



HQ DIVISION OF LOCAL ASSISTANCE-OFFICE OF LOCAL RIGHT OF WAY

Right of Way Certification 3 and 3W

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Policy Update



[Office Bulletin #25-03](#): Right of Way Certification Approvals for Level 3/3W

- ❖ Effective August 2024 per FHWA/Caltrans Stewardship and Oversight Agreement
- ❖ All Right of Way Certification considered Conditional No. 3 and Special Certification No. 3 with Work-Around (3W), requires approval from Caltrans HQ Right of Way & Land Surveys and FHWA.

Policy Update

OFFICE BULLETIN #25-03: RIGHT OF WAY CERTIFICATION APPROVAL FOR LEVEL 3/3W

Publication Changes

Changes to the LAPM supersede the existing 2025 LAPM publication and will be hard coded in the January 2026 version.

LAPM Chapter 13

Section 13.2.1 FHWA Role

Section 13.10.1 Special Certification No. 3 with a Work-Around (3W)

Section 13.10.2 Time Requirements for Right of Way Certifications

Section 13.11 Acceptance of Right of Way Certification

Exhibit 13-B Right of Way Certification Local Assistance Project

Certification Conditional Level 3



Resolution of Necessity (RON) has 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 Certification has been upgraded to a Certification Level 1 or 2

Memorandum of Justification must be submitted with Right of Way Certification, with a full justification as to why a Conditional Level 3 is needed

Due to the complexities with Right of Way Certification level 3, there are additional approvals required, increasing the turn-around time for acceptance

NOTE: HQ Right of Way & FHWA Approval is required for all Certification Levels 3 & 3W

Certification 3 with Workaround (3W)



- ☒ 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)
- ☒ Certification must be updated 15 days prior to construction contract bid opening

NOTE: HQ Right of Way & FHWA Approval is required for all Certification Levels 3 & 3W

RIGHT OF WAY CERTIFICATION

	Cert 1	Cert 2	Cert 3 with Workaround	Cert 3
	Project can be advertised and awarded	Project can be advertised and awarded	Project can be advertised and awarded	Project can be advertised but not to be awarded until Cert is upgraded to a Certification 1 or 2
REAL PROPERTY INTERESTS	No acquisition required or Full legal and physical possession of all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Effective Order of Possession 	Full legal and physical possession of almost all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Effective Order of Possession 	Full legal and physical possession of all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Order of Possession • Update of Cert required two weeks prior to Bid Opening 	Full legal and physical possession of all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Order of Possession • Upgrade to Cert 1, 2 or 3W required two weeks prior to bid opening
		Physical possession but not legal rights on at least one parcel (or more) under: <ul style="list-style-type: none"> • Right of Entry (RoE) • Possession and Use Agreement (P&UA) 	Physical possession but not legal rights on at least one parcel (or more) under: <ul style="list-style-type: none"> • Right of Entry (RoE) • Possession and Use Agreement (P&UA) 	Physical possession but not legal rights on at least one parcel (or more) under: <ul style="list-style-type: none"> • Right of Entry (RoE) • Possession and Use Agreement (P&UA)
			<ul style="list-style-type: none"> • Does <u>not</u> have legal possession or physical possession on at least one remaining parcels but will have a workaround identified for such parcels under a Resolution of Necessity with a target date of when it will be available to the contractor. 	Does <u>not</u> have legal possession or physical possession on at least one remaining parcels but will have obtained a minimum of a Resolution of Necessity on such parcels at time of certification.
OCCUPANTS	All occupants have been vacated	All occupants have been vacated	At least one occupant has not been vacated but will be relocated by the workaround date	At least one occupant has not been vacated but will be relocated by the bid opening
CLEARANCE / DEMO	All arrangements have been made to remove, relocate, or protect all physical obstructions			
UTILITIES & RAILROAD	All arrangements have been made to resolve all utility conflicts (Including utility facilities owned by the local agency)			
	All arrangements have been made to address all railroad impacts			

Information Contacts





Information



DLA-Office of Local R/W-Internet

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[Office of Local Right of Way | Division of Local Assistance](#)

- ① Training Videos
- ① Local Assistance Procedures Manual
- ① Caltrans Right of Way Manual
- ① R/W Forms/Exhibits
- ① Resources

Local Right of Way Contacts

California Department of Transportation
 HQ Division of Local Assistance
 Office of Local Right of Way



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General Questions & Training Opportunities:
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We welcome your questions.