W responsibilities include the following:

- A. Reviewing the Preliminary Title Report, including the legal description to confirm that it adequately describes the property, and that there are no adverse conditions affecting title.
- B. Reviewing the appraisal to confirm that the agreed-upon purchase price "reasonably" reflects the fair market value for the property. For most projects, this can be accomplished by a "desk review" of the appraisal.
- C. Preparing the necessary escrow instructions on how the funds are to be used (e.g., for the purchase of the subject property when all of the escrow requirements have been met). On EEM projects, the escrow instructions should state that the Agreement Declaring Restrictive Covenants (ADRC) must be signed, along with the Grant Deed prior to close of escrow, and the escrow agent should forward copies of the recorded grant deed and recorded ADRC to Caltrans Local Programs within 60 days after close of escrow.
- D. Approving the invoice for payment for the purchase price of the land, plus escrow closing costs.

When the documents are in order, the invoice should be approved and the package returned to the DLAE.

17.10.00.00 – FEDERAL REIMBURSEMENT REQUIREMENTS

17.10.01.01 Introduction

Federal funds may participate in capital outlay costs made by LPAs for real property purchases or interests therein acquired in accordance with applicable state and federal law and [FHWA](#) regulations. Federal reimbursement is processed through the [Division of Local Assistance](#). This section outlines some general federal reimbursement information, however, LPAs shall refer to the [LAPM](#) Chapter 3, Section 3.3, and Chapter 13, Section 13.12, for comprehensive information pertaining to reimbursement requirements.

17.10.01.02 Eligible Right of Way Costs

Reimbursable Project Costs

Salaries, wages, and related project costs may be reimbursable for the following activities. All costs must be broken down into eligible direct and/or indirect cost components.

Right of Way: Acquisition of Right of Way, real property, or rights thereto is included. It also includes the preparation of Right of Way plans, economic studies, and other related preliminary work, appraisals for parcel acquisition, review of appraisals, preparation for and trial of condemnation cases, management of properties acquired, providing relocation advisory assistance, utility relocation, and other related labor expenses.

Note: Right of Way rental income and the proceeds from the sale of excess land may be retained by LPAs if it is used for a valid [Title 23](#) purpose. It is the LPA's responsibility to ensure they comply with [Title 23](#) if this option is selected. For additional information about Right of Way topics, see [LAPM](#) Chapter 13 – Right of Way, Section 13.12.

17.10.01.03 Authorization Procedures

Federal participation in right of way costs requires authorization from [FHWA](#).

Federal-Aid Project Authorization (E-76)

Prior to the beginning of the reimbursable work, the project phase of work eligible for federal reimbursement must be formally authorized (approved) by Caltrans and the FHWA. The payment of federal funds is limited to the amounts approved on the Authorization to Proceed or E-76. To initiate a federal project authorization for a phase(s) of work, or to increase a prior authorization, the LPA must prepare the Request for Authorization package (see [LAPM](#) Chapter 3 – Project Authorization) that provides the information required by Caltrans and the FHWA to process the request in a timely manner.

Note: Costs incurred prior to the authorization date are not eligible for FHWA reimbursement except for At-Risk Preliminary Engineering, Emergency Opening, and Preliminary Engineering work that is part of the Emergency Relief program; see [LAPM](#) Chapter 3 (Section 3.3: At-Risk Preliminary Engineering); and except as provided in [23 CFR 710.503](#), for protective buying and hardship acquisition, and in [23 CFR 710.501](#), early acquisition.

For additional information about the phases of work and the project authorization process, refer to [LAPM](#) Chapter 3.

State-only Funded Project Allocation

For projects funded with state-only funds, reimbursable work begins the day of fund allocation. For more information on allocation procedures go to [Local Assistance Program Guidelines \(LAPG\)](#) Chapter 25 – State Programs for Local Agency Projects.

17.10.01.04 Reimbursement Procedures

Invoice Submittal

The LPA may submit monthly invoices for reimbursement of participating costs (costs eligible for state and/or federal reimbursement). Amounts claimed must reflect the cost of completed work, which has been paid for. The LPA must claim all reimbursable work within 180 days of project completion or prior to the expiration date of the project agreement, whichever comes first. Per the Master Agreement, an invoice must be submitted at least every six months to avoid being classified as inactive. Refer to the [Inactive Projects webpage](#) for more details.

Towards the end of the State fiscal year (June 30), it is very important for LPAs to submit invoices timely for all incurred project costs so that accrued expenditures are properly identified on Caltrans financial statements.

Each fiscal year, the Division of Local Assistance (DLA) will notify LPAs regarding projects funded from lapsing appropriations (funds that will expire/not be available for spending after June 30 of that fiscal year). LPAs will be notified of the deadline for submitting invoices for these projects.

Additional information may be obtained from Caltrans Local Program Accounting (CLPA) through the District Local Assistance Engineer (DLAE). Payments made under these provisions are for expenditures paid by the LPA prior to claiming reimbursement from the California Department of Transportation (Caltrans).

Tracking Status of Invoices

As invoices are processed by CLPA, LPAs can monitor the status of their invoices by viewing the data at the Vendor Payment History webpage. This website is updated daily and contains all invoices for projects for the past 18 months.

17.10.02.01 Processing of Audits

Audits may be conducted by the Caltrans Internal Audits Office (CIAO) and the Independent Office of Audits and Investigations (IOAI), identifying potential findings and sanctions, common deficiencies, and recommended internal controls to improve compliance. This includes compliance with state and federal regulations, the Master Agreement, the Local Assistance Procedures Manual (LAPM), the Right of Way Manual (RWM), the Local Assistance Program Guidelines (LAPG), California Transportation Commission grant requirements, and all other applicable regulations. Refer to LAPM Chapter 20 – Audits and Corrective Actions for more details.

17.10.03.01 Final Vouchering

The last phase of a federal-aid participating project is final vouchering and closing the project. After the project has been completed, a final voucher must be prepared by the LPA and submitted to the [FHWA](#). The Final Invoice, Final Detail Estimate, Final Right of Way Invoice, and the Final Report of Right of Way Expenditures are used as the basis for the total and participating final voucher costs which are submitted to the FHWA.

17.10.04.01 Record Retention

2 CFR 200.334(c): Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

Records must be maintained until 3 years after property is disposed of (i.e., indefinitely on ROW).

17.10.05.01 Financial Sanctions

The [FHWA](#) may withhold federal financial assistance if the certifying LPA fails to comply with the applicable State law and regulations implementing other provisions of the [Uniform Act](#). The FHWA will notify the Department at least 15 days prior to any decision to withhold funds pursuant to [49 CFR 24.603\(b\)](#).

17.11.00.00 – DEFINITIONS AND REFERENCES

17.11.01.01 Definitions

[California Environmental Quality Act \(CEQA\)](#) – The state environmental legislation that applies to all projects in California and which establishes procedures for conducting an environmental analysis.

Capital Outlay – Capital outlay includes costs necessary to acquire and clear the rights of way for construction of the project. All capital outlay costs must be charged to a specific project. [FHWA](#) requires that all right of way capital costs be recorded in sufficient detail to determine eligibility for reimbursement. This includes the costs for land, improvements, damages, utility relocation, demolition and clearance, RAP, condemnation deposits, and construction contract payments.

Capital Outlay Support – The personnel and operating expenses to support the right of way functions that produce capital outlay payments. In addition to Right of Way, it includes environmental studies, design, and construction management.

NOTE: FHWA uses a different term, “Incidental Costs,” when referring to these expenses.

Combined Project Study Report/Project Report (PSR/PR) – A single engineering report expediting the project development process for noncomplex, noncontroversial state highway projects funded by others and costing over \$1,000,000 for construction.

Cooperative Agreement – An executed contract that specifies the respective roles and responsibilities of the Department and local governmental entities involved in developing a special funded State highway project.

Donations – The voluntary conveyance of property without compensation for the improvement of a current or future public project.

Dedication – The setting aside of property for public use without compensation as a condition prior to the granting of a Permit to Construct, Zoning Variance, Conditional Use Permit, etc.

Draft Environmental Document (DEIS) – The draft of an environmental impact report (state) or environmental impact statement (federal) that is made available or circulated to the public for review and comment.

Encroachments – An encroachment is defined as any object or structure (e.g., towers, pipes/pipe lines, poles/pole lines, billboards, fences, etc.) within the state's right of way, but not a part of the state's facility. The Department's general policy is to allow utilities within conventional rights of way subject to reasonable conditions to provide for the safety of the traveling public. The policy with regard to freeways is more restrictive. Utilities are excluded from within access-controlled rights of way to the extent practical.

Encroachment Permit – A permit issued by the Department and required for any activity proposed by a local or private entity within, under, or over a state highway right of way. The permits allow temporary use of a highway right of way and include temporary breaks in access to the right of way for grading, excavating, removal of materials, etc.

Encroachment Permit Projects – These are projects on the SHS constructed by others with an estimated construction cost of \$1,000,000 or less.

Final Environmental Document – The document prepared in response to public review and comment of an initial study (state), environmental assessment (federal), environmental impact or environmental impact statement (federal).

Freeway Agreement – A document executed by the Department and a city or county which establishes the freeway location/route and the location of frontage roads, and identifies which streets and roads are to be relocated, closed, and separated from or connected with the freeway.

Highway Improvement Agreement – An executed document that specifies the respective roles and responsibilities of the Department and private entities involved in developing a special funded state highway project.

Highway Project – Includes improvement projects which alter the physical features of a highway or freeway.

Initial Project Report – A document required for projects financed by sales taxes which ties together the preliminary concepts of the Project Study Report with current engineering and fiscal constraints to identify the funding and schedule for a project.

Lead Agency – The governmental entity responsible for preparing environmental documents.

Local Public Agency (LPA) or Local Entity – A city, county, city and county, municipality, district, public transportation authority, or any other political

subdivision or local government agency which may acquire right of way on the SHS or local assistance projects.

Local Assistance Projects – Within this chapter (to differentiate between these and Special Funded projects), Local Assistance projects are on local streets and roads and utilize Federal-aid funds in some portion of the project. They may also be referred to as local entity or local grant projects.

Note: There may also be other types of funds involved; e.g., state or local.

Local Nonsales-Tax-Measure Project – A state highway improvement project financed by local revenues obtained from sources other than the sales tax.

Local Sales-Tax-Measure Project – A state highway improvement project financed by revenues received from a **voter-approved** increase in the **retail transactions-and-use** tax.

Local Transportation Authority – A governmental body established by a county to develop and finance transportation improvements using sales tax revenues.

Metropolitan Planning Organization – The transportation organization in each urbanized area responsible for the comprehensive planning process resulting in programs for the development and operation of an integrated transportation system which facilitates the efficient and economic movement of people and goods.

National Environmental Policy Act (NEPA) – The National Environmental Law that establishes procedures for conducting an environmental analysis for a project involving federal action.

Oversight – (See also definition in Manual section.) Activities concerning a special funded project which are performed by the Department to ensure the safety and integrity of the state highway system through adherence to its standards and practices for development of transportation projects and improvements. Oversight does not include Encroachment Permit activities unless it is so stipulated in a Cooperative Agreement. Oversight is also known as “Quality Assurance.”

Permit Engineering Evaluation Report (PEER) – A “short form” project report documenting the engineering and environmental analysis of permit actions which affect operations and maintenance of state highway projects. See Section 202 of the Caltrans Encroachment Permit Manual and Project Development Procedures Manual Article 8 and Appendix I.

Plans, Specifications, and Estimate (PS&E) – The products of the final design phase which prepare a highway project for contract advertising.

Private Entity – Any nonpublic organization.

Project Development Team – An interdisciplinary group of managers, professionals, and technicians responsible for directing project studies; planning, developing and evaluating alternatives; and participating in community interaction regarding a proposed highway project.

Project Report – A report that summarizes detailed feasibility studies of the needs, alternatives, costs, and overall impacts of a proposed highway project, and includes an engineering decision document and the appropriate draft environmental document regarding the project.

Project Sponsor – The local or private entity with whom the Department works and negotiates an agreement for development of a special funded state highway project.

Project Study Report (PSR) – A feasibility study, including cost estimates, to develop project concept and scope that is used to obtain management conceptual approval before more detailed study is performed.

Public Projects – A public project is one which (1) utilizes public funds in any phase of the project regardless of the source of the funds, (2) includes LPA sponsorship through the use of a Cooperative Agreement between the LPA and the Department, or (3) involves the use of or threat to use the power of eminent domain by the LPA. All public projects require full compliance with all applicable laws and regulations.

Relocation Impact Study (RIS) – All projects that displace any persons or businesses. A Final Relocation Impact Study (FRIS) must be completed for the Preferred Alternative route and included in the final environmental document.

Regional Transportation Plan – The annual plan of transportation improvements for an urban area that is adopted by a regional agency responsible for areawide transportation planning.

Regional Transportation Planning Agency – The regional planning organization composed of representatives from its member cities/counties responsible for preparing a balanced, coordinated, regionwide transportation system, including mass transportation, highways, and rail and aviation facilities.

Substantial Capacity Improvement – An increase of capacity on a state highway segment more than two miles long, or the construction or improvement of a major freeway-to-freeway interchange.

Strategic Plan – A plan developed by a local jurisdiction after passage of a sales tax ballot initiative that includes information on the description, priority, and delivery schedule of all projects proposed to be financed by sales tax revenues.

Special Funded Projects – A Special Funded project includes LPA sales-tax-measure projects, locally funded projects, privately funded projects, and public toll road projects (not the privatized toll roads) on the SHS that are developed and constructed using local or private funds. Other types of On-System projects include Encroachment-Permit and jointly funded or cooperative projects.

17.11.01.02 References

- [23 Code of Federal Regulations \(23 CFR\)](#)
- [49 Code of Federal Regulations Part 24 \(49 CFR 24\)](#)
- [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Amendments 1987 \(Uniform Act\)](#)
- [Title VI of the 1964 Civil Rights Act](#)
- [Caltrans Right of Way Manual](#)
- [Caltrans Cooperative Agreements Handbook](#) (internal Caltrans link)
- [Caltrans Encroachment Permit Manual](#)
- [Caltrans Local Assistance Procedures Manual](#)
- [Caltrans Local Assistance Program Guidelines](#)
- [Caltrans Project Development Procedures Manual](#)

17.12.00.00 – FORMS AND EXHIBITS

17.12.00.01 Use of the Department's R/W Forms/Exhibits

As noted above, the Department “has overall responsibility for the acquisition, management, and disposal of real property on Federal Aid projects.” [\(23 CFR 710.201 \[b\].\)](#) The Department is also required to “fully inform political subdivisions (LPAs) of their responsibilities in connection with federally assisted highway projects.” [\(23 CFR 201 \[h\].\)](#) This information is set forth in the [Caltrans R/W Manual](#). The different chapters in this Manual establish procedures for all phases of right of way, including in particular, appraisal, acquisition, relocation assistance, property management, plus the other right of way functions and activities. This Manual is intended to assist both Department R/W Agents and LPA staff to comply with both federal and state laws, regulations, directives, and standards. Local agencies which use federal funds for their transportation projects do so with the understanding that they must conduct all right of way activities in accordance with the [Caltrans R/W Manual](#).

This section contains all of the [Exhibits](#) referred to in this Local Programs Chapter. Our experience has shown us that one of the best practical means of assisting LPAs while performing the right of way portions of their projects is to provide standard forms and exhibits to accomplish most of the necessary functions/activities. In previous editions of this chapter, generic forms/exhibits for other chapters were included, ready for adaptation and use by LPAs. Providing these samples in this chapter is no longer practical because these forms have proliferated so extensively.

Therefore, users of this chapter seeking a particular form are hereby referred to the Forms and Exhibits Tables of Contents of Chapters 4 (“Estimating”), 7 (“Appraisals”), 8 (“Acquisition”), 9 (“Condemnation”), 10 (“Relocation Assistance”), and 11 (“Property Management”) of this Manual. At the same time, users are encouraged to familiarize themselves with the contents of those chapters.

Unlike other Chapters within the [Caltrans Right of Way Manual](#), Chapter 17 does not have a Delegation Matrix for signature acceptance. A Delegation Matrix reflects the associated policy and RW Manual reference for each delegated item. The matrix also distinguishes whether an item is delegated to the District or Headquarters (HQ) level, along with the lowest level of sub-delegation authorized. Chapter 17 Exhibits are LPA versions of existing Caltrans Exhibits, so any requiring acceptance from Caltrans (i.e. Certifications, Data Sheet, etc.) will be signed, in the same manner as

delegated through the corresponding chapter in the RWM (i.e. Chapter 14 – Certifications, Chapter 7 – Appraisals, etc.).

CHAPTER 17

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EXHIBITS

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17-EX-3	<i>Held for Future Use</i>
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17-EX-21	Right of Way Data Sheet for Local Public Agencies

(REV 1/2020)

Exhibits are located online:

- [External Exhibits site](#)
- [Internal Exhibits site](#) (internal Caltrans link)

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