



*Expires – Upon Issuance of LPP*

## Exhibit 13-B Right of Way Certification

### I. BACKGROUND

The purpose of this Office Bulletin is to update Local Assistance Procedures Manual (LAPM) Exhibit 13-B *Right of Way Certification for Local Assistance Projects*. The update is necessary to be consistent with new Department policy regarding the use of Rights of Entry (refer to the attached Memorandum). Verbiage within certain clauses were clarified for consistency and general typographical errors were corrected where applicable.

### II. POLICY

Effective immediately, the use of Rights of Entry are limited to emergency and exceptional situations only and require pre-approval from the Division of Right of Way and Land Surveys (Headquarters) and FHWA. This policy change is due to possible violations of 49 CFR 24.102(j) when utilizing Rights of Entry, which states, “Owners acknowledge they have been advised of their right to receive immediate compensation and have waived that right, agreeing to be compensated at a later date with interest.” In accordance with 49 CFR 24.102(j), funds must be made available to the property owner for their withdrawal and use prior to the owner surrendering possession of their property. Caltrans and Local Agencies must deposit funds into escrow prior to obtaining possession.

### III. PROCEDURE

In order to comply with 49 CFR 24.102(j) and other applicable CFRs, the attached Exhibit 13-B has been revised to more clearly identify and differentiate the various types of possession agreements used for project certification.

### IV. APPLICABILITY/IMPACTS

This Office Bulletin impacts all local assistance projects that include new right of way.

Approved:	<b>Original Signed By</b>	8/28/2015
	_____	_____
	Linda W. Tong, Acting Chief	Date
	Office of Appraisals and Local Programs	

Approved:	<b>Original Signed By</b>	8/28/2015
	_____	_____
	Winton Emmett, Chief	Date
	Office of Project Implementation - North	

Attachments:

- Attachment 1 – Exhibit 13-B *Right of Way Certification Local Assistance Projects*
- Attachment 2 – Memorandum: Rights of Entry – Payment before Possession