



Expires – Upon Issuance of LPP

Exhibit 13-E: Preliminary Engineering Right of Way (PERW) Checklist

I. BACKGROUND

A task force was formed in 2021 to develop the Preliminary Engineering Right of Way (PERW) Checklist for Right of Way (R/W) and Local Public Agencies (LPAs). The intent of the PERW Checklist (Exhibit 13-E) is to assist LPAs in identifying potential right of way issues early in their projects. It will put the District Local Assistance Engineer (DLAE) and the Caltrans R/W Local Programs Coordinator on notice early in the process to identify potential R/W involvements on federally funded projects. Exhibit 13-E will alert non-qualified LPAs and Caltrans staff of the LPA's need to hire Right of Way Consultant(s), and to take that into consideration when setting the delivery schedule. In addition, the PERW Checklist will allow Caltrans staff to do real-time monitoring. If there are unanticipated right of way issues that arise during the R/W phase, there should be time to correct any deficiencies thus avoiding delays in certifying the project.

District 10 DLAE and the District 6 R/W Local Programs Coordinator jointly conducted a pilot program with their LPAs from November 2022 to July 2023. The original PERW Checklist was revised based on feedback and recommendations received from the local agencies in the pilot program and the D6 R/W Local Programs Coordinator. The D10 LPAs involved agreed the PERW Checklist assisted them in identifying any potential right of way conflicts early in the project.

II. POLICY

Effective November 1, 2023, the new Exhibit 13-E: PERW Checklist will be implemented for all federally funded local projects. Any proposed projects and existing projects currently working on their PES document must complete and submit Exhibit 13-E.

III. PROCEDURE

Exhibit 13-E is to be completed and signed by the LPA and submitted to the DLAE along with LAPM Exhibit 6-A: Preliminary Environmental Study (PES) Form. The PES and PERW forms will list the Federal Project Number (FPN). Exhibit 13-E is required with or without a project field review being completed.

The original signed Exhibit 13-E will be forwarded by the DLAE to the District R/W Local Programs Coordinator. The R/W Local Programs Coordinator will document receipt of the form in the project file diary. This notifies the R/W Local Programs Coordinator to monitor and advise the LPA through the right of way process. It is recommended that the R/W Local Programs Coordinator contact the author of the PERW Checklist Form to discuss the parcels identified as requiring right of way acquisitions, and/or utility relocations, and to be available to monitor the project in real time thus ensuring that federal regulations are followed, and any right of way issues are identified early in the processes so that the project can be certified without unnecessary delay.



IV. APPLICABILITY/IMPACTS

This Office Bulletin applies to all federal-aid projects. The following LAPM sections will be updated to incorporate the revised policy and procedures associated with this Office Bulletin.

Chapter/Exhibit	New / Revised Text
<p>LAPM Chapter 13.5 Preliminary Studies</p>	<p>At this early stage in the development process, it is crucial to correctly evaluate the project requirements: namely, the limits, location (including existing utilities), scope, costs, and whether any additional R/W will be required. Each agency should establish a process for accumulating this data, which will play an integral part in successfully completing the Field Review, the Preliminary Environmental Study Form (Exhibit 6-A), the Preliminary Engineering Right of Way (PERW) Checklist (Exhibit 13-E), and the Plans, Specifications & Estimate (PS&E) for the project.</p>
<p>LAPM Chapter 13.5 Preliminary Engineering Right of Way Checklist [New subsection]</p>	<p>During preliminary studies, the LPA must complete Exhibit 13-E: Preliminary Engineering Right of Way (PERW) Checklist in conjunction with the PES Form (Exhibit 6-A) and submit to the DLAE. The DLAE will forward the form to the District Right of Way Local Programs Coordinator. This form is required with or without a project field review being completed.</p> <p>The purpose of the PERW Checklist is to help LPAs, their Right of Way Agents and/or Right of Way Consultants determine if there are right of way involvements such as fee or temporary right of way acquisitions, utility conflicts, relocations, etc. at the project initiation stage. It will provide the information needed to complete an accurate right of way estimate and notify the District Right of Way Local Programs Coordinator of upcoming projects with right of way involvement to allow real-time monitoring. This earlier engagement will also provide both the LPA and the District Right of Way Local Programs Coordinator the opportunity to discuss Caltrans policies and processes necessary for compliance with the Uniform Act.</p>
<p>LAPM Chapter 13.7 Projects Requiring Right of Way / Property Rights [New paragraph between 1st and 2nd paragraphs]</p>	<p>Exhibit 13-E: PERW Checklist has been developed as a tool used in identifying potential right of way conflicts and notifies the R/W Coordinator to monitor the project. Exhibit 13-E must be completed in conjunction with the PES form (Exhibit 6-A). A signed copy is sent to the DLAE who forwards it to the Right of Way Coordinator. It will alert staff of potential right-of-way acquisitions and/or utility conflicts on a proposed federal aid project. The form also alerts the LPA that they will need to hire Right of Way Consultants if they are not a qualified agency.</p>



Exhibit 13-E: Preliminary Engineering Right of Way (PERW) Checklist	New Exhibit
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Recommended: Original signature on file October 5, 2023
 Lisa M. Spellenberg, Resource Coordinator Date
 Office of Local Right of Way

Approved: Original signature on file October 5, 2023
 Neidy Pinuelas, Chief Date
 Office of Local Right of Way

Attachments:
 Attachment 1 – Exhibit 13-E: PERW Checklist