**RIGHT OF WAY CERTIFICATION**

**INSTRUCTIONS for completion**

This certification is a regulatory requirement under 23CFR635, Subpart C, and is an item on the PS&E checklist.

Part 1 – NON-FEDERAL ROW ACQUISITION

1. The County, State DOT or other partner agency will be responsible for the acquisition of additional right of way for the project. An authorized person from the acquiring agency will sign the certification. If there is no additional right of way acquired, the FHWA Project Manager may sign the certification.

2. Part 1, Attachment A is completed by the acquiring agency. If there is no right of way acquisition, describe the type(s) of existing right of way being claimed in Item A: by previous grant, or record/ dedicated/ statutory/ prescriptive rights, and whether right of way is a fee, an easement, or the nature of any other right of way interest. Add lines as necessary to describe each parcel.

3. Certification at Level 2 or Level 3 requires an expeditious resolution for each issue to raise the Certification to a Level 1. Enter the anticipated date of higher level certification, as indicated.

4. authorization to advertise the project for construction based upon a Certification Level 3 is an exception available only in unusual circumstances. Please provide justification for a Certification Level 3 being issued, including an estimated date for resolution of all acquisition issues.

5. Ensure the acquisition process follows the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)

6. All acquisition records must be retained by the acquiring agency for a minimum of 3 years after the date of the final acquisition.

Part 2 - FEDERAL LAND RIGHT OF WAY

This part of the certification is completed by FHWA and confirms that all necessary permissions, including right of entry to construct, have been acquired from all federal agencies affected by the project. Execution of the Highway Easement Deed is not required for certification.

Part 3 – RAILROAD CERTIFICATION

This part of the certification is completed by FHWA and is required per 23 CFR 635.309(b).

**RIGHT OF WAY CERTIFICATION – Part 1**

**NON-FEDERAL ROW ACQUISITION**

Project:

Subject: Right of Way Certification

[ ] The acquisition of right of way is not required. All proposed work is within existing right of way.

*(OR when additional right of way is acquired, choose one)*

[ ] Certification Level 1

I hereby certify the right of way on this project as conforming to 23CFR635.309(c)(1). All necessary right of way has been acquired in accordance with applicable federal and state regulations, policies and procedures governing the acquisition of real property The acquiring agency has legal and physical possession and right to enter on all land.

Date of previous: \_\_\_\_\_\_\_\_\_\_\_\_\_ Level \_\_\_\_ (indicate 2 or 3)

[ ] Certification Level 2 *(See Instructions, Part 1, Note 3)*

I hereby certify the right of way on this project as conforming to 23CFR635.309(c)(2). All necessary right of way has **NOT** been fully acquired. Right of entry to execute the project has been obtained. Right of way acquisition (Certification Level 1) is anticipated by (enter date).

[ ] Certification Level 3 *(See Instructions, Part 1, Notes 3 and 4)*

I hereby certify the right of way on this project as conforming to 23CFR635.309(c)(3). The acquisition of right of way is not complete. Justification for Certification Level 3 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Right of way acquisition (Certification Level 1 or 2) is anticipated by  *(enter date).*

County Commissioner Date

**RIGHT OF WAY CERTIFICATION – Part 1: ATTACHMENT A**

**NON-FEDERAL ROW ACQUISITION**

**To be completed by the acquiring agency**

**A. Existing Right of Way:**

**B. Acquired Permanent Easements:**

**C. Acquired Temporary Construction Easements:**

**D. Other:**

**Data to be submitted to FHWA by the acquiring agency (regulatory submittal per 49CFR24):**

PART A: REAL PROPERTY ACQUISITION UNDER THE UNIFORM ACT

Compensation paid, damages, cost to cure

Appraisals and reviews

Acquisition services

Title work

Staff time

Condemnation

Utility resolutions

PART B: RESIDENTIAL RELOCATION UNDER THE UNIFORM ACT

Costs for relocation

Costs for replacement housing

PART C: NON-RESIDENTIAL RELOCATION UNDER THE UNIFORM ACT

Moving expenses

Reestablishment payments

**RIGHT OF WAY CERTIFICATION – Part 2**

**FEDERAL LAND RIGHT OF WAY**

**To be completed by FHWA**

**A. Status of Federal Land Transfer:**

[ ] Sufficient rights exist within the corridor and no DOT easement is required

[ ] Request for Letter of Consent has been sent to the

 Federal Land Management Agency (FLMA) \_\_\_\_\_\_\_\_(date)

[ ]Letter of Consent with right of entry to construct has been issued by FLMA \_\_\_\_\_\_\_\_(date)

[ ] Stipulations and conditions required from the FLMA have been communicated to the maintaining agency and have been conveyed to FHWA

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1. **Other authority for right of way:**
2. **Special Use Permits for construction, material, disposal, staging areas, etc.:**

**RAILROAD CERTIFICATION – PART 3**

**To be completed by FHWA**

In accordance with 23 CFR 635.309(b), I hereby certify that to the best of my knowledge, the following statements are correct with regard to the right of way required for this project:

Railroad coordination (check one):

* No railroad coordination required. No railroad facilities are affected or within the project limits.
* All railroad coordination has been completed.
* All railroad work to be undertaken has been coordinated with the project. *(coordination is provided for in the PS&E)*

**A. Status of Railroad:**

 **[ ] There are no railroads within the project right of way**

**[ ] The railroad is located within the project right of way but is not in conflict with the project.**

***Company Contact Name Phone Email***

1

2

**B. Railroad-related Agreements** (copies attached):

***Agency/Company Agreement Description***

1

2

**Right of Way (Parts 1 & 2) and Railroad Certification (Part 3) Signature:**

I hereby certify that all rights needed to construct have been obtained for the project.

FHWA Project ManagerDate