



HQ DIVISION OF LOCAL ASSISTANCE-OFFICE OF LOCAL RIGHT OF WAY

Office Bulletin #25-03

Right of Way Certification Levels 3 and 3W

Presented By: Neidy Pinuelas

February 17, 2026





■ Policy Update

[Office Bulletin #25-03](#): Right of Way Certification Approvals for Level 3/3W

- ❖ Effective August 2024 per FHWA/Caltrans Stewardship and Oversight Agreement
- ❖ All Right of Way Certification considered Conditional No. 3 and Special Certification No. 3 with Work-Around, requires approval from Caltrans HQ Division of Right of Way & Land Surveys and FHWA.

Policy Update

OFFICE BULLETIN #25-03: RIGHT OF WAY CERTIFICATION APPROVAL FOR LEVEL 3/3W

Publication Changes

The policy changes are reflected in the Caltrans Local Assistance Procedures Manual (LAPM).

LAPM Chapter 13

Section 13.2.1 FHWA Role

Section 13.10.1 Special Certification No. 3 with a Work-Around (3W)

Section 13.10.2 Time Requirements for Right of Way Certifications

Section 13.11 Acceptance of Right of Way Certification

Exhibit 13-B Right of Way Certification Local Assistance Project

Certification Conditional Level 3



Resolution of Necessity (RON) has been obtained; however, Orders of Possession hearing and service dates may not be effective yet

Can advertise construction contract, but cannot award the contract until the Certification has been upgraded to a Certification Level 1 or 2

Memorandum of Justification must be submitted with Right of Way Certification, with a full justification as to why a Conditional Level 3 is needed

Due to the complexities with Right of Way Certification level 3, there are additional approvals required, increasing the turn-around time for acceptance

NOTE: HQ Right of Way & FHWA Approval is required for all Certification Levels 3 & 3W



Certification 3 with Workaround (3W)



- RON has been obtained from the LPA board
- Orders for Possession hearing and service dates may not be effective yet
- Only to be used in extraordinary circumstances
- Memorandum of Justification is required with submittal
- Can advertise and award construction contract (bid package must identify workaround parcels)
- Certification must be updated 15 days prior to construction contract bid opening

NOTE: HQ Right of Way & FHWA Approval is required for all Certification Levels 3 & 3W



Additional Information



Railroad Coordination & Utility Relocations

- Railroad coordination – There is no workaround with Railroads. Your agency must have all applicable approvals before the Right of Way Cert.
 - Start the railroad outreach early, as turnaround for documents from the railroads is known to be long.
- Utility Relocations – Right of Way Cert will reflect all utilities in conflict, notification of conflicts with the Utility companies, Agreement with Utility Companies identifying who will do the relocation work, who has liability to pay for relocation, and the schedule for relocation to occur.
- Any Federal reimbursement requested for a Utility relocation must have a completed Exhibit 14C, signed by the Caltrans Utilities office, submitted with Right of Way Cert.

Right of Way Certification

Update



Right of Way Certifications must be updated:

- When the Certification is **one year old** and the project it was prepared for has yet to be advertised
 - At the request of the Project Manager or Project Engineer
 - When dates or anticipated actions are no longer consistent with the current date of the Certification
 - When there are any changes in project scope or Right of Way requirements
 - When the project description is no longer consistent with the Plans, Specifications & Estimate
-

RIGHT OF WAY CERTIFICATION

	Cert 1	Cert 2	Cert 3 with Workaround	Cert 3
	Project can be advertised and awarded	Project can be advertised and awarded	Project can be advertised and awarded	Project can be advertised but not to be awarded until Cert is upgraded to a Certification 1 or 2
REAL PROPERTY INTERESTS	No acquisition required or Full legal and physical possession of all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Effective Order of Possession 	Full legal and physical possession of almost all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Effective Order of Possession 	Full legal and physical possession of all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Order of Possession • Update of Cert required two weeks prior to Bid Opening 	Full legal and physical possession of all property interests under: <ul style="list-style-type: none"> • Closed escrow • Final Order of Condemnation • Order of Possession • Upgrade to Cert 1, 2 or 3W required two weeks prior to bid opening
		Physical possession but not legal rights on at least one parcel (or more) under: <ul style="list-style-type: none"> • Right of Entry (RoE) • Possession and Use Agreement (P&UA) 	Physical possession but not legal rights on at least one parcel (or more) under: <ul style="list-style-type: none"> • Right of Entry (RoE) • Possession and Use Agreement (P&UA) 	Physical possession but not legal rights on at least one parcel (or more) under: <ul style="list-style-type: none"> • Right of Entry (RoE) • Possession and Use Agreement (P&UA)
				<ul style="list-style-type: none"> • Does <u>not</u> have legal possession or physical possession on at least one remaining parcels but will have a workaround identified for such parcels under a Resolution of Necessity with a target date of when it will be available to the contractor.
OCCUPANTS	All occupants have been vacated	All occupants have been vacated	At least one occupant has not been vacated but will be relocated by the workaround date	At least one occupant has not been vacated but will be relocated by the bid opening
CLEARANCE / DEMO	All arrangements have been made to remove, relocate, or protect all physical obstructions			
UTILITIES & RAILROAD	All arrangements have been made to resolve all utility conflicts (Including utility facilities owned by the local agency)			
	All arrangements have been made to address all railroad impacts			



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Exhibit 13-E

Presented By: Neidy Pinuelas

February 17, 2026



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



During preliminary environmental studies, the LPA must complete [Exhibit 13-E: Preliminary Engineering Right of Way \(PERW\) Checklist Form](#) and submit to the District Local Assistance Engineer (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.

[Preliminary Engineering Right of Way \(PERW\) Frequently Asked Questions](#)

Why is the PERW Checklist Form Exhibit 13-E Important?



Identifies potential Right of Way issues early



Notifies Right of Way Local Program Coordinators of the Project



Earlier District Engagement and Collaboration

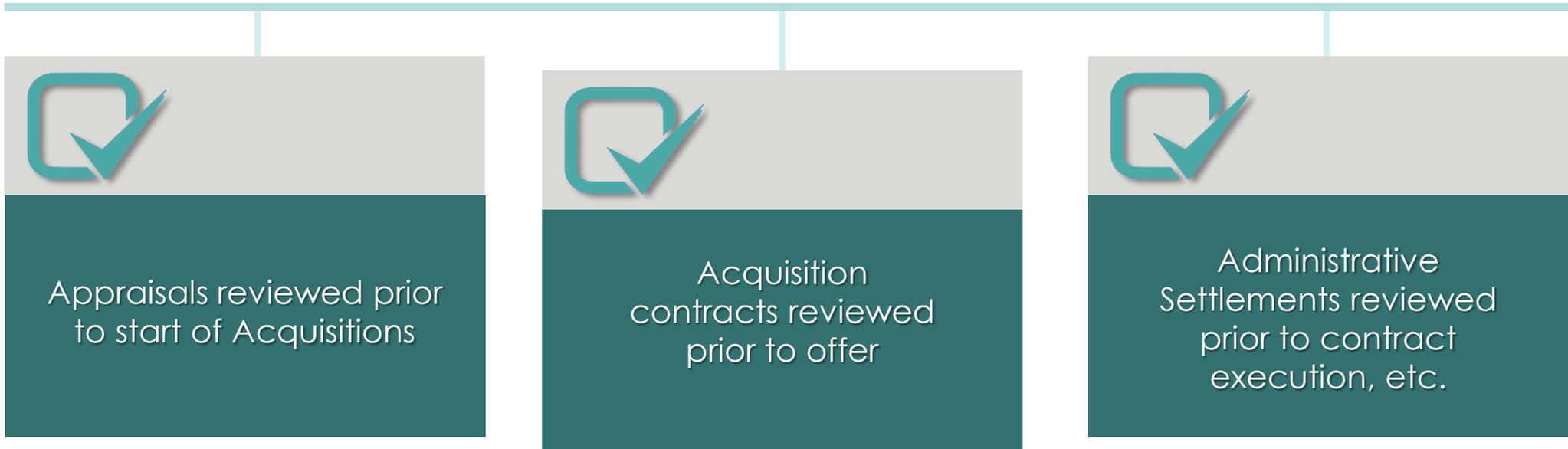


Avoid Project Delays/Loss of Federal Funding

Exhibit 13-E Initiates Real-time Monitoring



All Right of Way activities are reviewed by the District Right of Way Local Programs Coordinator in real time.



Information Contacts



Information



DLA-Office of Local R/W-Internet

CLICK



[Office of Local Right of Way | Division of Local Assistance](#)

-  Training Videos
-  Local Assistance Procedures Manual
-  Caltrans Right of Way Manual
-  R/W Forms/Exhibits
-  Resources

Local Right of Way Contacts

California Department of Transportation
HQ Division of Local Assistance
Office of Local Right of Way



Neidy Pinuelas

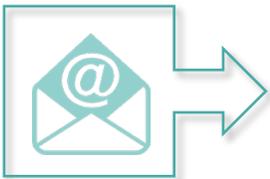
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Integrity • Commitment • Teamwork • Innovation



General Questions & Training Opportunities:
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We welcome your questions.

