

17-1 Acronyms

DSS	decent, safe, and sanitary
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 or URA	Uniform Relocation Assistance 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 project certification requirements set out in the Code of Federal Regulations, Revised Code of Washington and the Washington Administrative Code. This chapter is to be used by the Washington State Department of Transportation (WSDOT) 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)

Chapter 8.26 Revised Code of Washington

Washington Administrative Code 468-100 (G)

17-4 References

[Environmental Procedures Manual](#) M 31-11

[Construction Manual](#) M 41-01

[Design-Build Manual](#) M 3126

[Plans Preparation Manual](#) M 22-31

17-5 Forms

17-5.1 WSDOT RES Forms

 RES-399

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

RES – 397 Certification Worksheet – State

Certification Worksheet – Design Build

WSDOT Certification Concurrence Letter

17-6 Definitions

Certification – A statement certifying that all right of way clearance, including relocation assistance, has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedule. The purpose of this certification is to inform the contractor of the status of right of way clearance and to certify that the requirements of the Uniform Act have been met on federally-funded projects. The statement includes language certifying that the appropriate rights were acquired for construction, operation, and maintenance within the right of way.

Combination of Relocation Types – 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 – Land that is already incorporated into the roadway facility or land 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 The proposed project can be built entirely within the existing roadway facility (the facility may be something other than roadway for transportation enhancement projects).

Note: If any property interest is required outside the existing right of way, such as a permit, right of entry, temporary easement or a slope easement, the project cannot be certified as “no right of way required”. Also, if property was acquired specifically for the project, but was acquired under any of the “early acquisition” options, this will necessitate a right of way certification 1, 2 or 3—it does not meet the criteria for a “no right of way required” determination.

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.

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.**

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 appraisals, acquisitions, and relocation assistance for federal projects.

Note: The project certification process is not addressed in the Uniform Act.

17-7 General

This chapter outlines the steps necessary to prepare project certification. Advertisement for project construction 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:

17-8 Policy

Federal and State Law assures property owners and displaced occupants (residents and owners) of specific rights and protection and the delivery of certain entitlement before possession is taken of the property. The certification provides the following information and assurances:

- A. Sufficient property rights to construct, operate, and maintain the facility, as shown on the PS&E, have been acquired. This includes parcels needed for construction purposes only, such as TEs or permits. If limited access rights need to be acquired, the transaction must be completed prior to certification.
- B. 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., under an airspace lease.
- C. R/W has been acquired in accordance with the Uniform Act requirements and/or Federal Land Transfer processes.

Note: Owners must be paid the full amount established as just compensation, or the amount deposited in court for their benefit, before the agency takes possession of the property.

- D. Relocation assistance has been completed in accordance with the Uniform Act and meets the requirements of [Chapter 12](#) of the *WSDOT R/W Procedures Manual*.

Note: 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.

[Section 6-3](#) Early
Acquisition

- E. 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.)
- F. 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.

17-9 Types of Certifications

- 23 CFR 635.309(c)(1) A. **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).
- 23 CFR 635.309(c)(2) B. **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).
- C. **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 that the ad date be deferred or moved in these situations. However, these types of certifications 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 to do so.

Although the federal regulations in [23 CFR 635.309\(c\)\(3\)](#) provide for a single type of certificate when there are still some parcels to be acquired and/or displaced persons to be relocated, there are two distinct situations that can occur:

Since the federal regulations require the certification prior to advertising for construction, there are situations where the circumstances necessitating a certificate # 3 will be cleared prior to bid opening, award, or start of construction. In these situations, R/W clearance prior to construction will result in an upgrade of the certification to a # 1 or # 2 certification before notice to proceed with construction is issued to the contractor. This type of certification # 3 may be referred to as “Time-Based”, because the project R/W is expected to be cleared within one of the time intervals prior to the notice to proceed: Between the ad date and bid opening; between the ad date and the award of the contract; or, between the ad date and the issuance of the notice to proceed.

In some cases, R/W may not be cleared prior to the issuance of the notice to proceed and the start of construction. In such situations, the contractor would have to work around any remaining uncleared parcels until they have been cleared. This type of certification # 3 may be referred to as a work-around, or an “Excepted Parcel” certificate # 3.

1. **Time Based Certificate** A Time-Based certificate # 3 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. In rare cases, and with the prior approval of the Acquisition Program Manager the interval for clearance may extend to the award of contract or to the issuance of the notice to proceed to the contractor.
 - a. In the case of a Time-Based certificate # 3 WSDOT must document why it is in the public’s interest for this project to go to ad, award, or notice to proceed prior to having all of the parcels acquired. Some of the reasons why a certificate # 3 might be in the public’s interest is if there is work that must

be completed within an environmental window which, otherwise, might be missed; or, the project schedule is such that the remaining parcels will not be required until a much later date or even into a new construction season.

- b. The certification document must list the outstanding parcels, the issues remaining, and an estimated clear date that is supported as realistic.
- c. The certification will indicate both the ad date and anticipated bid opening date and include a statement that bids are not to be opened prior to submittal of a certificate that has been upgraded to a certificate # 1 or #2.

2. **Excepted Parcel Certificate 3 - Parcels excepted out of the certification**

An Excepted Parcel Certificate 3 is required when it is necessary for a contractor to work around certain parcels because R/W has not been cleared, d. The Excepted Parcel Certificate 3 can only be used in very unusual circumstances and with prior written approval of FHWA on Federally funded project, and with prior written approval of the Acquisition Program Manager for State only funded projects. Under this type of Certificate 3, the agency ensures that both property owners and 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-- a realistic date of the proposed acquisition is required. Appropriate notification is provided in the project construction bid documents identifying all locations where acquisition is not complete.

- a. The certification document must clearly indicate why it is in the public's interest this project go to ad and award prior to having all of the parcels acquired. 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.
- b. All parcels that are excepted out are to be listed within the certification letter along with current status, issues remaining, and estimated clear date.
- c. 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 adjacent to 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 is required, along with an explanation of why this would not be coercive and would not cause disproportionate injury or unnecessary inconvenience to nearby parcels.

- d. WSDOT shall demonstrate they have a “work around”, if the excepted parcels cannot be cleared by the anticipated clear date(s), to avoid construction delays and/or changes to the construction contract (change orders) due to clearance of right of way.
- e. 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.

3. 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.

4. Design Build Certifications

In order to comply with the requirements of [23 CFR 635.309](#) on design-build projects utilizing federal funds, a preliminary certification statement which meets the requirements of [23 CFR 635.309\(b\)](#) will be prepared prior to advertising for a design-build contractor. The purpose of this statement is to certify to FHWA, when there are federal funds in the project, that the design-build contract will include necessary arrangements for right of way clearance work and to inform the contractor that a R/W Certification 1, 2, or 3 must be completed and approved prior to the issuance of a notice to proceed to construction on any phase or segment of the project.

Each of the construction segment certifications will be prepared in accordance with the requirements of this chapter, and will include the right of way contained within the specific construction segment being certified. If right of way has not been cleared within a construction segment prior to the issuance of a notice to proceed, a Certification 3 must be prepared in accordance with the requirements in this chapter for an “Excepted Parcel” certification. The agency shall coordinate with FHWA on the conditions that will apply to the approval of this certification.

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.

The date of the certification letter from the Region for State Funded Certifications is the date of certification; there is no HQ concurrence.

The date of the concurrence letter from HQ for Federally Funded Certifications is the date of certification; with the exception of Excepted Parcel Cert 3's, the date of FHWA approval is the date of certification.

If HQ does not concur on Federally Funded Projects, there is no cert date. If FHWA does not approve an Excepted Parcel Cert 3 for Federally Funded projects, there is no cert date.

Regions prepare Certifications 1, 2 and 3 to Roger Millar C/O RES HQ and send via email to WSDOT RES Project Certification Requests <RESProjectCertReq@WSDOT.WA.GOV>. No RES HQ concurrence is required.

RES HQ logs the Certifications 1, 2 and 3 and spot checks them as part of oversight feedback responsibility.

Regions are required to re-certify all certification 3's to a 1 or a 2 to Roger Millar C/O RES HQ and send via email to WSDOT RES Project Certification Requests <RESProjectCertReq@WSDOT.WA.GOV>. No RES HQ concurrence is required.

Regions are required to re-certify all certification 2's to a 1 to Roger Millar C/O RES HQ and send via email to WSDOT RES Project Certification Requests <RESProjectCertReq@WSDOT.WA.GOV>. No RES HQ concurrence is required.

RES HQ logs in re-certification and spot checks them as part of oversight feedback responsibility.

Design-Build – Section reserved.

17-11 WSDOT Process

17-11.1 *Design Bid Build*

17-11.1.1 Region RES Review

A. Verify:

1. 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.
2. All rights necessary to construct, operate, and maintain the facility have been acquired as shown on the PS&E.
3. 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.
4. All environmental commitments requiring R/W are included in the R/W plan and PS&E.
5. Property acquired needing utility agreements are in process or complete on project specific properties.
6. All construction memorandums dealing with property rights have been forwarded to the Project Engineer Office.

B. Run IRIS “Parcel Dates Updated” report.

1. Verify all entries are completed.
 - a. Region certification clear dates are filled in.
 - b. Payment available/escrow disbursed entry is filled in (currently located in HQ Clear Dates).

WSDOT Certification
Flowchart – FHWA
Funded

WSDOT Certification
Flowchart – State
Funded

- C. Prepare the appropriate certificate (1, 2, or 3) and Certification Worksheet.
 1. If federal aid is involved, verify the federal aid number is correct.
 - a. Address certificate to FHWA Division Administrator.
 2. If state funds only.
 - a. Address certificate to Secretary of Transportation C/O HQ RES
- D. Send original and email certificate to the HQ RES Acquisition and Title Program Manager.

17-11.1.2 HQ RES Review

- A. Receive certificate (1, 2, or 3) from region.
- B. Run IRIS "Parcel Dates Updated" report and print to ensure all dates are entered.
- C. For federal aid or interstate projects:
 1. Review:
 - a. R/W plans to verify that all property and/or property rights have been acquired.
 - b. Verify that the HQ Acquisition and Title Section compliance requirements have been met.
 - c. Review the PS&E and verify that all R/W concerns from PS&E review have been addressed.
 - d. Contact region if any areas need clarification or if IRIS items are incomplete.
 2. Prepare WSDOT Certification Concurrence Letter.
 - a. Verify federal aid number and project description.
 3. Send the following to FHWA:
 - a. WSDOT Certification Concurrence Letter.
 - b. Original certificate.
 - c. Certificate 1, 2, and time based cert 3s to "FHWA Area Engineer."
 - d. Certificate 3 with excepted parcels to FHWA R/W Program Manager.
 4. Email items identified in c above to Region RES Manager and Capital Program Development Budget Development and Finance Office.
 5. Complete HQ certification in spreadsheet and IRIS.
 6. File copy of WSDOT Certification Concurrence Letter and original region certificate.

- D. For all other projects:
 - 1. For projects selected for review:
 - a. 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) Review the PS&E if requested by the region, and verify that all R/W concerns from PS&E review have been addressed.
 - b. Contact region if any areas need clarification or if IRIS items are incomplete.
 - c. Contact Region RES Manager to discuss deficiencies.
 - d. Enter certification in log.
 - e. File region certificate.
 - 2. For projects not selected for review:
 - a. Enter certification in log.
 - b. File region certificate.
- E. In the case of a Certificate 3 with excepted parcels, 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:

- F. Federal aid projects where federal funds are in any project phase (PE, R/W, CN).
- G. Interstate pursuant to the Federal Aid Highway Program Stewardship and Oversight Agreement dated February, 19, 2008.
 - 1. WSDOT submits R/W certificate to FHWA.
 - 2. 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, 2, and time based Certificate 3s. 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.

-Aid Projects

Appendix 17.111a

Certificate 1 Worksheet Instructions to Complete Form

Worksheet Format:

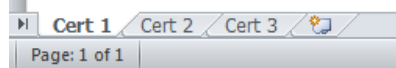
Please do not alter the form by adding or deleting columns as it will affect formulas that automatically compute based on data entered into the spreadsheet. Rows can be added or deleted based on need. It is recommended that adding or removing rows occur between row 4 and row 23.

Creating a List within a Cell:

GENERAL		
R/W Plan Sheet #	Parcel Number	Owner
106	022605-9000	Norris
	022605-9215	
106	022605-9216	Money
	022605-9325	
	022605-9326	
107	022605-9327	Big Blue Diner

A list of information can be added to a single cell by clicking the "Alt" key at the same time and clicking on the "Return" key.

Selecting Correct Form:



The excel spreadsheet is set up as a single workbook with tabs at the bottom left corner of the screen. Select the Cert 1 tab to complete the worksheet.

Electronic Worksheet Instructions:

R/W Plan Sheet #	Enter the ROW plan sheet number on which the parcel is shown. Parcels should be listed in sequential order according to the ROW plans.	Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires

Appendix 17.111a – Instructions for Certificate 1 Worksheet
Created 8/2015

The electronic instructions to complete the worksheet are embedded in each title cell of row 3. Either hover the mouse of the title cell or left click in the cell and the instructions will appear. Once you remove the mouse or click on another cell the instructions will disappear.

Header:

Certificate No. 1
 Agency: Name of Agency
 Project Title: Project Title F.A. No.: Federal Aid No.

Agency Name: Enter acquiring agency name.
Project Title: Enter complete project title which was used on the STIP.
F.A. No.: Enter the federal aid number for the project.

General Section:

GENERAL		
R/W Plan Sheet #	Parcel Number (as shown on the R/W Plan)	Owner

R/W Plan Sheet #: Enter the ROW plan sheet number on which the parcel is shown. Parcels should be listed in sequential order according to the ROW plans.

Parcel Number: The parcel numbers should be listed in the order shown on the ROW plans. Enter the parcel number as identified on the Right of Way Plan. If there are multiple parcels numbers making up the larger parcel determination, they should be shown as a single entry on one line to ensure the parcel count is accurate(use Alt enter function). Please note ROW Plans should be consistent with the certification worksheet.

Owner: Enter the owner name (last name, first name or business name). If there are multiple owners, they should be shown as a single entry on one line to ensure the parcel count is accurate(use Alt enter function).

Acquisition Section:

ACQUISITION									
Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires	Effective Date TCE	Date TCE Expires	Effective Date Permit or Right of Entry	Date Permit or Right of Entry Expires	Date Acquired (Payment Available Date)

Appendix 17.111a – Instructions for Certificate 1 Worksheet
 Created 8/2015

Pre NEPA: If an offer was made on a parcel prior to environmental approval (NEPA), place an “X” in cell. For all offers made on parcels after environmental approval this field should be left blank.

Fee: If fee simple rights (exclusive use and occupancy) were acquired from any portion of the parcel, place an “X” in the cell.

Access Rights: Access rights apply to limited access facilities (such as interstate, WSDOT access breaks). If access rights (including light, view, and air) were acquired from any portion of the parcel, place an “X” in the cell.

Esmt.* P/N/L: If a permanent (perpetual), non-permanent (defined term), or lease was acquired from any portion of the parcel, place an “P” for permanent easement, or an “N” for non-permanent easement, or an “L” for lease in cell. *If something less than a permanent easement is acquired FHWA approval is required.

Date Esmt.* N/L Expires: If you have FHWA approval to acquire a non-permanent easement or lease, enter the expiration date identified in the easement/lease in this cell. This column is not used in the case of a permanent easement.

Effective Date TCE: If a temporary easement is acquired for construction purposes on any portion of the parcel, enter the start date of the TCE. This is normally the same date as the date acquired. This is the date the agency has legal and physical possession, which is also referred to as the payment available date. Possession cannot occur prior to payment to the property owner. In the case of donations, the effective date is the possession date.

Date TCE Expires: Enter the date the temporary construction easement expires as specified in the temporary easement. Agencies should always use a specific expiration date to avoid clouding a property owner’s title.

Effective Date Permit or Right of Entry: Permits or right of entries are obtained for any portion of the parcel from other agencies to perform work on their property and normally without payment of compensation, such as tying into another jurisdiction’s road. Situations that involve temporary work between agencies, does not have to follow the URA process. If a permit or right of entry was obtained for construction activities required for the project, enter the start date of the permit or right of entry. This is normally the same date as the date acquired. Preliminary testing or studies in advance of construction activities are not required to be certified since the work is not part of the PS&E. Also, “beneficial” permits from private property owners are not required to be certified since the work is not required for the project itself and can be eliminated from the contract if the owner were to revoke the permit.

Date Permit or Right of Entry Expires: Enter the date the permit or right of entry expires as specified in the permit or right of entry.

Date Acquired: Date acquired is the date the agency has legal and physical possession, which is also referred to as the payment available date. Possession cannot occur prior to payment to the property owner. If the payment is mailed, the agency should add 5 days to the mailing date. In the case of donations, the effective date is the possession date. Enter the date the property was acquired. This must be filled in for each acquisition listed (on a Cert 1) even if the same date appears in other columns.

NOTE: Refer to the Sufficient Property Rights flow chart (Appendix 25.174 & 25.175) for actual definition of property rights.

Appendix 17.112

Certificate No. 2
 Agency: ABC County
 Project Title: NW Gold Trail Project F.A. No.: STPU 21145(001)

GENERAL		ACQUISITION										RELOCATION							
R/W Plan Sheet #	Parcel Number (as shown on the R/W Plan)	Owner	Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires	Effective Date TCE	Date TCE Expires	Effective Date Permit or Right of Entry	Date Permit or Right of Entry Expires	Date Acquired (Payment Available Date)	Possession Date (P&U Only)	None	Res.	Bus.	Farm	NPO	PPO
106	022605-9000	Norris		X								1/21/15		X					3
	022605-9215											2/1/15		X					
106	022605-9216	Money	X	X		P		2/1/15	8/30/15			2/1/15							
	022605-9325																		
	022605-9326																		
107	022605-9327	Big Blue Diner		X	X	P		2/1/15	8/30/15			2/1/15			2				
108	022605-9456	Strand	X	X								3/1/15							
109	022605-9165	State Parks										4/30/15		X	2				
111	022605-8500	Dreamy		X		N	4/30/15					4/1/15			1				
112	022605-7852	Kort		X									3/6/15						
	6		2	5	1	3	1	2		0				3	2	0	0	3	

Easement key
P=Permanent/Perpetual
N=Non-Permanent (defined term)*
L=Lease*

*Non-permanent easements and leases subject to FHWA approval

Appendix 17.112a

Certificate 2 Worksheet Instructions to Complete Form

Worksheet Format:

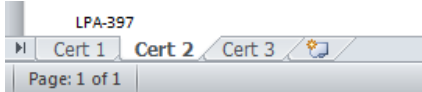
Please do not alter the form by adding or deleting columns as it will affect formulas that automatically compute based on data entered into the spreadsheet. Rows can be added or deleted based on need. It is recommended that adding or removing rows occur between row 4 and row 23.

Creating a List within a Cell:

GENERAL		
R/W Plan Sheet #	Parcel Number	Owner
106	022605-9000	Norris
106	022605-9215	Money
	022605-9216	
107	022605-9325	Big Blue Diner
	022605-9326	
	022605-9327	

A list of information can be added to a single cell by clicking the “Alt” key at the same time and clicking on the “Return” key.

Selecting Correct Form:



The excel spreadsheet is set up as a single workbook with tabs at the bottom left corner of the screen. Select the Cert 2 tab to complete the worksheet.

Electronic Worksheet Instructions:

R/W Plan Sheet #	Enter the ROW plan sheet number on which the parcel is shown. Parcels should be listed in sequential order according to the ROW plans.	Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires

The electronic instructions to complete the worksheet are embedded in each title cell of row 3. Either hover the mouse of the title cell or left click in the cell and the instructions will appear. Once you remove the mouse or click on another cell the instructions will disappear.

Header:

Certificate No. 2
 Agency: Name of Agency
 Project Title: Project Title F.A. No.: Federal Aid No.

Agency Name: Enter acquiring agency name.

Project Title: Enter complete project title which was used on the STIP.

F.A. No.: Enter the federal aid number for the project.

General Section:

GENERAL		
R/W Plan Sheet #	Parcel Number (as shown on the R/W Plan)	Owner

R/W Plan Sheet #: Enter the ROW plan sheet number on which the parcel is shown. Parcels should be listed in sequential order according to the ROW plans.

Parcel Number: The parcel numbers should be listed in the order shown on the ROW plans. Enter the parcel number as identified on the Right of Way Plan. If there are multiple parcels numbers making up the larger parcel determination, they should be shown as a single entry on one line to ensure the parcel count is accurate(use Alt enter function). Please note ROW Plans should be consistent with the certification worksheet.

Owner: Enter the owner name (last name, first name or business name). If there are multiple owners, they should be shown as a single entry on one line to ensure the parcel count is accurate(use Alt enter function).

Acquisition Section:

ACQUISITION											
Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires	Effective Date TCE	Date TCE Expires	Effective Date Permit or Right of Entry	Date Permit or Right of Entry Expires	Date Acquired (Payment Available Date)	Possession Date (P&U Only)	

Pre NEPA: If an offer was made on a parcel prior to environmental approval (NEPA), place an "X" in cell. For all offers made on parcels after environmental approval this field should be left blank.

Fee: If fee simple rights (exclusive use and occupancy) were acquired from any portion of the parcel, place an "X" in the cell.

Appendix 17.112a – Instructions for Certificate 2 Worksheet
 Created 8/2015

Access Rights: Access rights apply to limited access facilities (such as interstate, WSDOT access breaks). If access rights (including light, view, and air) were acquired from any portion of the parcel, place an “X” in the cell.

Esmt.* P/N/L: If a permanent (perpetual), non-permanent (defined term), or lease was acquired from any portion of the parcel, place an “P” for permanent easement, or an “N” for non-permanent easement, or an “L” for lease in cell. *If something less than a permanent easement is acquired FHWA approval is required.

Date Esmt.* N/L Expires: If you have FHWA approval to acquire a non-permanent easement or lease, enter the expiration date identified in the easement/lease in this cell. This column is not used in the case of a permanent easement.

Effective Date TCE: If a temporary easement is acquired for construction purposes on any portion of the parcel, enter the start date of the TCE. This is normally the same date as the date acquired. This is the date the agency has legal and physical possession, which is also referred to as the payment available date. Possession cannot occur prior to payment to the property owner. In the case of donations, the effective date is the possession date.

Date TCE Expires: Enter the date the temporary construction easement expires as specified in the temporary easement. Agencies should always use a specific expiration date to avoid clouding a property owner’s title.

Effective Date Permit or Right of Entry: Permits or right of entries are obtained for any portion of the parcel from other agencies to perform work on their property and normally without payment of compensation, such as tying into another jurisdiction’s road. Situations that involve temporary work between agencies, does not have to follow the URA process. If a permit or right of entry was obtained for construction activities required for the project, enter the start date of the permit or right of entry. This is normally the same date as the date acquired. Preliminary testing or studies in advance of construction activities are not required to be certified since the work is not part of the PS&E. Also, “beneficial” permits from private property owners are not required to be certified since the work is not required for the project itself and can be eliminated from the contract if the owner were to revoke the permit.

Date Permit or Right of Entry Expires: Enter the date the permit or right of entry expires as specified in the permit or right of entry.

Date Acquired: Date acquired is the date the agency has legal and physical possession and reached final settlement, which is also referred to as the payment available date. Possession cannot occur prior to payment to the property owner. If the payment is mailed, the agency should add 5 days to the mailing date. In the case of donations, the effective date is the possession date. Enter the date the property was acquired. This must be filled in for each parcel acquired except in the case where final settlement has not been reached (see possession date below) even if the same date appears in other columns.

Possession Date (P&U Only): The possession date is the date the agency has the right to occupy and use the portion of the parcel needed for the project. Enter the date the agency obtained possession and use of the property. Possession cannot occur prior to payment to the property owner. In the case of a negotiated P&U, if the payment is mailed, the agency should add 5 days to the mailing date. If the payment is deposited into the court in the case of stipulated P&U, enter the date of receipt by the court clerk’s office. This is only applicable in situations in which all necessary rights of way have not been acquired because final settlement has not been reached.

NOTE: Refer to the Sufficient Property Rights flow chart (Appendix 25.174 & 25.175) for actual definition of property rights.

Example:

Certificate No. 2
 Agency: ABC County
 Project Title: NW Gold Trail Project F.A. No.: STPU 2145(001)

GENERAL			ACQUISITION										RELOCATION							
R/W Plan Sheet #	Parcel Number (as shown on the R/W Plan)	Owner	Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires	Effective Date TCE	Date TCE Expires	Effective Date Permit or Right of Entry	Date Permit or Right of Entry Expires	Date Acquired (Payment Available Date)	Possession Date (P&U Only)	Non-Residential						
														None	Res.	Bus.	Farm	NPO	PPU	
106	022605-9000	Norris		X								1/21/15		X						3
106	022605-9215	Money	X	X		P		2/1/15	8/30/15				2/1/15	X						
	022605-9325																			
	022605-9326	Big Blue Diner		X		P		2/1/15	8/30/15											
107	022605-9327												2/1/15							
108	022605-9456	Strand	X	X	X								3/1/15		2					
109	022605-9165	State Parks				N	4/30/45						4/30/15	X						
111	022605-8500	Dreamy		X									4/1/15		1					
112	022605-7852	Kort		X									3/6/15							
	6		2	5	1	3	1	2			0				3	2	0	0	3	

Easement Key
 P=Permanent/Perpetual
 N=Non-Permanent (defined term)*
 L=Lease*
 *Non-permanent easements and leases subject to FHWA approval

Best practices:

ROW Plan – for ease of certification it is recommended that you do not rely solely on Tax Identification numbers as they do not define a parcel acquisition. It is better to assign a parcel number that will identify the entire acquisition which could encompass multiple tax parcel numbers.

If your agency uses both tax parcel numbers and assigned numbers, the use of numbers must be consistent between the ROW plan, ROW certification, parcels, and all file documents.

Appendix 17.113a

Certificate 3 Worksheet Instructions to Complete Form

Worksheet Format:

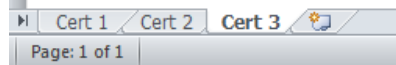
Please do not alter the form by adding or deleting columns as it will affect formulas that automatically compute based on data entered into the spreadsheet. Rows can be added or deleted based on need. It is recommended that adding or removing rows occur between row 4 and row 23.

Creating a List within a Cell:

GENERAL		
R/W Plan Sheet #	Parcel Number	Owner
106	022605-9000	Norris
106	022605-9215	Money
	022605-9216	
107	022605-9325	Big Blue Diner
	022605-9326	
	022605-9327	

A list of information can be added to a single cell by clicking the "Alt" key at the same time and clicking on the "Return" key.

Selecting Correct Form:



The excel spreadsheet is set up as a single workbook with tabs at the bottom left corner of the screen. Select the Cert 3 tab to complete the worksheet.

Electronic Worksheet Instructions:

R/W Plan Sheet #	Parcel Number	Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires

Enter the ROW plan sheet number on which the parcel is shown. Parcels should be listed in sequential order according to the ROW plans.

The electronic instructions to complete the worksheet are embedded in each title cell of row 3. Either hover the mouse of the title cell or left click in the cell and the instructions will appear. Once you remove the mouse or click on another cell the instructions will disappear.

Header:

Certificate No. 3
 Agency: Name of Agency
 Project Title: Project Title F.A. No.: Federal Aid No.

Agency Name: Enter acquiring agency name.
Project Title: Enter complete project title which was used on the STIP.
F.A. No.: Enter the federal aid number for the project.

General Section:

GENERAL		
R/W Plan Sheet #	Parcel Number (as shown on the R/W Plan)	Owner

R/W Plan Sheet #: Enter the ROW plan sheet number on which the parcel is shown. Parcels should be listed in sequential order according to the ROW plans.
Parcel Number: The parcel numbers should be listed in the order shown on the ROW plans. Enter the parcel number as identified on the Right of Way Plan. If there are multiple parcels numbers making up the larger parcel determination, they should be shown as a single entry on one line to ensure the parcel count is accurate(use Alt enter function). Please note ROW Plans should be consistent with the certification worksheet.
Owner: Enter the owner name (last name, first name or business name). If there are multiple owners, they should be shown as a single entry on one line to ensure the parcel count is accurate(use Alt enter function).

Acquisition Section:

ACQUISITION											Estimated Possession Date
Pre-NEPA	Fee	Access Rights	Esmt.* P/N/L	Date Esmt.* N/L Expires	Effective Date TCE	Date TCE Expires	Effective Date Permit or Right of Entry	Date Permit or Right of Entry Expires	Date Acquired (Payment Available Date)	Possession Date (P&U Only)	

Pre NEPA: If an offer was made on a parcel prior to environmental approval (NEPA), place an "X" in cell. For all offers made on parcels after environmental approval this field should be left blank.
Fee: If fee simple rights (exclusive use and occupancy) were acquired from any portion of the parcel, place an "X" in the cell.

Appendix 17.113a – Instructions for Certificate 3 Worksheet
 Created 8/2015

Access Rights: Access rights apply to limited access facilities (such as interstate, WSDOT access breaks). If access rights (including light, view, and air) were acquired from any portion of the parcel, place an “X” in the cell.

Esmt.* P/N/L: If a permanent (perpetual), non-permanent (defined term), or lease was acquired from any portion of the parcel, place an “P” for permanent easement, or an “N” for non-permanent easement, or an “L” for lease in cell. *If something less than a permanent easement is acquired FHWA approval is required.

Date Esmt.* N/L Expires: If you have FHWA approval to acquire a non-permanent easement or lease, enter the expiration date identified in the easement/lease in this cell. This column is not used in the case of a permanent easement.

Effective Date TCE: If a temporary easement is acquired for construction purposes on any portion of the parcel, enter the start date of the TCE. This is normally the same date as the date acquired. This is the date the agency has legal and physical possession, which is also referred to as the payment available date. Possession cannot occur prior to payment to the property owner. In the case of donations, the effective date is the possession date.

Date TCE Expires: Enter the date the temporary construction easement expires as specified in the temporary easement. Agencies should always use a specific expiration date to avoid clouding a property owner’s title.

Effective Date Permit or Right of Entry: Permits or right of entries are obtained for any portion of the parcel from other agencies to perform work on their property and normally without payment of compensation, such as tying into another jurisdiction’s road. Situations that involve temporary work between agencies, does not have to follow the URA process. If a permit or right of entry was obtained for construction activities required for the project, enter the start date of the permit or right of entry. This is normally the same date as the date acquired. Preliminary testing or studies in advance of construction activities are not required to be certified since the work is not part of the PS&E. Also, “beneficial” permits from private property owners are not required to be certified since the work is not required for the project itself and can be eliminated from the contract if the owner were to revoke the permit.

Date Permit or Right of Entry Expires: Enter the date the permit or right of entry expires as specified in the permit or right of entry.

Date Acquired: Date acquired is the date the agency has legal and physical possession and reached final settlement, which is also referred to as the payment available date. Possession cannot occur prior to payment to the property owner. If the payment is mailed, the agency should add 5 days to the mailing date. In the case of donations, the effective date is the possession date. Enter the date the property was acquired. This must be filled in for each parcel acquired except in the case where final settlement has not been reached (see possession date below) even if the same date appears in other columns.

Possession Date (P&U Only): The possession date is the date the agency has the right to occupy and use the portion of the parcel needed for the project. Enter the date the agency obtained possession and use of the property. Possession cannot occur prior to payment to the property owner. In the case of a negotiated P&U, if the payment is mailed, the agency should add 5 days to the mailing date. If the payment is deposited into the court in the case of stipulated P&U, enter the date of receipt by the court clerk’s office. This is only applicable in situations in which all necessary rights of way have not been acquired because final settlement has not been reached.

Estimated Possession or Clear Date: This column is only used if there are parcels excepted from the certification which are shown at the bottom of the spreadsheet highlighted in orange. Enter the date the agency estimates they will obtain possession or the date the parcel will be cleared for certification (occupants relocated, improvements cleared from the right of way, cost to cures completed).

NOTE: Refer to the Sufficient Property Rights flow chart (Appendix 25.174 & 25.175) for actual definition of property rights.

Relocation Section:

RELOCATION					
Non-Residential					
None	Res.	Bus.	Farm	NPO	PPO

None: If there was no relocation on the parcel place "X" in cell. Even in situations where projects have no relocation, the cell should **not** be left blank.

Res: If your project displaced a residential owner or tenant occupant from the parcel, enter the number of displaced residential families in the cell.

Bus.: If your project displaced a business, including qualifying residential landlords (not to be confused with a business that has to relocate personal property only), place the number of displaced businesses in the cell.

Farm: If your project displaced a farm, enter the number of displaced farms in the cell.

NPO: If your project displaced a Non-Profit Organization (NPO), enter the number of displaced Non-Profit Organizations the cell.

PPO: If your project displaced Personal Property Only (PPO), enter the number of PPO displacements in the cell.

Calculated Totals Section:

GENERAL			ACQUISITION										RELOCATION						Estimated Possession or Clear Date			
R/W Plan Sheet #	Parcel Number (as shown on the R/W Plan)	Owner	Pre-NEPA	Fee	Access Rights	Emt.* P/N/L	Date Empt.* N/L Expires	Effective Date TCE	Date TCE Expires	Effective Date Permit or Right of Entry	Date Permit or Right of Entry Expires	Date Acquired (Payment Available Date)	Possession Date (P&U Only)	None	Res.	Bus.	Farm	NPO		PPO		
	0		0	0	0	0	0	0		0				0	0	0	0	0	0			

Column Totals: Each column has a formula at the bottom that will "count" the box if it has data in it. The calculations will happen automatically so there is no need to alter or enter information in this section. The totals should be reconciled with the ROW plan to ensure all rights were acquired.

If you have multiple displacements for one parcel you will need to type in the number of displacements in the appropriate column and the total will be calculated as an "Auto Sum".

Example:

Appendix 17.113a – Instructions for Certificate 3 Worksheet
Created 8/2015

Appendix 17.114 WSDOT Certification Process – Federal-Aid Projects

