17-1 Acronyms

DSS – decent, safe, and sanitary
LAC – Local Agency Coordinator
LAG Manual – Local Agency Guidelines M 36-63
LAPM – Local Agency Program Manager
LP – Local Programs
LPA – Local Public Agency
NEPA – National Environmental Policy Act
PPO – personal property only
PS&E – Plans, Specifications, and Estimates
QA – quality assurance
QC – quality control
RESM – Region Real Estate Services Manager
R/W – right of way
TCE – temporary construction easement
Uniform Act – Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended

17-2 Purpose

This chapter explains the requirements and conditions to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. This chapter is to be used by the Washington State Department of Transportation (WSDOT) and local agencies for preparation of right of way project certifications.
17-3 Authority

23 Code of Federal Regulations 635.309(b), (c), (g), (h), (l), (p), 710.311, and 710.313

23 Code of Federal Regulations 1.23, 636, 710.201(e), 710.601, 710.501, and 771.113(d)(4)

49 Code of Federal Regulations 24.601, 602, and 603

WAC 468-100-601, 602, 603

17-4 References

Local Agency Guidelines M 36-63
Environmental Procedures Manual M 31-11
Construction Manual M 41-01

17-5 Training

Instructor-led web-based training is available. This training is required for WSDOT RES Supervisors, RESMs, LACs, and any staff involved in certification of projects. This training is recommended for project engineers, project development engineers, and project managers. This training will be made available to consultants and local agencies.

17-6 Forms

WSDOT RES Forms

RES-383 No Right of Way Certificate
RES-384 Certificate 1, No Relocation
RES-385 Certificate 1, Residential Relocation
RES-386 Certificate 1, Non-Residential Relocation
RES-387 Certificate 1, Combination of Relocation Types
RES-388 Certificate 2, No Relocation
RES-389 Certificate 2, Residential Relocation
RES-390 Certificate 2, Non-Residential Relocation
RES-391 Certificate 2, Combination of Relocation Types
RES-392 Certificate 3, No Relocation
RES-393 Certificate 3, Residential Relocation
RES-394 Certificate 3, Non-Residential Relocation
RES-395 Certificate 3, Combination of Relocation Types
RES-396 Certificate 3, Design Build Phased
RES-397 Certification Worksheet – State
RES-398 Certification Worksheet – Design Build
RES-399 WSDOT Certification Concurrence Letter
**Local Agency LPA Forms**

- No Right of Way Certificate
- Certificate 1, No Relocation
- Certificate 1, Residential Relocation
- Certificate 1, Non-Residential Relocation
- Certificate 1, Combination of Relocation Types
- Certificate 2, No Relocation
- Certificate 2, Residential Relocation
- Certificate 2, Non-Residential Relocation
- Certificate 2, Combination of Relocation Types
- Certificate 3, No Relocation
- Certificate 3, Residential Relocation
- Certificate 3, Non-Residential Relocation
- Certificate 3, Combination of Relocation Types
- Certificate 3, Design Build Phased
- Certification Worksheet
- Certification Worksheet – Design Build
- LPA Certification Concurrence Letter

### 17-7 Definitions

**Certificate** – R/W certificate document whereby WSDOT or WSDOT’s concurrence with the local agency certificate ensures relocation has been addressed and possession has been obtained of all property rights needed to construct, operate, and maintain a project.

**Combination of Relocation Types** – This is when there is more than one type of relocation on a project. Specifically, this is when there is some combination of residential and non-residential relocation, including PPO. This type of relocation is project-wide, not parcel specific.

**Existing R/W** – This is land that is already incorporated into the roadway facility or land previously certified under a previous federal aid project. Permits, easements, temporary construction easements (TCE), and slope easements are generally considered R/W acquisition.

**No Right of Way Acquisition** – This is where the proposed project can be built entirely within the existing roadway facility (the facility may be something other than roadway for transportation enhancement projects).

**Non-Residential Relocation** – Relocation/displacement of businesses, farms, and nonprofit organizations. PPO relocations are usually treated as non-residential relocations because they do not require DSS assurances.

**Residential Relocation** – Relocation/displacement of individuals and families from a dwelling.
**Sufficient Property Rights** – Per 23 CFR 1.23 and 710.201(e), the real property interest acquired for federal aid projects by the acquiring agency must be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public. For instance, if there is a highway embankment, the acquiring agency must acquire permanent property rights for the slope area, since the slope area is integral to the structural integrity of the roadbed.

The acquiring agency must acquire any property needed for mitigation and any staging areas required by the NEPA document in the certification. This also means R/W shown as needed on the PS&E, not just the R/W plan, needs to be certified.

For property that is not permanently needed for the project, but is necessary for construction of the project, temporary construction easements, leases, license agreements, permits, and/or rights of entry may be appropriate. See Chapter 6 for appropriate use of these instruments.

WSDOT normally acquires fee simple title for R/W and limited access. This policy should be considered by local agencies. There are instances where something less than full fee acquisition is sufficient, such as when the property is owned by the federal or state government, railroads, and Indian Nations or if it is only needed to construct the project (e.g., temporary construction easements or driveway reconnect permits).

**Right of Entry** – A personal right that gives the agency the right to perform certain tasks or work defined within the document. If a right of entry is proposed for construction activities, it should only be used in emergency situations (slides, floods, culverts) or when the property is owned by another state or local agency and additional time is needed to get through their process.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended** – This is the federal statute that sets forth the requirements for acquisitions for federal projects.

### 17-8 General

You have completed the acquisition process for all the parcels needed for the project. This chapter outlines the steps necessary to prepare the certificate. By signing this certificate, you are ensuring that you have followed all of the procedures outlined in previous chapters and/or Chapter 25 of the *Local Agency Guidelines* M 36-63.

Advertisement for projects is the point at which the acquiring agency commits the R/W to the terms of a construction contract. Bids submitted by contractors are based on the acquiring agency’s delivery of a clear R/W by the start of construction. If a contractor does not have access to a property because sufficient property rights are not acquired or certain properties remain occupied, damages for delay of work may result and the project may not be completed on schedule.

Federal and state law assures property owners and displaced occupants (residents and owners) of specific rights and protections and the delivery
of certain entitlements before possession is taken of the property. The most important of these are:

- Owners must be paid the amount established as just compensation, or the amount deposited in court for their benefit, before the agency takes possession of the property.
- Residential displaced persons must be offered comparable replacement housing that is within their financial means and available for occupancy no less than 90 days before being required to move.

17-9 Policy

The final step in the project development process is to certify the project as clear for construction. The R/W certification is a written statement that summarizes the status of all R/W related matters for a project, and it declares that the acquiring agency has complied with the requirements of statutes and regulations. The certification provides the following information and assurances:

1. Sufficient property rights to construct, operate, and maintain the facility as shown on the PS&E has been acquired. This includes parcels needed for construction purposes only such as a TCEs or permits. If limited access rights need to be acquired, the transaction must be completed prior to certification.

2. The R/W is clear of encroachments and includes the entire R/W, not just the area of the traveled way or project improvements. Any encroachment that will be allowed to remain in the right of way must be there legally, i.e. airspace lease.

3. R/W has been acquired in accordance with the Uniform Act requirements and/or Federal Land Transfer processes.

4. Relocation assistance has been completed in accordance with the Uniform Act and meets the requirements of Chapter 12.

5. Parcel-specific information is provided in the Certification Worksheet.

6. Properties acquired in advance of NEPA Clearance (including donations) are identified by parcel number. (This information can take the form of an address or a county tax ID if parcel numbers are not assigned.)

There are two types of certifications which state that sufficient rights have been acquired and the project is ready to be advertised and constructed.

- **Certificate 1 – All R/W Acquired** – All rights have been acquired. All occupants have vacated the R/W and the agency has the right to remove any remaining improvements (except those that are to remain in the R/W under an airspace lease).

- **Certificate 2 – Right to Occupy All R/W** – Trial or appeal of some parcels may be pending and some parcels may have right of entry or possession and use only. All occupants have vacated the R/W and the agency has the right to remove any remaining improvements (except those that are to remain in the R/W under an airspace lease).
In very unusual circumstances and with prior written approval of FHWA, a third type of certification states that some R/W remains to be acquired.

- **Certificate 3 – All R/W Not Acquired** – Acquisition of a few remaining parcels is not complete. All occupants of residences have had replacement housing made available to them in accordance with 49 CFR 24.204. It is recommended to defer/move the ad date in these situations. This type of certification may be used if the agency can adequately explain why certification should take place before acquisition is complete and why it is in the public’s interest.

There are essentially two types of Certificate #3s. The first is where an agreement has been reached on all parcels and documents are being processed for payment. The extra time between Ad and Bid Opening is used to process and pay the outstanding parcels or clear the final relocation. The second is where parcels will be excepted out and the contract awarded with parcels left to acquire and clear.

**First Type of Certificate #3**

**Agreement Reached & Use of time between Ad and Bid Opening**

- A Certificate can be used if agreements have been reached on all parcels and there is a reasonable expectation that payment and relocation will be completed prior to bid opening.
- The Certification shall list the outstanding parcels along with the issues remaining and an estimated clear date.
- The certification will indicate both the Ad date and anticipated bid opening date.
- A statement is be included in the certification that under no circumstances are bids to be opened prior to submittal of a Certification #1 or #2 to HQ RES and FHWA.
- If updated certification has not been submitted at least one week prior to scheduled bid opening HQ RES will notify the region in writing that a Right of Way certification has not yet been timely received by HQ RES. HQ RES will reinforce that bids cannot be opened until certification is received, reviewed, and sent to FHWA.

*Note:* It is the expectation here that the Region RES Manager is responsible for compliance and assuring that the necessary region staff are informed of the requirements and, in fact, bids are not opened prior to recertification. HQ RES will insure this process is followed.

Under the second type of Certificate #3, the agency ensures that occupants of residences, businesses, farms, or nonprofit organizations who have not yet moved from the R/W are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.
All un-acquired parcels are identified and a realistic date given for completion of acquisition and relocation. An explanation is provided of why the properties are not acquired, how they will be acquired, and when they will be acquired by the given date is also required. Appropriate notification is provided in the project construction bid documents identifying all locations where acquisition is not complete.

**Second Type of Certificate #3**

**Parcels excepted out of the certification**

- Within the certification document, clearly indicate why it is imperative this project go to Ad and Award prior to having all of the parcels acquired.

  *Note:* Reasons could be that we have work that needs to be completed within an environmental window that would be missed otherwise or possibly the scheduling of work does not require the remaining parcels until a much later date or even construction season.

- All parcels that are excepted out are to be listed within the certification letter along with current status, issues remaining, and estimated clear date.

- If work is to be restricted to a specific area, only those parcels necessary for the work are to be certified and work limits identified by stationing are to be imposed. No construction activity will be allowed outside of the defined area. Typically no work will be allowed within existing right of way outside of the restricted construction area. If existing right of way is needed, an explanation of this need along with an explanation of why this would not be coercive would not cause disproportionate injury or unnecessary inconvenience to nearby parcels.

- A right of way plan shall be submitted with the certification indicating parcels being certified, parcels being excepted out and the restricted limits of construction.

- A designated monitor who is regularly on site shall be tasked with the responsibility for maintaining a daily log of activities in the vicinity of the uncertified parcels to assure that no undue coercion or encroachment occurs. A weekly report of these activities is to be submitted to the Region RES Manager and the HQ Acquisition Program Manager. The HQ Acquisition Program Manager will report to FHWA as necessary.

- Prior to Ad, the Region RES Manager will schedule a meeting or conference call between Region engineering and construction staff, Program Management, HQ RES staff and FHWA in order to review the certification requirements and clarify expectations.

- If the certification is approved by FHWA with the condition that an upgraded certification will be provided by a specific date, it is understood that this is the date the upgraded certification is expected at FHWA. Please allow for sufficient time for this to occur. If it appears that an upgraded certification will not be possible by the expected date, the Region RES Manager will notify HQ RES as early as possible in order to involve FHWA and provide for contingency plans.
Submission of the second type of a Certificate #3 may not be approved. If the Region is proposing to submit this type of Certificate #3, a meeting with RES HQ, FHWA, and the Region is recommended to discuss the proposal.

The acquiring agency must comply with all conditions in FHWA’s written approval. Certificate 3s are followed by a Certificate 1 or 2 when possession of all parcels is obtained.

**Additional Certification Information**

- A R/W certificate is prepared for all projects where federal funds are used in any phase (PE, R/W, CN) if there is R/W acquisition.
- For projects where the final project definition indicates that no R/W needs to be acquired, no certificate is required. If project scope changes occur after submittal of the final project definition and additional R/W is required, a certificate is submitted following standard procedures.
- If the final project definition indicates that R/W is required but ultimately design does not require additional property or property rights that need to be acquired, a No Right of Way Certificate shall be prepared.

**Design Bid Build Certifications**

After R/W acquisition has been completed and no later than one month before the federal aid project is to be advertised for contract, the R/W certificate must be submitted to Program Management.

**Design Build Certifications**

The R/W Certificate should include all the parcels necessary to complete the improvements included in the construction contract limits. The contract limits may be less than the limits in the NEPA document. For example, if the NEPA document covers a five mile corridor, and the construction contract covers one mile, the R/W Certificate should cover the parcels within the one mile construction limits.

If all of the R/W needed for the project can be certified when the notice to proceed with construction is issued, the regular Certification Worksheet should be used to show the parcel-specific information.

If construction activities are segmented on a design build project and it is expected that the R/W certificate will be updated at least once to cover additional segment(s), the acquiring agency needs to initiate a meeting with RES HQ and FHWA to propose the construction segments and obtain their formal approval to the proposal. The segments need to be buildable sections, and each segment must have an approved certificate #3 (except for the last segment) prior to WSDOT allowing construction to start on that segment.

These construction phases/segments need to be buildable segments (e.g., a bridge, an intersection) where construction of that segment can be completed without needing additional R/W. If phases/segments are used, the construction activities on that phase/segment cannot interfere with the rights of property owners or tenants on the future phases/segments properties/parcels that have not yet been certified.
The decision to advance a R/W segment to the construction stage shall not impair the safety of a roadway that remains open to traffic, including any sidewalk areas. In addition, the decision to advance a segment shall not be coercive in any way with respect to the un-acquired or occupied properties on the same or adjacent segments of the project R/W.

With the decision to advance a R/W segment, the acquiring agency must designate an official to be the responsible party for monitoring the contractor to ensure that remaining property owners who have not yet sold their property and/or moved are protected from unnecessary inconvenience and disproportionate injury or any action coercive in nature. This party should be named in the R/W certificate.

On design-build projects, no clearing, grading, excavating, or development of any kind may occur prior to completing the environmental review process and receiving notice to proceed with construction. If a parcel for a future segment is certified for limited activities, such as vehicle parking, the certification needs to specifically include language stating that the contractor does not have the right to perform any construction activities until written approval is given by the acquiring agency. In these circumstances, there is a possibility that not all environmental clearances for that specific parcel have been granted, so it is important that the acquiring agency monitors the contractor’s activities to ensure that they are only using the property for the approved interim use.

**17-10 Procedures**

The certification process is the same for both state-funded and federal-funded projects with the exceptions of the steps outlined in the respective sections.

**Design-Build** – Section reserved. Procedures to be developed.

**WSDOT Process**

**Design Bid Build**

**Region Review**

1. Verify:

   a. All property and/or property rights have been acquired, including limited access rights, if necessary, as shown on the approved and revised R/W plans.

   b. All rights necessary to construct, operate, and maintain the facility have been acquired as shown on the PS&E.

   c. All occupants have vacated, and all eligible persons and occupants of the R/W within the project have been relocated to decent, safe, and sanitary housing or have been offered decent, safe, and sanitary housing.

   d. All environmental commitments requiring R/W are included in the R/W plan and PS&E.
e. Property acquired needing utility agreements are in process or complete on project specific properties.

f. All construction memorandums dealing with property rights have been forwarded to the Project Engineer Office.

2. Run IRIS “Parcel Dates Updated” report.
   a. Verify all entries are completed.
      i. Region certification clear dates are filled in.
      ii. Payment available/escrow disbursed entry is filled in (currently located in HQ Clear Dates).

3. Prepare the appropriate certificate (1, 2, or 3) and Certification Worksheet.
   a. If federal aid is involved, verify the federal aid number is correct.
      i. Address certificate to FHWA Division Administrator.
   b. If state funds only.
      i. Address certificate to Secretary of Transportation.

4. Send original and email certificate to the HQ RES Acquisition and Title Program Manager.

**HQ Review**

1. Receive certificate (1, 2, or 3) from region.

2. Run IRIS “Parcel Dates Updated” report and print to ensure all dates are entered.

3. For federal aid or interstate projects:
   a. Review:
      i. R/W plans to verify that all property and/or property rights have been acquired.
      ii. Verify that the HQ Acquisition and Title Section compliance requirements have been met.
      iii. Review the PS&E if requested by the region, and verify that all R/W concerns from PS&E review have been addressed.
      iv. Contact region if any areas need clarification or if IRIS items are incomplete.
   b. Prepare **WSDOT Certification Concurrence Letter**.
      i. Verify federal aid number and project description.
c. Send the following to FHWA:
   i. **WSDOT Certification Concurrence Letter**.
   ii. Original certificate.
   iii. Certificate 1 and 2 to “FHWA Area Engineer.”
   iv. Certificate 3 to FHWA ROW Program Manager.

d. Email items identified in c above to Region RES Manager and Capital Program Development Budget Development and Finance Office.

e. Complete HQ certification in spreadsheet and IRIS.

f. File copy of **WSDOT Certification Concurrence Letter** and original region certificate.

4. For all other projects:

   a. For projects selected for review:
      i. Review:
         (1) R/W plans to verify that all property and/or property rights have been acquired.
         (2) HQ Acquisition and Title Section compliance requirements have been met.
         (3) PS&E and verify that all R/W concerns from PS&E review have been addressed.
      ii. Contact region if any areas need clarification or if IRIS items are incomplete.
      iii. Contact Region RES Manager to discuss deficiencies.
      iv. Enter certification in log.
      v. File region certificate.

   b. For projects not selected for review:
      i. Enter certification in log.
      ii. File region certificate.

5. In the case of a Certificate 3, the project must be re-certified to either a 1 or a 2 when possession of the parcels is obtained.

Certificates (1, 2, or 3) are submitted to FHWA based on the following criteria:

1. Federal aid projects where federal funds are in any project phase (PE, R/W, CN).
   a. WSDOT submits R/W certificate to FHWA.
   b. Supplements to the Stewardship Agreement that are project specific such as SR 520 and Alaska Way Viaduct. *Note*: These supplements were to the 2001 Washington Federal Aid Stewardship Agreement.

If 1 or 2 above are not applicable then the certificate is addressed to the Secretary of Transportation.

FHWA does not formally approve Certificates 1 and 2. The actual certification date for federal aid projects is the date on the *WSDOT Certification Concurrence Letter* sent to FHWA. For Certificate 3s, FHWA will issue an approval letter and that is the certification date.

*Note*: For Certificate 3 only, when FHWA approval letter is received, forward to Region RES Manager and Capital Program Development Budget Development and Finance Office.

**Local Agency Process**

**Region Review**

1. Verify with region Local Programs:
   a. All rights necessary to construct, operate, and maintain the facility as shown on the Right of Way Plans or equivalent are consistent with the PS&E. The review takes place during design approval.
   b. If early acquisition occurred on the project, confirm proper documentation was received (*Appendix N in the ECS Guidebook*).

2. When the local agency determines that all acquisition activities are complete, the local agency will:
   a. Prepare their certificate (on local agency letterhead) using the appropriate form and parcel-specific Certification Worksheet.
   b. Submit certificate, Certification Worksheet, and RW Plan or equivalent to the Local Programs Engineer.

3. The Local Programs Engineer then forwards the certification request to the RESM who in turn forwards the certification to the LAC for the review.

4. The LAC will review the local agency’s acquisition files for the project and determine if the R/W was acquired in compliance with the Uniform Act and 49 CFR Part 24.

5. The LAC will complete the following review worksheets (a more detailed process can be found in Chapter 15):
   - Project Review Worksheet
   - Parcel Review Worksheet
If relocation, then the following:
- Relocation Project Overview Worksheet
- Residential Relocation Review Worksheet
- Non-Residential Relocation Review Worksheet
- Personal Property Only Review Worksheet

6. The LAC will prepare the following reports, as provided for at Section 15-7 based on the following situations:
   a. A Certification Review Oversight Report, if there are any parcels that had deficiencies that required corrective action.
   b. If no issues exist, a Certification Review Oversight Report is not necessary as the information will be captured on the LAC Status Report.

7. a. If the LAC determines that the project is ready for certification, the LAC will:
   i. Sign the certificate and submit it to the RESM for their signature.
   ii. Prepare a Certification Review Transmittal Letter to the local agency indicating WSDOT will proceed with processing the certification request for their project.
   iii. After the RESM has signed the certificate, the LAC, submits the signed certificate with reports and copy of the transmittal letter electronically to LAPM and provides a courtesy copy, without reports, to Region Local Programs contact, HQ LP Program Management contact, and Local Agency contact.
   iv. Provides original transmittal letter and copies of any other relevant information to the LPA.

   OR

   b. If, after distribution of reports and a summary statement by the LAC to, and in consultation with the RESM, LAPM, and the Local Programs Engineer, the LAC determines that the project cannot be certified, the LAC will notify the LAPM and prepare a letter for signature by HQ LP.

   i. The letter will be provided to the agency and the Local Programs Engineer detailing the deficiencies encountered and will include a discussion/statement of whether the acquiring agency’s approved procedures need to be amended, and identifies the areas of weakness. If the areas of weakness are compliance issues, this letter will also notify the acquiring agency that if any current project(s) has similar compliance issues, and possibly future project(s) they might be jeopardizing project’s eligibility for federal funds.

   (1) If corrective action(s) is possible, the letter will outline the corrective action(s) required to qualify for certification.
(2) If corrective action(s) is not possible, WSDOT will coordinate with FHWA to determine next steps. After the agency has performed the corrective action(s), the LAC will review the steps taken and, if appropriate, recommend certification of the project.

   ii. If certification is recommended, then steps i. through iv. above are followed.

**HQ Review**

1. Having received the signed certification from the LAC, the LAPM will:
3. Verify federal aid number on the STIP.
4. Review submitted R/W plans or equivalent to verify that all property and/or property rights have been acquired.
5. Review Certification Review Package submitted from LAC.
6. Contact LAC if any areas need clarification.
7. LAPM will prepare WSDOT’s *Local Agency Certification Concurrence Letter.*
8. Send the following to FHWA:
   a. WSDOT’s *Local Agency Certification Concurrence Letter.*
   b. Original certificate.
      i. Certificate 1 and 2 to “FHWA Area Engineer.”
      ii. Certificate 3 to FHWA ROW Program Manager.
9. Complete HQ certification in tracking spreadsheet.
10. Send electronic copy of completed certification to HQ LP Program Management contact, and a courtesy copy to the Region Local Programs contact, LAC, and RESM.

Certificates (1, 2, or 3) are submitted to FHWA based on the following criteria:

1. Federal aid projects where federal funds are in any project phase (PE, R/W, CN).
2. In the case of a Certificate 3, the project must be re-certified to either a 1 or a 2 when possession of the parcels is obtained.

FHWA does not formally approve Certificates 1 and 2. The actual certification date for federal aid projects is the date on the WSDOT Concurrence Letter sent to FHWA. For Certificate 3s, FHWA will issue an approval letter and that is the certification date.
How to Fill Out the Certification Worksheet

The relocation part of the Certification Worksheet should be filled out with “x”s in the “None” column, and with numbers in the Residential and Non-Residential columns, unless the column header indicates that a date should be entered. If you feel it is appropriate to put something other than an “x” or a number to indicate something specific about a particular parcel, make sure that the marking you choose is listed in a legend at the bottom of the worksheet, or that you add an entry in the legend. Parcels should be entered in the worksheet according to their geographic order of location on the R/W plan/PS&E.

For design build projects with multiple R/W phases/segments encompassed under one contract, the worksheet should be organized by phase/segment and then according to their positions on the plan. The certification worksheet will need to be updated with each Certificate 3 submission. The worksheet should highlight the parcels in yellow that are being cleared with this submission. Any parcels cleared in a previous certificate need to be updated to green.

How to Choose the Correct Certification Form

The tables in the figures are intended to help you determine which certification template to choose. The “x”s in the columns indicates the type of relocation within an individual parcel. The yellow highlight indicates the overall certificate type to select based on looking at all the parcels, with the exception of the “combination.” Remember, a project’s R/W certificate covers all the parcels necessary to construct, operate, and maintain the facility. A project will not have different R/W certificates due to different types of relocation by parcel.

What should be done if project planning or scoping documents originally indicated R/W was needed, but the final design of the project does not require R/W?

The acquiring agency should provide a No Right of Way Certificate that will be included in the project agreement that states, “Design refinements eliminated the need for R/W.”

- For WSDOT projects, this No Right of Way Certificate should be completed by the Region Real Estate Services Manager and sent to Program Management.
- For Local Agency projects, this statement should be made by the appropriate staff at the agency, and sent to the Region Local Programs Engineer.
- HQ RES will send a courtesy copy of the No Right of Way Certificate to:
  - For WSDOT federally-funded projects to FHWA with a copy to the region.
  - For Local Agency projects to FHWA with a copy to the LAC and the Region Local Programs Office.