

**EXHIBIT 13-B RIGHT OF WAY CERTIFICATION**  
**LOCAL ASSISTANCE PROJECT**  
 (Off State Highway System)

CITY OF \_\_\_\_\_ (OR)  
 COUNTY OF \_\_\_\_\_

**NOTE:** This form is intended for use on local assistance projects, off the State Highway System (SHS), where federal funds are used and where Right of Way (R/W) or rights in real property are required. This form could also be used when work required for local agency projects encroaches onto the SHS.

**ONLY THE PARAGRAPHS RELATING TO THE SPECIFIC PROJECT SHOULD BE USED**

Right of Way Certification No. \_\_\_\_\_ Project ID: \_\_\_\_\_  
 (Insert 1, 2, or 3 for the type of Certification being made)

Project Location: \_\_\_\_\_

General Project Description: \_\_\_\_\_

**1. STATUS OF REQUIRED RIGHT OF WAY**

Right of way (has been) (will be) acquired in accordance with applicable policy and procedure covering the acquisition of real property. (City) (County) (has) (will have) legal and physical possession and right to enter on all lands as follows:

A. Total number of parcels required \_\_\_\_\_<sup>1</sup>

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded) \_\_\_\_\_

Parcel Number	Owner	Project R/W Required <sup>2</sup>	Excess (Yes or No)	Close of Escrow Date

2. Parcels covered (or anticipated to be covered) by Order for Possession \_\_\_\_\_

Parcel Number	Owner	Project R/W Required	Effective Date

3. Parcels covered by Right of Entry \_\_\_\_\_

Parcel Number	Owner	Project R/W Required	Type <sup>3</sup>	Effective Date	Date Funds Made Available to Owner <sup>4</sup>

<sup>1</sup> Parcels listed in Items A1-A7 should total the number shown on line A above.

<sup>2</sup> Items A1-A6: List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements. (To add table rows, set cursor to right of last column in empty table set, then press enter, additional tables will populate.)

<sup>3</sup> List as either right of entry (RE) or, early possession clause (PC) included in right of way contract

<sup>4</sup> If no entry is made in this column, a full explanation is required

## 4. Parcels covered by Right of Entry executed prior to appraisal \_\_\_\_\_

Parcel Number	Owner	Project R/W Required	Effective Date

## 5. Parcels covered by Resolution of Necessity only \_\_\_\_\_

(Used only rarely in a Certification No.3 situation where the project must be advertised, the Resolution of Necessity has been adopted but the Order of Possession (OP) has not yet been served)

Parcel Number	Owner	Project R/W Required	City/County Resolution Date	Anticipated OP Effective Date

6. Parcels covered by other acquisition documents as follows:<sup>5</sup> \_\_\_\_\_

Parcel Number or Location (P.M./K.P.)	Owner	Project R/W Required	Type Document	Effective Date	Expiration Date

## 7. Number of Parcels with a value in excess of \$500,000 \_\_\_\_\_

Dual Appraisal for each parcel? \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Construction Permits required<sup>6</sup> \_\_\_\_\_

Location (P.M./K.P.)	Owner	Type Document	Effective Date	Expiration Date

**2. STATUS OF ACCESS CONTROL**

## A. Conventional Highway, not required

(OR)

## B. Freeway/Expressway

(OR)

C. Non-Interstate Access Controlled Highway (or other facility with access control) (Access Being Acquired-Use with (b) or (c) above). Except as provided in the approved plans for the project, all right to access to, or from the section of highway to be improved under the project and the abutting property either are prohibited by law, or have been acquired, or are being acquired in condemnation proceedings heretofore commenced and which will be prosecuted to completion.

<sup>5</sup> This section is meant to cover acquisitions where the document is a license or permit, not otherwise covered by A1-A5 above.

<sup>6</sup> Detail should be added showing expiration dates of documents with fixed termination dates, such as temporary easements. Include Caltrans encroachment permits where applicable.

(OR)

(Access Previously Acquired-Use with (b) or (c) above) Except as provided in the approved plans for the project, all rights of access to, or from the section of highway to be improved under the project and the abutting property either are prohibited by law, or have been acquired under a previous project.

**3. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES**

None affected.

(OR)

The \_\_\_\_\_ Railroad has approved the proposed work, which is within their right of way but which does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

(OR)

The \_\_\_\_\_ Railroad (and when needed, the Public Utilities Commission) has approved the proposed work, which is within the railroad right of way and does require the adjustment of railroad facilities. The railroad, or its contract forces, will provide the necessary labor, materials and/or equipment to adjust their facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

CPUC Approval Type and Date: \_\_\_\_\_

C&M Execution Date: \_\_\_\_\_

**4. MATERIAL SITE(S) - Select appropriate statement:**

None required

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

Parcel Agreement	Owner	Document Effective Date	Expiration Date

**5. DISPOSAL SITE(S) - Select appropriate statement:**

None required

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

Parcel Agreement	Owner	Document Effective Date	Expiration Date

**6. STATUS OF REQUIRED UTILITY RELOCATIONS** (Select appropriate statement(s) and remove those that do not apply)

None required

(OR)

Utility agreements are not required on this project, therefore Buy America requirements do not apply.

(OR)

Check the appropriate box(s):

☐ Project specific utility agreement(s) is(are) fully executed and include(s) the Buy America language.☐ Project is not covered by NEPA document and Buy America requirements do not apply.

(AND)

All utility work has been completed in accordance with applicable policy and procedure covering the adjustment of utility facilities.

(OR)

All utility work will be completed in accordance with applicable policy and procedure covering the adjustment of utility facilities by a stated date prior to award of the contract (see schedule below).

(OR)

All necessary arrangements have been made for the completion of all remaining utility work in accordance with applicable policy and procedure covering the adjustment of utility facilities required to be coordinated with project construction. The special provisions in the contract provide for the coordination (see schedule below).

(AND)

Arrangements have been made with the owners of all conflicting utility encroachments, which will remain within the right of way of the project so that adequate control of the right of way will be achieved.

(AND)

Utility notices have been issued. (If applicable)

Federal participation has been authorized. (If applicable.)

(AND when applicable)

The following utilities are located within the project Rights of Way but require no relocation:

Company	Type Facility

The following utilities are in conflict with the project and require relocation as follows: (If applicable)

R/W Notice and Notice Date	Company	Type of Facility	Liability % (Owner=O) (City/County=C) <sup>7</sup>	Utility Agreement. Date	Federal Participation (yes <sup>8</sup> /no)	Relocation schedule Date & End Date (or) Concurrent with construction (or) Bid Item/s listed below <sup>9</sup>

(AND)

Bid Item Number	Type Facility	Liability % (Owner/City or County)	Federal Participation (Yes/No)

## 7. RIGHT OF WAY CLEARANCE

There were no improvements or obstructions located within the limits of this project.

(OR)

All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction.

(OR)

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	Location (P.M./K.P.)	Description	Salvable/Non Salvable	Method of Disposal	Date Site Available to Construction Contractor

## 8. AIRSPACE AGREEMENTS

There are no airspace lease properties within the limits of this project.

(OR)

All necessary arrangements have been made with airspace lessee(s) and/or special provisions in the contract to minimize conflicts between lessee's activities and contractor's operations.

<sup>7</sup> When the City or County is the owner and the relocation cost is federally reimbursable, liability should be shown as "C"

<sup>8</sup> A copy of Specific Authorization to Relocate Utility Facilities memorandum must be attached for each facility relocation item

<sup>9</sup> Additional information is required for each bid item if highway contractor will complete work as part of the highway contract

(OR)

Airspace lease (describe) has been cancelled effective (date).

(OR)

Explanation of other disposition of airspace lease area.

## 9. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

Compliance was not required as there were no displacements for this project.

(OR)

The (City) (County) has complied with the Federal Uniform Relocation Assistance and Real Property Acquisition Act, as amended. The (City) (County) has also complied with all the steps relative to relocation advisory assistance and payments as required by applicable policies and procedures, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to a decent, safe and sanitary housing, or the (City) (County) has made replacement housing available to the relocatees.

**Types of relocation involved on this project. Check all that apply.**

Personal property relocation: \_\_\_\_\_  
 Residential relocation: \_\_\_\_\_  
 Business, farm or nonprofit relocation: \_\_\_\_\_

### Exceptions:

Occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Parcel Number	Location (P.M.) (Owner) (Tenant)	Name of Occupant	Date to Vacate	Type of Occupancy <sup>10</sup>

## 10. COOPERATIVE AGREEMENTS

None required

(OR)

Agency	Agreement Number or Document Number

**Attach a Copy of Each Cooperative Agreement.**

<sup>10</sup> Residential, Business, Farm, Nonprofit Organization, or Personal Property Only

**11. ENVIRONMENTAL MITIGATION**

No environmental mitigation parcels are required for this project.

**(OR)**

All environmental mitigation parcels on the project have been acquired.

**(OR)**

Acquisition of environmental mitigation parcels is ongoing. (Give detailed explanation)

**12. INDEMNIFICATION BY LOCAL AGENCY**

The (City) (County) agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. The (City) (County) shall pay from its own nonmatching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to (City) (County) for the orderly performance of the project work

**13. CERTIFICATION (USE THE APPROPRIATE STATEMENT)**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(b), **and** (c)(1) or (c)(2). The project may be advertised with contract award being made at any time.

**(OR)**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project may be advertised at any time. The project will be certified as conforming to paragraph (b), **and** (c)(1) or (c)(2) by (Date).

**(AND)**

Explanation and reasons why a #3 Certification is being used and substantiation that the Certification #1 or #2 date given above is realistic.

The following certification statement will be used on the initial submittal of Special Certification No.3:

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project may be advertised at any time. Approvals from FHWA are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No.3 will be provided by (Date).

**(OR)**

The following certification statement will be used on the updated Special Certification No. 3 required no later than 15 days prior to bid opening:

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project has been advertised and the contract may be awarded. Approvals from FHWA are attached for the work-around. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around."

CITY (OR)

COUNTY OF: \_\_\_\_\_

By: \_\_\_\_\_

Project ID: \_\_\_\_\_

As Authorized Resolution No.: \_\_\_\_\_

Dated: \_\_\_\_\_

The undersigned Caltrans Official has reviewed this Right of Way Certification as to form and content. Based on the review of the documents submitted, the Certificate is accepted on behalf of the local public agency. It remains the sole responsibility of the local public agency to ensure compliance with the Federal Uniform Act and this Certificate is accepted on their behalf.

Accepted as to form and content:

By: \_\_\_\_\_

Title: \_\_\_\_\_  
District Deputy Director/Office Chief – Right of Way  
(or person authorized in writing to sign)

Date: \_\_\_\_\_

(AND)  
(Applicable for Certification Level 3 and 3W)

\_\_\_\_\_  
**BRENT L. GREEN, Chief**  
Division of Right of Way and Land Surveys

Date: \_\_\_\_\_

(AND)

(If FHWA approval is required for HPP projects and special Certification #3s, add signature block)

\_\_\_\_\_  
**MELANI MILLARD, Realty Officer**  
Federal Highway Administration

Date: \_\_\_\_\_

**Distribution:** Local agency completes this form, signs and sends it to the DLAE, who forwards it to District Right of Way for signature. Right of Way signs the completed form, keeps a copy for their files and sends original back to DLAE, who makes a copy of this file and sends the original back to the local agency. (There is an exception: If the local agency is doing work on an Interstate Highway, and requesting a Right of Way Certification #3 with a work-around, the Certification [Exhibit 13-B]) is sent to HQ Right of Way Local Programs, who forwards it to FHWA for their approval. But if the locals are doing work on the State Highway System, then they follow the instructions and guidelines of the *Right of Way Manual*, not the LAPM.)