

Federal Aid Series Training

Right of Way Local Programs



October 22nd & 23rd, 2025



Instructors

Instructor: Andrea Alvarez

HQ Right of Way Utilities Liaison for District 8 and Railroad Coordinator for Districts 1, 2, 3, & 11.

I love to read books and I consider chicharrones a mandatory food staple. Yummy yummy & I have a lovely laugh that you can hear in LA.

Instructor: Melody Battaglia

Melody currently works as an Associate Right of Way Agent in Caltrans District 12 Right of Way Office. She works in the Local Programs unit assisting local public agencies to deliver transportation projects in compliance with state and federal regulations.

Instructor: Michael Guzman

Michael has over 13 years with Caltrans and over 25 years' experience has a California Certified General Real Estate Appraiser. He has worked in Appraisal, Acquisitions and Railroad Coordination.

Michael has taught Real Estate Appraisal and Business Math courses at Shasta Community College. Most recently Michael taught at the Core Competencies Academy for Caltrans. In his spare time Michael enjoys spending time with his wife, bowling, playing softball, traveling and camping together

Instructors

Instructor: Steve Mattos

Steve has been with Caltrans for 23 years. He initially began his state service in the Bay Area, District 4 Office overseeing facility contracts and property review. Here he met his lovely wife, and they explored Northern California. In 2005 both accepted jobs at Caltrans, District 3, Marysville office. While in Marysville, he refined his right of way knowledge in Acquisitions, Relocation Assistance, State Lands, Excess Lands and finely Local Programs. In 2024, he accepted a position as a Senior Right of Way Agent at Caltrans Headquarters. It is with great passion he strives towards improving Local Programs process and helping agencies deliver their roadway projects.

Instructor: Megan Van Alstine

Megan started with Caltrans, Right of Way out of the Los Angeles office in 2012. She cut her Relocation Assistance Program (RAP) teeth on the Interstate-5 (I-5) widening project, which widened the freeway from approximately Norwalk the Orange County border through an approximately 10-mile, dense urban, landscape. She has worked with a number of businesses, both large and small. She has also relocated a number of households. She moved to the Marysville office in 2015 where she worked in a combination of RAP and acquisition. Relocation in this capacity was generally related to rural residences and personal property. She moved to Caltrans Headquarters in 2017 in the Real Property Services program where she worked with a variety of issues in Excess Lands, Airspace, Stormwater, and shelters within Caltrans' right of way. She moved into the Right of Way Project Delivery team at HQ in 2023 where she works as the liaison for federal land transfers and state transfers or jurisdictions, the backup for RAP, compliance reviews across the office, manual revisions, and training. She has participated in providing RAP training, as well as been involved in various RAP issues and appeals in her current position at HQ.

Instructors

Instructor: Jennifer Wisniewski

Jennifer is a Senior Right of Way Agent in the Headquarters Office of Appraisals and Local Programs. She has over 16 years experience working for Caltrans Right of Way in the areas of Acquisition, Property Management, Clearance and Demolition, and Local Programs.

Instructor: Carey Sanchez

Carey began her career in Right of Way on May 1, 2008, as an Office Technician in the Appraisal unit. In January of 2011, she became a Right of Way Agent and the following December, she earned her Bachelor's degree in Psychology from California Baptist University. Carey then promoted to an Associate Right of Way Agent in December of 2013. She has worked in the Appraisals, Acquisitions, Planning and Management, Condemnation, and Local Programs units of Right of Way.

Carey enjoys traveling with her husband and spending time with their fur babies, friends, and family!

Instructors

Instructor: Brian Goldman

HQ Right of Way Utilities Liaison for District 4, 5, 8, and 10. I have three teenagers in sports, and I love to volunteer at endurance running events. I also love to travel and dream of buying a Sprinter van, but not live in it

Instructor: Robert Ronald

I started at Caltrans in December 2017 at District 3 in the Utilities function. I spent a year working on CT capitol projects before I took over as the Utility Local Program oversight coordinator, which I worked in that position for the past 6 years before promoting to the Local Programs group here at HQ back in April. Outside of work, I enjoy spending time with my family, I currently have a 14-month-old that is keeping us busy, enjoy going to shows (movies and concerts), watching sports, and traveling.

Instructors

Instructor: Gagan Purewal

My name is Gagan Purewal, and I've been with Caltrans for nearly eight years. I recently joined Headquarters, where I've been for a little over six months. Before that, I worked in District 3, gaining experience in both Estimating and Local Programs. Outside of work, I enjoy staying active and connected through sports—both watching and playing.

Instructor: Rita Harris

Mother of two sons (one human and one dog). I hold a B.A in Political Sciences and a M.A in Organizational Management, plus some law school. I came to Caltrans from EDD. I've been in Caltrans Right of Way for most of my state service career. I've worked various functions in Right of Way which include property management, appraisals, acquisitions, utilities, local programs/local assistance oversight in the district. Came to HQ 2019 in starting in Strategic Innovation, with various task that contributed to statewide Right of Way strategic plan. My favorite task was heading the Right of Family Scholarship and awarding the first one in over 10 years. From 2022 to the present, I've worked in the Excess Land office working as the liaison for Districts 7, 9, 11, and 12. I love Yoga (physical exercise and meditation), going to museums, spending time with my family (father, brother, son, as well as nieces and nephews), and many other things.

Course Objectives

- Overall understanding of Federal Aid project requirements
- Overall understanding of the right of way and utilities process
- Understanding methods to accomplish right of way deliverables

Course Goal

- Gain the knowledge and skills for successful Certification of Local Agency Federal-Aid Transportation Projects Leading to Federal Participation in Construction Funding



Acronyms

- RW – Right of Way
- LPA – Local Public Agency
- CT – Caltrans
- FHWA – Federal Highway Administration
- LAPM – Local Assistance Procedures Manual
- RWM – Right of Way Manual
- RWC - Right of Way Certification
- UT - Utilities



FEDERAL & STATE LAWS & REGULATIONS

Acquisition of Private Property for Public Use

- 5th Amendment of the U.S. Constitution
- 14th Amendment of the U. S. Constitution
- Article 1 of the California State Constitution
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as Amended (Uniform Act)



Uniform Act Provisions

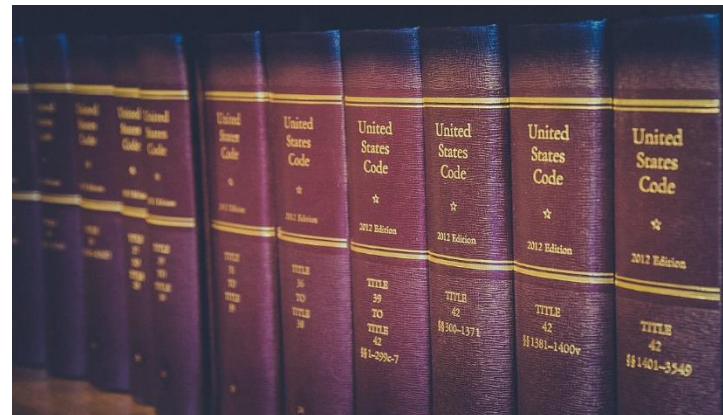
Must follow the provisions of the Uniform Act and Federal Regulations in the Right of Way phase when there are federal dollars in any phase of a project.

Provides important protections and assistance for people affected by federally funded projects

- Ensures fair and equitable treatment for people displaced by a federally funded project
- Ensures no person shall suffer disproportionate injury by a program designed to benefit all
- Encourages every reasonable effort to expeditiously acquire real property by negotiation without coercion

Federal Regulations

- Title 23 Code of Federal Regulations (CFR), Highways, Part 710 – Right of Way and Real Estate
- Title 49 Code of Federal Regulations (CFR), Transportation, Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

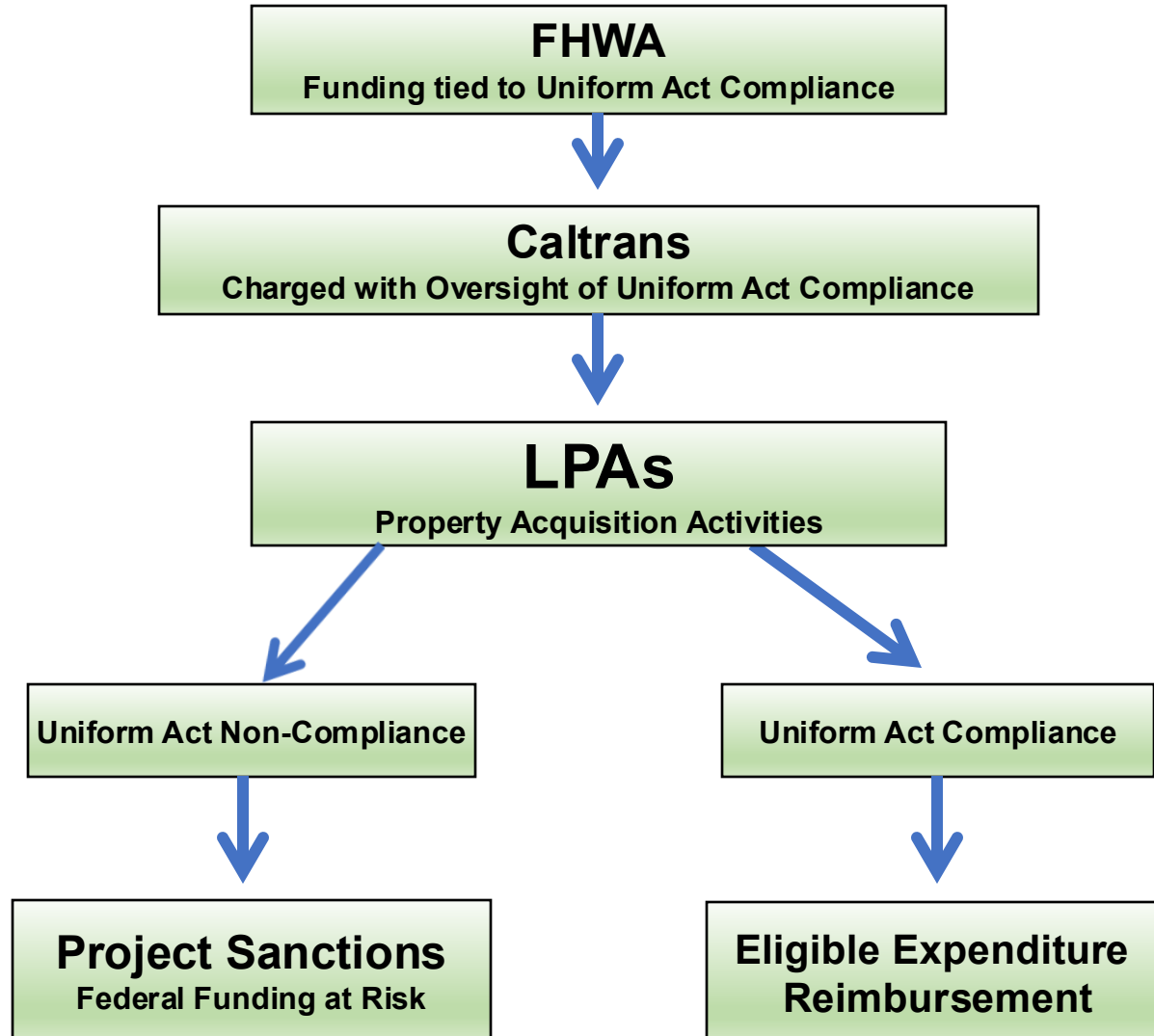


Projects ON/OFF State Highway System (SHS)

- For projects ON the SHS, local agencies must comply with appropriate Caltrans Manuals, including the Right of Way Manual and language within an executed project Cooperative Agreement
- For projects OFF the SHS, local agencies must follow the procedures outlined in Chapter 13 “*Right of Way*” and Chapter 14 “*Utility Relocations*” of the Caltrans Local Assistance Procedures Manual (LAPM) & the Caltrans RW Manual if there is Federal \$ anywhere on the project

ROLES AND RESPONSIBILITIES

Federal Funding and Your Project



FHWA Role



U.S. Department of Transportation
Federal Highway Administration



- Policy/Program direction setting
- Obligation of Federal Funds
- Approves non-delegated activities
 - Risk-Based Involvement (RBI) projects
 - Right of Way Cert 3/3W (pursuant to Stewardship and Oversight Agreement)
- Monitors Caltrans oversight of Local Public Agencies
- Training

Role of Caltrans Right of Way

- Acts as oversight agency – FHWA has delegated overall responsibility for right of way activities to Caltrans under the SOA
- Provides guidance, support and training
- Responsible for all Local Agency compliance
- Conducts real-time review of Local Agency RW deliverables to ensure compliance with regulations
- Reviews and accepts R/W Certification



Caltrans[®]

Why Does Caltrans Oversight Local Agency Projects?

Why is Caltrans involved in on-system projects?

- Caltrans is the owner/operator of the SHS. After construction is complete and project accepted, Caltrans remains responsible for operations and maintenance and retains tort liability. Thus, the necessity for Caltrans extensive involvement in LPA projects.

Why is Caltrans involved in off-system projects?

- FHWA holds Caltrans accountable for carrying out federal highway programs and projects using federal funds in compliance with the Uniform Act.
- State is also responsible for the programs and projects carried out by local public agencies using FHWA funds.
- State is responsible for ensuring that local agencies either follow the State's procedures, or that the locals are using procedures that have been approved by the State.

How Does Caltrans Monitor/Oversight Local Agency Projects?

- Monitoring will be performed on a real-time spot-check basis to ensure activities are performed in compliance with state and federal laws and regulations.
- All R/W functional areas are subject to review. This includes project delivery right of way activities such as appraisals, acquisitions, utility relocations, etc. and may include additional right of way responsibilities like property management and disposal of excess lands.
- These reviews should occur at each R/W activity, so any deficiencies discovered can be corrected, prior to moving onto the next R/W activity. (e.g. Appraisals reviewed prior to start of Acquisitions, Acquisition contracts reviewed prior to offer, Administrative Settlements reviewed prior to contract execution, etc.)
- Spot-check monitoring will normally be limited to no more than 25% of the total work performed.

Role of Local Agency

- Initiates early engagement and ongoing communication with Caltrans Right of Way Local Programs Coordinator
 1. Submits the Preliminary Engineering Right of Way (PERW) document (LAPM Exhibit 13-E) for each project
- Holds public hearings for projects
- Local agencies that are not qualified by Caltrans to perform all R/W functions must either hire a qualified local agency or consultant
 1. Administers Consultant Selection
 2. Manages right of way consultant contract
 3. Local Agency is ultimately responsible for actions of their R/W staff and consultant(s)

Role of Local Agency

- Administers Right of Way activities
- Prepares Right of Way Certification
 1. Local Agency must certify that all “*Uniform Act*” requirements have been satisfied on projects for which federal reimbursement will be sought
- Maintains records and proper retention of documents



RIGHT OF WAY ACTIVITIES – WHO CAN DO THE WORK?

Performing Right of Way Activities

The following options are available to Local Agencies in the performance of Right of Way activities:

- Use your own staff, if Caltrans has verified you have the appropriate Local Agency Qualification Level
- Contract with an Approved Qualified Local Agency
- Contract with a qualified consultant
- Mix of the above

Qualification - Local Agency

- Contact the District Right of Way Local Programs Coordinator to request approval of qualification status.
- Submit request package for qualification
- Right of Way Coordinator reviews Local Agency right of way procedures, staff resumes and staffing levels
- The Independent Office of Audits and Investigations (IOAI) may help with the review to determine if LA accounting procedures are compatible with Caltrans fiscal system
- Right of Way Coordinator notifies Local Agency of approval or denial, as appropriate



Qualification - Requirements

- Local Agency must have Right of Way Agent(s) qualified to perform all approved activities
- Must maintain adequate staff
- Must agree to conform to Department policies and procedures in order to meet State and Federal requirements
- Must adopt Caltrans Right of Way Manual for Federal-aid projects, or Local Agency manual - Realty Acquisition Manual Procedures (RAMP), if approved by Caltrans

Qualification - Levels

- Level 1
 - Perform one or more specific functions
 - One project at a time
- Level 2
 - Perform some specific functions
 - More than one project at a time
- Level 3
 - Perform most or all right of way functions
 - More than one project at a time



PARTNERING

Contracting with a Qualified Agency

- District Right of Way Coordinator can assist Local Agency with finding a qualified agency in your area
- A written contract is required



Contracting with a Consultant

- When Local Agency chooses to contract out right of way activities to consultant:
 - Must follow the competitive selection process consistent with criteria and process specified in the LAPM Chapter 10
 - Contract terms and conditions must be clearly stated
 - Support costs for RW Consultants must be identified in RW E-76; not A&E work



Consultant Selection

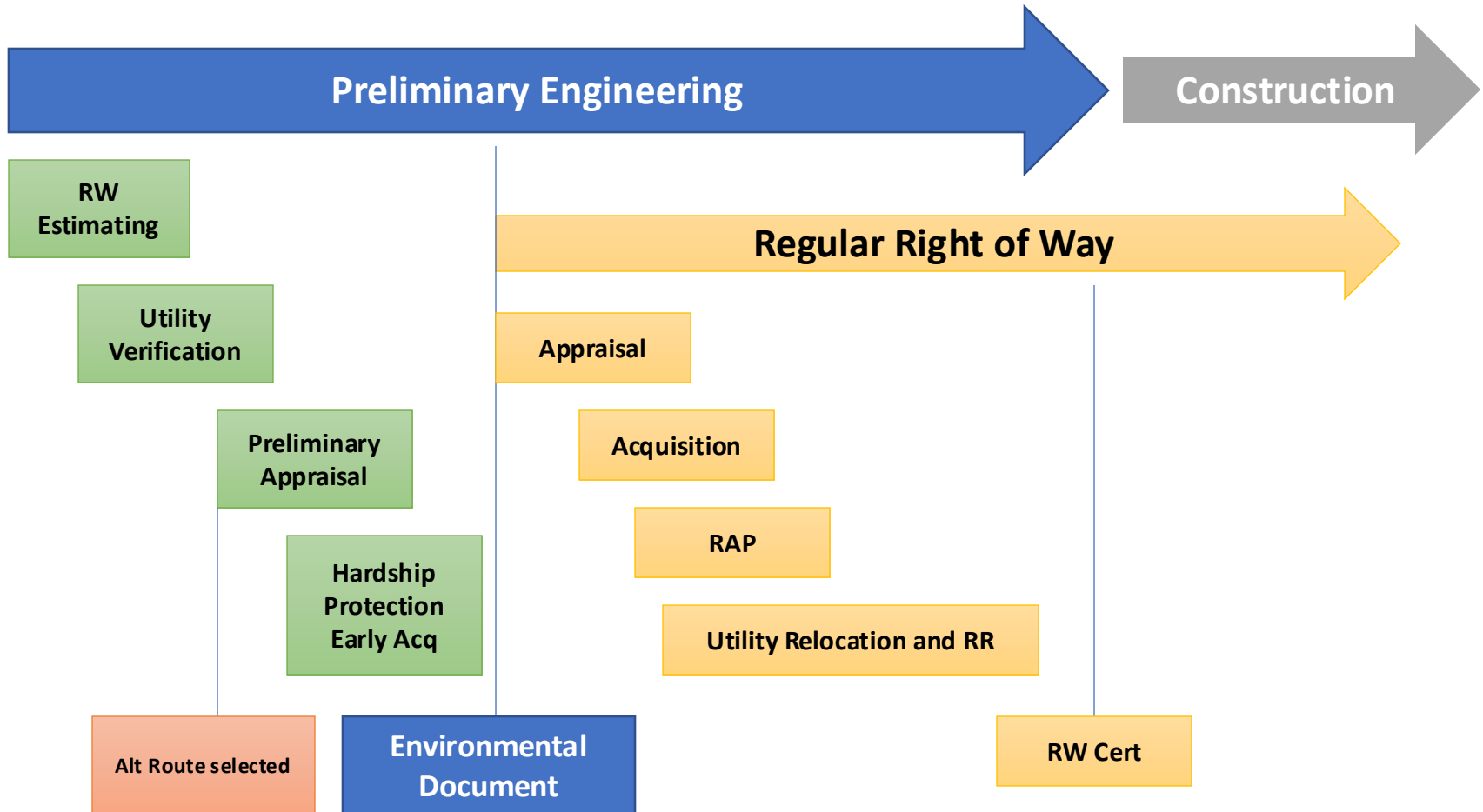
- Request for Proposal (RFP) and Request for Qualifications (RFQ) in Local Assistance Procedures Manual (LAPM) Chapter 10
 - Local Agency must maintain written documentation of the consultant selection process and is responsible for verifying necessary certificates/licenses, education and experience to perform r/w functions
 - Consultant must perform right of way functions to the same standards, practices, rules, and regulations as outlined in the Caltrans Right of Way Manual and LAPM

Right of Way Contract Management

- Designate a Right of Way Contract Manager
- Contract Manager Responsibilities:
 - Perform functional review for each right of way activity
 - Review and approve work products and requests for payment
 - Ensure consultant follows the Caltrans Right of Way Manual and Local Assistance Procedures Manual (LAPM)
 - Prepare interim/final contract reports and performance evaluations
 - Local Agency maintains responsibility for consultant actions in performance of contracted activities and conformance with Uniform Act

RIGHT OF WAY FUNCTIONS

Right of Way Activities: Project Development



Preliminary RW Activities/Preliminary Engineering (PE) Phase

All RW studies necessary to achieve NEPA:

- Early stage in the project development process
- Evaluate project RW requirements
- Field Reviews
 - Project Limits, location (including existing utilities)
 - Scope, cost, any additional right of way required
- ROW Cost Estimate (*Accurate!!*)
- Work involving contact with property owners for purposes of negotiation and relocation assistance must normally be deferred until after NEPA approval

Preliminary RW Activities/Preliminary Engineering (PE) Phase

Complete the Preliminary Right of Way Engineering Form (PERW) (LAPM Exhibit 13-E)

- Companion document to the Preliminary Environmental Studies (PES) document.
- Initial notification to the district RW office of an upcoming project
- Early Engagement allows for RW staff to develop an oversight plan for review of RW deliverables
- Early coordination will save time when it is time to deliver the RW certification form

Right of Way Phase Work

- Appraisal and Acquisition
- Relocation Assistance
- Utility Relocation and Railroad Coordination
- Property Management, Clearance and Demolition
- Right of Way Certification
- Project closeout and record retention
- Excess Lands Management

Federal Authorization E-76

- Authorization for Right of Way Phase
 - Provide capital and support cost for ROW phase activities
 - All project ROW, temporary or permanent
 - Relocation Assistance payments
 - Utility relocation
 - Railroad conflicts



Estimating

- Performed in early stage of project development
- Estimate Right of Way costs including Acquisition, Relocation Assistance, Demolition, Permit fees, Railroad, and Utility Relocations
- Field Review Form (LAPM Exhibit 7-B) must be completed accurately by an experienced & knowledgeable Real Estate professional



APPRAISALS

Appraisals – 49 CFR 24.2 (a) (3)



*A **written** statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.*

Market Value – CCP 1263.320

- (a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
- (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable

Appraisal Requirements

- Property owner must be notified in writing and provided with a Title VI brochure.
- Property owner must be invited to accompany appraiser during property inspection and, if obtaining their own independent appraisal, will be reimbursed up to \$5,000 (CCP 1263.025).
- Dual appraisal reports should be considered for unusually complicated properties or properties exceeding \$500,000 in value.

Appraisal Criteria

- An appraisal should contain the following items:
- Physical and legal characteristics of the property being appraised (if partial acquisition, an adequate description of the remaining property), including personal property, encumbrances, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history.
- All relevant/reliable approaches to value (Sales Comparison, Income, and Cost).
- Description of comparable sales, including a description of relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.
- Value of the property to be acquired. For a partial acquisition, a statement of the value of any damages and benefits to the remaining real property if any.
- Effective date of valuation, date of appraisal, signature, and appraiser certification.

Review Appraiser Role

49 CFR 24.104 Review of appraisals

- The agency shall have an appraisal review process.
- A qualified review appraiser shall
 - 1) Examine the presentation and analysis of market information in all appraisals to ensure that they meet the definition of appraisal.
 - 2) Identify each appraisal report as recommended (as the basis for the establishment of the amount believed to be just compensation), accepted (meets all requirements, but not selected as recommended or approved), or not accepted.



Waiver Valuations

- Can be used in lieu of an appraisal:
 - When value of parcel is less than \$15,000 and considered uncomplicated
- The “Waiver Valuation” does not qualify as an appraisal under [49 CFR 24.103\(a\)](#) and is to be used merely for documentation for support of the amount of just compensation to be paid to the property owner.
- A Waiver Valuation cannot be used in eminent domain proceedings.



Setting Just Compensation

- It is the responsibility of the local agency to set just compensation.
- This can be done by adding a line to the bottom of the review appraiser's certificate or by stating the same information in a separate memo
- Statement must be signed and dated by an employee of the local agency who has approving authority prior to the time the offer is made.
- Uniform Act (49 CFR 24.102(d)) requires that just compensation be based on the value stated in the approved appraisal.



ACQUISITION AND TITLE VI

Title VI Information For Grantors

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, or national origin (including limited English proficiency).

- Must deliver to property owners, tenants, and displacees applicable Title VI information: (Title VI brochure – available in multiple languages. • “Title VI of the Civil Rights Act of 1964 and Related Statutes” (02-EX-03), etc.)
- Per U.S DOT Mandate 1050.2A Assurances and Appendix, pertinent Title VI language was incorporated in the Right of Way Manual effective January 2022 and must be included in Right of Way Agreements as standalone separate clauses.
- Title VI clauses that are required in Right of Way Agreements can be found in Right of Way Manual Section 17.02.01.04 and the LAPM

Acquisition

- Acquisition Agent shall:
 - Contact property owner
 - In-person when safely possible
 - If in-person is not possible, document reason in diary
 - Promptly present written offer of just compensation
 - Allow owner sufficient time to consider offer
 - Verify delivery of Title VI information to owner and enter in diary notes
 - Maintain signed and dated parcel diary with record of contacts



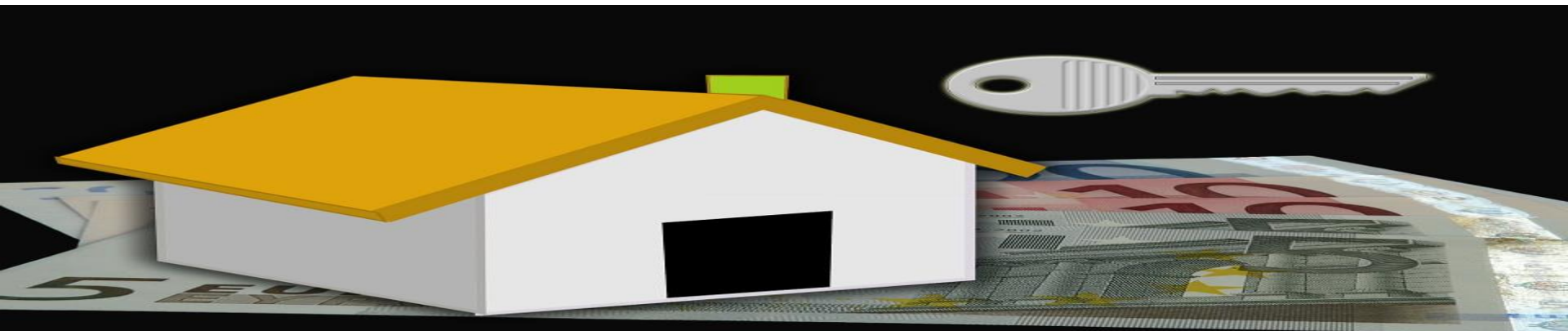
Acquisition (continued)

- Acquisition agent must be different from appraiser, unless under \$15,000 and non-complex
- Summary Statement describing basis of valuation must be given to owner
- Offer must be based on full amount of appraisal
- Cannot induce an agreement for the acquisition price by advancing or deferring legal action – considered a coercive action
- Pay the agreed purchase price before requiring the property owner to surrender possession of the property being acquired.

Acquisition (continued)

Other Options to Obtain Possession:

- Land already owned by Local Agency
 - Must document purchase occurred prior to project inception
- Donations
- Dedications
- Possession and Use Agreement (8-EX-25)



TCE and PTE&C

Temporary Construction Easement (TCE)

- TCE duration must be identified (NO FLOATING TCES)
- Start date must be on or before certification date
- TCE must have an expiration date listed
- TCE Extension should be reevaluated prior to expiration date, to confirm market value and reacquire

Permit to Enter & Construct (PTE&C)

- PTE&C is not identified as a project requirement
- PTE&C is typically discovered during construction & allows temporary access for construction purposes only
- PTE&C is solely for the benefit of the owner



Administrative Settlements

Administrative Settlements:

- Prior to filing of an eminent domain suit, a settlement exceeding the offer of just compensation may be negotiated with the owner
- Settlement is NOT to be used in lieu of an updated appraisal report
- All settlements that exceed the amount of the approved staff appraisal are subject to the requirements of 49 CFR 24.102(i)
- Authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest
- Written justification for the settlement must be prepared and provide adequate support, including trial risks
- When a settlement is reached on a residential property, it is important to notify Relocation Assistance, so the price differential benefit may be determined

Acquisition Prior to E-76

Early Acquisition

- Must comply with 23 CFR 710.501
- LPA must expend own funds
- Project must be non-controversial and preferred alternative has been made public at a public forum
- Parcels acquired voluntarily from owners, NOT under the threat of eminent domain

Hardship and Protection

- Defined under 23 CFR 710.503

Eminent Domain/Condemnation

When amicable agreement cannot be reached through negotiations, the governmental power of eminent domain may be utilized to acquire real property.

- Send Notice of Intent to seek a Resolution of Necessity
- Resolutions of Necessity
- Filing of Eminent Domain Action
- Funds on deposit with court – CFR 24.102(j)
- Request hearing for *Order for Possession*
- Order for Possession



REAL PROPERTY SERVICES AND EXCESS LANDS DISPOSAL

Real Property Services/Excess Land Disposal

Expectations:

- All properties purchased must be inventoried.
- All Properties are properly managed in accordance with the Caltrans Right of Way Manual - Property Management, Chapter 11.
- All agencies must follow the Caltrans RW Property Management Chapter.
- All Excess properties should be sold within 2 years after opening the roadway to traffic, or within two years after submitting the final voucher to the FHWA (whichever is earlier).

Real Property Services/Excess Land Disposal

Inventories:

- Upon purchase for transportation project, properties are inventoried. This could mean use of a fully capable computer database, to an excel spreadsheet. It depends on the agency, the project, and the budget for Local Agency.
- The goal of this inventory is to know ALL properties that have been purchased for project use until construction is completed.
- There are no federal rules as to what is being tracked, however, the State tracks the following characteristics: Parcel number, size, address, improvements, zoning, property taxes, rentable, tenants, tenant contact information, rental amount, project date, federal funding.
- LAPM Exhibit 13-F: Local Public Agency Real Property Services Checklist

Real Property Services/Excess Land Disposal

Excess Land Disposal:

- Local Agencies are instructed to follow certain portions of the Caltrans Right of Way Manual - Excess Lands, Chapter 16, pertaining to appraisals, reviews, and disposal processes.
- Caltrans 'RW16-5 Purchase and Sale Agreement –Public Sale' can be updated and used by local agencies.
- Properties must be sold at Fair Market, and funds deposited into a Title 23 Transportation project account. Exceptions to Fair Market Value must be approved by FHWA through a Public Interest Finding for social, economic, or environmental purposes. For example, an excess parcel sold to a local agency for community park development.



RELOCATION ASSISTANCE PROGRAM (RAP)

Relocation Assistance Program (RAP)

- Local Assistance Procedural Manual (LAPM) – Chapter 13
- Right of Way Manual – Chapter 10
- What is RAP?
- What is the Purpose of RAP?



Displacee(s)

- Displacements
- Displaced Person
 - Notice of Intent to Acquire
 - Initiation of Negotiations
- Persons Not Displaced

Determination of Eligibility

Residential

1. Their status as an owner or tenant
2. Length of occupancy in the residence at the time of the NIA or ION
3. Their status as a U.S. resident
4. Displacees are entitled to:
 - a. Advisory Services
 - b. Specific Advisory Services
 - c. Moving Costs
 - d. Replacement Housing Payments (RHP)

Contact with Displacee(s)

Residential

- List of documents/forms
- Moving before/prior to ION or NIA
- RAP Call
 - Owner
 - Tenant

Non-Residential

- Moving and Related Expenses
- Re-Establishment Costs
- In-Lieu Payment
- Consequential Displacement

Relocation Planning for Businesses

- Contact businesses early in the project
- Explain benefits
- Work closely with businesses
- No “Global Settlements”



Relocation Appeals

- Local Agencies must establish a Relocation Appeals Board and relocation appeals process
 - CT must approve the process and Board member qualifications
- Essential Members
 - Attorney
 - Relocation Subject Matter Expert (SME)
 - District coordination with Local Programs coordinator and District Local Assistance Engineer
- Meeting must be documented by meeting minutes

UTILITY RELOCATIONS



Utility Relocation – Definition

- “The adjustment of utility facilities required by the highway project. It includes removing and reinstalling the facility, including the necessary temporary facilities, acquiring necessary right-of-way on the new location, moving, rearranging or changing the type of existing facilities and taking any necessary safety and protective measures....”

(23 CFR 645.105)



Public Utility vs. Design Feature

• Public Utility

- Facilities provide service to general public
- Electric transmission/distribution line
- Telephone / Fiber optic line
- Petroleum, gas, water, sewer main line
- TV cable
- Fire hydrants (public)
- Streetlight **



Design Feature

- Facilities directly support the operation of the street or roadway
- Electric service to traffic signal, sign, streetlight
- Telephone / Fiber optic line used in traffic control, camera
- Drainage facilities and associated pipes and manholes
- Water line used in landscaping
- Streetlight **





Street Lighting, Storm Drains, and Signals are not typically considered a public utility and do not need a utility package.



Utility Verification Steps

Pursuant to Government Code Section 4215, governmental agencies shall make every reasonable effort to locate all existing utility facilities within the right of way of a proposed construction project, and to identify the facilities on construction contract plans. Failure to identify those utilities may make the agency liable for damages to facilities resulting from the planned construction.

Some tools for identifying and verifying Utilities:

1. Check R/W record maps.
2. Review old utility file(s) in the project area.
3. Check the County Recorder's Office.
4. Check with others in the Office.
5. USA or Dig Alert
6. Field Reviews
7. Encroachment permit files
8. Ground and aerial surveys

Utility Verification Steps

How to Verify Utilities:

- Prepare Verification Mapping using the collected information
- Maps should include existing and proposed right of way lines, and all collected utility information
- The Utility Coordinator shall send the mapping to Utility Owners requesting their facility mapping, or the verification of what is on the Local Agency prepared verification mapping
- The Utility Owners should be encouraged to add to the maps with as much detail and accuracy as possible to the extent available
- Allow the Utility Owners up to 30 days to respond, and the Utility Coordinator is responsible to follow-up to ensure the timely completion of the verification process.
- Pothole facilities for additional information and accuracy

Utility Verification Steps

Government Codes:

- Government Code Section 4215
 - Governmental agencies shall locate **all** existing utilities within the R/W and identify on project plans.
- Government Code Section 4216
 - Requires us to positively locate **exact location** of **all** underground utilities

POSITIVE LOCATION?



Utility Relocation Steps

- Identify utility conflict(s) – use verification plans, plat maps and pothole information to determine which facilities conflict with your project and prepare conflict mapping
- Utility Coordinator works with utility owner(s) to:
 - Resolve the conflict by developing the relocation plan & scheduling relocation
 - Agree on liability determination (who pays for the relocation)
- Furnish documents to Local Assistance (LA) Utility Oversight Coordinator for review
- Sign and send utility documents to the utility owners once directed to.
- Provide executed copies of all utility documents to the LA Utility Oversight Coordinator
- Fill out the R/W Certification (Exhibit 13-A or 13-B)

Utility Forms and Regulations

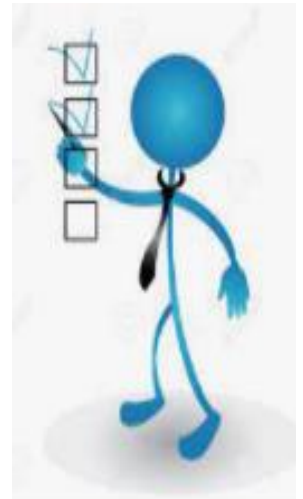
State Highway System - “On-System” vs. “Off-System”

Which Forms to use:

- Is your project on the local streets or roads? Your project is "Off-System" and use Chapter 14 of the Local Assistance Procedures Manual.
- If your project is on a State Highway, Freeway Expressway or Interchange, your project is "On-System" and use Chapter 13 of the Caltrans Right of Way Manual for your utility relocation.

Documentation of Utility Relocation

- Local Public Agencies must have a project specific file for each utility owner
- Files shall include the following items, but are not limited to:
 - Copy of Notice to Owner (Exhibit 14-D)
 - Report of Investigation (Exhibit 14-E)
 - Detailed estimate of relocation costs
 - Owner's Claim of Liability Letter
 - Utility Agreement (Exhibit 14-F or 14-I), if applicable
 - Utility Owner's approved Relocation Plan
 - Specific Authorization (Exhibit 14C's), if applicable

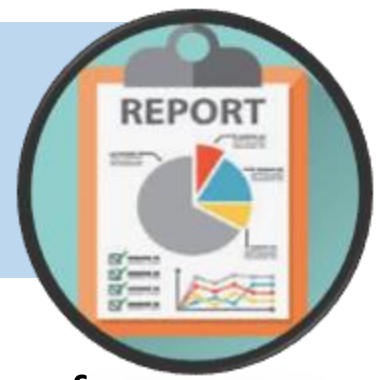


Claim of Liability Letter & Estimate

- Claim of Liability Letter from utility owner describing:
 - The breakdown of the liability and why (i.e. 100% Owner expense pursuant to franchise installation)
 - Who is doing the relocation work (i.e. Owner or LA contractor)
 - What plans are being used? (must specify the use of LA project plans if owner's plans aren't used) Utility Owner must sign if LA project plans are being used
 - Helpful if number or working days required is included.
- Estimate of cost should include:
 - All relocation costs
 - Should not include contingencies
 - Credits and salvage are required to be shown



Report of Investigation



- Needed for all utility conflicts where the Local Agency pays for any portion of the relocation
 - Describes the project, conflict, and relocation plan
 - Proof of Owner's prior rights
 - Signed by Utility Coordinator Local Agency(LA) and Caltrans (Delegated District Representative)
 - Internal document for Caltrans or LA, do not send this document to Utility Owner. (copy must stay in file)
 - Must have a narrative in Section 8, this can be included as an attachment
 - A color coded or approved relocation plan must be included with every liability package.



Notice to Owner (NTO)

- A legal Notice requiring a utility owner to relocate its facilities
- NTO number is chosen by the Local Agency. Must match ROI and UA numbers (NTO number on Local Programs projects provided by Caltrans)
- Must be a unique number for each utility facility or file (I.e. PG&E 1234.1, AT&T 1234.2)
- Includes:
 - What facilities are in conflict (i.e. water facilities, telephone pole, telephone vault, etc.)
 - What is happening (relocate your electric facilities in accordance with plan number 123, dated 1/2/34, consisting of 3 sheets)
 - Relocation schedule (must have specific start and end dates)
 - Local Agency Contact information
 - Liability Determination
 - Each Notice must be signed by an authorized representative





Notice to Owner (NTO)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
NOTICE TO OWNER - LOCAL ASSISTANCE
LAPM 14-D (NEW 05/2019)

Local Assistance

(To fill out a Revised Notice to Owner, click on the following button)

LAPM 14-D-REV Revised Notice to Owner - Local Assistance Number: _____

(Name of LOCAL AGENCY) _____

COUNTY	ROUTE/STREET	POST MILE	PROJECT NUMBER

Federal Aid Number: _____

Owner's Plan Number: _____

Date: _____ "On-System": ☐ YES ☐ NO

To: (Name of the Owner) _____
(Owner Address) _____

Because of the transportation project to _____
(project description) _____

(Name of the City and County) _____, which affects your facilities: (impacted facility) _____
as shown on Map (Number) _____.

You are hereby ordered to: _____

Your work schedule shall be from (beginning date) _____ to (end date) _____

Notify (Name of Project Engineer) _____ at (telephone number) _____ hours prior to _____
and an additional _____ hours notification for subsequent starts when the work schedule is interrupted.

Liability is _____ % Owner (or Agency) _____ pursuant to _____

Owner Rep: _____
Public Works Coordinator
(Rep's address if differ from the above) _____

cc: Resident Engineer Permits _____ By _____ Local Agency Director _____

THIS NOTICE DOES NOT CONSTITUTE A PERMIT. OBTAIN AN ENCROACHMENT PERMIT BEFORE STARTING WORK.

Distribution: 1) Owner, 2) Utility Coordinator - File, 3) RE - File
4) DLAE - File, 5) District Utility Coordinator - File

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information contact the Records and Forms Management Unit at (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95833.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
REVISED NOTICE TO OWNER - LOCAL ASSISTANCE
LAPM 14-D-REV (NEW 03/2019)

Local Assistance Procedures Manual

LAPM 14-D Notice to Owner - Local Assistance Number: _____

(Name of LOCAL AGENCY) _____

COUNTY	ROUTE/STREET	POST MILE	PROJECT NUMBER

Federal Aid Number: _____

Owner's Plan Number: _____

Date: _____ "On-System": ☐ YES ☐ NO

REVISION DATE: _____ This revision is acknowledged and agreed to by the owner referred to herein By: _____

To: (Name of the Owner) _____
(Owner Address) _____

Because of the transportation project to _____
(project description) _____

(Name of the City and County) _____, which affects your facilities: (impacted facility) _____
as shown on Map (Number) _____.

You are hereby ordered to: _____

Your work schedule shall be from (beginning date) _____ to (end date) _____

Notify (Name of Project Engineer) _____ at (telephone number) _____ hours prior to initial start of work,
and an additional _____ hours notification for subsequent starts when the work schedule is interrupted.

Liability is _____ % Owner (or Agency) _____ pursuant to _____

Owner Rep: _____

Utility Agreements

- A Utility Agreement is required in some circumstances
 - When there is a project obligation to pay \$1
 - When LA contractor is doing the work for the utility owner (even if reimbursed by the utility owner)
- Use Exhibit 14-F or 14-I from the LAPM, Chapter 14
- Shall contain the appropriate standard clauses contained in Exhibit 14-G, LAPM Chapter 14
- All Utility Agreements must be fully executed prior to right of way certification



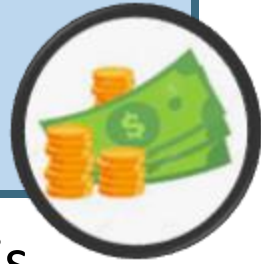
Federal Authorization to Proceed with Utility Relocation



- Right of Way Utility E-76 is required when Local Agency seeks reimbursement for work performed by utility owner (Work with DLAE)
 - Construction E-76 is required when work is performed as a contractor bid item
 - Any costs for work performed prior to the E-76 approval date are ineligible for federal aid
 - E-76 must list owner's names, each facility type and estimate of cost for necessary relocation
- Qualifications for reimbursement
 - The utility relocation was caused by the project
 - Local Agency is legally liable for the cost
 - No betterment is being sought



Ex 14-C Specific Authorization



- Needed when the Local Agency expends any money, and is requesting federal reimbursement for utility relocation
- Also needed for FHWA approval of the Utility Agreement
- Exhibit 14-C is used to transmit Specific Authorization
- Approval required prior to beginning any physical work
 - Signed by Caltrans Senior Right of Way Agent
- 100% Owner expense liability is **NOT** eligible for Fed Aid
 - No Specific Authorization required



Ex 14-C Specific Authorization



Local Assistance Procedures Manual

EXHIBIT 14-C
FHWA Specific Authorization/Approval of Utility Agreement

EXHIBIT 14-C FHWA SPECIFIC AUTHORIZATION/APPROVAL OF UTILITY AGREEMENT

Memorandum

To: **DEPARTMENT OF TRANSPORTATION**
LOCAL ASSISTANCE

Date: _____
File No.: _____

Attention: _____
(District DLAE)

From: _____
(Local Agency)

Subject: ☐ FHWA SPECIFIC AUTHORIZATION TO RELOCATE UTILITIES
☐ FHWA APPROVAL OF UTILITY AGREEMENT

OWNER'S NAME: _____

PROJECT DESCRIPTION: _____

NOTICE NUMBER: _____ UA NUMBER: _____

E-76 ALT PROC APPROVED: _____ PROJECT ID or EA: _____

STATUS

CERTIFICATION

DATE: _____ RELOCATION COST ESTIMATE: \$ _____

DESCRIPTION OF RELOCATION WORK: _____

REMARKS:

- ☐ THE UTILITY RELOCATION WORK AUTHORIZED COMPLIES WITH THE PROCEDURES IN 23 CFR 645.
☐ THE UTILITY AGREEMENT APPROVED COMPLIES WITH THE PROCEDURES IN 23 CFR 645.
☐ THE PROPOSED ADJUSTMENT OF UTILITY FACILITIES TO BE PERFORMED BY THE LOCAL AGENCY'S HIGHWAY CONTRACTOR IS APPROVED. PAYMENT FOR THE UTILITY ADJUSTMENT WILL BE VOUCHERED THROUGH THE CONSTRUCTION PHASE. THEREFORE, THE AUTHORIZATION DATE FOR THIS WORK WILL BE THE DATE THAT FHWA APPROVES THE CONSTRUCTION PROJECT.

EFFECTIVE DATE: _____ BY: _____
(District Right of Way Utility Coordinator)

Distribution: 1) Utility Coordinator – File
2) DLAE – File
3) District Right of Way Utility Coordinator – File,
4) Office Chief – Federal Programs Accounting (MS-33)
5) Office Chief – Budget Federal Resources (MS- 24)
6) Office Chief – HQ Right of Way Utilities (MS-37)

Buy America Background



Made in
the USA

- MAP-21 effective October 1, 2012
 - Moving Ahead for Progress in the 21st Century Act
- All iron and steel permanently incorporated into a highway project must be melted and manufactured in the USA
- Build America, Buy America as part to the IJA of 2021 expands materials and products that are required to be compliant with the new regulations.
 - Infrastructure Investment and Jobs Act of 2021 (IIJA)
- Use Clauses from Exhibit 14-G, Section V to address Buy America.
- If there is \$1 on any portion of a project (environmental, or just construction) Buy America must be followed.

Buy America Basics

- New Buy America Regulations per IIJA of 2021
- Expands Buy America Regulations to three categories (iron and steel products, construction materials, and manufactured products)
- Triggered by federal funding on any phase of the project
 - Date Relocation Claim of Liability Letter sent to Owner determines BA
 - Applies even when no federal money is used for the Right of Way phase or utility relocation(s)
 - Applicable when Local Agency has **any liability** for the cost of the relocation
 - If 100% Owner expense and no UA is needed, Buy America does not have to be followed
 - Owner cannot waive reimbursement to avoid Buy America
 - Local Agency cannot use local funds to avoid Buy America

Buy America Compliant Materials and Manufactured Products

- Iron and Steel
 - DD - 119
- Construction Materials
 - Non-ferrous metals, plastics and polymer-based products, glass, lumber and drywall, fiber optic cables, optical fiber, and engineered wood
- Manufactured Products
 - Waiver from 1983 is undergoing review

Buy America Resources

Important Link:

- FHWA

<http://www.fhwa.dot.gov/construction/cqit/buyam.cfm>

RAILROAD INVOLVEMENT

WHO IS THE DISTRICT RAILROAD COORDINATOR (DRC)?



- Every district has a DRC who is the point of contact for Design/Construction when railroad operations lie within the limits of a project. The DRC is involved from the data sheet through construction.
- The DRC works closely with the HQ's Railroad Agreements group, which is part of the RWLS Office of Railroad and Utility Relocation.
- Depending on the district, the DRC duties can be in addition to other duties such as acquisition, appraisal or it may be the agent's sole duties.

What does the DRC do?

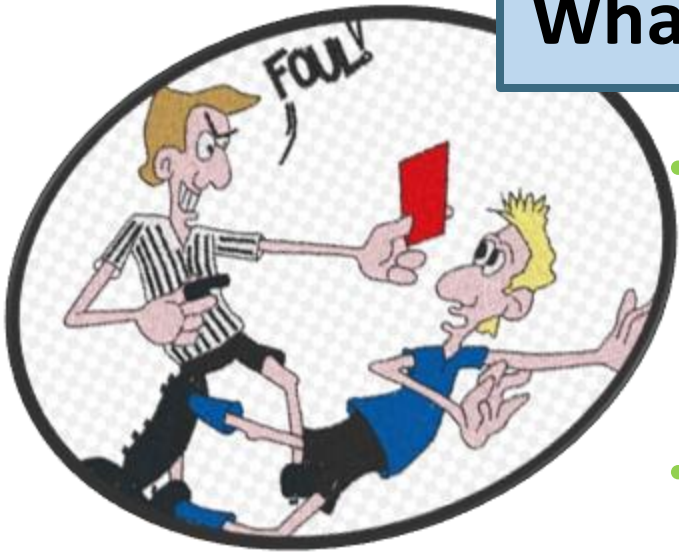


It is the responsibility of the DRC/LPA to clear all railroad involvement on a project. In order for a project to make Right of Way Certification, the DRC/LPA will coordinate one or more Railroad Agreement.

The following are typical types of railroad agreements:

- **Right of Way Agreements (RWA's)** for railroad activities such as preliminary plan review, flagging support and/or inspections when a C&M is not necessary. Flagging is one of the most important agreements.
- **Construction and Maintenance Agreements (C&M's)** for projects where the crossing is being significantly changed.
- **RR Right of Entry's (ROE's), CPUC authorization, wireline permits, and other permits**

What defines Railroad involvement?



- Most common scenario - If the work is going to be within 25 feet of the centerline of the track or within, over or under the railroad's corridor.
- There is a possibility of **fouling** the track. An example of **fouling** is any item, any activity, any person and/or any piece of equipment crossing into the corridor/track boundaries.
- Railroad involvement requires coordination with a railroad company and may also require coordination with California Public Utilities Commission.
- 2 miles of RR track







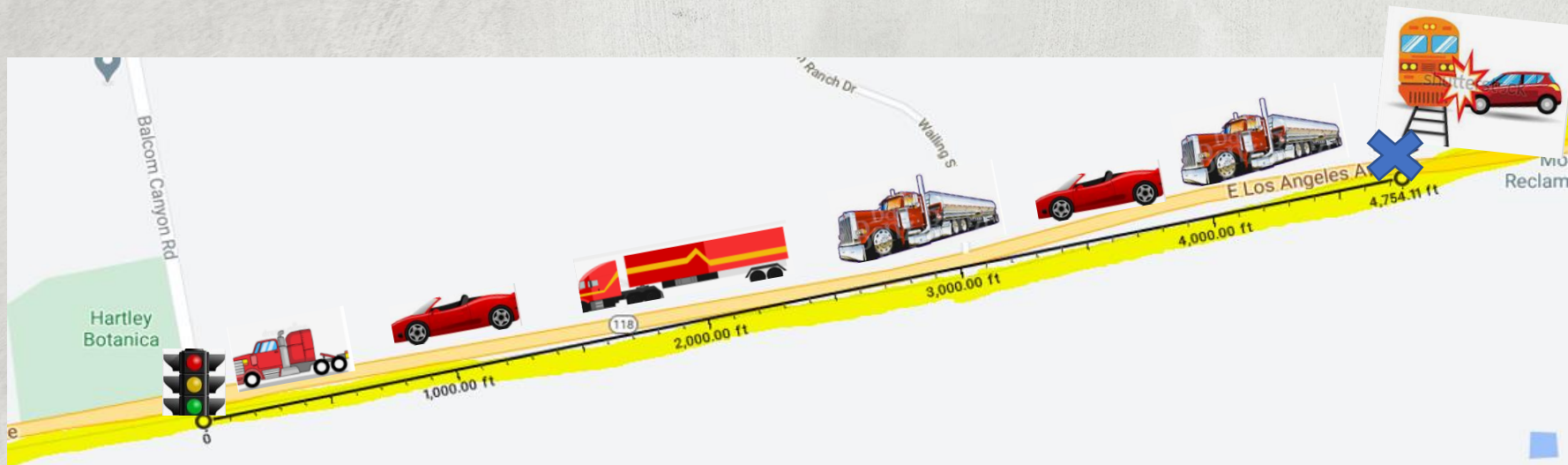
Background: In the past, highway projects have negatively impacted railroad traffic where the proposed work was not properly vetted for impacts on the nearby railroad.

When assessing the impact of a project on a nearby rail corridor, a highway project must take into consideration the same factors used to assess the safety requirements for all at-grade rail crossings.

- Will construction affect the traffic count?
- Will construction affect the traffic speed?
- Will construction affect the traffic alignment?

To ensure all possible impacts are considered, it is recommended that the railroad review the project plans.





A new signal has been installed at the intersection of Balcom Canyon Road & Highway 118. As a result of the new signal light, traffic has begun queuing onto the Railroad tracks, approximately 1 mile away.

The 2-mile recommendation was not used...





IN CASE OF AN EMERGENCY

What are the top Recommendations for success:



Identify

- Identify Railroad involvement early and Involve the DRC.

Design

- Design your project based on the railroad's guidelines. ***CPUC design approval is required when Railroad involvement is within the public roadway.**

Ensure

- Ensure the project has funding for RR work/activities.

Develop

- Develop a reasonable schedule and allow time for resubmittals.

Avoid

- Avoid Scope changes.

EXTRA! EXTRA!
LAST BUT
NOT LEAST



- **Railroads Control their Right of Way, with Superior rights (49 CFR 214, Subpart C). They outdate most agencies across the country.**
- **Their main focus is track safety.**
- **Except in an absolute emergency situation, trains cannot be diverted.**

RIGHT OF WAY CERTIFICATIONS

Right of Way Certification – What is it?

RWC is a written statement summarizing the status of all right of way related matters pertaining to a proposed federal-aid construction project. The purpose of the RWC is to document the construction project is ready for advertising and states:

- Real property interests have been, or are being, secured.
- Physical obstructions including utilities and railroads have been or will be removed, relocated, or protected as required for construction, operation, and maintenance of the proposed project.
- Right of way acquisition and relocation assistance program requirements were conducted in accordance with the Uniform Act, applicable federal and state laws, and procedures.

Right of Way Certification

- RWCs are required for any project that has a PS&E package.
- A RWC is needed to get Federal reimbursement
 - This includes Emergency Reopening projects. Construction can begin without a RWC, however, a RWC will still need to be completed to get Federal reimbursement
- You must have a Right of Way Certification to request Construction Authorization

Levels of RW Certification

- A right-of-way certification states that the properties needed for construction of the project have been obtained, they are clear of any utilities and structures which must be moved plus persons or businesses displaced by the project have been relocated.
- In some limited circumstances, the agency may proceed with advertising for construction bids prior to the elements of certification being completed if it will not adversely affect any owners or occupants nor impede the construction contractors' activities.
- There are four (4) levels of RW certifications that can be utilized depending on the circumstances and status of RW acquisitions of property rights and/or relocation of displaced persons
 - Level 1
 - Level 2
 - Conditional Level 3
 - Specific Level 3 with Work-Around

Levels of RW Certification

RW Certification Level 1

- No acquisition is required, or
- Full legal and physical possession of all parcels
- Can advertise and award construction contract

Levels of RW Certification

RW Certification Level 2

- Physical Possession but not legal rights on at least one parcel
 - Right of Entry (RoE)
 - Possession and Use Agreement (P&UA)
- Can advertise and award

Levels of RW Certification

RW Certification Conditional Level 3

- Resolution of Necessity have been obtained, however, Orders of Possession hearing and service dates may not be effective yet
- Can advertise construction contract, but cannot award the contract until the Cert has been upgraded to a Cert Level 1 or 2
- Memorandum of Justification must be submitted with RWC, with a full justification as to why a Conditional Level 3 is needed
- Due to the complexities with RWC level 3, there are additional approvals required, increasing the turn-around time for acceptance

Levels of RW Certification

RW Certification Level 3 with Work-Around

- RON has been obtained from the LPA board
- Orders for Possession hearing and service dates may not be effective yet
- Only to be used in extraordinary circumstances
- Memorandum of Justification is required with submittal
- Can advertise and award construction contract (bid package must identify workaround parcels)
- Cert must be updated 15 days prior to construction contract bid opening

Right of Way Certification Forms

Off-System Projects:

- Right of Way Certification Short-Form, LAPM Ex. 13-A
 - Can be used when all construction activities take place when there is no acquisition of property rights
 - No occupant is being displaced
 - No utility relocation except for adjusting manhole or box covers to new grade
 - No railroad involvement
- Right of Way Certification Long Form, LAPM Ex. 13-B

On-System Projects:

- Right of Way Certification, Right of Way Manual, Exhibit 17-EX-18

Right of Way Certification - Information and Attachments

- Submit Certification giving adequate time for CT/FHWA review
- Ensure information on certification is accurate, on correct/current form, comprehensive and consistent with the plans that will be submitted with PS&E
- Include all required attachments
 - Resolution signed by City/County Council or Board identifying LPA staff with signing authority, if one is not on file with district RW Local Programs office from previous submittal
 - Specific Authorization (Exhibit 14C)

RW Certification Time Considerations

- Review and Acceptance by Caltrans
- Conditional Certification 3 and Special Certification 3 with Work Around require review and approval by Caltrans and require FHWA approval– must show unusual circumstances
- Must submit a schedule for realistic/logical plan of timely delivery



Updating a Right of Way Certification

- RW Certifications over a year old from the time the LPA submits the RFA for CON phase must be updated to confirm there are no project scope changes and re-certified
- In the case of RWC Level 3s, a revised updated/upgraded cert is needed 15 days prior to bid opening.



WRAP-UP

Documentation & Record Retention

- Good documentation is essential to reflect regulation compliant activities
 - A R/W diary must be completed for each R/W activity
 - Diary notes shall be comprehensive to show the full process and interactions with property owners
- Record Retention: Three years after project final vouchering
- Required records:
 - Parcel files with diaries
 - Utility files
 - Etcetera



Where Do I Go for More Information?



Caltrans Right of Way – Local Programs website:

<http://www.dot.ca.gov/hq/row/localprog/index.htm>

Caltrans Local Assistance website: <https://dot.ca.gov/programs/local-assistance>

Contact Your Caltrans District Right of Way Local Programs Coordinator
(Current Contact List provided in Handouts)

Wrap-up



Questions?



Thank You for Attending!