

## Exhibit 13-A: Short Form Right of Way Certification Local Assistance Project (off the State Highway System)

### NOTE:

This form is intended for projects that DO NOT require Right of Way (R/W) acquisition, relocation assistance, have NO railroad involvement, and the **ONLY Utility Relocation** involvement is limited to utility cover adjustments.

Local Public Agency: \_\_\_\_\_

Federal Project No.: \_\_\_\_\_

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

Project Description:

### Required Attachment Checklist

- Final NEPA Clearance
- PS&E package
- Resolution (if not on file)
- Cooperative / Agency Agreements (if applicable)
- LAPM 14-D / REV: Notice to Owner, Exhibit 14-E: Report of Investigation, Exhibit 14-I: Local Agency/Utility Owner Special Agreement, Exhibit 14-F: Utility Agreements (must be reviewed and approved prior to certification of Exhibit 14-C, if applicable).
- Exhibit 14-C: FHWA Specific Authorization / Approval of Utility Agreement (must be reviewed and approved prior to certification of Exhibit 13-A, if applicable)

### Right of Way Certification No.1

For each item below, except Item 5, select the ONE option most suitable to your project. If the chosen option directs you to use Exhibit 13-B, please STOP. Exhibit 13-A is not applicable to your project.

#### 1. Status of Required Property Rights

- No acquisition of R/W is required; all proposed work is within the existing R/W.
- R/W has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. LPA has legal and physical possession, right to enter, and required permits. **If this box is checked, STOP and use Exhibit 13-B: Right of Way Certification**

#### 2. Status of Affected Operating Railroad Facilities

- None affected
- The \_\_\_\_\_ Railroad has approved the proposed work, which is within their R/W but does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. **If this box is checked, STOP and use Exhibit 13-B.**
- The \_\_\_\_\_ Railroad (and when needed, the Public Utilities Commission) has approved the proposed work, which is within the railroad R/W 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. **If this box is checked, STOP and use Exhibit 13-B.**

**3. Material Site(s)**

- None required
- Material site(s) required. **If this box is checked, STOP and use Exhibit 13-B.**

**4. Disposal Site(s)**

- None required
- Disposal site(s) required. **If this box is checked, STOP and use Exhibit 13-B.**

**5. Status of Required Utility Relocation** (check all that apply)

- No relocation required; therefore, Buy America requirements do not apply. Existing utilities located within project limits are shown on Project Plan.
- Utility Agreements are not required on this project; therefore, Buy America requirements do not apply.
- Utility involvement is limited to adjusting UTILITY COVERS (manhole cover, water valve cover, and box lids) to grade and said work is compliant with all terms and conditions including Buy America requirements. **If this box is checked, please complete page 5 of this form entitled "Utility Cover Adjustment Summary" and provide a copy of the Specific Authorization if federally participating.**
- All utility work (other than the adjustment of utility covers) has been completed. **If this box is checked, STOP and use Exhibit 13-B.**
- All utility work (other than the adjustment of utility covers) will be completed by a stated date prior to award of the contract. **If this box is checked, STOP and use Exhibit 13-B.**
- All necessary arrangements have been made for the completion of all remaining utility work (other than the adjustment of utility covers) required to be coordinated with project construction. Arrangements have been made with the owners of all 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. **If this box is checked, STOP and use Exhibit 13-B.**
- Utility facilities (other than the adjustment of utility covers) will be relocated by the project's contractor under bid items. **If this box is checked, STOP and use Exhibit 13-B.**

**6. Right of Way Clearance**

- There are no improvements or obstructions located within the limits of this project.
- 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. **If this box is checked, STOP and use Exhibit 13-B.**
- 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. **If this box is checked, STOP and use Exhibit 13-B.**

**7. Airspace Agreements:**

- There are no airspace lease properties within the limits of the project.
- All necessary arrangements have been made with airspace lessee(s) and/or in contract provisions to minimize conflicts between lessee's activities and contractor's operations. **If this box is checked, STOP and use Exhibit 13-B.**
- Airspace lease has been cancelled. **If this box is checked, STOP and use Exhibit 13-B.**
- Other **(if this box is checked, STOP and use Exhibit 13-B)**

**8. Compliance with Relocation Assistance Program Requirements**

- Compliance was not required as there were no displacements for this project.
- Occupants who have not yet moved from the R/W will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature. **If this box is checked, STOP and use Exhibit 13-B.**
- LPA has complied with all the steps relative to the relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least a 90 day written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the LPA has made replacement housing available to the displacees. **If this box is checked, STOP and use Exhibit 13-B.**

**9. Cooperative / Agency Agreements**

- None required
- Required

**10. Environmental Mitigation**

- No acquisition of environmental mitigation parcels is required for this project.
- All environmental mitigation parcels for the project have been acquired. **If this box is checked, STOP and use Exhibit 13-B.**
- Acquisition of environmental mitigation parcels is ongoing. **If this box is checked, STOP and use Exhibit 13-B.**

**11. Indemnification by Local Public Agency**

This Local Public Agency (LPA) 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. LPA shall pay from its own non-matching 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 LPA for the orderly performance of the project work.

**12. Certification**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(b) and (c)(1) and 49 CFR Part 24. The project may be advertised with contract award being made at any time.

Note: Certification must be signed by person authorized by current resolution of the LPA.

Local Public Agency: \_\_\_\_\_

Federal Project No.: \_\_\_\_\_

Authorized by Resolution No.: \_\_\_\_\_

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

I do hereby attest I have authority via resolution to sign this document on behalf of my agency.

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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 LPA. It remains the sole responsibility of the LPA to ensure compliance with the Uniform Act.

Accepted as to form and content:

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

\_\_\_\_\_

Title

\_\_\_\_\_

Date

- Distribution:
- 1) LPA completes this form, signs, and sends it to DLAE.
  - 2) DLAE reviews and forwards to District RW Local Programs Office
  - 3) District RW Local Programs Office reviews, accepts, and signs Exhibit 13-A. A fully executed original is sent back to the LPA and the DLAE. All parties must ensure that proper record retention is followed.

### Utility Cover Adjustment Summary

**Items to be disclosed on this summary include:** covers of utility facilities, either **publicly owned** (by City/County and other public agencies, including the project sponsoring agency) or **privately owned** that services the general population. Utility covers of facility that directly services the street/roadway operation (such as an electric pull box, which services streetlight and traffic signals) do not require disclosure on this form.

a. Utility Cover Adjustments **to be** Performed by Owner

Notice to Owner #	Notice to Owner Date	Utility Agreement Date	Owner	Liability % Owner/LPA	Type of Facility	Federal Participation (Y)* or (N)

\* Include a copy of Exhibit 14-C: FHWA Specific Authorization / Approval of Utility Agreement

b. Utility Cover Adjustments **to be** Performed by Project Contractor

Bid Item #	Notice to Owner #	Notice to Owner Date	Utility Agreement Date	Owner	Liability % Owner / LPA	Type of Facility	Federal Participation (Y)* or (N)

\* Include a copy of Exhibit 14-C: FHWA Specific Authorization / Approval of Utility Agreement

c. Federal Participation

The adjustments comply with 23 CFR 645.119 and the R/W Utility Relocation Process in LAPM Chapter 14  Yes  No

These adjustments are required as the direct result of the proposed construction activities and the LPA is legally liable to pay for the adjustment  Yes  No

Adjustments specified for federal participation have received FHWA Specific Authorization (Exhibit 14-C) approval? **If “no”, not federally participating.**  Yes  No