

The regulations covering acquisition and disposal of Excess Lands are found in 23 CFR 710 and 771. FHWA no longer requires reimbursement of the federal share of proceeds from the sale of excess real property. LPAs must use these funds for subsequent Title 23 U.S.C. eligible projects. LPAs may consider creating a dedicated Title 23 (highway) account where proceeds from the sale of excess will be deposited and only used for Title 23 projects. See 23 CFR 710.403(e).

Per Caltrans DLA policy, excess exchange or sale transaction must occur within two years after opening the roadway to traffic, or within two years after submitting the final voucher to the FHWA (whichever is earlier).

13.10 Right of Way Certification

When the LPA performs R/W activities on a federally assisted local project, the LPA prepares the R/W Certification. Prior to submission, a valid NEPA document is required. If it is over 3 years old, a re-evaluation is necessary (23 CFR 771.129 and LAPM Chapter 6, Section 6.3).

The R/W Certification is necessary prior to authorization for construction and must be consistent with the project's approved PS&E (23 CFR 635.309). The purpose of the R/W Certification is to document that any interests necessary for the project have been, or are being secured, and physical obstructions including buildings, utilities, and railroads have been, or will be removed, relocated, or protected as required for construction, operation, and maintenance of the proposed facility. The R/W Certification also documents that R/W activities, including the relocation of any displaced persons, are conducted in accordance with applicable state and federal laws and regulations.

The R/W Certification ([Exhibit 13-A: Short Form Right of Way Certification Local Assistance Project](#) or [Exhibit 13-B: Right of Way Certification Local Assistance \(Off-State Highway System\)](#)) must be submitted for review and acceptance with the signature of the person authorized to sign for the submitting LPA. Signing authority is granted by a Resolution passed by the City Council, or by the County Board of Supervisors. The Resolution will name the person, or the position of the person authorized to sign the certification document on behalf of the LPA. A copy of the Resolution is to be submitted to Caltrans Local Assistance R/W staff along with the signed Certification document.

Note: For projects requiring CTC allocation approval, see [LAPG Chapter 25: State Programs for Local Agency Projects](#).

For 100% state funded projects and for direct recipient funding, LPAs are to self-certify. LPAs may follow Exhibits 13-A and Exhibit B as sample certification formats.

Certification Forms

A separate R/W Certification must be completed by LPAs for each local assistance project even if no R/W is required for the project. All Certifications for Federal-aid off-system projects can be prepared using forms specified by Caltrans (see [Exhibit 13-A](#) and [Exhibit 13-B](#)). The format of the R/W Certification form contains specific wording required by FHWA. Changes made in wording could invalidate the certification and must be pre-approved by District/HQ RW. Also, do not delete any of the numbered sections. However, within the numbered sections, the LPA should use only the portions applicable to the project being certified. Data supporting all the project right of way activities (e.g., acquisitions, relocation assistance, railroad, and utility