



# RIGHT OF WAY MANUAL CHANGE

## RWMC 24-01

EFFECTIVE DATE: January 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
<a href="#">23-01</a>	Right of Way Acceptance Document for Middle Mile Broadband Network (MMBN) Projects	03-02-2023

### RELATED POLICY AND PROCEDURES:

A summary of revisions includes:

Throughout the RW Manual chapters, gray shading was added to highlight all revisions noted in this document.

### Chapter 1 – Introduction

- **Section 1.01, Right of Way Manual Overview**
  - 1.01.06.00, Revisions – updated publication deadlines for July 2024 RW Manual.

### Chapter 6 – Right of Way Engineering

- **Section 6.08, Legal Descriptions**
  - 6.08.04.00, Acquiring Fee Interest in Public Ways
    - Revised title to “Acquiring Interests in Public Ways” to accommodate the acquisition of less than “fee” interest such as a highway easement or to acquire other underlying interests.
    - Reorganized portions and provided additional clarity.

## **Chapter 7 – Appraisals**

- **Section 7.12, Mobile Homes**

- 7.12.01.00, Mobile Homes – General – added introduction/background information regarding mobile homes.
- 7.12.02.00, Mobile Homes – Realty – added references to Health and Safety Code and URAR form.
- 7.12.04.00, Mobile Homes – Special Procedures – added reference to the National Automobile Dealers Association.
- 7.12.05.00, Mobile Homes – Format – updated dimensions from meters to feet.

## **Chapter 8 – Acquisition**

- **Section 8.01, Acquisition General**

- 8.01.11.00, Offers and Documents Delivered to Owner – updated a reference to “Appraisal Cost Reimbursement Agreement” from Exhibit 08-EX-06 to Form RW 08-31.
- 8.01.12.01, Owner Initiated Appraisals – Appraisal Cost Reimbursement Agreement Procedures – updated references to “Appraisal Cost Reimbursement Agreement” from Exhibit 08-EX-06 to Form RW 08-31.

- **Section 8.02, Appraisal Summary Statements and Valuation Summary Statements**

- 8.02.03.00, Lessee's Interest – updated references to “Full Acquisition Offset Statement” and “Partial Acquisition Offset Statement” from Exhibits 08-EX-18A and 08-EX-18B to Forms RW 08-18A and RW 08-18B.

- **Section 8.04, Title Exceptions**

- 8.04.15.00, Negotiating Clearance of Lessee Interests – updated references to “Full Acquisition Offset Statement” and “Partial Acquisition Offset Statement” from Exhibits 08-EX-18A and 08-EX-18B to Forms RW 08-18A and RW 08-18B.
- 8.04.39.00, Financing Statements – updated references to “Request for Information – Form UCC3” and “Form UCC2” from Exhibits 08-EX-21 and 08-EX-22 to Forms RW 08-21 and RW 08-22.

- **Section 8.09, Rental and Possession Provisions**

- 8.09.09.01, Possession and Use Agreement – updated references to “Memorandum of Possession and Use Agreement” and “Escrow Instructions” from Exhibits 08-EX-35 and 08-EX-36 to Forms RW 08-35 and RW 08-36.

## **Chapter 9 – Condemnation**

- **Section 9.04, Use of Independent Experts**
  - 9.04.02.00, Prequalification of Independent Experts – updated references from “District” to “Legal.”
  - 9.04.03.00, Time and Method of Selection – updated for current practices and responsibilities.
  - 9.04.04.00, Non-Civil Service Extended Employment – removed DDDC-R/W approval.
  - 9.04.05.00, Use of Staff Independent in Lieu of Hiring Independent Appraisers – updated reference from “District” to “Regional Legal Office and the assigned attorney.”

## **Chapter 11 – Property Management**

- **Section 11.12, Leasing Publicly-Owned Property**
  - 11.12.09.00, Assignment of Lease – updated a reference to “Assignment of Lease (Where State is Lessor)” from Exhibit 11-EX-H to Form RW 11-02.

## **Chapter 13 – Utility Relocations**

- **Section 13.03, Design Phase**
  - 13.03.06.01, Uniform Acquisition Act Requirements – corrected typos.

## **Chapter 15 – Airspace**

- **All Sections**
  - Added hyperlinks throughout (no change to revision date).

## **Chapter 16 – Excess Land**

- **All Sections**
  - Added hyperlinks throughout (no change to revision date).

## **Chapter 17 – Local Programs**

- **All Sections**
  - Added hyperlinks throughout (no change to revision date).
- **Section 17.06, Consultant Qualifications and Selection Criteria**
  - 17.06.02.01, Consultant Selection Criteria and Guide – under the “Utility Consultants” section, updated reference to the Project Development Procedures Manual.

- **Section 17.08, Project Certification**
  - 17.08.09.00, Procedures for Certification of Privately Funded Projects on the State Highway System – removed outdated reference to Government Code.
- **Section 17.11, Definitions and References**
  - 17.11.01.02, References – removed outdated reference to Caltrans Right of Way Procedures for Developing Local Federal-aid Highway Projects.
- **Section 17.10, Federal Reimbursement Requirements**
  - The entire section was updated for consistency with the Local Assistance Procedures Manual (LAPM).

**Exhibit Updates**

- **08-EX-15A, Appraisal Summary Statement** – removed embedded document instructions (gray highlight) and replaced them with visible instructions.
- **08-EX-15C, Valuation Summary Statement** – removed embedded document instructions (gray highlight) and replaced them with visible instructions.
- **14-EX-12, Middle Mile Broadband Network – Right of Way Acceptance**
  - On page 1 at the “(Location and Work Description from PS&E)” section, added a “Project Description” title, along with a “Status” section.
  - On page 1 at the “Project Milestones” section, replaced “RW Acceptance Date” with “Original RW Acceptance Date (if updating).”
  - At Item 1 “Land Use Agreements/Permits Over Federal Lands,” added clarification regarding fully executed permits, along with an additional option and table for any outstanding permits not fully executed.
  - At Item 2 “Right of Way Use Agreement,” added option when the Agreement is not fully executed.
  - At Item 3 “Status of Affected Railroad Operating Facilities,” options were reordered and another option was added for Exception memos.
  - At Item 4 “Status of Required Utility Relocations,” clarified in the first option that project cannot proceed as proposed if utilities are found during potholing.
  - At Item 6 “Additional Notes,” added an option when Right of Way requirements have not fully been met, along with acknowledgment/acceptance signature areas for additional District and HQ staff. (09-2023)

- **14-EX-14, Design-Build – Project Right of Way Statement**
  - Corrected 23 CFR 710 reference.
  - FHWA no longer requires approval as a standard requirement – removed FHWA approval language and updated approval signature blocks.
  - Under “Project Right of Way Activities” bullet #1, added “FHWA-approved RW Manual” requirement. (08-2023)
  
- **15-EX-17, FHWA/Caltrans Approval Matrix – Right of Way Use Agreement**

The changes are reflective of the updated and approved understanding between FHWA and Caltrans regarding Right of Way Use Agreements on the highway. Revisions include:

  - In the “Type of Right of Way Use” column:
    - At “Highway Improvement Projects and/or Activities,” removed “bike paths” and added “non-motorized paths” and “pedestrian overcrossing.”
    - At “Discretionary Fixed Objects – Historical Monuments (etc.),” added “Blue Star Memorial Highways and Roadside Memorials.”
    - At “On-premise Advertising (etc.),” revised to “On and Off Premise Advertising Displays.”
  - In the “Interstate” column:
    - At “Broadband for serving public item,” Interstate approval edited.
    - At “Non-Utility Access Control Breaches – at grade,” Interstate approval edited.
  - In the “Non-Interstate” column:
    - At “On and Off Premise Advertising Displays,” the item is prohibited.
  - In the “FMV Determination” column:
    - Amended “\$0” to “N/A” throughout.
    - At “Construction – Construction Staging (less than 30 days),” amended “\$500/month” to Fixed Fee.”
    - At “Public Agency/Non-Profit – Homeless Temporary Shelter Programs/Feeding Programs,” amended “\$1/month” to “State Statute.”
    - At “Earthwork (etc.),” amended “Appraisal” to “N/A.”
  - In the “Caltrans POC” column:
    - At “Special Events,” clarified “HQ” EP.
  - Added “Guiding Regulation” column and references throughout.
  - Removed rows for “Geophysical testing” and “Outdoor advertising visibility improvement.”
  - Added rows for “Tree Trimming for Visibility Improvement Request (VIR)” and “Arcades, Awnings, and Marquees.” (10-2023)

**Form Updates**

- ***RW 08-16, Federal Participation Memorandum***
  - At row “Other,” made the Sub-Object field on the far right fillable.
  - At Item A), added a field for “Journal Entry No.”
  
- ***RW 13-02, Consent to Common Use Agreement***
  - Corrected typo in title in pages 2-4.
  
- 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 08-31, Appraisal Cost Reimbursement Agreement*** – previously Exhibit 08-EX-06
  - ***RW 11-02, Assignment of Lease (Where State is Lessor)*** – previously Exhibit 11-EX-H
  
- 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 locating a CEFS form during this updating period, please make sure to check if the form is alphabetized in the “DOT” or “RW” section of the CEFs webpage until all forms are updated.

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The [Right of Way Manual](#) is available on the [Division of Right of Way and Land Surveys webpage](#).

To receive email update notifications, please visit our [subscription sign-up](#).

Anyone can propose an update to the RW Manual! Simply visit the [RW Manual webpage](#) and submit a “Right of Way Manual Revision Request.” (Please save the document to your local drive before completing it to access all features).

Other comments and suggestions for improvement to the RW Manual may be submitted to [RWManual@dot.ca.gov](mailto:RWManual@dot.ca.gov).