

RIGHT OF WAY MANUAL CHANGE

RWMC 24-02

EFFECTIVE DATE: July 12, 2024

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:

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
23-01	Right of Way Acceptance Document for Middle Mile Broadband Network (MMBN) Projects	03-02-2023
24-02	Identifying and Expediting the Disposition of Excess Land for Affordable Housing Development	07-02-2024

SUPERSEDED RIGHT OF WAY MANUAL DIRECTIVES:

The following Right of Way Manual Directives (RWMDs) have been incorporated in the RW Manual and are superseded upon the effective date of this RW Manual Change:

RWMD	Title	Effective Date
24-01	Trial Period to Increase Waiver Valuation Limit	5-20-2024

RELATED POLICY AND PROCEDURES:

Throughout the RW Manual chapters, gray shading was added to highlight all revisions noted in this document (except hyperlinks). The following is a summary of the revisions.

Chapter 1 – Introduction

- **Section 1.01, Right of Way Manual Overview**
 - 1.01.06.00, Revisions – updated publication deadlines for January 2025 RW Manual.

Chapter 2 – Organization and Policy

- **Section 2.04, Right of Way Administration**
 - 2.04.03.02, Uniform Act Annual Statistical Report – updated the Code of Federal Regulations (CFRs) Appendix reference.

Chapter 3 – Programming and Budgeting

- **Section 3.05, Federal-Aid Project Funding**
 - Throughout the entire section, added clarification in conjunction with the Office of Federal Resources.
 - 3.05.03.33, Federal Participation in R/W Projects – federal aid exceptions were added for mitigation bank credit purchases, 201.999 ZEV projects, and RW child projects.
 - 3.05.05.05, 10-Year and 20-Year Rule – removed 10-Year Rule portion.
 - On November 15, 2021, the Bipartisan Infrastructure Law (BIL) repealed the 10-year PE Rule by striking 23 U.S.C. 102(b) and the 10-year PE Rule is no longer in effect.

Chapter 4 – Estimating

No revisions.

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

No revisions.

Chapter 6 – Right of Way Engineering

- **Section 6.07, Appraisal Maps**
 - 6.07.03.00, Railroads – updated railroad reference from Section 8.69 to new Chapter 18.
- **Section 6.09, Acquisition Documents**
 - 6.09.02.02, Easement Deed – in the Railroad Easement Deed Section, updated railroad references from Section 8.69 to new Chapter 18.

Chapter 7 – Appraisals

- **Section 7.01, Appraisal Policies and General Requirements**
 - 7.01.02.00, Appraisal Report Not Required – updated with waiver valuation limit increase trial info consistent with [RWMD 24-01](#).
- **Section 7.02, Appraisal Reports**
 - 7.02.13.00, Waiver Valuation In Lieu of an Appraisal – updated with waiver valuation limit increase trial info consistent with [RWMD 24-01](#).
 - 7.02.13.02, Waiver Valuation (\$2,501 to \$10,000) – Contents and Requirements – updated with waiver valuation limit increase consistent with [RWMD 24-01](#).
- **Section 7.03, Appraisal Preparation**
 - 7.03.05.00, Legal Larger Parcel and Subparcels – added clarification and defined the larger parcel.
- **Section 7.18, Delegations**
 - 7.18.01.00, Delegations of Authority – on page 3, updated with waiver valuation limit increase consistent with [RWMD 24-01](#).

Chapter 8 – Acquisition

- **All Sections**
 - Added hyperlinks throughout (no changes to revision date unless sections are revised below).
- **Section 8.01, Acquisition General**
 - 8.01.28.00, Administrative Authorizations – removed reference to Exhibit 8-EX-17 (was retired in July of 2021).
- **Section 8.02, Appraisal Summary Statements and Valuation Summary Statements**
 - 8.02.02.00, Statement Types – updated with waiver valuation limit increase consistent with [RWMD 24-01](#).
- **Section 8.69.00.00, Railroads**
 - Section retired; portions relocated into new Chapter 18, Railroad Coordination.

Chapter 9 – Condemnation

- **Section 9.01, Eminent Domain**
 - 9.01.08.01, Combined District Condemnation Evaluation and Condemnation Panel Review Meetings – updated reference to the *Appearance Information Package* from Exhibit 09-EX-02 to Form RW 09-02.

Chapter 10 – Relocation Assistance

- **All Sections**
 - Added hyperlinks throughout (no changes to revision date unless sections are revised below).
- **Section 10.01, General**
 - 10.01.01.00, Relocation Assistance Program – corrected California Code of Regulations reference.
 - 10.01.03.08, Persons Not Lawfully Present in the United States – corrected CFR reference.
 - 10.01.11.02, Validity of Certification for U.S. Residency [49 CFR 24.208(d)] – corrected US Citizenship and Immigration Services (USCIS) reference.
 - 10.01.11.03, Documentation [49 CFR 24.208(e)] – removed RAP Intranet references.
 - 10.01.14.09, Confidentiality of Records [49 CFR 24.9(b)] – corrected Government Code reference.
 - 10.01.15.00, Employee Relocation Assistance Program (ERAP) – corrected California Department of Human Resources references.
- **Section 10.02, Relocation Impact Documents**
 - 10.02.05.06, Relocation in Compliance with Uniform Act – added a reference to the Standard Environmental Reference.
- **Section 10.04, Residential Displacements**
 - 10.04.02.02, Types of Moving Payments – added information for DGS' "State List of Eligible Household Goods Carriers."
 - 10.04.02.04, Fixed Moving Schedule (Chart) [Effective August 24, 2015 (Updated Approximately Every Three Years)] – updated with 2021 schedule information.

- **Section 10.05, Moving and Related Expenses – Nonresidential (Business, Farms, and Nonprofit Organizations)**
 - 10.05.04.00, Advisory Assistance – at item d, updated USDA Farm Service Agency reference.
 - 10.05.09.01, Loss of Tangible Personal Property [49 CFR 24.301(g)(14)] – corrected CFR reference.
 - 10.05.16.00, Small Business In Lieu Payment [49 CFR 24.305] – corrected CFR reference.

- **Section 10.06, Replacement Housing Valuations**
 - 10.06.05.01, Waiver of Decent, Safe, and Sanitary Standards –
 - Corrected Federal Housing Administration (FHA) reference.
 - Corrected Fair Employment and Housing Act (FEHA) reference.

- **Section 10.08, Relocation Payments**
 - 10.08.09.00, Check Delivery –
 - Removed CFR reference.
 - Updated Form references.
 - 10.08.15.00, Payments Not Considered Income [49 CFR 24.209] – removed Code of Civil Procedures reference.

Chapter 11 – Property Management

- **Section 11.06, Residential Rentals**
 - 11.06.06.00, Pet Policy –
 - Updated section to comply with AB 12 (2023) deposit limit for residential tenancies.
 - Revised language to include payment claims from a tenant insurance policy, aligned termination language with established procedures, and clarified deposit recharge limits.

- **Section 11.07, Rental Procedures**
 - 11.07.09.00, Guidelines for Selection of New Tenants – removed redundant language.
 - 11.07.17.00, Security Deposits – amended language to align with AB 12 (2023) deposit limits, effective July 1, 2024, while retaining historic references.

Chapter 12 – Clearance and Demolition

No revisions.

Chapter 13 – Utility Relocations

- **Section 13.03, Design Phase**
 - Throughout the entire section, revised the term “task order” to “service request” to align with the current process.
 - 13.03.03.03, Positive Location Service Requests – along with edits above, revised the number of “holes” for vacuum excavations from four to six.
 - 13.03.03.09, Utility Coordinator Responsibilities – along with edits above, updated duties to align with the current process.
 - 13.03.03.10, Project Engineer or Utility Engineering Workgroup Responsibilities – updated responsibilities to align with the current process.

- **Section 13.06, Notice to Owner**
 - 13.06.01.00, General – removed RW Manual references (last sentence) as they are no longer relevant to this section.
 - 13.06.03.06, Notices Issued with Liability in Dispute – removed references to RW Manual subsections 13.04.09.01 and 13.04.09.02 (no such subsections).

- **Section 13.07, Utility Agreements**
 - 13.07.03.04, Section IV. Payment for Work – at Item IV-3, added a new note (5) for clarification of this section.
 - 13.07.03.05, Section V. General Conditions
 - At Item V-2, added language for clarification.
 - At Item V-3, removed “a Portion of” language to align with the current process.
 - At Item V-4, modified language for clarification and to align with the current process.
 - Added a new clause at Item V-5a to align with the current process.
 - At Item V-5, revised to be Item V-5b and amended language to align with the current process.
 - 13.07.05.01, Amendments for Payments in Excess of Original Utility Agreement – amended language to clarify the process.

- **Section 13.08, Certification Phase**
 - 13.08.03.00, Righty of Way Utilities Certification – amended language for clarification.

- **Section 13.10, Payment Phase**
 - 13.10.02.01, Prompt Payment of Bills – amended language to align with the current process and added hyperlinks to file claims.

- **Section 13.14, Federal Aid Procedures**
 - 13.14.03.00, Federal Authorization to Proceed (E-76) – amended language for clarification.

Chapter 14 – Right of Way Certification

- **Section 14.03, Certification Format/Contents**
 - 14.03.02.00, Description of Project Being Certified – updated “Type of Work” to “Work Description” consistent with the language in 14.02.01.00.
 - 14.03.05.00, Status of Affected Railroad Operating Facilities – updated railroad reference from Section 8.69 to new Chapter 18.
 - 14.03.05.01, Railroad Agreements – updated railroad reference from Section 8.69 to new Chapter 18.

Chapter 15 – Airspace

- **Section 15.01, General**
 - 15.01.02.00, Responsibilities of Headquarters Airspace – replaced monitoring and added new responsibilities to review the airspace inventory, complete a data pull of the inventory every quarter, and review right of way use agreement accounts.
 - 15.01.04.00, Region/District Airspace Review – relocated a sentence regarding District Airspace Review Committee (DARC) reviews.

- **Section 15.04, Airspace Right of Way Use Agreements**
 - 15.04.01.00, Types of Right of Way Use Agreements – removed “Open Storage” from “Parking and Open Storage Agreement.” Open storage is now a prohibited use and will no longer be allowed.
 - 15.04.01.02, Parking and Open Storage Agreement – removed “Open Storage” and added clarification.
 - 15.04.01.03, Open Storage – added new section; language includes that open storage is a prohibited use and no future agreements will be approved. (Subsequent sections were renumbered.)
 - 15.04.01.04, Non-Developmental Agreement – removed “Open Storage” from “Parking and Open Storage Agreement.”
 - 15.04.01.19, Construction Staging Leases for Caltrans Projects – added a bullet point that RWLS Division Chief approval is required if it meets the requirements of Exhibit 15-EX-20.
 - 15.04.07.03, CTC Approval and FHWA Approval for Long-Term Developmental Renewals – added clarification that FHWA approval will be necessary on interstates, including all renewals of leases on the interstates.

- **Section 15.06, Airspace Leases – Processing**
 - 15.06.01.00, Applications & Credit Checks – added a new section requiring all non-public agency bidders to complete an application and provide a credit report before bidding. (Subsequent sections were renumbered.)
 - 15.06.02.00, Short-Term Leases (Private Entities) – Competitive Bid – removed references to open storage.
 - 15.06.10.04, Sublease and Assignment
 - Added new language as the Department is no longer allowing new subleases.
 - Added proposed assignee's/sublessee's application and credit report as additional items for review.
 - 15.06.11.03, Final Approval – removed reference to open storage.
 - 15.06.13.02, FHWA Approval for Less Than FMV (PIF) – added CFR reference.

- **Section 15.07, Inspection and Use Requirements**
 - 15.07.01.00, Inspections –
 - Added language to inspections giving more distinction between developed sites and non-developed sites.
 - Added language from the January orange memo.
 - 15.07.01.01, Notices – added a new section containing the different types of notices (24-hour, 3-day, 15-day, and 30-day) that must be issued when violations are identified. (Subsequent sections were renumbered.)
 - 15.07.04.00, Highway Structures – removed reference to open storage.
 - 15.07.06.00 Stormwater Inspections – removed reference to open storage.
 - 15.07.09.03, Prohibited Items within Airspace Sites – added a new section containing prohibited hazardous items list for all airspace properties. (Subsequent sections were renumbered.)
 - 15.07.11.00, Defaults – added language regarding violations.
 - 15.07.11.01, Unlawful Detainers – added a new section regarding unlawful detainers.

- **Section 15.08, Managing the Airspace Program – Property Management and the Marketing Plan**
 - 15.08.02.00, Property Management – at the Monthly review section, revised “should” to “must” regarding initiating default proceedings.

Chapter 16 – Excess Land

No revisions.

Chapter 17 – Local Programs

- **Section 17.01, General**
 - 17.01.01.03, Reengineering – added clarification to LPA reference.
- **Section 17.02, Roles and Responsibilities**
 - 17.02.04.04, Right of Way Headquarters' Role – at Item H, revised to accommodate web-based communication resources.
- **Section 17.03, Federal-Aid Local Assistance Projects (Off-System Projects)**
 - 17.03.02.01, Funding and Programming – Roles of Metropolitan Planning Organizations and Regional Transportation Planning Agencies – removed page-specific reference to the LAPM.
- **Section 17.04, Local Public Agency Projects on the State Highway System**
 - 17.04.11.01, Local Agency Relocation Assistance Appeals Process – added clarification and written appeal information.
 - 17.04.12.01, Project Certification – added clarification regarding real-time monitoring.
- **Section 17.05, Local Agency Qualifications**
 - 17.05.02.02, Staff Training and Experience Requirements – added Property Management criteria for LPA qualification.
- **Section 17.06, Consultant Qualifications and Selection Criteria**
 - 17.06.02.01, Consultant Selection Criteria and Guide – added clarification to the Acquisition Consultant Responsibilities section.
- **Section 17.08, Project Certification**
 - 17.08.11.03, Certifications with Agreements for Possession and Use or Rights of Entry – revised “making the first written offer” to “initiation of negotiations.”
- **Section 17.11, Definitions and References**
 - 17.11.01.01, Definitions – alphabetized order and added definition for Design Engineering Evaluation Report (DEER).

Chapter 18 – Railroad Coordination

Railroad policy has been updated throughout. All Railroad policy and guidance was removed from Chapter 8 (8.69) and included as a stand-alone chapter.

Exhibit Updates

- **07-EX-17A, Notice of Decision to Inspect**
 - Updated “appraisal process” to “valuation process.”
 - Added a statement regarding the option to prepare an appraisal in place of the valuation estimate if preferred. (05-2024)

- **07-EX-21A, Waiver Valuation Title Page**
 - Added a signature block for the Associate Right of Way Agent. (05-2024)

- **13-EX-24, Amendment to Utility Agreement Example**
 - Revised to align with Form DOT RW 13-05, Utility Agreement:
 - Pg. 2 – added a statement regarding certification of funds.
 - Pg. 3 – added and revised funding tables. (06-2024)

- **14-EX-12, Middle Mile Broadband Network – Right of Way Acceptance**
 - Added options for “Item 2 – Status of Required Right of Way” (and renumbered remaining items). (01-2024)

- **15-EX-20, Documentation and Treatment of Materials Stored Under a Highway Bridge** (new 07-2024)

- **16-EX-01, Funding Record Search Checklist** (new 07-2024)

- **18-EX-01, Railroad Agreements Glossary** (new 07-2024)

Form Updates

- **DOT RW 07-09, Appraisal Summary**
 - Pg. 1 – the “Entire Property” entries and “Market Value of Required Property” entries now accommodate numbers and letters (for entries of nominal, etc.). (04-2024)

- **RW 08-30, Railroad Memorandum of Settlement** (for internal Caltrans use) – retired (removing for now; will revise and return as a Chapter 18 form).

- **DOT RW 16-05, Purchase and Sale Agreement – Public Sale**
 - Revised to include information required by Caltrans Legal – the following sections have been added/edited (and the remaining sections renumbered):
 - Sections 2-11, 14, 32, and 34. (06-2024)
 - The following documents have been reformatted from Exhibits to Caltrans Electronic Forms System (CEFS) forms, consistent with the Caltrans Forms Management policy (no content changes unless noted below). Exhibit/Form references have been updated throughout the manual.
 - **RW 09-02, Appearance Information Package** – previously Exhibit 09-EX-02
 - Many forms have been or are currently in the process of updating the form names – external forms will be preceded with a “DOT” ahead of the normal “RW xx-xx” format. If you’re looking a CEFS form, please make sure to check if the form is alphabetized in the “DOT” or “RW” section of the CEFs webpage.
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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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Other comments and suggestions for improvement to the RW Manual may be submitted to RWManual@dot.ca.gov.