

RIGHT OF WAY MANUAL CHANGE

RWMC 21-01

EFFECTIVE DATE: January 8, 2021

APPROVED BY: KIMBERLY ELLIS ERICKSON
Division 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.

Content revisions were incorporated and are noted in the following pages.

CURRENT RIGHT OF WAY MANUAL DIRECTIVES:

The following Right of Way Manual Directives (RWMDs) are still in effect and have not been incorporated in the RW Manual at this time:

RWMD	Title	Effective Date
20-02	U.S. DOT Mandate 1050.2A Assurances and Appendices	12/1/2020
20-03	Treated Wood Waste Disposal	12/7/2020

RELATED POLICY AND PROCEDURES:

Summary of revisions includes:

Chapter 1 – Introduction

- **Section 1.01, *Right of Way Manual Overview***
 - 1.01.06.00, Revisions – updated publication deadlines for July 2021 RW Manual.

Chapter 5 – Early and Advance Acquisition; Corridor Preservation; Hardship and Protection; Donations and Dedications

- Chapter 5 title revised from “Early Acquisition, Corridor Preservation, Hardship, and Protection” to “Early and Advance Acquisition; Corridor Preservation; Hardship and Protection; Donations and Dedications” to reflect a more accurate description of chapter.

- **Section 5.01 – Early Acquisition**

- 5.01.01.00 – General
 - Added Code of Federal Regulations (CFR) and United States Code (USC) references.
 - At item G, added clarification regarding the Federal Highway Administration (FHWA) offset when reimbursement is made and interests are not incorporated into a project within 20 years.
- 5.01.02.00 – Definitions
 - Added clarification to definitions of “real property interest,” “Early Acquisition Project,” and “displaced person.”
- 5.01.03.00 – Request to Proceed with Early Acquisition
 - Added reference to Exhibit 5-EX-1, *(Request) Early Acquisition Memo*.
 - Clarified that concurrence from FHWA is required.
- 5.01.03.01 – Commencing the Acquisition
 - Added clarification regarding notification and condemnation.
- 5.01.04.00 – Early Acquisition Funding Options
 - Reincorporated funding options previously removed in January 2020; current CTC guidelines now include language that allow for early acquisition as long as federal guidelines are followed.
- 5.01.06.00 - Local Public Agency (LPA) Funded Early Acquisition
 - Updated title and added clarification regarding coordination between District/Headquarters Local Programs, Project Delivery, and FHWA.
- 5.01.07.00 – Acquisition by Donation
 - Added definition of “donation” and general information, along with a CFR reference.
- 5.01.08.00 – Acquisition by Dedication
 - Added definition of “dedication.”

Chapter 6 – Right of Way Engineering

- **Section 6.20 – Dedications**

- Added new section to clarify guidance specific to the dedication process. Contains process information moved from RW Manual Section 8.29, *Dedication*, as well subsections regarding requirements, review, approval, etc.

Chapter 7 – Appraisals

- **Section 7.01 – Appraisal Policies and General Requirements**
 - 7.01.18, Criteria for Use of Contracted or Independent Fee Appraisers – Added clarification that contracted/independent appraisers must have experience in eminent domain valuations consistent with California Code of Civil Procedure and be compliant with the Uniform Act.

Chapter 8 – Acquisition

- **Section 8.29 – Dedication**
 - 8.29.01.00, General –
 - Added clarification to the definition of “dedication.”
 - Process information moved to new RW Manual Section 6.20, *Dedications*.
 - 8.29.02.00, Dedication Guidelines – At Item E, added clarification to Streets and Highways Code reference (104.12 [a]).

Chapter 11 – Property Management

- Added Local Agency applicability throughout the entire chapter.
- **Section 11.01 – General**
 - 11.01.01.01, Local Agency Use of This Chapter – Added new subsection to clarify Local Agency use of the chapter.
 - 11.01.03.00, Delegations – Added clarification regarding Local Agency applicability.
 - 11.01.06.00, Disbursement of Rental Income to Counties – Added clarification regarding Local Agency applicability.
 - 11.01.07.00, Special Assessments by Local Agencies – Added clarification regarding Local Agency applicability.
 - 11.01.08.00, Rental of State-Owned Properties to State Employees – Added clarification regarding Local Agency applicability.
 - 11.01.10.00, FHWA Approval of Less Than Fair Market Rent – Added clarification regarding Local Agency applicability
 - 11.01.10.01, Federal Participation in Revenue and Expenses – Added clarification regarding Local Agency applicability.
 - 11.01.12.00, Title VI of the Civil Rights Act of 1964 and Related Statutes – Updated title and content to include more detail.
 - 11.01.13.00, Right of Way Property Management (RWPM) System – Revised title and added clarification regarding Local Agency applicability.

- 11.01.14.00, Filming on State-Owned Property – Added clarification regarding Local Agency applicability.
- **Section 11.02 – Closure Procedure**
 - 11.02.00.00, Closure Procedure – Added clarification regarding Local Agency applicability.
 - 11.02.01.00, General – Clarified what kinds of documents are needed to be provided to Property Management branch.
 - 11.02.05.00, Procedures Upon Acquisition – Added clarification regarding Local Agency applicability.
 - 11.02.06.00, Establishing New Accounts – Added clarification regarding Local Agency applicability.
 - 11.02.07.00, Rental Filling System – Added clarification regarding Local Agency applicability.
- **Section 11.03 – Property Inventory**
 - 11.03.00.00, Property Inventory – Added clarification regarding Local Agency applicability.
 - 11.03.01.00, General – Added Local Agency applicability and clarification.
 - 11.03.05.00, Numbering of IDAs and IDRs – Updated with proper terms related to projects.
 - 11.03.09.00, Lost or Stolen Property – Added clarification regarding Local Agency applicability.
- **Section 11.04 – Rental Rates**
 - 11.04.00.00, Rental Rates – Added clarification regarding Local Agency applicability.
 - 11.04.01.00, General –
 - Added clarification regarding Local Agency applicability.
 - Removed that local rent control is an exception to fair market rent and added language that all less than fair market rent is subject to FHWA approval if there is a federal nexus.
 - 11.04.01.01, Rental Rate Increase Policy – Clarified tenancies that are exempt from rent caps and added Civil Code Section that defines change in cost of living for rent cap calculation.
 - 11.04.02.00, Rent Determinations – Clarified that Property Management is not responsible for establishing fair market rent for employee housing.
 - 11.04.02.01, Changing the Rental Rate Shown in the Appraisal – Clarified use of an interim rental rate prior to completion of a reappraisal of the property.
 - 11.04.03.00, Lease Term –
 - Added Local Agency applicability.
 - Clarified residential tenancies will be on a month to month basis.

- 11.04.04.00, Escalation Clauses – Added clarification regarding Local Agency applicability.
- 11.04.05.00, Local Ordinances – Added new subsection to address local ordinances.
- **Section 11.05 – Nonresidential Rentals**
 - 11.05.00.00, Nonresidential Rentals – Added clarification regarding Local Agency applicability.
 - 11.05.01.01, Appraisal's Requirements – Added clarification regarding Local Agency applicability.
 - 11.05.02.00, Nominal Value Nonresidential Rentals – Added Local Agency applicability and clarification.
- **Section 11.06 – Residential Rentals**
 - 11.06.00.00, Residential Rentals – Added clarification regarding Local Agency applicability.
 - 11.06.02.00, Annual Rental Rate Reviews –
 - Added Local Agency applicability and clarification.
 - Clarified that employee house rent determinations may not use 11-EX-46.
 - 11.06.04.03, Extreme Financial Hardship –
 - Added Local Agency applicability.
 - Added clarification that the new rental rate shall be entered into RWPM.
 - 11.06.06.00, Pet Policy – Added clarification regarding Local Agency applicability.
- **Section 11.07 – Rental Procedures**
 - 11.07.00.00, Rental Procedures – Added clarification regarding Local Agency applicability.
 - 11.07.04.00, Advertising –
 - Added clarification regarding Local Agency applicability.
 - Added language that advertising should be used when necessary.
 - Added language that third-party websites should also be used.
 - 11.07.06.00, Use of the Property – Added clarification regarding Local Agency applicability.
 - 11.07.07.00, Environmental Status – Added clarification regarding Local Agency applicability.
 - 11.07.08.00, Rental Application and Credit Report –
 - Added clarification as to tenant-government relationship.
 - Added clarification regarding Local Agency applicability.
 - 11.07.17.02, Refund – Added clarification regarding Local Agency applicability.

- 11.07.18.01, Responsibility for Utility Costs – Added clarification regarding Local Agency applicability.
- 11.07.18.03, Payment of Utility Bills by the State – Added clarification regarding Local Agency applicability.
- 11.07.19.00, Possessory Interest Tax – Added clarification regarding Local Agency applicability.
- 11.07.20.00, Residential Property Occupancy and Vacancy Inspections –
 - Added clarification regarding Local Agency applicability.
 - Added language that residential tenants have the right to an initial inspection prior to vacating.
- 11.07.20.01, Non-Residential Property Occupancy and Vacancy Inspections –
 - Added clarification regarding Local Agency applicability.
 - Clarified how the Property Occupancy and Vacancy Inspections sheet should be filled out.
- 11.07.23.00, Rental Refunds – Added Local Agency applicability and clarification.
- 11.07.24.00, Notices –
 - Added clarification regarding Local Agency applicability.
 - Added language regarding clarification on how to count the notice periods.
 - Clarified tenancies not subject to just cause terminations.
 - Removed the just cause section regarding local ordinances since Department isn't subject to local ordinances.
- 11.07.25.00, Cancellation – Failure to Pay Rent –
 - Added clarification regarding Local Agency applicability.
 - Added clarification of how just cause tenancies are subject to receiving a notice to cure prior to receiving another notice to quit.
 - Added instruction to flag the account in RWPM when a notice to pay or quit is served.
- 11.07.26.00, Cancellation – Notice to Vacate for Reasons Other Than Failure to Pay Rent –
 - Added Local Agency applicability.
 - Clarified that a notice to terminate for a just cause tenant is subject to listing the cause; clarified procedure for flagging account in RWPM.
- 11.07.27.00, Cancellation – Breach of Covenant – Clarified how just cause tenants must receive a notice to cure prior to notice to quit.
- 11.07.29.00, Termination Requirements – Clarified a move out inspection shall take place on the date the tenant vacates the property.

- 11.07.30.01, Abandonment of Personal Property – Removed the need to have a licensed and bonded auctioneer to perform a public sale.
- **Section 11.08 – Delinquent Accounts**
 - 11.08.00.00, Delinquent Accounts – Added clarification regarding Local Agency applicability.
 - 11.08.02.00, Suggested Methods of Collection –
 - Clarified notices to serve to just cause tenants.
 - Removed sentence regarding what amounts to include on notices to pay or quit.
 - Added language that just cause tenancies may only be terminated for just cause.
 - 11.08.03.00, 3-Day Notice to Pay Rent or Quit –
 - Added clarification regarding Local Agency applicability.
 - Added language regarding notices to serve to just cause tenants.
 - 11.08.04.00, Method of Service of Notices – Added clarification regarding Local Agency applicability.
 - 11.08.06.00, Dishonored Checks – Added clarification regarding Local Agency applicability.
 - 11.08.08.00, Vacated Delinquencies – Added Local Agency applicability and clarification.
 - 11.08.08.01, Amounts \$250 or Less – Added clarification regarding Local Agency applicability.
 - 11.08.08.02, Amounts Greater Than \$250 – Added clarification regarding Local Agency applicability.
- **Section 11.09 – Rental Internal Controls**
 - 11.09.00.00, Rental Internal Controls – Added clarification regarding Local Agency applicability.
 - 11.09.01.00, Policy – Added clarification regarding Local Agency applicability.
 - 11.09.02.01, Office Review – Added clarification on acquisition paperwork.
 - 11.09.04.00, Occupied Rentable Property – Added clarification regarding Local Agency applicability.
 - 11.09.04.01, Tenant Verification – Added clarification regarding Local Agency applicability.
 - 11.09.04.02, Confirming Process – Added clarification regarding Local Agency applicability.
 - 11.09.06.02, Rental Payments – Added clarification regarding Local Agency applicability.
 - 11.09.06.03, Receipts – Added clarification regarding Local Agency applicability.

- 11.09.07.00, Termination of Rental Accounts – Added clarification regarding Local Agency applicability.
- 11.09.09.00, Contracted Maintenance – Added clarification regarding Local Agency applicability.
- **Section 11.10 – Property Maintenance and Rehabilitation**
 - 11.10.00.00, Property Maintenance and Rehabilitation – Added clarification regarding Local Agency applicability.
 - 11.10.03.02, Rented State-Owned Property – Added clarification regarding Local Agency applicability.
 - 11.10.04.00, Health and Safety Requirements –
 - Added clarification regarding Local Agency applicability.
 - Added language that the Agent should consult with DEA for procedure to remove trees.
 - 11.10.06.00, Field Inspections – Added Local Agency applicability and clarification.
 - 11.10.07.00, Rodent and Pest Control – Added clarification regarding Local Agency applicability.
 - 11.10.10.01, Inspections – Added clarification regarding Local Agency applicability.
 - 11.10.10.03, Public Works Contracts – Added clarification regarding Local Agency applicability.
 - 11.10.10.04, Public Works Contracts Under State Contract Act – Added clarification regarding Local Agency applicability.
 - 11.10.10.05, Occupied Housing –
 - Added clarification regarding Local Agency applicability.
 - Changed the rental rate staying the same for 90 days if moved to another Department-owned housing.
 - 11.10.11.00, Rehabilitation and Maintenance on Historic Structures – Added clarification regarding Local Agency applicability.
 - 11.10.13.00, Maintenance Performed by Service Contract –
 - Added clarification regarding Local Agency applicability.
 - Removed language regarding Legal's determination.
 - 11.10.13.03, Multi-Provider and Single Provider Service Contracts – Added clarification regarding Local Agency applicability.
 - 11.10.13.04, CAL-Card Small Purchase Program – Added clarification regarding Local Agency applicability.
 - 11.10.13.05, Non-Credit Card Process (Under \$10,000) – Added clarification regarding Local Agency applicability.
 - 11.10.13.06, Submitting for Payment –
 - Added project identification number applicability.
 - Added clarification regarding Local Agency applicability.

- 11.10.14.00, Draft Purchase Order (DPO) – Added clarification regarding Local Agency applicability.
- 11.10.15.00, Travel Expense Claim (TEC) – Added clarification regarding Local Agency applicability.
- 11.10.17.00, Rental Offsets – Added clarification regarding Local Agency applicability.
- **Section 11.11 – Insurance Requirements for Tenants**
 - 11.11.07, Insurance Requirements for Tenants – Added clarification regarding Local Agency applicability.
 - 11.11.03.00, Family Day Care Facilities –
 - Added Local Agency applicability.
 - Updated code section citation pursuant to new legislation.
 - Added language that less than 30 days' notice required for daycares when relocated.
 - Added language that the request to be named as an additional insured must be in writing.
 - 11.11.04.00, How the State/Local Agency Is Protected – Updated title and added Local Agency applicability.
 - 11.11.05.00, Fire Insurance on State-Owned Properties – Added clarification regarding Local Agency applicability.
 - 11.11.08.00, Fire and Explosion in State-Owned Buildings – Added clarification regarding Local Agency applicability.
- **Section 11.12 – Leasing Publicly-Owned Property**
 - 11.12.00.00, Leasing Publicly-Owned Property – Updated title and added clarification regarding Local Agency applicability.
 - 11.12.04.00, Lease Preparation –
 - Added Local Agency applicability.
 - Clarified number of copies needed.
 - 11.12.05.00, Lease Approval by Lessee – Added language regarding who should be signing the agreement based on the type of entity.
 - 11.12.06.00, Lease Approval by State – Added clarification regarding Local Agency applicability.
 - 11.12.08.00, Lease Renewals –
 - Added clarification regarding Local Agency applicability.
 - Added language that a new lease should be used instead of a renewal if there have been substantial changes to the template.
 - 11.12.09.00, Assignment of Lease – Added Local Agency applicability.
 - 11.12.10.00, Public Notice to Bidders – Added Local Agency applicability and clarification.
 - 11.12.11.00, Construction of Improvements to Realty by Lessee – Added clarification regarding Local Agency applicability.

- 11.12.12.00, Construction of Tenant Improvements and Fixtures by Lessee – Added clarification regarding Local Agency applicability.
- 11.12.15.00, Leasing to a City, County, or Special District Under S&H Code 104.7 – Added language that FHWA approval may be required.
- 11.12.19.00, Available Office Space – Added clarification regarding Local Agency applicability.
- **Section 11.13 – Master Tenancies**
 - 11.13.00.00, Master Tenancies – Added clarification regarding Local Agency applicability.
 - 11.13.04.00, Factors to Consider –
 - Added Local Agency applicability.
 - Added language regarding the legal requirement to have a responsible person on site.
 - 11.13.07.00, Minimum Acceptable Lease Rate – Clarified duration of occupancies.
- **Section 11.14 – Outdoor Advertising Signs**
 - 11.14.00.00, Outdoor Advertising Signs – Added clarification regarding Local Agency applicability.
 - 11.14.01.00, General – Updated for acquisition documents.
- **Section 11.15 – State as Lessee Leases**
 - 11.15.00.00, State as Lessee Leases – Added clarification regarding Local Agency applicability.
 - 11.15.01.00, General –
 - Added language advising that the Department may rent any building, regardless if it is an office building or otherwise.
 - Removed language regarding the 50% or less office space use to rent space in an office building.
 - 11.15.03.00, Procedural Guidelines – Added language that the Agent shall do certain actions prior to entering into a lease for a field facility.
 - 11.15.03.02, State Fire Marshal Approval of Plans and Inspections –
 - Amended language regarding State Fire Marshal enforcing building standards for leased buildings.
 - Amended to provide option to utilize local fire department to review plans and perform inspections.
 - 11.15.04.02, Lease Extension – Amended language regarding the requirements for a lease extension.
 - 11.15.07.00, Documentation for File – Removed language regarding certification in conformance of Government Code Section 11005.
- **Section 11.16 – Transferring Properties to Clearance Status**
 - 11.16.00.00, Transferring Properties to Clearance Status – Added clarification regarding Local Agency applicability.

- 11.16.03.00, Property Management Senior Review – Added clarification regarding Local Agency applicability.
- 11.16.05.00, Direct Sale Pursuant to S&H Code Section 118.1 – Added clarification regarding Local Agency applicability.
- **Section 11.17 – Hazardous Waste and Hazardous Materials**
 - 11.17.00.00, Hazardous Waste and Hazardous Materials – Added clarification regarding Local Agency applicability.
 - 11.17.01.00, Policy – Added clarification regarding Local Agency applicability.
- **Section 11.18 – Department-Owned Employee Housing**
 - 11.18.00.00, Department-Owned Employee Housing – Added clarification regarding Local Agency applicability.
 - 11.18.04.00, Rental Rates – Added CalHR manual section for rental rate increase.
 - 11.18.04.01, Rental Rate Determinations –
 - Removed need for Appraisals to review employee housing appraisals and advised that HQ may review for quality assurance.
 - Added process clarification for rental rate determination in between the years when a full appraisal is not completed.
 - Added explanation of FMV specific to employee housing.
- **Section 11.19 – Statute Authorized Use – Homeless Support**
 - 11.19.00.00, Statute Authorized Use – Homeless Support – Added clarification regarding Local Agency applicability.
 - 11.19.02.00, Site Identification – Added clarification on building standards.
 - 11.19.05.00, Rental Agreement – Added clarification regarding authorization to approve temporary emergency shelter or feeding program leases.
- **Section 11.20 – Delegations**
 - 11.20.01.00, Delegations of Authority –
 - Added clarification regarding Local Agency applicability.
 - Added delegation for approval of temporary emergency shelter/feeding program leases.

Chapter 13 – Utility Relocations

- **Section 13.01 – Introduction**
 - 13.01.01.02, Definitions – At “Positive Location,” updated reference to the Project Development Procedures Manual.
 - 13.01.02.08, Policy on High Priority Underground Facilities Within Highway Rights of Way – Updated reference to the Project Development Procedures Manual.
 - 13.01.02.14, Greenhouse Gases – Added a note to use Clause V-15 if Greenhouse Gases apply.
 - 13.01.04.00, Encroachment Exceptions – Added clarification to send copies of all utility relocation requests to District R/W when the District is delegated to approve encroachment exceptions.
- **Section 13.03 – Design Phase**
 - 13.03.02.00, Utility Verifications – Added clarification of “abandoned” utility facilities and resources in identifying all utility facilities.
 - 13.03.02.03, Owner’s Verification of Facilities – Added identification of “abandoned” utility facilities.
 - 13.03.06.03, Acquisition for the Utility Owner (Replacement Right of Way) – Added guidance regarding physical constraints and smaller easement areas.
- **Section 13.04 – Liability Determination Phase**
 - 13.04.04.04, Joint Use and Consent to Common Use Agreements – Removed first bullet item regarding a JUA/CCUA based on perfected prescriptive claims with differing facilities.
- **Section 13.05 – Report of Investigation**
 - 13.05.03.01, ROI Plan Requirements – At item D, included “abandoned” to types of utility facilities.
- **Section 13.06 – Notice to Owner**
 - 13.06.01.00, General – Added clarification regarding agreements.
- **Section 13.07 – Utility Agreements**
 - 13.07.03.02, Section II. Liability for Work – Revised language in II-11, Liability in Dispute, Deposit is Not a Waiver of Rights.
 - 13.07.03.06, Section VI. Oil Company Clauses (Only): – Added clause VI-6 regarding special depreciation clauses used in utility agreements with oil companies.
 - 13.07.06.02, Utility Agreements with Oil Companies – Removed special depreciation clauses used in utility agreements with oil companies (relocated to section above).
- **Section 13.11 – Property Rights Conveyances**
 - 13.11.02.05, Prescriptive Rights Claim – Updated title and definition of prescriptive rights claim.

Chapter 15 – Airspace

- **Section 15.01 – General**

- 15.01.01.00, Function – Added clarification on what properties the airspace function leases.
- 15.01.01.01, Definition – Added airspace example of parking land and adjacent sidewalk of a highway facility.
- 15.01.01.02, Airspace Policy –
 - Clarified reference to Code of Federal Regulations.
 - Added definition of “ROW Use Agreement.”
 - Clarified airspace leases outside of operating right of way.
- 15.01.02.00, Responsibilities of Headquarters Airspace – Updated standards section to current activities.
- 15.01.02.01, Annual Reports – Added additional CTC report prepared by Headquarters.
- 15.01.02.02, HQ Liaison Region/District Visits – Added clarification on HQ visits to Districts.
- 15.01.03.00, Responsibilities of Region and District Airspace Development Units – Modified and re-ordered the responsibilities to reflect current-day policies.
- 15.01.04.00, Region/District Airspace Review –
 - Clarified Region/District Airspace Staff responsibility to review proposals to develop new airspace sites as well as proposals on existing sites for a new use.
 - Added clarifying language around the Encroachment Permit Office’s role with the DARC.
 - Added step in conceptual stage of review phases regarding direct negotiation.

- **Section 15.02 – Inventory of Airspace Leases and Internal Uses**

- 15.02.01.00, Inventory Requirements – Clarified why a database system should be used in addition to setting expectations should Right of Way pivot to a new database system.
- 15.02.01.01, Identification Number – Added an example to clarify temporary or one-time lease numbering.
- 15.02.01.02, New Sites in Inventory – Updated the section to reflect current practices and policies on adding new sites to the inventory database.
- 15.02.01.03, Mapping – Worked with RWE to align the RWE chapter and manuals with the Airspace chapter.

- 15.02.02.00, Department Use of Airspace Sites – Relocated portions into new subsections 15.02.02.01, Future Transportation Project Use, and 15.02.02.02, Department Uses for Non-Project Purposes; relocated to clarify departmental uses of airspace for future transportation project use and department use for non-project purposes.
- 15.02.02.03, Existing Internal Uses and Potential Airspace Right of Way Use Agreement – Adjusted numbering to align with new preceding subsections.
- **Section 15.03 – Planning and Marketing**
 - 15.03.01.00, General – Deleted a sentence regarding potential assemblage that no longer reflects airspace policy.
 - 15.03.02.00, Planning – Clarified reference to Streets and Highways Code.
 - 15.03.03.01, Advertising – Clarified that advertising methods should be documented in the parcel file.
 - 15.03.03.02, Signs – Clarified that the use of signs is at the District's discretion.
- **Section 15.04 – Airspace Right of Way Use Agreements**
 - 15.04.01.00, Types of Right of Way Agreements – Added Tieback and Tower Crane leases.
 - 15.04.01.01, Rental Agreement – Clarified the terms for rental agreements.
 - 15.04.01.02, Parking and Open Storage Agreement – Clarified when these agreements are used.
 - 15.04.01.05, Marler Johnson Agreement – Specified reference to CTC Resolution and added language involving Environmental to review Aerially Deposited Lead information for potential Marler Johnson leases.
 - 15.04.01.06, Park and Ride Agreement –
 - Deleted a sentence regarding Traffic Ops asking RW to locate a non-profit as this is no longer a part of the policy.
 - Clarified the minimum lease-rate allowable for Park and Ride Leases.
 - 15.04.01.10, Filming on State Right of Way – Clarified policy relating to State Highway Account, compensation, and agreements.
 - 15.04.01.12, Site Identification for Statute Directed Use – Emergency Shelter and Feeding Program – Updates regarding which fire authority will approve temporary emergency shelter lease plans, permits, and certificates of occupancy to align with SHC 104.30(d).
 - 15.04.01.14, FHWA Approval for Statute Directed Use – Emergency Shelter and Feeding Program – Added clarification on which sites need to be sent to FHWA for approvals of temporary emergency shelters and feeding programs.

- 15.04.01.16, Term for Statute Directed Use – Emergency Shelter and Feeding Program – Removed “maximum of three years” requirement (pursuant to statute instead).
- 15.04.01.17, Construction Staging Leases for Caltrans Projects – Added “for Caltrans Projects” distinction to title.
- 15.04.01.18, Tie Back and Tower Crane Agreements – Added new subsection containing information on Tie Back and Tower Crane agreements.
- 15.04.03.00, Utility Companies – Added reference to the Master License Agreement.
- 15.04.04.00, Right of Way Use Agreement – Clarified “long-term lease” as more than 5 years.
- 15.04.05.00, Option to Lease and Processes – Added “and Processes” distinction to title.
- 15.04.07.00, Renewal of Long-Term Developmental Leases – Added the following subsections regarding renewal of long-term developmental leases:
 - 15.04.07.01, Current Lease Terms and Current Standing of the Tenant
 - 15.04.07.02, DARC and External Reviews for Long-Term Renewals
 - 15.04.07.03, CTC Approval and FHWA Approval for Long-Term Developmental Renewals
 - 15.04.07.04, Long-Term Developmental Renewal Agreements
 - 15.04.07.05, Encroachment Permits for Renewals
- **Section 15.05 – Lease Rates and Adjustments**
 - 15.05.01.00, Valuation of Lease Rate – Integrated the appraisal chapter of the manual with the airspace chapter and added Rental Rate Appraisals section.
 - 15.05.01.01, Rental Rate Appraisal – Updated title from “Lease Rate Appraisal” to reflect the correct type of valuation as described in the appraisal chapter.
 - 15.05.04.00, Scheduling Valuation Requests –
 - Clarified what should be evaluated annually and provided to the appraisal department for the fiscal year.
 - Updated timeline to reflect requirements in the appraisal chapter.
 - 15.05.05.01, Minimum Lease Rate –
 - Updated how sites that might be less than \$500/month are potentially valued.
 - Updated guidance on what items need to go to FHWA and what need to go to CTC.

- 15.05.05.02, Minimum Security Deposit – Clarified the process for obtaining deposits and when to increase money held for deposit on sites already leased.
- 15.05.05.03, Periodic Adjustments – Clarified rate adjustments based on the Consumer Price Index.
- 15.05.06.00, Rental Offsets – Added additional considerations in granting rental offsets.
- **Section 15.06 – Airspace Leases – Processing**
 - 15.06.01.00, Rental Agreement (Private Entities) – Added interstate requirements for rental agreements.
 - 15.06.02.01, Bid Auction – Added language to stress the importance of leasing through bid when it is applicable.
 - 15.06.03.01, Offer and Proposal – Added language to caution Districts that any use must be checked against Caltrans' Stormwater permit.
 - 15.06.05.01, CTC Consent to Directly Negotiate –
 - Updated to clarify what items should be included in a CTC book item.
 - Added clarification of Right of Way Manager's responsibility regarding processing fees for complex parcels.
 - 15.06.06.00, Public Agency Leases – Clarified the length by which Districts should lease to public agencies.
 - 15.06.07.00, Processing Other Right of Way Use Agreements – Clarified time period to lease to nonprofit organizations.
 - 15.06.10.00, Subsequent Right of Way Use Agreement Documents –
 - Clarified language to refer to agreements for information on various fees first.
 - Updated the Assignment fee to reflect the current MLA as approved by the CTC.
 - 15.06.10.04, Sublease and Assignment – Clarified that public agencies receive a benefit through direct negotiations and are not allowed to sublease.
 - 15.06.10.05, Amendments – Clarified when amendments would need to go to FHWA.
 - 15.06.11.01, Conceptual Approval – Clarified coordination between Region/District airspace staff, District Airspace Review Committee (DARC), and FHWA.
 - 15.06.11.03, Final Approval – Removed “over five years” stipulation of lease length.
 - 15.06.11.04, Renewal DARC – Added new subsection for policy of renewal DARCs.

- 15.06.13.00, FHWA Approval for Use and PIF – Updated title (added “for Use and PIF”) and relocated portions into new subsections 15.06.13.01, FHWA Approval for Use, 15.06.13.02, FHWA Approval for Less Than FMV (PIF), and 15.06.13.03, Final FHWA Approval Process; changes made in order to better clarify under what conditions items need to go to FHWA for approval and what should be included in the approval package.
- **Section 15.07 – Inspection and Use Requirements**
 - 15.07.01.00, Inspections – Tied-in policy for defaults in this section and in section 15.07.11.00.
 - 15.07.01.01, Inspections of Vacant Sites – Clarified statements regarding the 058 Fund.
 - 15.07.04.00, Highway Structures – Clarified how a PSR will be requested.
 - 15.07.05.00, Mini-Warehouse Inspections – Added statement regarding access to individual storage units.
 - 15.07.07.00, Encroachment Permits – Clarified when an encroachment permit should be issued in the leasing process.
 - 15.07.07.01, Encroachment by Exception – Clarified when FHWA concurrence is required.
 - 15.07.08.00, State Fire Marshal Inspections – Clarified that State Fire Marshal (SFM) inspections will not occur on temporary emergency homeless shelters as those are under local fire authority.
 - 15.07.08.01, SFM Inspection Responsibilities – Clarified frequency and considerations of SFM Inspections.
 - 15.07.10.00, Storm Water Management – Added example of a batch plant as a lease which requires coverage under the General Industrial Permit.
 - 15.07.11.00, Default – Added clarification that lessee is in default after tenant has been noticed to with an opportunity to cure, per the terms of their lease.
- **Section 15.08 – Managing the Airspace Program – Property Management and the Marketing Plan**
 - 15.08.04.00, Right of Way Property Management System – Adjusted sections to account for when a new database system is initiated.
 - 15.08.10.00, Reference Materials – Updated title from “Reference Library” and updated to take into account current tools including internet and intranet resources and remove sections that are no longer within the current airspace policy.

Chapter 16 – Excess Land

- **Section 16.06 – Federal Highway Administration Requirements on Disposal of Excess Land**
 - 16.06.02.00, Local Programs Use of This Chapter – Added new subsection to clarify guidance specific to Local Agencies.

Chapter 17 – Local Programs

- **Section 17.04 – Local Public Agency Projects on the State Highway System**
 - 17.04.03.06, Early Acquisition Options Under MAP-21 – Previously, this subsection only referred to Chapter 5 Early Acquisition for guidance of early acquisition. The title has been updated and the subsection now provides guidance to local agencies exploring options for early acquisition of right of way and the process for seeking approval to preform early acquisition.

Exhibit Updates

- **6-EX-2, Example Legal Documents –**
 - Added new Dedication deed jackets referenced in the new RW Manual Section 6.20.
 - Updated several of the Director's Deed jackets to include Federal Title VI language.
 - Placed *Table of Contents* items in alphabetical order.
- **7-EX-24, Senior Field Review Certificate and Appraisal Review Report** – At Item #1, revised “comparable data” to “comparable market data.” (10/2020)
- **7-EX-24A, Senior Review Certificate and Appraisal Review Report** – At Item #1, revised “comparable data” to “comparable market data.” (9/2020)
- **7-EX-24B, Senior Review Certificate – Waiver Valuation** – At Item #1, revised “comparable data” to “comparable market data.” (10/2020)
- **7-EX-24C, Senior Field Review Certificate – Excess Lands** – At Item #1, revised “comparable data” to “comparable market data.” (10/2020)
- **7-EX-24D, Review Appraiser Certificate** – At Item #1, revised “comparable sales and listings” to “comparable market data.” (10/2020)
- **7-EX-25, Noncomplex Valuations (\$25,000 or Less)** – At approval section, removed Region/District Division Chief approval for consistency with current approval delegations (at Senior Right of Way Agent level). (9/2020)
- **7-EX-25, Noncomplex Valuations (\$25,000 or Less)** – Formatting updates only – removed tables and added date pick fields, as well as updated the font and styles for digital accessibility. (No changes to content). (11/2020)
- **8-EX-53, Highway Easement Deed – Perfection of Title (USFS Only)** – Retired; this Exhibit is included in Exhibit 6-EX-2, *Example Legal Documents*.

- **8-EX-54, Highway Easement Deed – New Construction** – Retired; this Exhibit is no longer used.
- **11-EX-A, Residential Rental Agreement (for internal Caltrans use)** – Added Item 41 to incorporate language to accept electronic signatures.
- **11-EX-B, Lease Agreement (for internal Caltrans use)** – Added Item 39 to incorporate language to accept electronic signatures.
- **11-EX-C, Agricultural Lease Agreement (for internal Caltrans use)** – Added Item 38 to incorporate language to accept electronic signatures.
- **11-EX-D, Advertising Structure Agreement (for internal Caltrans use)** – Added Item 22 to incorporate language to accept electronic signatures.
- **11-EX-E, Rental Agreement Amendment (for internal Caltrans use)** – Added section to incorporate language to accept electronic signatures.
- **11-EX-F, Rental Offset Agreement** – Added section to incorporate language to accept electronic signatures.
- **11-EX-G, Lease Renewal (for internal Caltrans use)** – Added section to incorporate language to accept electronic signatures.
- **11-EX-I, Cancellation of Lease** – Added section to incorporate language to accept electronic signatures.
- **11-EX-J, Employee Housing Rental Agreement (for internal Caltrans use)** – Added Item 36 to incorporate language to accept electronic signatures.
- **11-EX-15, City, County, or Special District Lease** – Added Item 29 to incorporate language to accept electronic signatures.
- **11-EX-23, Master Tenancy Lease Agreement (for internal Caltrans use)** – Added Item 28 to incorporate language to accept electronic signatures.
- **11-EX-30, State as Lessee Lease Agreement (for internal Caltrans use)** –
 - Added “Department’s Highway” to Construction Contract No. and Project Description fields.
 - At Preamble section, added reference to Street and Highways Code Section 141.
 - At Item 2, revised “completion and acceptance” to “final acceptance and completion.”
 - At Item 5, removed language regarding the 50% or less office space use to rent space in an office building.
 - Added Item 32 to incorporate language to accept electronic signatures
- **11-EX-33, Lease Agreement-Park and Ride Lot (for internal Caltrans use)** – Added Item 21 to incorporate language to accept electronic signatures.
- **11-EX-49, Department of Transportation, Division of Right of Way, STAR Program Agreement** – Added Item 20 to incorporate language to accept electronic signatures.

- **11-EX-50, Modular Lease Agreement** –
 - At Item 8, revised “at the time of delivery” to “upon completion of setup.”
 - Added Item 21 to incorporate language to accept electronic signatures.
- **13-EX-9, Relocation Claim Letter to Owner (Agreement)** –
 - Updated title and added clarification regarding “agreement.”
 - Removed “Incorporation by Reference” section.
- **13-EX-13, Notice to Owner Transmittal Letter** – Added clarification regarding “agreement” and “Incorporation by Reference” section.
- **15-EX-9, Temporary Ground Anchor (Tieback) Encroachments (Interdivisional Memo)** – Added reference memo from 2017.
- **15-EX-10, Tower Cranes Encroaching Over State Highway Right-of-Way (Interdivisional Memo)** – Added reference memo from 2016.
- **15-EX-11, Column Protection Systems** – Reincorporated previously retired exhibit.
- **17-EX-10, Design-Build Certification** – Updated language for consistency with 2020 revisions made to 14-EX-13, *Design-Build Certification*.
- **17-EX-13, Construction Manager/General Contractor (CM/GC) Certification** – Updated language for consistency with 2020 revisions made to 14-EX-15, *Construction Manager/General Contractor (CM/GC) Certification*.
- **17-EX-18, Right of Way Certification** – Updated language for consistency with 2020 revisions made to 14-EX-3, *Right of Way Certification*.

The [Right of Way Manual](#) is located on the [Division of Right of Way and Land Surveys website](#).

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Anyone can propose an update to the RW Manual! Simply visit the [RW Manual website](#) and submit a “Right of Way Manual Revision Request.” (Please save the document to your local drive prior to completing to access all features).

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