

RIGHT OF WAY MANUAL CHANGE

RWMC 19-01

EFFECTIVE DATE:

January 2, 2019

APPROVED BY:

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Chief

Division of Right of Way and Land Surveys

PURPOSE:

The Right of Way (RW) Manual is revised annually to update policy, procedure and guidance.

The following Right of Way Manual Directives (RWMDs) have been incorporated into the RW Manual and are superseded upon the effective date of this RW Manual Change:

RWMD	TITLE
18-02	<i>Reducing Timeframes for Mailing/Service of Notices of Intent (NOI) to Adopt a Resolution of Necessity (RON)</i>

RELATED POLICY AND PROCEDURES:

Summary of significant revisions includes:

Chapter 1	Introduction
1.01.02.00	Added "Authorities" section
1.01.03.00	General cleanup for clarification.
1.01.04.00	General cleanup for clarification.
1.01.05.00	Updated forms and exhibits information and locations.
1.01.06.00	Added "Revisions" section.
1.01.07.00	General cleanup/updating regarding manual subscription updates.

Chapter 3	Programming and Budgeting
3.01.00.00	Updated database and systems information.
3.02.00.00	Updated to include Project ID, systems information, and process.
3.07.00.00	Updated "Overhead Assessment Rate" to "Indirect Cost Rate Proposal."
3.08.00.00	Clarified prerequisites for commencement of preliminary right of way activities; updated with STIP/SHOPP information.

Chapter 4	Estimating
4.01.07.01	Added language and weblink to reference SHOPP PIR Guidance outlining the minimum PID requirements to be captured in an estimate.

Chapter 6	Right of Way Engineering
ALL	Hyperlinks updated/added throughout.
6.14.04.00	Removed reference to 16-EX-15 (exhibit retired).

Chapter 7	Appraisals
7.02.03.00	Added clarification to Parcel Remarks (Item L) regarding the Department’s compliance with Government Code Section 7267.2.
7.07.16.00	Added new section regarding removal of improvements straddling the right of way line (incorporation of 2010 policy memo).
7.18.01.00	Corrected manual references for approval of excess land appraisals – direct sale and public sales estimates.

Chapter 8	Acquisition
8.01.37.00	Added new section to incorporate the interim policy memo “ <i>Acquisition – Incentive Payment Program</i> ” issued 6/12/2014.
8.06.21.00	Added new section to incorporate the interim policy memo “ <i>Temporary Construction Easements – Removal of Buildings or Improvements Straddling the State’s Right of Way Line</i> ” issued 2/10/2010.
8.14.03.00	Retired 8-EX-28, “ <i>All-Purpose Acknowledgement</i> ” – visit https://www.sos.ca.gov/notary/acknowledgments/ for latest acknowledgment form.

Chapter 9	Condemnation
9.01.04.00	Updated “Notice Requirements” for serve/mail Notice from 45 days to 30 days prior to CTC meeting (implementing RWMD 18-02).
9.01.10.00	Updated “Request for Resolution” submission timeframe to HQ from five weeks to 45 days prior to CTC meeting (implementing RWMD 18-02).
9.16.00.00	Right of Way/Legal Condemnation Flowchart – Activity 2 – updated timeframe from 45 days to 30 days prior to CTC meeting (implementing RWMD 18-02).
9.16.00.00	Right of Way/Legal Condemnation Flowchart – Activity 4 – updated timeframe from 35 days to 45 days prior to CTC meeting (implementing RWMD 18-02).

Chapter 12	Clearance and Demolition
ALL	Complete chapter revamp; all sections updated with current info and reorganized.

Chapter 13	Utility Relocations
13.03.00.00	Revised all “High Risk” language to “High Priority” for consistency with the Caltrans Design Manual; provided additional clarification throughout.
13.03.04.06	“Special Provisions” section removed (outdated information).
13.03.05.00	“Utilities on Structures” section revised – refer to Caltrans Project Development Procedures Manual for Department’s policy.
13.04.04.04	Added new language for Joint Use Agreements/Consent to Common Use Agreements – when they should be used and additional language regarding Local Public Agencies (LPAs).
13.04.07.05	Added executed utility agreement requirement for reimbursement.
13.04.07.08	Added requirement to use Clause II-14 when a LPA chooses to pay for undergrounding not necessary for the project.
13.04.07.09	Removed meter and reimbursement language; added clarification that removal/relocation of a gas meter is not a utility relocation.
13.04.08.00 – 13.04.08.02	Liability Undetermined sections removed as liability must be determined and a fully executed utility agreement is required prior to certification.
13.05.02.02	Revised “High Risk” language to “High Priority” for consistency with Design Manual.
13.05.03.01	Added additional ROI plan requirements per Design.
13.06.03.06	Liability Undetermined section removed as liability must be determined and a fully executed utility agreement is required prior to certification.
13.07.03.02	II-14: Added clarification when federal reimbursement will be allowed (and limited to the cost of overhead relocation).
13.07.03.03	III-4: Added reference information (Subpart E).
	III-6: Removed “out of state” language, updated department information.
	III-7: Added subpart for work performed by an owner’s contractor.
	III-8: Added reference info.
13.07.03.04	IV-3: Added clarification for “detailed” itemized statements and reference info.
13.07.03.05	V-14a: Added note when to use this clause.
	V-15b: Added clarification that this is mandatory language for all owners.
13.07.06.00	Removed “delayed” language.
13.09.03.00	Removed references to Liability Undetermined; updated notification information.
13.11.02.00	Added steps for LPA-owned parcels to be incorporated into the State’s right of way.
13.16.01.00	Removed delegation for Liability Undetermined (no longer allowed).

Chapter 14	Right of Way Certification
ALL	All references to Certification 3 have been updated to accurately reflect the correct names of “Conditional Certification No. 3” or “Special Certification No. 3 with Work-Around.” In addition, CFR references have been updated throughout. References to “HQ Office Engineer” have been removed as HQ no longer has an OE office.
14.01.12.04	Added new “R/W Certification Process for Design-Sequencing Projects” section.
14.02.03.03	Added new language requirements to document project milestones and controls to mitigate risk.
14.03.04.00	Provided clarification to distinguish between Caltrans Rights of Entry vs. Non-Caltrans Rights of Entry documents and the requirements when certifying a project with either document.

Chapter 16	Excess Lands
16.05.11.00	“Transfers Not Subject To the Property Acquisition Law” table, Action 4: replaced Exhibit 16-EX-15 with 8-EX-32 (16-EX-15 retired).

Chapter 17	Local Programs
17.04.00.00	Updated throughout to reflect funding environment post Senate Bill 45; also included direct references to Early Acquisition (Chapter 5) and Condemnation (Chapter 9) rather than repeating information in Chapter 17.
17.07.00.00	Updated to align with current regulations, policies, procedures and guidelines relative to LPA projects and Cooperative Agreement development, regardless of funding source.
17.08.00.00	Updated to align with current regulations, policies, procedures and guidelines relative to LPA projects and certification of on-system projects.
17.11.01.01	Updated PEER report definition and included reference to source documents (Encroachment Permit and Project Development Procedures Manuals).

Form Updates	
RW 3-1	<i>Project Development Fee/Project Specific Permit Fee Invoice</i> – updated object codes (formerly <i>RW ACCPF – Permit Fee Invoice</i>).
RW 7-1	<i>Right of Way Parcel Diary</i> – updated R/W Manual reference on <i>Instructions</i> (page 3).
RW 11-10	<i>60-Day Notice to Terminate Tenancy</i> – added new tenancy termination notice.
RW 13-1	<i>Joint Use Agreement</i> – removed Acknowledgement page (visit https://www.sos.ca.gov/notary/acknowledgments/ for latest acknowledgment form).
RW 13-2	<i>Consent to Common Use Agreement</i> – removed Acknowledgement page (visit https://www.sos.ca.gov/notary/acknowledgments/ for latest acknowledgment form).

Exhibit Updates	
3-EX-1	<i>Project Identification in Advantage, PRSM and PMCS</i> – updated to include Project ID, systems information, and process.
4-EX-7	<i>K Phase Conceptual Cost Estimate Request – Right of Way</i> – updated to capture as much project RW information available at estimating stage.
4-EX-8	<i>K Phase Conceptual Cost Estimate Form – Right of Way</i> – updated to capture as much project RW information available at estimating stage.
7-EX-20	<i>TCEs – Improvements Straddling the Right of Way Line Memorandum</i> – added 2010 policy memo regarding improvements straddling the right of way line.
8-EX-28	<i>All-Purpose Acknowledgement</i> – retired document (visit https://www.sos.ca.gov/notary/acknowledgments/ for latest acknowledgment form).
8-EX-29	<i>Acquisition Incentive Program Memorandum</i> – added 2014 interim policy memo regarding the incentive payment program.
14-EX-3	<i>Right of Way Certification</i> – added new areas for Project Milestones, Court File Date/Date Funds Deposited, and Notice to Vacate Issue Date. Also updated certification statements and Projects of Division Interest (PoDIs) references.
14-EX-9	<i>Sample Right of Way Special Certification No. 3 with Work-Around</i> – updated title, added new areas for Project Milestones, Court File Date/Date Funds Deposited, and Notice to Vacate Issue Date.
14-EX-12	<i>State & Local Programs Right of Way Certification Process Flow Chart</i> – retired document (obsolete).
14-EX-15	<i>Construction Manager/General Contractor (CM/GC) Certification</i> – added Notice to Vacate Issue Date and updated certification statement and Projects of Division Interest (PoDIs) references.
16-EX-15	<i>Agreement for Transfer of Control and Possession</i> – retired document; instead use 8-EX-32, <i>Transfer of Jurisdiction of State-Owned Real Property</i> .
17-EX-7	<i>Roles and Responsibilities for Development of Projects on the State Highway System</i> – updated to reflect Deputy Directive 23 update.
17-EX-9	<i>Capital Support Reimbursed Work</i> – retired document; replaced with new 17-EX-9, <i>Design-Build – Project Right of Way Statement</i> .
17-EX-10	<i>Guidelines for Local Agency Involvement on the State Highway System</i> – retired document; replaced with new 17-EX-10, <i>Design-Build Certification</i> .
17-EX-13	<i>Construction Manager/General Contractor (CM/GC) Certification</i> – new.
17-EX-14	<i>Checklist for Cooperative Agreements</i> – retired document.
17-EX-15	<i>Cooperative Agreement Manual – Financial Policy</i> – retired document.
17-EX-16	<i>Right of Way Certification – Sample Letter</i> – revised “High Risk” language to “High Priority” for consistency with Design Manual.
17-EX-17	<i>No Right of Way Certification</i> – retired document.
17-EX-18	<i>Right of Way Certification</i> – added endnote instructions, Court Filing Date/Date Funds Deposited, and Notice to Vacate Issue Date.
17-EX-20	<i>Guidelines for LPA Early Acquisition Prior to Environmental Approval</i> – retired document.

In addition, a Table of Contents (along with hyperlinks to each individual chapter) was added to the complete version of the Right of Way Manual.

The Right of Way Manual is located on the Division of Right of Way and Land Surveys website at <http://www.dot.ca.gov/hq/row/rowman/manual/>.

To receive email update notifications, subscribe at <http://www.dot.ca.gov/hq/row/rowman/manual/>.

Comments and suggestions for improvement to the RW Manual may be submitted to RWManual@dot.ca.gov.