



RIGHT OF WAY MANUAL CHANGE

RWMC 22-02

EFFECTIVE DATE: July 15, 2022

PURPOSE:

The Right of Way (RW) Manual is revised each January and July to update policy, procedure, and guidance. Content revisions are noted on the following pages.

CURRENT RIGHT OF WAY MANUAL DIRECTIVES:

There are no Right of Way Manual Directives (RWMDs) in effect.

SUPERSEDED RIGHT OF WAY MANUAL DIRECTIVES:

The following Right of Way Manual Directives (RWMDs) have been incorporated into the RW Manual since the last publication:

RWMD	Title	Effective Date	Incorporated Date
22-01	Early Acquisition vs. Advance Acquisition and Delegation for Approval	02-07-2022	07-15-2022

RELATED POLICY AND PROCEDURES:

In addition to the creation of title pages for each chapter of the manual, a summary of revisions includes:

Chapter 1 – Introduction

- **Section 1.01, Right of Way Manual Overview**
 - 1.01.06.00, Revisions – updated publication deadlines for January 2023 RW Manual.

Chapter 2 – Organization and Policy

- **Section 2.01, Organization’s Purpose and Overview**
 - 2.01.02.00, Right of Way and Land Surveys Organization – removed outdated reference to Central Region.
- **Section 2.03, Training and Development**
 - Added hyperlinks to CEFS Forms and RW Manual Exhibits throughout.
- **Section 2.03, Training and Development (Cont.)**
 - 2.03.03.00, Responsibility – clarified “Right of Way Agent Certificate” program.
- **Section 2.04, Right of Way Administration**
 - Clarified references and added hyperlinks to statutes, CEFS Forms, and RW Manual Exhibits throughout.
 - 2.04.02.00, R/W & LS Roster – clarified publication frequency and content and added internal link.
- **Section 2.05, Delegation Matrices**
 - 2.05.01.00, Delegations – added the internal link to Director’s Policy webpage.

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

- **Section 5.03, Hardship**
 - 5.03.04.03, Hardship Application Submittal – at the hazardous waste statement, revisions pertaining to terminology: “hazardous material” instead of “hazardous waste,” etc. consistent with the Division of Environmental Analysis.
- **Section 5.04, Protection**
 - 5.04.01.01, General –
 - Added clarification that Headquarters review and approval is not required for Hardship and Protection Acquisition (to incorporate [RWMD 22-01](#)).
 - Removed incorrect reference to 5.01.03.00, Request to Proceed with Early Acquisition (to incorporate [RWMD 22-01](#)).
 - 5.04.03.00, Request for Authority to Acquire – at the reference to Exhibit 5-EX-8 in the hazardous waste section, corrected reference to Hazardous Materials Disclosure Document – Acquisition (HMDD-A).

Chapter 6 – Right of Way Engineering

- **Section 6.01, General**
 - 6.01.02.00, Organization – added hyperlink to the external Right of Way and Land Surveys Division webpage.
- **Section 6.07, Appraisal Maps**
 - 6.07.04.00, Certificate of Sufficiency –
 - At hazardous waste section, revised terminology and added Standard Environmental Reference (SER) and PD references consistent with the Division of Environmental Analysis.
 - Added language regarding HMDD process in Exhibit 8-EX-6 to clarify an item consistent with the Division of Environmental Analysis.
- **Section 6.09, Acquisition Documents**
 - 6.09.02.02, Easement Deed –
 - At Aerial Easement Deed section:
 - Revised terminology from “hazardous waste” to “hazardous material” consistent with the Division of Environmental Analysis.
 - The Aerial Easement Deed and the DM-2 General Waiver Clause were recently revised. These updates will help conform this section to those changes. (Reference to Structure Policy Directive).
 - At Railroad Easement Deed section, this deed was removed from Exhibit 6-EX-2 in 2015. (Reference to District Railroad Coordinator and Easement Deed – Aerial).
- **Section 6.12, Standard Clauses for Condemnation**
 - 6.12.01.01, Definitions – the definition of an expressway referenced an incorrect Streets and Highways Code (SHC) statute. The cited statute applied only to local county highways, according to SHC 900. The statute reference is revised from SHC 941.4 (incorrect) to SHC 257 (correct).
- **Section 6.13, Federal Lands**
 - 6.13.03.00, Federal Land Transfers – clarified links and added reference to Chapter 8, Section 8.18.00.00, Federal Lands.

Chapter 7 – Appraisals

- **Section 7.02 – Appraisal Reports**
 - 7.02.12.00, Noncomplex Valuations of \$25,000 or Less – at item D, revised terminology from “hazardous material/waste” to “hazardous material/hazardous waste” consistent with the Division of Environmental Analysis.
 - 7.02.13.00, Waiver in Lieu of an Appraisal – at item D, revised terminology from “hazardous material/waste” to “hazardous material/hazardous waste” consistent with the Division of Environmental Analysis.
- **Section 7.04 – Value Concepts and Considerations**
 - 7.04.12.00, Hazardous Material and Hazardous Waste Definition – revised title from “Hazardous Waste and Hazardous Material Definition” consistent with the Division of Environmental Analysis.
 - 7.04.12.01, Hazardous Materials/Hazardous Waste General – revised title from “Hazardous Waste General” and expanded “HW” acronym to “hazardous materials and hazardous waste” consistent with the Division of Environmental Analysis.
 - 7.04.12.02, Hazardous Material (Including Hazardous Waste and Contamination) Identification and Investigation –
 - Revised title from “Hazardous Waste Identification and Investigation” and expanded “HW” acronym to “hazardous materials and hazardous waste” consistent with the Division of Environmental Analysis.
 - Removed last paragraph (redundant).
 - 7.04.12.03, Hazardous Materials in Structures or Stored on the Property – revised title from “Hazardous Materials” and expanded “HW” acronym to “hazardous materials and hazardous waste” consistent with the Division of Environmental Analysis.
 - 7.04.12.04, Hazardous Materials (Including Hazardous Waste and Contamination) Site Identification – revised title from “HW Site Identification” and updated hazardous waste/materials terminology consistent with the Division of Environmental Analysis.
 - 7.04.12.05, Notification – updated hazardous waste/materials terminology consistent with the Division of Environmental Analysis.
 - 7.04.12.06, Valuation – updated hazardous waste/materials terminology consistent with the Division of Environmental Analysis.

Chapter 8 – Acquisition

- **Section 8.01 – Acquisition General**
 - 8.01.29.01, Legal Settlement Recommendations – updated Legal memo regarding Expert Witness Appraisers, etc. from 2008 memo to updated 2020 memo.
 - 8.01.36.00, Hazardous Materials (Including Hazardous Waste and Contamination) –
 - Revised title from “Hazardous Waste.”
 - Added references to “Request for Acquisition of Contaminated Property” (RACP) form.
 - Revised definition of “hazardous material,” etc. consistent with the Division of Environmental Analysis.
- **Section 8.03 – Right of Way Contracts and Contract Approvals**
 - 8.03.08.00, Contracts Approved by District Office Right of Way – at Item A, clarified “For parcels with less than \$25,000” to “For parcels \$25,000 or less” consistent with RWMD 20-01, Senior Right of Way Agent Delegation for Approval of Right of Way Contracts.
- **Section 8.07 – Water Wells**
 - 8.07.01.00, Wells – General – added clarification regarding hazardous materials consistent with the Division of Environmental Analysis.
- **Section 8.12 – Exchanges and Abandonments**
 - 8.12.10.00, Vacation – added clarification regarding hazardous materials consistent with the Division of Environmental Analysis.

Chapter 11 – Property Management

- **Section 11.15 – State as Lessee Leases**
 - 11.15.01.00, General –
 - Revised and expounded on State as Lessee’s leasing capability from State agency **or** a private owner.
 - Revised general term of “the Department” to “Caltrans.”
 - Added section regarding DBO’s role when Caltrans requires office space.

Chapter 13 – Utility Relocations

- **Section 13.01 – Introduction**
 - 13.01.02.09, Advancing Cost of Relocation to Owner – removed; essentially a duplicate of 13.10.03.00 “Advance Payment to Owner’s,” which was renamed to “Advanced Relocation Payments to Owner.” Some language from 13.01.02.09 was carried over to 13.10.03.00.
- **Section 13.02 – Planning Phase**
 - 13.02.04.00, Utility Estimates – added language to include adjustment of manhole covers.
 - 13.02.04.01, Right of Way Data Sheet – added language to include adjustments.
- **Section 13.03 – Design Phase**
 - 13.03.04.00, Utility Conflicts Identified – added manhole cover language.
 - 13.03.04.01, Manhole Cover Agreement – added a new section for the new manhole cover agreement process.
- **Section 13.04 – Liability Determination Phase**
 - 13.04.03.02, Application of Master Contracts – removed outdated reference to the Highway System information and Performance page (link no longer available).
 - 13.04.07.01, Interest During Construction – amended language for clarity and to align with current practice.
- **Section 13.07 – Utility Agreements**
 - 13.07.02.00, Circumstances Requiring a Utility Agreement – added clarifying language to align with current practice.
 - 13.07.03.02, Section II. Liability for Work – deleted “II-5, State’s Expense, Prescriptive Claims” to align with current practice.
 - 13.07.03.04, Section IV. Payment for Work –
 - At Item IV-4, Advance of Funds – State Liability, clarified invoice language to align with current practice.
 - At Item IV-10, State’s Contractor Performs Portion of Work-Owner Liability, removed Phase 5 language to align with current practice.
 - 13.07.04.01, Processing a Phase 4 or Phase 5 Utility Agreement Where the State’s Contractor Will Be Handling All or a Portion of the Utility Relocation for the Owner – removed Phase 5 language to align with current practice.
 - 13.07.04.02, Processing a Phase 4 or Phase 5 Construction Funds and a Phase 9 Capital Right of Way Funds as One Utility Agreement – removed Phase 5 language to align with current practice.

- **Section 13.10 – Payment Phase**
 - 13.10.02.06, Final Bills – added clarification to include Utility Agreements for advanced relocation payments.
 - 13.10.02.08, Audit of Owner's Bill – amended language to align with current practice.
 - 13.10.03.00, Advance Payment to Owner – renamed section to “Advanced Relocation Payments to Owners” and amended language to align with current practice (from 13.01.02.09).
 - 13.10.03.01, Loan to Owner – renamed section to “Loan Relocation Funds to Owner” and amended language to align with current practice.
 - 13.10.04.00, Verification of Transactions – removed to align with current practice (“TRAMS” is no longer used).
- **Section 13.14 – Federal Aid Procedures**
 - 13.14.08.01, Nonreimbursable Costs – amended language to align with current practice.

Chapter 15 – Airspace

- **Section 15.04 – Airspace Right of Way Use Agreements**
 - 15.04.01.21, Parklets – incorporated new section to address parklets.
 - 15.04.01.22, Pocket Parks – incorporated new section to address pocket parks.
- **Section 15.07 – Inspection and Use Requirements**
 - 15.07.08.05, Reporting of Fire – clarified Fire Marshal reporting requirements consistent with Chapter 11, Property Management, Section 11.11.08.00, Fire and Explosion in State-Owned Buildings (revised 01-2021).

Chapter 17 – Local Programs

- **17.02 – Roles and Responsibilities**
 - 17.02.01.02, FHWA Role – clarified language regarding Caltrans NEPA approval and FHWA approval of Certifications.
 - 17.02.03.02, California Transportation Commission (CTC) – updated reference from “BT&H” (Business, Transportation and Housing) to “CalSTA” (California State Transportation Agency).
- **17.04 – Local Public Agency Projects on the State Highway System**
 - 17.04.01.00, Local Public Agency Projects on the State Highway System – Background –
 - Clarified that this chapter is applicable to all State Highway System projects regardless of funding type (removed “locally-funded”).
 - Removed “NOTE” regarding Local Assistance Procedural Manual and off-system projects to avoid confusion (as this section pertains to on-system projects).
 - Added clarification regarding conformance and requirements.
 - Updated the reference to Deputy Directive 23 to reflect the most recent version (DD-23-R2).
 - 17.04.02.01, Project Estimates – added information regarding estimates from consultants and indicators of value.
 - 17.04.02.05, Final Design/Plans, Specifications, and Estimate (PS&E) – updated the reference to Deputy Directive 23 to reflect the most recent version (DD-23-R2).
 - 17.04.03.03, Advance Acquisition – Procedures – removed typos/outdated info.
 - 17.04.03.10, Acquisition of Excess – added clarification regarding uneconomic remnants.
 - 17.04.06.02, Oversight (Quality Assurance) –
 - Added language consistent with the Local Assistance Procedures Manual about oversight being conducted in real-time to assist in identifying deficiencies early so there is adequate time to correct them.
 - Added identification of Right of Way tasks to clarify reviews and responsibilities.
 - 17.04.08.02, Acquisition Settlements – added oversight info to reiterate policy.

- **17.06 – Consultant Qualifications and Selection Criteria**
 - 17.06.01.01, Consultant Qualifications – General – added recommendation regarding early engagement.
 - 17.06.02.01, Consultant Selection Criteria Guide –
 - Added expectations and responsibilities for estimating and appraisal consultants.
 - Added info under “Relocation Consultants” to prevent “global settlements.”
 - Added clarification under “Utility Relocation Consultants” regarding Utility Agreements.
 - 17.06.04.01, Local Public Agency Liability for Consultants – added clarification regarding Local Public Agency responsibility and accountability when using consultants in accordance with the Uniform Act.
- **17.07, Cooperative Agreements**
 - 17.07.03.01, Cooperative Agreements – Roles and Responsibilities – updated the reference to Deputy Directive 23 to reflect the most recent version (DD-23-R2).
- **17.08 – Project Certification**
 - 17.08.03.00, Projects on State Highway System Requiring a Right of Way Certification – added language that certification must match the approved PS&E reflecting the RW involvement for the entire project (not just a portion within the limits).
 - 17.08.10.01, General Steps for an LPA Certification of a Project – clarified “R/W Coordinator” at Items D and G.
 - 17.08.10.02, Certification Levels – included Certification No. 3.
 - 17.08.11.00, Certification Format – clarified collaborative efforts with FHWA and HQ approval for nonstandard language.
 - 17.08.11.01, Federal Aid in Right of Way and Utilities – added clarification regarding federal aid for Construction.

Exhibit Updates

- **5-EX-01, Early Acquisition Memo** – added Assistant Division Chief's (ADC) recommendation for approval of memo to document ADC's review. (01-2022)
- **6-EX-02, Example Legal Documents** –
 - Added new Abutter's Rights and Access Rights deed jackets.
 - Revised Aerial Easement deed jacket (updated limitations and conditions, etc.). (07-2022)
- **11-EX-30, State as Lessee Lease Agreement (for internal Caltrans use)** – revised the Prevailing Wage Provision (Item 24) which now refers to new Exhibit 11-EX-43, Prevailing Wage Provisions. (05-2022)
- **11-EX-43, Prevailing Wage Provisions** – new Exhibit detailing prevailing wage provisions. (05-2022)
- **11-EX-50, Modular Lease Agreement – State as Lessee** –
 - Updated Exhibit title from "Modular Lease Agreement."
 - Added area to enter Project ID information.
 - Inserted a new provision (Item 9) referencing new Exhibit 11-EX-43, Prevailing Wage Provisions. (05-2022)
- **13-EX-03, Cover Agreement Transmittal Letter** – new Exhibit for new Cover Agreement Process. (05-2022)
- **13-EX-04, Cover Agreement** – new Exhibit for new Cover Agreement Process. (05-2022)
- **13-EX-04P, Positive Location (Pos-Loc) Notice to Owner** – new Notice to Owner specific to Positive Location. (06-2022)
- **13-EX-05, Report of Investigation – Cover Agreement Only** – new Exhibit for new Cover Agreement Process. (05-2022)
- **13-EX-08, Relocation Claim Letter to Owner Requesting Manhole/Valve Cover Adjustment to Grade** – new Exhibit for new Cover Agreement Process. (05-2022)
- **13-EX-10, Verification Letter to Owner** – at last paragraph, added email address to contact information. (04-2022)
- **13-EX-11, "No Conflicts" Letter to Owner** – at last paragraph, added email address to contact information. (04-2022)
- **13-EX-12, Letter to Owner Requesting Positive Location** – at last paragraph, added email address to contact information. (04-2022)
- **13-EX-13, Notice to Owner Transmittal Letter** –
 - Updated language to state any deviations to agreed-upon plans must be approved in writing.
 - Added email address option to contact information. (05-2022)
- **13-EX-16, Cover Agreement Notice to Owner** – new Exhibit for new Cover Agreement Process. (05-2022)

- **14-EX-09, Sample Right of Way Special Certification No. 3 with Work-Around** – retired; will replace with an improved sample document at a later date. (07-2022)
- **16-EX-11, Porter Bill Lease** –
 - At 1st paragraph, language is updated to match current California Streets and Highways Code Section 104.15.
 - At Item 5, “Water Pollution Control,” BMP web page link is updated. (04-2022)
- **17-EX-07, Roles and Responsibilities for Development of Projects on the State Highway System** – updated to reflect the most recent version of the Deputy Directive (DD-23-R2). (05-2022)

Form Updates

- **RW 03-01, Project Development Fee/Project Specific Permit Fee Invoice** –
 - “Amount” fields updated to accommodate cents.
 - Reformatted for electronic signatures (Adobe Sign). (04-2022)
 - **RW 11-18, Certificate of Insurance with Endorsement for Lease of State-Owned Property** – added section to incorporate language to accept electronic signatures and added electronic signatures. (06-2022)
 - **RW 11-23, Contractor’s Time Reporting Sheet** –
 - In upper-right corner, corrected typo from “Contact No.” to “Contract No.”
 - Added section to incorporate language to accept electronic signatures and added electronic signatures. (05-2022)
 - **RW 11-24, Income Certification** – added section to incorporate language to accept electronic signatures and added electronic signatures. (05-2022)
 - **RW 11-28, Plan Approval Request** – added section to incorporate language to accept electronic signatures and added electronic signatures. (05-2022)
 - **RW 13-05, Utility Agreement** –
 - Updated “Section III. Performance of Work” to reflect current policy.
 - The “Utility Agreement No.” field is now editable and linked throughout the document. (05-2022)
 - **RW 13-20A, One Time Only – Agreement for the Positive Location of Underground Utilities** – at Item #11, corrected typo from “between the properties” to “between the parties.” (05-2022)
 - **RW 16-28, Excess Land Inventory Memorandum** – added electronic signatures. (01-2022)
 - **RW 16-29, Excess Land Fiscal Transmittal** – added electronic signature. (01-2022)
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The [Right of Way Manual](#) is available on the [Division of Right of Way and Land Surveys webpage](#).

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Anyone can propose an update to the RW Manual! Simply visit the [RW Manual webpage](#) 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.