



RIGHT OF WAY MANUAL CHANGE

RWMC 23-02

EFFECTIVE DATE: July 14, 2023

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
23-01	Right of Way Acceptance Document for Middle Mile Broadband Network (MMBN) Projects	03-02-2023

RELATED POLICY AND PROCEDURES:

A summary of revisions includes:

Chapter 1 – Introduction

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

Chapter 3 – Programming and Budgeting

- **Section 3.04, Resource Management – R/W Capital Outlay**
 - 3.04.11.00, Federal Participation in Right of Way – removed reference to “internal Deputy Directive Number DD-11 (internal Caltrans link)” (no longer applicable).

Chapter 6 – Right of Way Engineering

- **Section 6.17, Relinquishments**
 - Section completely revised throughout to improve clarity and update policy, including:
 - Reorganized and added/removed subsections.
 - Updated definitions and references.
 - Defined relinquishment types, processes, reviews, covenants, and agreements.

Chapter 7 – Appraisals

- **Section 7.13, Special Appraisal Reports**
 - 7.13.60.01, Valuation of Railroad Properties – at Item A.1.d.5., corrected manual references to permanent and temporary easements.

Chapter 11 – Property Management

- **Section 11.07, Rental Procedures**
 - 11.07.24.00, Notices – corrected the manual reference to the Notice to Terminate Non-Residential Tenancy from Form RW 11-33 to Exhibit 11-EX-67.
- **Section 11.08, Delinquent Accounts**
 - 11.08.03.00, 3-Day Notice to Pay Rent or Quit – corrected the manual reference to the Notice to Terminate Non-Residential Tenancy from Form RW 11-33 to Exhibit 11-EX-67.
- **Section 11.12, Leasing Publicly-Owned Property**
 - 11.12.17.03, Based on Right of Termination – corrected the manual reference to the Notice to Terminate Non-Residential Tenancy from Form RW 11-33 to Exhibit 11-EX-67.

Chapter 13 – Utility Relocations

- **Section 13.09, Construction Phase**
 - 13.09.02.00, Inspection of Utility Relocation Work – corrected the section reference to the Construction Manual.

Chapter 17 – Local Programs

- **Section 17.04, Local Public Agency Projects on the State Highway System**
 - 17.04.09.00, Condemnation When LPA is Implementing Agency for RW – General – regarding LPA authority, amended “jurisdiction” to “authority within the project area.”
- **Section 17.08, Project Certification**
 - 17.08.10.03, Right of Way Certification Process in the Region/District – corrected RW Manual Chapter 14 references.

Exhibit Updates

- 114 Exhibits have been designated for internal-only Caltrans use, consistent with the Caltrans Forms Management policy (no content changes). Exhibit references have been updated throughout the RW Manual. For a complete list, please refer to **Appendix A, New Internal-Only Exhibits**.
 - Note – these internal Exhibits will be available for external viewing for informational purposes soon. If looking for a particular Exhibit in the meantime, please request via email to RWManual@dot.ca.gov.
- **06-EX-02, Example Legal Documents** – at *Transfer of Jurisdiction (Department of Parks and Rec.)* and *Transfer of Jurisdiction (Other State Agencies)* (pgs. 53-58):
 - Updated the Transfer of Jurisdiction Deed sample jackets with Title VI language with our partners at the Department of General Services.
 - Clarified that interests would be “stipulated on title” in lieu of it being a “land covenant.” (03-2023)
- **11-EX-J, Employee Housing Rental Agreement**
 - At Item 1, Description – added clarification to payments.
 - At Item 2, Rent – added clarification regarding payment responsibilities and payment via check prior to commencement of payroll deductions.
 - Removed Item 7, Security Deposit – not applicable; security deposits are not collected on Employee Housing.
 - At Item 10, Conditions-Repairs – removed rental offset sentence; rental offsets shall not be used for employee housing per RW Manual 11.18.10.00.
 - At Item 33, Indemnification – deleted extra word “the.” (06-2023)

- **14-EX-12, Middle Mile Broadband Network – Right of Way Acceptance** – new Exhibit to ensure that Right of Way involvements are adequately considered, appropriately addressed, and memorialized for each MMBN project. (03-2023)
- **17-EX-10, Design-Build Certification**
 - Added attestation at Local Public Agency Signature.
 - Added space to enter City/County Board Resolution number. (05-2023)
- **17-EX-11, Functional Responsibilities**
 - At Local Assistance Projects Monitoring (Off System) –
 - At Item 2, added “on a real-time basis during the project” and removed “during project, if deemed necessary.”
 - At Item 4, removed “(Post audit, spot check).”
 - At Special Funded Projects Oversight (On System) –
 - At Item 3, added “if requested by LPA.”
 - At Item 4, specified “spot check” deliverables and added “on a real-time basis for Uniform Act compliance; also specified RAP files.
 - At Item 5, amended “Approve” to “Accept.” (05-2023)
- **17-EX-13, Construction Manager/General Contractor (CM/GC) Certification**
 - Added attestation at Local Public Agency Signature.
 - Added space to enter City/County Board Resolution number. (05-2023)
- **17-EX-18, Right of Way Certification**
 - Added attestation at Local Public Agency Signature.
 - Added space to enter City/County Board Resolution number. (05-2023)

Form Updates

- 60 Forms have been designated for internal-only Caltrans use, consistent with the Caltrans Forms Management policy (no content changes). Form references have been updated throughout the RW Manual. For a complete list, please refer to **Appendix B, New Internal-Only Forms**.
 - Note – these internal Forms will be available for external viewing for informational purposes soon. If looking for a particular Form in the meantime, please request via email to RWManual@dot.ca.gov.

- 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 08-18A, Full Acquisition Offset Statement** – previously Exhibit 08-EX-18A
 - **RW 08-18B, Partial Acquisition Offset Statement** – previously Exhibit 08-EX-18B
 - **RW 08-21, Request for Information – Form UCC3** – previously Exhibit 08-EX-21
 - **RW 08-22, Form UCC2** – previously Exhibit 08-EX-22
 - **RW 08-35, Memorandum of Possession and Use Agreement** – previously Exhibit 08-EX-35
 - **RW 08-36, Escrow Instructions** – previously Exhibit 08-EX-36
 - In addition, “Sample” was removed from the form title and a “fax” reference was removed from the “Special Instructions” section.
 - **RW 08-44, Tax Cancellation Letter** – Page 2 Total Take County – previously Exhibit 08-EX-44
 - **RW 11-03, Cancellation of Lease Agreement** – previously Exhibit 11-EX-1
 - **RW 11-04, Written Notice of Denial** – previously Exhibit 11-EX-04
 - **RW 11-08, Notice of Right to Inspection** – previously Exhibit 11-EX-06B
 - **RW 11-14, Proof of Service Notice** – previously Exhibit 11-EX-07A
 - **RW 11-15, Unlawful Detainer Request** – previously Exhibit 11-EX-07B
 - **RW 11-35, Letter of Intent to Vacate—90** – previously Exhibit 11-EX-35

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 prior to completing to access all features).

Other comments and suggestions for improvement to the RW Manual may be submitted to RWManual@dot.ca.gov.

APPENDIX A, NEW INTERNAL-ONLY EXHIBITS:

1. 03-EX-09, Right of Way Final Voucher
2. 04-EX-04, Right of Way Data Sheet Transmittal Memorandum
3. 05-EX-01, Early Acquisition Memo
4. 05-EX-02, Protection Acquisition Savings Estimate
5. 05-EX-03, Resume of Protection Request
6. 05-EX-05, Hardship Letter Response to Applicant
7. 05-EX-07, Protection Request Memo
8. 08-EX-03, Rental Escrow Instructions
9. 08-EX-05, Request for Confirmation of Market Value
10. 08-EX-09, Withdrawal Letter Owner in Occupancy
11. 08-EX-10, Withdrawal Letter Eligible Tenant in Occupancy
12. 08-EX-11, Withdrawal Letter Tenant No Longer in Occupancy
13. 08-EX-12, Acquisition Management Review Checklist
14. 08-EX-15A, Appraisal Summary Statement
15. 08-EX-15B, Appraisal Summary Statement Loss of Goodwill
16. 08-EX-15C, Valuation Summary Statement
17. 08-EX-16, Summary Statement Relating to the Purchase of Real Property or an Interest Therein
18. 08-EX-30, Goodwill Information Sheet
19. 08-EX-34, Summary of Estimates or Actual Costs Functional Replacement
20. 08-EX-37, Parcel Progress Record
21. 08-EX-38, Warrant to Escrow Agent
22. 08-EX-39, Warrant to District
23. 08-EX-41, Certificate of Acceptance
24. 08-EX-42, Notice of Removal of Property From Taxrolls
25. 08-EX-47, Tax Cancellation Condemnation Letters Order for Possession
26. 08-EX-50, Administrative Settlement/Statutory Offer
27. 08-EX-52, Request for Declaratory Relief Action
28. 08-EX-55, Request for Letter of Consent – Federal Land Transfer
29. 09-EX-01, Notice of Intent to Adopt Resolution of Necessity
30. 09-EX-01A, Notice of Intent to Adopt Resolution of Necessity for Properties That Are Subject to a Conservation Easement
31. 09-EX-03, HQ R/W Notice to Person(s) Requesting Appearances Before the CTC
32. 09-EX-04, HQ R/W Notice to the District to Conduct a Condemnation Evaluation Meeting
33. 09-EX-05, District Notice to Owner of Condemnation Evaluation Meeting
34. 09-EX-06, District Notice to Owner of Condemnation Panel Review Meeting
35. 09-EX-06A, District Notice to Owner Regarding a Change in the Date or Location of the CTC Meeting

36. 09-EX-07, HQ R/W Notice of CTC Appearance Schedule
37. 10-EX-01, Relocation File Closeout Checklists
38. 10-EX-03, Relocation Impact Memorandum
39. 10-EX-03A, Relocation Impact Statement
40. 10-EX-04, Relocation Impact Report
41. 10-EX-04A, RAP Planning Document
42. 10-EX-06, Explanatory Letter When Mailing Surveys
43. 10-EX-20, Replacement Housing Valuation Request
44. 10-EX-23, Certification of Mobile Home Title Transfer
45. 10-EX-31, Reminder Letter to Displacee Re: Time Frames
46. 10-EX-33, Nonresidential Letter to Displacee Re: Available Assistance
47. 10-EX-35, Nonresidential Interview Checklist
48. 11-EX-F, Rental Offset Agreement
49. 11-EX-K, Lease Agreement Amendment
50. 11-EX-06, Lease Agreement Amendment – Revenue Class 42/Revenue Class 43
51. 11-EX-06C, Waiver of 48-Hour Notice of Initial Inspection
52. 11-EX-27, Public Notice (Sign for Master Tenancy)
53. 11-EX-34, Service of Notice to Vacate (Notice to RAP Unit)
54. 11-EX-39, Collection Agency Transmittal
55. 11-EX-40, Statutory Notice to Former Tenant of Right to Reclaim Abandoned Property
56. 11-EX-41, Statutory Notice to Person Other Than Former Tenant of Right to Reclaim Abandoned Property
57. 11-EX-44, Notice of Termination of Tenancy and Notice to Quit
58. 11-EX-45, Request for Rent Determination
59. 11-EX-46, Documentation of Residential Fair Market Value Rental Rate
60. 11-EX-50, Modular Lease Agreement – State as Lessee
61. 11-EX-52, Pet Addendum
62. 11-EX-53, Nominal Value Nonresidential Rental Appraisal
63. 11-EX-57, Memorandum of Understanding for Utilizing State-Owned Property
64. 11-EX-60, Notice of Belief of Abandonment – Residential
65. 11-EX-61, Notice of Belief of Abandonment – Non-Residential
66. 11-EX-62, Statutory Notice to Former Tenant of Right to Reclaim Abandoned Property – Non-Residential
67. 11-EX-63, Statutory Notice to Person Other Than Former Tenant of Right to Reclaim Abandoned Property – Non-Residential
68. 11-EX-66, Flood Disclosure Addendum (DOCX)
69. 11-EX-67, Notice to Terminate Non-Residential Tenancy
70. 11-EX-68, 3-Day Notice to Correct Breach of Covenant
71. 11-EX-69, 60-Day Notice to Terminate Residential Tenancy – Just Cause

72. 12-EX-03, Bill of Sale
73. 13-EX-02, Right of Way Utility File Diary
74. 13-EX-03, Cover Agreement Transmittal Letter
75. 13-EX-04, Cover Agreement
76. 13-EX-04P, Positive Location (Pos-Loc) Notice to Owner
77. 13-EX-05, Report of Investigation – Cover Agreement Only
78. 13-EX-06, R/W Utility Estimate Worksheet and R/W Data Sheet Instructions
79. 13-EX-07, Utility Agreement Worksheet
80. 13-EX-08, Relocation Claim Letter to Owner Requesting Manhole/Valve Cover Adjustment to Grade
81. 13-EX-09, Relocation Claim Letter to Owner (Agreement)
82. 13-EX-10, Verification Letter to Owner
83. 13-EX-11, No Conflicts Letter to Owner
84. 13-EX-12, Letter to Owner Requesting Positive Location
85. 13-EX-13, Notice to Owner Transmittal Letter
86. 13-EX-14, R/W Data Sheet Update Memo
87. 13-EX-16, Cover Agreement Notice to Owner
88. 13-EX-23, Executed Utility Agreement Transmittal Letter
89. 13-EX-24, Amendment to Utility Agreement Example
90. 13-EX-25, Special Agreement Example
91. 13-EX-26, R/W Utility Certification
92. 13-EX-29, Phase 4 Construction Utility Agreement Billing Memo to Accounting (Estimate)
93. 13-EX-30, Cooperative Agreement Billing/Refund Memo to Accounting
94. 14-EX-03, Right of Way Certification
95. 14-EX-12, Middle Mile Broadband Network – Right of Way Acceptance
96. 14-EX-13, Design-Build Certification
97. 14-EX-14, Design-Build Project Right of Way Statement
98. 14-EX-15, Construction Manager/General Contractor (CM/GC) Certification
99. 15-EX-01, District Airspace Review Committee (DARC) Checklist
100. 15-EX-02, Bid Package
101. 15-EX-04, Letter of Understanding
102. 15-EX-07, District Airspace Review Committee (DARC) Approval Memo
103. 15-EX-08, Estoppel Certificate
104. 15-EX-14, Storm Water Inspection Report
105. 15-EX-15, Developmental Inspection Report
106. 15-EX-16, Non-Developmental Inspection Report
107. 15-EX-18, Collection Agency Transmittal
108. 16-EX-02, Notice of Intent to Sell Excess Land
109. 16-EX-04, Offer to Sell or Lease Surplus Land
110. 16-EX-07, Installment Contract for Sale of Real Property

- 111. 16-EX-11, Porter Bill Lease
- 112. 16-EX-13, Certification of Conformance, Porter Bill Lease
- 113. 16-EX-14, Supplemental Data Sheet, Porter Bill Lease
- 114. 16-EX-17, Escrow Instructions

APPENDIX B, NEW INTERNAL-ONLY FORMS:

1. RW 02-04, Federal Statistical Report Form
2. RW 03-01, Project Development Fee/Project Specific Permit Fee Invoice
3. RW 03-02, Inverse Condemnation
4. RW 03-03, Expert Witness Contract Request
5. RW 08-03, Right of Way Contract – State Highway
6. RW 08-04, Right of Way Contract State Highway Temporary Easement
7. RW 08-06, Application for Public Highway
8. RW 08-07, Affidavit of Completion
9. RW 08-08, Certificate
10. RW 08-12, Memorandum of Settlement
11. RW 08-13, Memorandum of Settlement (Short Form)
12. RW 08-14, Certification of Title
13. RW 08-16, Federal Participation Memorandum
14. RW 08-17, Acquisition Invoice
15. RW 08-21, Request for Information – Form UCC3
16. RW 08-30, Railroad Memorandum of Settlement
17. RW 09-08, Resolution of Necessity Request
18. RW 09-19, Request for Transfer of Funds
19. RW 09-20, Condemnation Check Request - Invoice
20. RW 09-21, Release of Condemnation Deposit
21. RW 10-03, Relocation Diary
22. RW 10-05, Payment Request & Relocation Cost Summary
23. RW 10-07, General Information Notice
24. RW 10-07S, Aviso de Información General
25. RW 10-08, Notice of Intent to Acquire – Owner-Occupant
26. RW 10-09, Informational Letter to Nonoccupant Owner Re: Notice of Intent to Acquire
27. RW 10-10, Notice to Intent to Acquire – Tenant
28. RW 10-38, Notice to Acquisition of In-Lieu Payment or Reestablishment Expenses
29. RW 10-41, Computation of Rent Differential Payment
30. RW 10-42, Replacement Housing Valuation Report Certification and Approval
31. RW 11-07, Property Management Rental Account Diary
32. RW 11-25, Authorization to Write Off or Adjust Accounts Receivable Bill
33. RW 11-27, State Fire Marshal Checklist
34. RW 11-29, Seismic Screening Checklist
35. RW 11-31, Letter to Lessor: Structural Evaluation Request
36. RW 12-01, Inventory Disposal Record
37. RW 12-02, Improvement Disposal Authorization
38. RW 12-03, Register

39. RW 12-04, Notice of Sale – Verbal Bid
40. RW 12-05, Notice of Sale – Sealed Bid
41. RW 12-06, Notice of Sale – Sealed Bid (Accompanied by Deposit)
42. RW 13-06, Right of Way Utility Payment Request and Coding Instructions
43. RW 13-17, FHWA Guide for Review of Utility Agreements
44. RW 13-18, Prescriptive Rights Checklist
45. RW 15-01, District Annual Marketing Plan For Fiscal Years
46. RW 15-02, Appraisal Summary
47. RW 15-05, District Checklist for Telecommunications Proposals
48. RW 15-08, Consent to Sublease
49. RW 15-09, Transmittal to HQ A/S
50. RW 16-01, Excess Land Parcel Acquisition/Disposal Summary
51. RW 16-02, Analysis of Cost with Adjustments to Inventory Value
52. RW 16-03, Application to Hold Excess Land
53. RW 16-07, Rescinded Route Parcel Inventory
54. RW 16-11, Affordable Sales Price Calculations – Alternative A (Lower Income Households)
55. RW 16-12, Affordable Sales Price Calculations – Alternative B
56. RW 16-18, Assumption Agreement (SB 86)
57. RW 16-23, Annual Certification of Ownership Conditions
58. RW 16-27, Notice of Abandonment of Right to Purchase
59. RW 16-28, Excess Land Inventory Memorandum
60. RW 16-29, Excess Land Fiscal Transmittal