

**GUIDELINES  
FOR  
CALTRANS  
RIGHT OF WAY  
REVIEW PROCESS  
FOR  
RAIL PROJECTS**

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## INTRODUCTION

The California Transportation Commission has adopted resolutions requiring a review of all funding requests for right of way for rail projects. These policies are to assure the Commissioners that both proposed and previous allocations for right of way have been based upon reasonable estimates.

The attached guidelines are written to establish a new process in response to the request of the California Transportation Commission for a right of way review of rail projects when right of way is to be acquired. As with any new process, there will be unforeseen concerns and better ways to do things. For this reason this document is intended to be a living document that will change and develop over time as we are able to improve on it. We know that adjustments will be needed and that improvements will arise. These will be acted upon and the guidelines will thus become a better tool for those involved in the process.

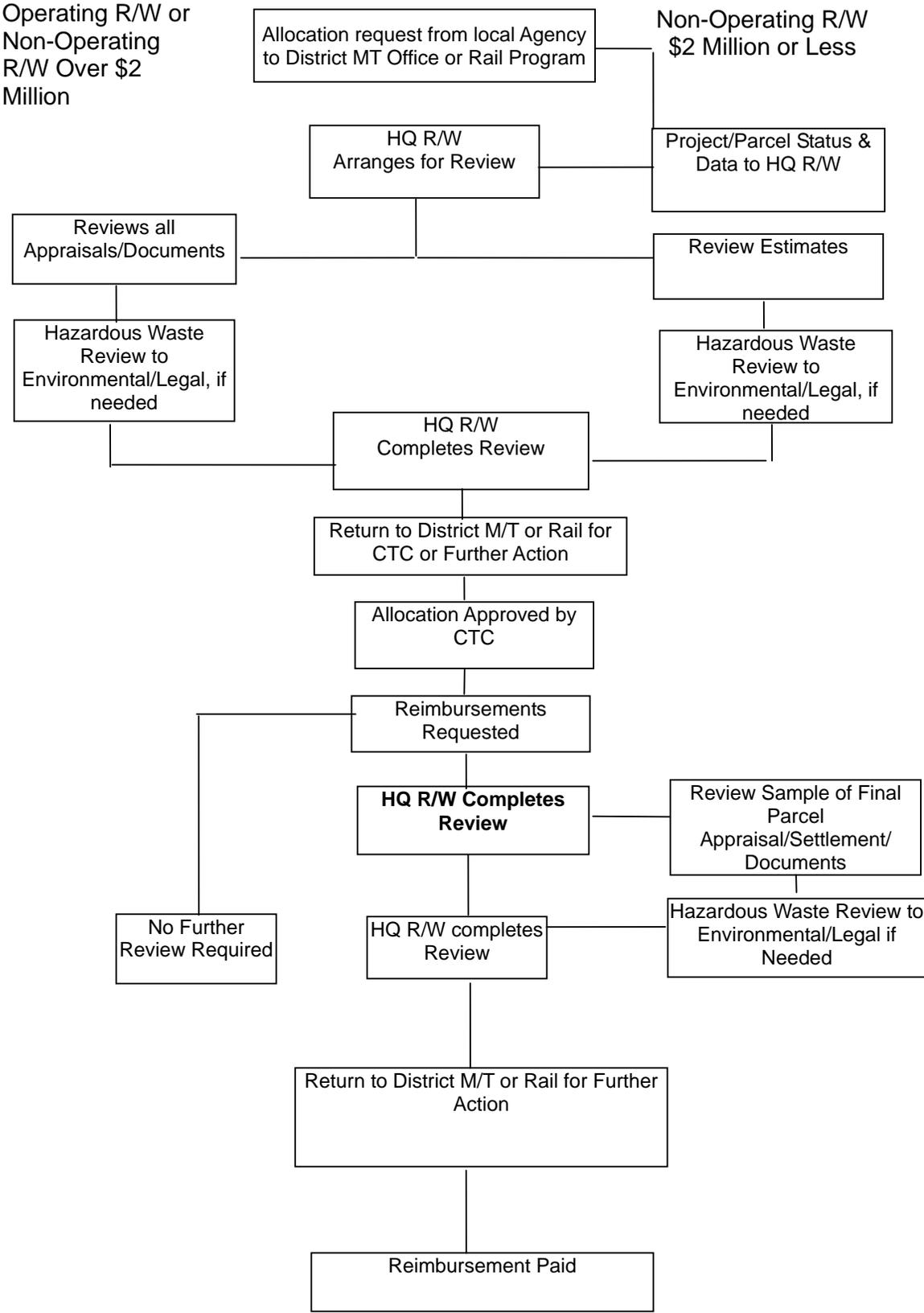
The guidelines are written in three basic segments. The first, pages 1 - 5, "Caltrans role in the rail right of way review policy of the California Transportation Commission", is intended to provide a broad overview of the policy and the roles that each of the stakeholders have in the process. As such it provides a summary for those who don't need the details.

The second section, pages 6 - 8, "Right of Way review as part of the allocation process", provides an explanation of the manner in which the right of way review fits into the overall rail allocation process. While more specific than the first section is also a overview that will help most readers with a broad overview and understanding.

The third section, beginning on page 9, is the detailed procedure for those who will be involved on a daily basis with the process.

For the readers convenience, a process summary chart is included immediately after this introduction.

# R/W REVIEW SUMMARY CHART





**RAIL RIGHT-OF-WAY REVIEW POLICY**  
**RESOLUTION NO. G-90-17**

WHEREAS, the Commission intends to program \$2.55 billion in rail bond funds for commuter and urban rail projects. The Commission intends that the funds will result in the building and operating of rail transit services to be in service not later than the year 2000;

WHEREAS, the Commission intends to program in reserve funds for commuter rail transit services in Los Angeles, Riverside, Orange, San Bernardino and San Diego Counties for \$330 million;

WHEREAS, the Commission is concerned with the negotiations of the public agencies of Riverside, Orange, Los Angeles, San Bernardino and San Diego Counties with the Southern Pacific Transportation company and the Atchison, Topeka and Santa Fe Railway for the express purpose of acquiring the right-of-way and operating easements for commuter rail service in those five counties;

NOW THEREFORE BE IT RESOLVED, the Commission is concerned that the cost of the right-of-way acquisition not be an over-inflated price and is a reasonable price to the state and local public agencies, given the limited potential uses of these corridors for other than transportation purposes and the potential occurrence of toxic waste;

BE IT FURTHER RESOLVED, the Commission intends to retain a consultant(s) funded by the applicants to participate as an observer of the current negotiating process between the public agencies of RCTC, LACTC, OCTC, SANBAC, MTDB and Southern Pacific and the Atchison, Topeka and Santa Fe Railroads;

BE IT FURTHER RESOLVED, the Commission's consultant(s) shall evaluate the applicant's report on the appraisal cost and easement price of the rail right-of-way and a report on the toxic/hazardous materials that may be present in the rail corridors; both reports shall be submitted by the project applicant when they apply for allocation by the Commission. Consultant shall also recommend a per-mile basis cost or other factors in establishing a reasonable valuation for the rail corridors and easements; and

BE IT FURTHER RESOLVED, the Commission intends to use this information in allocating the appropriate extent of reserved state funds for right of way acquisition costs and easement costs.



RESOLUTION G-91-2  
Commission Policy Resolution for Hazardous Waste Identification  
and Cleanup for Rail Right-of-Way

WHEREAS, the Commission has programmed funding for rail right-of-way acquisition in the 1990 State Transportation Improvement Program and may allocate funding for rail right-of-way acquisition from the Clean Air and Transportation Improvement Act; and

WHEREAS, hazardous wastes, based upon federal and state statutes and regular include but are not limited to such categories as heavy materials, (e.g., lead), inorganic (e.g., excessive mineral levels) and organic compounds (e.g., petroleum products), and can occur on a property's surface and subsurface; and

WHEREAS, rail properties often have hazardous wastes exceeding State of California and federal hazardous waste standards; and

WHEREAS, such properties contaminated with hazardous wastes require mitigation prior to using them for rail purposes; and

WHEREAS, hazardous wastes discovered on rail property may significantly impact rail property value, project scheduling and future liability for the grant application; and

WHEREAS, the Commission must be assured that acquisition of rail properties have been fully reviewed by the grant applicant, and if warranted, the grant applicant has tested for hazardous wastes; and

WHEREAS, if hazardous wastes exist, the Commission must be assured that the hazardous waste identified has either been cleaned up, or financial responsibility for the cleanup has been determined prior to title transfer grant applicant, or easement has been secured in lieu of purchasing the property, and the subsurface rights and liability for hazardous wastes remain with the property seller; and

WHEREAS, hazardous wastes identified subsequent to title transfer to the grant applicant will be cleaned up by the seller or a mechanism to recover cleanup costs is established and executed as a condition prior to title transfer; and

WHEREAS, full due diligence is necessary in discovering hazardous waste an essential element in acquiring rail right-of-way properties by the grant applicant; and

NOW THEREFORE BE IT RESOLVED, that acquisition of all rail right-of-way properties will be fully investigated by the grant applicant to determine absence/presence of hazardous wastes. Investigations shall be conducted in accordance to the standards and practices of the local, state and/or federal regulatory agencies having jurisdiction and by personnel adequately trained in hazardous waste investigation; and

BE IT FURTHER RESOLVED, that all properties, discovered with hazardous wastes which exceed the federal/state standards, will be cleaned up to the satisfaction of the responsible local, state and/or federal regulatory agency. The appropriate regulatory agency shall certify to grant applicant that the cleanup has been completed; and

BE IT FURTHER RESOLVED, that the grant applicant will certify by formal resolution to the Commission that all reasonable steps have been completed to assure full due diligence in the discovery of hazardous waste has been achieved during the acquisition of rail right-of-way and the state is held harmless from cleanup liability or damages, both present and future; and

BE IT FURTHER RESOLVED, that the grant applicant will certify by formal resolution that it will not seek further state funding, for cleanup, damages, or liability cost associated with hazardous wastes on or below acquired property's surface; and

BE IT FURTHER RESOLVED, that the grant applicant will certify to the Commission:

- that all rail right-of-way acquisition properties have been investigated and have been found clean;
- or that the cleanup of discovered hazardous waste has been completed prior to acquisition of the property;
- or that the grant applicant has obtained permanent easement and the subsurface rights and liability and full responsibility to pay for and remove such hazardous waste remains with the seller in conformance with applicable State and Federal law;
- or if hazardous wastes are known to exist prior to acquisition and if the applicant determines that time is of the essence for acquisition, then and in that event, an enforceable agreement will be entered into requiring the responsible party(ies) to clean all hazardous wastes by a date certain, with the option of funds sufficient for the clean-up costs deposited in escrow by the seller.

In the event of failure to clean up by the date determined, the recipient of the grant will make full restitution to the State for its participation. This resolve does not preclude the recipient from-requesting re-allocation not to exceed the refunded amount after the hazardous waste(s) have been fully removed from the subject site; and

BE IT FURTHER RESOLVED, that the grant applicant will certify to the Commission that the seller from whom properties have been acquired retain liability for any hazardous waste investigation and/or cleanup, and damages discovered subsequent to the transfer of title; and

BE IT FURTHER RESOLVED, the Commission declares all future liability resulting from hazardous wastes remain with the seller or the grant applicant, not the state, and the grant applicant has been indemnified by the seller for any coats resulting from failure to eliminate hazardous wastes; and

BE IT FURTHER RESOLVED, no state funds will be made available for any future coats associated with cleanup, damages, or liability costs associated with hazardous wastes on or below the acquired property's surface.





California Transportation Commission

AMENDMENT TO  
RAIL RIGHT-OF-WAY REVIEW POLICY

Resolution #G-95-09

Amending Resolution #G-90-17

- 1.1 WHEREAS the Commission was concerned with the negotiations of the public agencies of Riverside, Orange, Los Angeles, San Bernardino and San Diego Counties with the Southern Pacific Transportation Company and the Atchison, Topeka & Santa Fe Railway for the express purpose of acquiring the right-of-way and operating easements for commuter rail service in those five counties; and
- 1.2 WHEREAS, the Commission adopted on September 20, 1990, a "Rail Right-of-Way Review Policy", Resolution #G-90-17, in which the Commission expressed its concerns that the cost of right-of-way acquisition not be over-inflated and that it be reasonable to the state and local public agencies, given the limited potential uses of these corridors for other than transportation purposes, the potential occurrence of toxic waste and the extreme constraints on public funding for transportation capital investments; and
- 1.3 WHEREAS, the Commission broadened Resolution #G-90-17 to apply statewide when it adopted the 1990 STIP (#G-90-18) September 20, 1990; and
- 1.4 WHEREAS, the Commission intended #G-90-17 to apply to all purchases of property, whether in full or less than fee title, for rail operating (e.g., operating segment including track, ties, rail bed, etc., used for passenger or freight service) and non-operating purpose (e.g., stations, platforms, parking or maintenance facilities), regardless of state funding source by local, regional and state agencies; and

1.5 WHEREAS, the Commission adopted Resolution #G-91-2, Hazardous Waste Identification and Clean-up Policy, (February 21, 1991) which required agencies to:

- Exercise due diligence to identify hazardous materials on parcels being acquired,
- Provide clean-up or remediation of those hazardous materials on those parcels,
- Agree that no state funds would be sought for clean-up, damages, or liability costs associated with the hazardous materials and
- Indemnify the State of current and future liabilities; and

1.6 WHEREAS, the Commission recognizes that, consistent with its efforts to streamline State transit grant program procedures, agencies with multi-year transit projects may seek an annual allocation of state funds for a combination of pre-construction activities, right-of-way acquisition and construction activities; and

1.7 WHEREAS, the Commission's Rail Right-of-Way Review Policy was adopted prior to the passage of AB 738 (Escutia, Ch 470/ 93), which is intended to ensure fair and reasonable prices for public acquisition of railroad rights-of-way, particularly when state and federal funds are used for that purpose; and

1.8 WHEREAS, pursuant to AB 738, the Secretary of Business, Transportation and Housing developed "Valuation Procedures and Guidelines for Public Acquisition of Railroad Rights-Of-Way" which were transmitted to the Legislature; and

1.9 WHEREAS, the Commission is reviewing all operating railroad right-of-way acquisitions to ensure that agencies are using the AB 738 Guidelines appropriately; and

1.10 WHEREAS, the local agencies have requested the Commission to amend its Rail Right-of-Way Review Policy (#G-90-17) to permit agencies to request right-of-way acquisition of non-operating parcels as part of their consolidated annual project allocation.

2.1 NOW THEREFORE BE IT RESOLVED, that the Commission hereby amends its Rail Right-of-Way Review Policy (#G-90- 17) to permit agencies to request a consolidated annual project allocation which includes right-of-way acquisition of non-operating parcels for rail purposes consistent with the procedures set forth herein.

2.2 BE IT FURTHER RESOLVED, that the Commission, as part of its ongoing streamlining of the State transit grant program procedures, shall permit agencies flexibility in completing a project. Project cost estimates for right-of-way, construction, and rolling stock shall be set forth and include line by line listing of all project tasks and products and estimated cost by task product, category and funding source. Flexibility among the three major categories shall be authorized as follows:

Changes in Major_Expenditure Category	Level of Flexibility
0-10 %	Local Agency has total flexibility to make changes and shall inform Caltrans of changes through the quarterly monitoring process.
10-20 %	Changes must be approved by Caltrans prior to expenditure; Caltrans at its option can refer the request to the Commission.
More than 20% or change	Caltrans must approve the shift of funds and inform the Commission; Caltrans shall recommend if Commission approval is necessary.
Increase in State funding	Commission approval is required.

2.3 BE IT FURTHER RESOLVED, that an agency receiving an allocation which includes non operating parcels shall meet the following objectives:

- That the cost of the right-of-way acquisition is not over-inflated and is a fair and reasonable price to the State and local public agencies;
- That the agency exercise due diligence and identify hazardous materials, and provide, at the seller's or the buyer's expense, clean-up and remediation of hazardous materials present on or below the parcels;
- That the agency agree that no State funds would be sought for clean-up, damages or liability costs associated with the hazardous materials; and
- That the agency shall indemnify the State of existing and future liabilities that may result from the hazardous materials.

2.4 BE IT FURTHER RESOLVED, that Caltrans shall evaluate the applicant's report on the appraisal cost and easement price of the rail right-of-way and a report on the toxic/hazardous materials that may be present in the rail corridors; both reports shall be submitted by the project applicant when

they apply for allocation by the Commission for all operating rail right-of-way and for all non-operating parcels over \$2 million threshold/parcel that are intended for rail purposes to ensure, as appropriate, that the Commission's intent in #G-95-09, #G-90-17 and #G-91-2, and Public Utilities Code Section 7551.3 are still met.

2.5BE IT FURTHER RESOLVED, that an applicant agency requesting an allocation for non- operating parcels, without final appraisals and final purchase and sale agreement shall:

- Have an SB 580 agency and project certification by Caltrans;
  - be certified by Caltrans Right-of-Way Program, as promulgated in the SB580 Guidelines, that the applicant's acquisition rules, procedures and manuals for acquiring parcels are substantially in conformance with the appropriate federal and state statutes and regulations (e.g., the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, the State's Uniform Relocation Assistance and Real Property Acquisition Policies Act), or
  - use a person or agency that has been certified by Caltrans to perform the right-of-way acquisition;
    - Be limited to those individual parcels with an estimated cost of \$2 million or less; and
    - Submit its cost estimate documentation for the parcels proposed for acquisition to Caltrans for review.

2.6BE IT FURTHER RESOLVED, that an agency shall submit documentation, as required by #G-90- 17, for those non-operating parcels that have a cost estimate greater than \$2 million/parcel, prior to an allocation of State funds.

2.7BE IT FURTHER RESOLVED, that the applicant shall submit to Caltrans at the time of invoicing for reimbursement by the State the cost estimate, the appraisals, and final purchase and sale agreement, or condemnation judgment so that Caltrans staff can compare the reasonableness of the purchase price before reimbursement for parcels that are \$2 million or less. Although all parcels will be subject to final reconciliation through the State audit process by Caltrans as the Commission's grants administrator, only a representative sample would be reviewed.

2.8BE IT FURTHER RESOLVED, that Caltrans is directed pursuant to #G-95-09:

- To review, as part of its current review process for allocation requests, a representative sampling of the parcels' cost estimates to be acquired

in terms of dollar amount, land use, and other pertinent factors, prior to any Commission allocation, to determine if the total estimated cost of the non-operating parcels being acquired is fair and reasonable, based upon that representative sampling, while preserving confidentiality of the agency's cost estimate for any particular parcel.

- To prepare, as part of its quarterly review process, written findings describing the agency's status in terms of number of parcels acquired and expenditure amounts versus the cost estimates of the non-operating parcels.
- To use the information submitted by the agency in Sections 2.4, 2.5, 2.6, and 2.7 above to describe the agency's acquisition record, as part of the agency's allocation request that is prepared by Caltrans, so that the Commission has the acquisition information when it considers the agency's next annual allocation request.

2.9BE IT FURTHER RESOLVED, that agencies with allocation requests for non-operating parcels that have not met the provisions set forth these revised Guidelines at the time of June 1995 adoption may receive an allocation, but that no state funds shall be reimbursed for acquisition until the agency is in compliance with this policy (G-95-09).

2.10BE IT FURTHER RESOLVED, that Caltrans shall, with the assistance of interested agencies, review periodically this policy and #G-90-17 to ensure that these policies are current with federal and state real estate procurement statutes, regulations and policies and to inform the Commission of those changes so that the Commission consider revising #G-95-09 and #G-90-17.

2.11 BE IT FURTHER RESOLVED, that the Commission intends to use this information in allocating the appropriate extent of reserved state funds for right-of-way acquisition costs and easement costs.



# **CALTRANS' ROLE IN THE RAIL RIGHT OF WAY REVIEW POLICY OF THE CALIFORNIA TRANSPORTATION COMMISSION**

In July 1995, the California Transportation Commission (CTC) restated its concern that the cost of rail right of way acquisitions be reasonable and not over-inflated. This concern applies to all purchases of property, whether in full or less than fee title, for rail purposes, whenever state funds from any source are used or the real estate value is applied toward the matching local share.

The Commission directed that Caltrans evaluate each applicant's appraisal report relative to all operating rail right of way acquisitions and all non-operating parcel acquisitions over \$2 million, and appraisal estimates for non-operating parcels \$2 million and under, intended to serve rail purposes, to determine that the cost is not over-inflated, is fair and reasonable, and appropriately follows the "Valuation Procedures and Guidelines for Public Acquisition of Railroad Rights of Way" (AB 738 Guidelines).

The Department is further directed, as a part of its evaluations, to review the applicant's report on toxic/hazardous materials that may be present to ensure adherence to the intent of Commission Resolution No. G-91-2, Hazardous Waste Identification and Clean-Up Policy.

## **I. Purpose**

To outline the roles and responsibilities within the Department to carry out the CTC's directions.

## **II. Policy Statement**

CTC Resolution No. G-95-09, passed July 13, 1995.

## **III. Definitions**

### **A. Rail Operating/Operating Right of Way**

Property owned by a railroad and necessary for railroad transportation purposes, over which property rights are to be acquired by a public agency. These are the properties and rights which another railroad would likely acquire to continue the freight/ passenger traffic service; and if not acquired, would have to be replaced with substitute properties/rights to continue that service. A railroad owner's fee or easement title to right of way is currently improved with rail, ties and ballast, and ancillary improvements to run train operations on that line. It may include station sites and their parking lots. The valuation of this type of property requires special procedures.

### **B. Non-operating right of way**

Any property (commercial, industrial, residential, agricultural etc.) that is not utilized for rail operating purposes at the time of valuation/acquisition. Non-operating right of way can be property owned by a rail operator that is utilized for support of the operating right of way (e.g., administrative offices, storage areas, etc.). The valuation of this type of property can be established by ordinary appraisal methods.

## **V. Department Goals and Objectives**

- A. Provide assurances to the CTC that a fair and reasonable price for public acquisition of right of way for rail purposes is being paid, consistent with CTC Resolution G-95-09.
- B. Provide assurances to the CTC that the applicant is exercising due diligence identification and remediation of hazardous materials (waste) present on right of way being acquired and that no state funds are being used for cleanup, damage C liability costs associated with hazardous materials (waste).

## **VI. Roles and Responsibilities**

- A. Caltrans Intercity Rail Program
  - 1. Notifies Headquarters Right of Way and Asset Management (RWAM) Appraisal Branch as early as possible of proposed application dates ~ of way requirements for pending inter-city rail projects to be submitted agencies.
  - 2. Ensures that agencies are preparing appraisal reports or estimates sufficiently in advance of allocation requests to allow timely Right of Way review.
  - 3. Upon receipt, forwards necessary appraisal reports, valuation estimates hazardous waste certifications/indemnification reimbursement packages and acquisition documents for inter-city rail projects to Headquarters RWAM Appraisal Branch for review.
  - 4. Provides Intercity rail project and parcel status data to Headquarters RWAM Appraisal Branch, as needed, to complete quarterly CTC status reports.
- B. Headquarters Mass Transportation Program
  - 1. Performs SB 580 reviews and requests certifications of any applicant agency by notifying RWAM, Attn. Headquarters Local Programs, as a part thereof. In addition, performs project level SB 580 review at the time allocation. Please refer to the Transit Funding Reference Guide for details which is available from your C.T. District Office.
  - 2. Notifies Headquarters Right of Way and Asset Management Appraisal Branch as early as possible of proposed application and allocation dates and right of way requirements for pending commuter and urban rail projects to be submitted by local agencies.
- C. District Mass Transportation Office
  - 1. Upon receipt, forwards necessary appraisal reports, valuation estimate hazardous waste certification/indemnification, acquisition documents reimbursement packages for commuter and urban rail projects to Headquarters RWAM, Appraisal Branch.
  - 2. Includes Right of Way findings and comments with the allocation request package. The allocation request package will not be considered con without Right of Way findings.

3. Provides guidance to agencies that are preparing appraisal reports or estimates to do so sufficiently in advance to allow timely Right of Way review.
4. Provides project and parcel status data to Headquarters RWAM Appraisal Branch<sub>1</sub> as needed, to complete quarterly CTC status reports.

D. Right of Way and Asset Management Program

1. Appraisal Branch

- a) Acts as consultant to the Commission on rail property valuation and makes presentations when requested.
- b) Reviews all operating railroad right of way acquisition projects to provide comments to the CTC as to whether the purchase price is fair and reasonable and that the valuation methods used are consistent with the Valuation Procedures and Guidelines. Findings are furnished to the CTC Liaison, Caltrans Intercity Rail Program for inter-city rail projects, or the District Mass Transportation office for commuter and urban rail projects, with a copy to the District Right of Way office.
- c) Reviews all non-operating project parcels over \$2 million to assure the CTC that the purchase price is fair and reasonable. Findings are furnished to the CTC Liaison, Caltrans Intercity Rail Program office for inter-city rail projects or the District Mass Transportation office for commuter and urban rail projects, with a copy to the District Right of Way office.
- d) At the time of the allocation request, reviews a representative sample of estimates of non-operating parcels \$2 million or less to determine the reasonableness of the value.
- e) At the time reimbursements are requested, for non-operating parcels \$2 million or less, reviews and compares a representative sample of the cost estimate of project parcels, the appraisals and the purchase agreements to determine reasonableness of the price.
- f) Assures that appraisals and purchases reviewed conform to the CTC hazardous waste policy.
- g) Prepares a quarterly report (cumulative for a 12-month period) to the CTC describing each applicant agency's status in terms of number of parcels acquired and expenditure amounts versus the cost estimates.
- h) Maintains a project tracking chart for each rail project upon which a review is or will be requested.

2. Local Programs Branch Coordinates between Caltrans Intercity Rail Program, District Mass Transportation office and District Right of Way for the performance of local agency prequalifications.

E. Legal

Provides legal review, guidance and assistance.

F. Hazardous Waste Management Environmental Unit

Where necessary, reviews project parcels to ensure that each local agency exercising due diligence in the identification and remediation of any potential hazardous materials (waste) present on right of way being acquired, and as that no state funds will be used for cleanup, remediation, damage or liability associated with hazardous materials.

G. Local Agency

1. The local agency must assure the CTC that the cost of right of way acquisition is not over-inflated and is a fair and reasonable price to the State and to the local public agency.
2. The local agency will exercise due diligence and identify any hazard materials in compliance with CTC Resolution G-91-2.
3. The local agency must assure the CTC that no state funds will be sought for cleanup, damage or liability costs associated with hazardous materials shall indemnify, defend and hold harmless the State against both Present and future liabilities that may result from the presence of hazardous materials.
4. The local agency shall arrange for an appraisal by a qualified appraiser parcels to be acquired with state funding or where the value of the parcel is to be applied toward the matching local share. To allow for adequate review time, appraisals subject to right of way review for allocations be completed and delivered to Caltrans as early as possible, preferably least 45 days prior to the allocation request date (not the CTC allocation date). The allocation request date is the date the applicant formally notifies Caltrans for an allocation of funds

**Caution: Depending on the complexity (particularly on operating right of way) and project size, appraisal evaluations may require questions and responses between reviewers, consultants and appraisers, could also involve legal staff. In such cases the review completion extend beyond the normal anticipated time frames, resulting in not receiving allocation approval. If agencies anticipate project type, they should be submitted in advance of the normal 45 day delivery time specified above. Please contact your Caltrans District representative if you have questions concerning timing of right of way reviews**

- a) Delivery timelines for projects using parcel cost estimates are critical, and RWAM should be able to complete its review within usual allocation time frames. However, with larger complex project agencies should contact Caltrans in advance to ascertain timelines.
- b) Agencies shall provide hazardous waste certifications/ indemnification and reports with all appraisals.
- c) One appraisal report is required for rail project parcels. Caltrans' internal policy for highway projects requires dual appraisals if parcels are complex and values exceed \$500,000. Although dual appraisal reports are not

required on rail projects, they can be a good business/project option in high value and complex appraisals. Dual appraisals can reduce the review time, particularly if one appraisal cannot support a recommendation as a fair and reasonable price.

5. At the time of invoicing for reimbursement, the local agency will provide Caltrans District Mass Transportation office or Caltrans Intercity Rail Program with copies of final purchase and sale agreements, condemnation judgments, appraisals or estimates for each parcel acquired. A sample of appraisals and documentation on non-operating parcels valued at \$2 million or less are subject to Right of Way review at the time of reimbursement.
6. All necessary documents and reports to be provided to Caltrans are to be submitted to:
  - a) The Caltrans District Mass Transportation office for an urban or commuter rail project, or
  - b) The Caltrans Intercity Rail Program office in Sacramento for all inter-city rail projects.

H. District Right of Way Office

1. Performs as part of the agency level SB 580 review, local agency right of way prequalifications when requested by RWAM Local Programs Branch.
2. Provides RWAM Appraisal Branch assistance in the review process with respect to real estate prices, trends, comparable data, field reviews, etc., to be used in evaluating the reasonableness of right of way estimates used by the local agencies.
3. Any request directed to the District from a local public agency for review or comment relative to proposed railroad acquisitions that involve CTC funding allocation or approval will be forwarded immediately to Headquarters Appraisal Branch for handling.
4. Coordinates with District Mass Transportation office on commuter and urban rail projects to provide documents, reports and project/parcel data to Headquarters Appraisal Branch for review.

## **RIGHT OF WAY REVIEW AS PART OF THE ALLOCATION PROCESS**

In order for any agency to obtain State funds for any approved project such as a Transit Capital Improvement (TCI) project or bond-funded project, the agency must submit a letter requesting fund allocation to the Department. The appropriate Caltrans district office ascertains that all funding requisites (e.g., SB 580 agency and project certification) have been met by local agency. The district then reviews the documentation for completeness and eligibility and the allocation request is scheduled for action at the appropriate monthly California Transportation Commission (CTC) meeting. An approved CTC resolution is the authority for the agency receive reimbursement for the state share of a project, pending execution of the Fund Transfer Agreement.

Allocation requests involving inter-city rail projects are processed by the Caltrans Hi Rail Program in the Sacramento office.

**For details on the allocation process and Caltrans allocation review procedures, please refer to the Transit Funding Reference Guide, available from your C.T. District Office.**

### **RIGHT OF WAY REVIEW**

When an applicant agency proposes financing the acquisition of project right of way bonds or other state funds, or where the local matching share is based upon the value of way acquisition, Caltrans allocation review must include a full or sample review of the appraisals documents and or estimates, as necessary, to assure compliance with CTC Resolution G-90-17 and G-95-09. Included as part of the right of way review is a verification and documentation the hazardous waste investigation and indemnification to the state for costs incurred in d hazardous waste substances.

The Appraisal Branch in the Right of Way and Asset Management Program (RWAM) in Sacramento has the responsibility for the review and determining if the valuation and expenditure appears fair and reasonable. This may involve selective review of appraisals documents and/or estimates. This unit may also request review assistance from district Right of Way offices or from outside consultants.

The Right of Way review pursuant to CTC resolutions is applicable to the valuation and purchase of real property. Unless specifically requested by the CTC, the review does not apply to other right of way expenditures such as relocation, improvement demolition, loss of goodwill claims and utility relocation.

### **ALLOCATION SUBMITAL**

Allocation requests involving right of way acquisitions are typically submitted by the applicant agency in either of two formats, depending on the type and value of the proper acquired or to be acquired:

1. Operating Right of Way Parcels

These are typically parcels which have current uses devoted to railroad line operations (see definitions). All operating parcels to be submitted for the allocation request, regardless of the value, must have completed real estate appraisals and hazardous waste reports and indemnification. If available, draft or final purchase documents (property acquisition agreement) should be included with

the allocation request package. RWAM will review appraisals and other documents for all operating right of way parcels.

2. Non-Operating Parcels - These are parcels acquired or to be acquired which are not utilized or improved for rail operating purposes at the time of acquisition (see definitions). All non-operating parcels exceeding \$2 million per parcel are processed in a similar manner as operating right of way parcels requiring completed real estate appraisals and hazardous waste reports and indemnification to be submitted with the allocation request. If available, draft or final purchase documents (property acquisition agreement) should be included. RWAM will review appraisals and other documents for all non-operating right of way parcels exceeding \$2 million.

For non-operating parcels having appraised values of \$2 million or less per parcel the parcels in the allocation request can be submitted in the usual format with completed appraisals and hazardous waste reports and indemnification; or as an option, they can be submitted as estimates of value (without final appraisals) accompanied with necessary documentation to support the estimate, and must include a hazardous waste indemnification. If estimates are used, appraisals and hazardous waste reports will be required with the reimbursement request. RWAM will review a sample of parcels \$2 million or less submitted as estimates.

## **TIME REQUIRED FOR RIGHT OF WAY REVIEW**

Typically, allocation requests are processed by Caltrans within 60 days of submittal to the district office or to Caltrans Intercity Rail Program. Occasionally, projects with complex high value properties or those with operating rail right of way acquisitions may require lengthy right of way review. The valuation of operating facilities requires a specialized process and could involve numerous meetings or discussions with appraisers and legal counsel. In such cases, the processing of the allocation request could extend beyond the normal 60-day approval timeline. It is recommended that appraisals be completed and submitted for RIW review at least 45 days in advance of the date the allocation request is to be submitted. Please refer to details of right of way review time frames as discussed previously in the Roles and Responsibilities section under Local Agency.

## **COMPLETION OF RIGHT OF WAY REVIEW**

Upon completion of right of way review for the allocation, Headquarters Right of Way and Asset Management Program will forward its findings and recommendations to the Intercity Rail Program (where necessary), the appropriate District Mass Transportation office and the Department's CTC liaison office. The appropriate Caltrans unit responsible for completing the allocation request review will notify CTC staff of right of way comments. If the valuation or purchase price is found to be reasonable, the allocation request can be approved and submitted to the CTC staff for allocation, providing all other documentation and eligibility requirements are met.

If Right of Way findings conclude that the valuation or purchase price can't be recommended as reasonable, the allocation will be held pending submittal of additional information from the agency applicant to resolve valuation issues which may include submittal of new appraisals or estimates where appropriate. Matters that cannot be resolved in a timely manner, may be submitted or appealed to the CTC.

## **REQUESTS FOR REIMBURSEMENT**

After completing acquisition of a parcel(s) the agency applicant forwards invoices and documentation to Caltrans requesting reimbursement of funds expended. Reviews are completed by Caltrans in accordance with procedures established in the Transit Funding Reference Guide.

For operating parcels and non-operating parcels greater than \$2 million the appraisals will have been reviewed prior to allocation. On non-operating parcels acquired having a v2 million or less submitted for reimbursement RWAM will review or arrange for review of documents, appraisals and estimates (if applicable) covering a representative sample parcels submitted by the agency applicant. This review is independent of Caltrans' review payment as specified in the Transit Funding Reference Guide and should not result in delays.

Right of Way comments and findings will be sent to the District Mass Transportation or to Caltrans Intercity Rail Program office for inter-city rail projects. If the Right of Way review is unfavorable, District Mass Transportation or Caltrans Intercity Rail Program will notify CTC staff and make arrangements for adjustments or other methods to resolve any disputes.

## **ADDITIONAL RIGHT OF WAY REVIEW**

CTC Resolution G-95-09 requires Caltrans to report to the CTC "findings describing the agency's status in terms of the number of parcels acquired and expenditure amounts cost estimates of the non-operating parcels." The report is also required to provide 51 to "describe the agency's acquisition record, as part of the agency's allocation request prepared by Caltrans, so that the Commission has the acquisition information when it the agency's next annual allocation request."

The Appraisal Branch in the Sacramento Right of Way and Asset Management (RWAM) has been given the responsibility to prepare a quarterly report to the CTC describing acquisition records of projects presented for allocation. Periodically, RWAM will be re data from local agencies or Caltrans Mass Transportation and Caltrans Intercity Rail on recording dates, purchase amounts and cost estimate amounts.

## **ROLES AND RESPONSIBILITIES**

Roles and responsibilities of local agencies, the CTC and Caltrans' units involved right of way review process are detailed in the following sections of this document.

**DETAILED ACTIVITIES OF PARTICIPANTS**

**INVOLVED IN**

**THE RIGHT OF WAY**

**REVIEW PROCESS**

## RAIL RIW REVIEW PROCESS

### LOCAL AGENCY

#### Pre-Allocation

1. Local Agencies are responsible for obtaining appraisal and hazardous waste reports from qualified individuals to support parcel acquisitions whenever state funds from any state funds are used to acquire the property or where the value of the property is to be applied towards the local matching share.

Local agencies submit pre-allocation packages for inter-city rail projects to Caltrans Rail Program in Sacramento or for commuter and urban rail projects to the District Transportation Office. The cover memo should specify whether the r/w to be purchased estimated at \$2 million or under, whether it is for operating or non-operating uses and whether the request for r/w review will be accompanied by estimates or appraisals. Packages include:

- appraisal reports or cost estimates (where applicable)
  - copies of draft or final acquisition documents, if available
  - hazardous waste certification, reports and indemnification
2. The following additional data should be provided:
    - project name and identification of any segment of the project for which the will be requested
    - projected allocation request date
    - listing of parcel numbers or ownership names for the allocation segment ~ as either operating rail or non-operating right of way
    - parcel totals for the entire project and parcel total for the segment to be all
  3. For non-operating parcels of \$2 million and under where cost estimates are submitted for project allocation prior to final appraisals and documents, the package includes the following:
    - number of parcels or ownership on the total project (actual or estimated)
    - a list of all ownership or parcels
    - parcel sizes, if known
    - parcel or location maps, if available
    - description of area, parcel improvements, parcel use, surrounding uses, a to remaining property
    - estimated parcel value with documentation such as, who made the estim2 qualifications, basis of value, potential hazardous waste conditions
    - hazardous waste indemnification

*NOTE: Cost estimates are acceptable only when an allocation for non-operating \$2 million or less per parcel, is being requested.*

4. Appraisals subject to review by RWAM for allocation should be completed and delivered to Caltrans at least 45 days prior to the allocation request date (not the CTC allocation date) to allow for adequate review time. The allocation request date is the date the applicant formally requests Caltrans to place on the CTC agenda a request for an allocation of funds.

**Caution:** Depending on the complexity (particularly on operating right of way) and project size, appraisal evaluations may require questions and responses between reviewers, consultants and appraisers, and could also involve legal staff. In such cases the review completion may extend beyond the normal anticipated time frames, resulting in delays in receiving allocation approval. If agencies anticipate projects of this type, they should be submitted in advance of the normal 45 day delivery time specified above. Please contact your Caltrans District representative if you have questions concerning timing of right of way reviews.

- a) Delivery timelines for projects using parcel cost estimates are not as critical and RWAM plans to complete its review within usual allocation time frames. However, with larger complex projects, agencies should contact Caltrans in advance to agree on delivery timelines.
5. Additional appraisal information:
    - a) Agencies shall provide hazardous waste certifications/indemnification and reports with all appraisals.
    - b) One appraisal report is required for rail project parcels. Caltrans' internal policy for highway projects requires dual appraisals if parcel values exceed \$500,000. Although dual appraisal reports are not required on rail projects, they are often a good business/project option for high value and/or complex appraisals. Dual appraisals can reduce the overall review time, particularly if one appraisal cannot support a recommendations a basis for a fair and reasonable price. Dual reports can also assist in complex negotiations with certain owners.

### **Post Allocation**

After acquisition of parcels, the local agency forwards, on a monthly or quarterly basis, reimbursement requests for inter-city rail projects to the Caltrans Intercity Rail Program in Sacramento or for commuter and urban rail projects to the District Mass Transportation office. Request packages include invoices, copies of the appraisal (if not previously provided), copies of final purchase documents including purchase price and purchase date, and hazardous waste certification.

### **Other Actions (Project Status)**

On a quarterly basis, local agency provides updated information to the Caltrans Intercity Rail Program office or to the District Mass Transportation office showing:

- current and future rail projects involving right of way acquisition
- numbers of parcels or ownership (actual or projected)
- parcel identification number or ownership name application and allocation dates (actual or projected)
- parcel appraised values, purchase price and purchase date, if not previously provided
- pre-allocation estimate, if applicable and not previously provided.

This data is used for information purposes to update the Rail Project Tracking Chart necessary for Caltrans' preparation of quarterly status reports to the CTC.

## **RAIL RIW REVIEW PROCESS DISTRICT MASS TRANSPORTATION OFFICE**

*Note: All District Mass Transportation actions apply to commuter and urban rail projects*

### Pre Allocation

Appraisals, copies of draft of final acquisition documents, if available, hazardous reports/certifications/indemnification, estimates plus accompanying project or parcel data will be received from local agencies for processing of CTC allocation approvals.

1. District Mass Transportation office reviews packages and documents for completion and consistency with the programmed project.
2. Packages and documents on the following projects involving RAN acquisitions will need to be sent for review to Headquarters Right of Way and Asset Management (RWAM) Appraisal Unit, Attn. Rail Review Coordinator:
  - all parcels involving rail operating right of way
  - all non-operating right of way parcels exceeding \$2 million in value
3. Review requests are to be submitted in writing with a copy (without attachments) to District RWAM, Local Programs unit. Packages and requests should include the following:
  - name of the local agency
  - the project name and number of parcels in the total project
  - projected or proposed allocation date
  - the name of the project segment to be allocated
  - listing of all ownerships or parcels in the allocation
  - clear identification of parcels as operating or non-operating right of way
  - appraisals
  - hazardous waste certification/indemnification and reports
  - copies of draft or final acquisition documents, if available

*NOTE: A review letter from Headquarters RWAM must be included in the allocation request package before submittal for CTC action.*

4. For non-operating parcels of \$2 million and under, where cost estimates without final appraisals and final acquisition documents are submitted for allocation, the total pa forwarded to RWAM. The written request for review identifies this as a "cost estimate" and includes the following data from the local agency:

- listing of all ownerships or parcels for allocation
- number of parcels or ownerships on the total project (actual or estimated) parcel sizes (actual or estimated) parcel maps and location maps, if available
- descriptions of area, parcel improvements, parcel use, surrounding uses and damages to remaining properties.
- estimated parcel values with adequate documentation (i.e., who made the estimate, qualifications, basis of value, identification of potential hazardous waste conditions)
- a hazardous waste indemnification statement

NOTE: Cost estimates are acceptable only when an allocation for non-operating right of way, \$2 million or less per parcel, is being requested.

### **Post Allocation** (For non-operating parcels of \$2 million and under)

After acquisition of parcels, local agencies submit reimbursement requests for payment by Caltrans. Documents submitted, if not previously sent, must include invoices, appraisals, copies of final purchase agreement, estimates and hazardous waste certification/reports.

Upon receipt of documents for non-operating right of way purchased for \$2 million or under, District Mass Transportation office, will review the packages for completeness and will identify those parcels where the acquisition price exceeds the described criteria on pages 22 and 23. Those parcels that exceed the criteria will be submitted with a written request for review by Headquarters RWAM Appraisal unit, Attn.: Rail Review Coordinator. Reimbursement of those parcels will be held pending a favorable recommendation from RWAM. Requests are to be identified as agency reimbursements and clearly show the local agency name, project and segment name, owners name or parcel number, date and amount of purchase. A copy of the request memo is to be sent to the District RWAM Local Programs unit.

When the local agency is pre-qualified and the reimbursement request is for several parcels on the same project, District Mass Transportation Office may provide RWAM with a listing of the parcels, the appraised amounts and the final acquisition cost. From these RWAM will identify the sample parcels for review. The complete packages need only be provided for those sample parcels so selected.

*NOTE: Since RWAM previously reviewed all operating and all non-operating parcels over \$2 million in the pre-allocation phase, these projects will normally not require RWAM review for post allocation reimbursement requests.*

### **Other Action** (Project Status)

Right of Way requires the following data on a quarterly basis for its CTC report on project status:

- agency name
- current and future rail projects involving right of way acquisitions

- number of parcels or ownerships (actual or projected)
  - parcel identification number or ownership name
  - application dates and allocation dates (proposed or actual)
  - parcel appraised values
  - purchase dates and amounts
  - pre-allocation estimate, if applicable and not previously provided
1. Upon receipt of the tracking chart (paper copy) from Headquarters RWAM, District Transportation office identifies new projects and parcels (current or future) with right of way involved to be added to projects listed in the chart. District Mass Transportation office provides quarterly data updates for existing projects shown on the chart from information provided by local agencies.
  2. Upon settlement or purchase of parcels for rail projects, District Mass Transportation office forwards to Headquarters RWAM settlement information such as parcel number or ownership name, agency name, project name and segment, appraised amount, purchase price, date of purchase and pre-allocation estimate, if applicable.

## RAIL RIW REVIEW PROCESS HEADQUARTERS APPRAISAL BRANCH

### **Pre-allocation**

1. Inter-city rail project packages received for review from HQ Caltrans Intercity Rail program or commuter and urban rail project packages received for review from District Mass Transportation office are forwarded to the Rail Review Coordinator to be logged.
2. Rail Coordinator enters project information on tracking chart and distributes package to HQ reviewer.
3. HQ Reviewer arranges or completes review,\* sends review memo to the CTC Liaison and to HQ Caltrans Intercity Rail Program or District Mass Transportation office with copies to district R/W. Package is returned to Rail Coordinator with copy of review memo which summarizes RWAM findings, including hazardous waste compliance.

*NOTE: If this is a review of an estimate without appraisals of non-operating RIW \$2 million and under; the Reviewer determines which parcels represent an appropriate sample of parcels to be reviewed.*

4. If the Review requires additional local agency action, the Reviewer sends a memo to the agency with copies to District Mass Transportation office or Caltrans Intercity Rail Program and the Headquarters Rail Review Coordinator.
5. The Reviewer shall notify the Rail Review Coordinator if parcels require further hazardous waste review, forwards packages and will request comments from Headquarters Environmental and Legal with a copy to Caltrans Intercity Rail Program or District Mass Transportation office.
6. Environmental and Legal return packages to Reviewer, who includes findings with final review memo.
7. Upon completion of review, Rail Coordinator enters date on the tracking chart.
8. Remaining packages are to be returned by the Rail Coordinator to Caltrans Intercity Rail Program or District Mass Transportation office.

### **REMARKS**

The review should confirm that:

1. The cost is fair and reasonable;
2. The agency has used due diligence in identifying hazardous waste;
3. The appraised value adequately considers the effect of hazardous waste; and
4. Hazardous waste indemnification clauses are present for the protection of both the agency and state.
5. For operating properties, the valuation and transaction are consistent with the "Valuation Procedures and Guidelines for Public Acquisition of Railroad Rights of Way".

Any parcel with suspect hazardous waste compliance, any acquisition involving b used for railroad operations, and any parcel acquisitions involving easements to mitigate hazardous waste should be forwarded for further review by Environmental and Legal.

**NOTE:** Allocation requests can be processed by District Mass Transportation Office or Caltrans Intercity Rail Program but the processing cannot be completed until right of way completes its review and issues its recommendation.

**Post- Allocation** (for non-operating parcels \$2 million or less)

After acquisition of parcels, local agencies submit reimbursement requests for payment by Caltrans. Documents submitted, if not previously sent, include invoices, appraisals, copies of final purchase agreements, estimates and hazardous waste certification/reports.

1. District Mass Transportation Office and Caltrans Intercity Rail Program will forward I documents for the parcels that exceed the established thresh hold criteria on pages to RWAM for review. RWAM will determine if additional parcels should be reviewed based on established sample criteria (see page 22 and 23).
2. Rail Coordinator enters data in tracking chart and distributes to HQ Reviewer, who will review or arrange for a review of a representative sample.
3. Packages identified for further hazardous waste review are forwarded by the Reviewer to Headquarters Environmental and Legal. A copy of request memo is forwarded to Caltrans Intercity Rail Program or the District Mass Transportation office.\*
4. Environmental and Legal return packages to the Reviewer, who includes findings with final review memo.
5. Upon completion of review, reviewer forwards findings to Caltrans Intercity Rail or ( Mass Transportation office with copies to District R/W and Headquarters Mass Transportation where appropriate. Package with copy of review memo is returned to the Rail Review Coordinator.
6. The Rail Coordinator enters the review completion date on the tracking chart.

**Other Action** (Project Status)

Project/parcel status and acquisition data are received by the Rail Review Coordinator from the Caltrans Intercity Rail Program office, District Mass Transportation Office and Headquarters Mass Transportation. This information is needed for quarterly status reports from Headquarters RWAM to the CTC.

Prior to beginning of each calendar year quarter, the Rail Review Coordinator forwards a paper copy of the Rail Project Tracking Chart and a request to update data to the District Mass Transportation Office for commuter and urban rail projects and to the Caltrans Intercity Rail Program Office for inter-city rail projects. Updated information is requested for the various data fields applicable to the existing projects and parcels on the chart and for new projects to be added.

The Rail Review Coordinator inputs new data received into tracking chart and the quarterly report to the CTC.



## **RAIL R/W REVIEW PROCESS DISTRICT R/W**

### **Pre-allocation**

Rail Project packages\* are forwarded from the District Mass Transportation Office for commuter and urban rail projects and from Caltrans Intercity Rail Program for inter-city rail projects, for review by Headquarters Right of Way Asset Management (RWAM) Appraisal Office.

1. The District R/W unit coordinates with the District Mass Transportation Office and provides assistance for delivery of rail packages requiring Headquarters R/W review.
2. Upon request from Headquarters RWAM Local Program Branch, or Appraisal Branch, the District R/W Office provides review assistance and local agency prequalifications as needed.
3. Upon request, District R/W provides assistance and general information to local agencies and other Caltrans programs on appraiser qualifications and appraisal standards and requirements.

### **Post- Allocation** (for non-operating parcels of \$2 million or less)

As parcels are acquired, the local agencies will submit invoices and requests for reimbursement of funds to the District Mass Transportation Office. Packages will be sent on an "as received basis" (usually once monthly or quarterly), and are to receive expedited processing.

District Mass Transportation Office submits the packages where the purchase price exceeds the established criteria on pages 22 and 23, for non-operating parcels, \$2 million and under, to Headquarters RWAM, Attn.: Rail Review Coordinator, for review. Listings of all other parcels are provided at least every three months.

1. The District RAN unit coordinates with the District Mass Transportation Office and provides assistance for delivery of rail packages requiring Headquarters RAN review.
2. Upon request from Headquarters RWAM Appraisal Branch, the District Right of Way Office provides review assistance, as needed.

### **Other Action** (Project Status)

Headquarters RWAM Program is required to provide a quarterly report to the CTC describing project status and parcel acquisition history.

On a quarterly basis, Headquarters Rail Review Coordinator forwards to the District Mass Transportation Office, copies of project tracking charts for all district rail projects with a request to update project and parcel data. A copy is forwarded to the District Right of Way Local Programs unit.

District Right of Way reviews project charts for accuracy and completeness and coordinates information updates with the District Mass Transportation Office.

\* Packages for review may include any or all of the following: appraisals; estimates with informational data; draft or final purchase documents; requests for reimbursement; project or parcel acquisition information; hazardous waste certification/reports.

**NOTE:** *Copies of review request memos from District Mass Transportation office and copies of approval memos and requests to update tracking charts from Headquarters will be forwarded to District Right of Way.*

## **RAIL R/W REVIEW PROCESS HEADQUARTERS MASS TRANSPORTATION PROGRAM**

1. Headquarters Mass Transportation Program performs an SB 580 project level review for allocations and verifies that the local agency applicant has been certified by RWAM as being qualified to perform right of way acquisitions in compliance with legal requirements.

If the applicant agency is not on an approved list of agencies, Headquarters Mass Transportation Program requests Headquarters RIW, Attn.: Local Programs office, to perform a current assessment of the local agency qualifications.

2. Headquarters Mass Transportation Program coordinates with district offices to assist in the timely submittal of documents and information from local agencies to RWAM.
3. Headquarters Mass Transportation Program provides project and parcel status as requested by RWAM to assist in RWAM's preparation of quarterly CTC status reports and maintenance of the project tracking chart

## RAIL R/W REVIEW PROCESS CALTRANS INTERCITY RAIL PROGRAM OFFICE

### **Pre-allocation**

Appraisals, copies of draft or final acquisition documents, if available, hazardous waste reports/certifications, estimates plus accompanying project or parcel data will be received from local agencies for processing of CTC allocation approvals.

1. The Caltrans Intercity Rail Program office reviews inter-city rail project package documents for completion and accuracy.
2. Packages and documents on the following projects involving R/W acquisitions will need to be sent for review to Headquarters Right of Way Asset Management (RWAM) Appraisal Unit, Attn.: Rail Review coordinator:
  - all parcels involving rail operating right of way
  - all non-operating right of way parcels exceeding \$2 million in value
3. Review requests are to be submitted in writing. Packages and requests should include the following:
  - name of the local agency and/or applicant, if different
  - the project name and number of parcels in the total project
  - projected or proposed allocation date
  - the name of the project segment to be allocated
  - listing of all ownerships or parcels in the allocation
  - clear identification of parcels as operating or non-operating right of way
  - appraisals
  - hazardous waste certification/indemnification reports
  - copies of draft or final acquisition documents, if available

*NOTE: A review letter from Headquarters RWAM must be included in the request package before submittal for CTC action.*

4. For non-operating parcels of \$2 million and under, where cost estimates without final appraisals and final acquisition documents are submitted for allocation, the total package is forwarded to RWAM. The written request for review identifies this as a "cost estimate" includes the following data:
  - name of the local agency and/or applicant, if different
  - the project name and number of parcels in the total project
  - projected or proposed allocation date

- the name of the project segment to be allocated
- listing of all ownerships or parcels for allocation
- number of parcels or ownerships on the total project (actual or estimated)
- parcel sizes (actual or estimated)
- parcel maps and location maps, if available
- descriptions of area, parcel improvements, parcel use, surrounding uses, and damages to remaining properties.
- Estimated parcel values with adequate documentation (i.e., who made the estimate, qualifications, basis of value, identification of potential hazardous waste conditions) hazardous waste indemnification statement

**NOTE:** Cost estimates are acceptable only when an allocation for non-operating right of way, \$2 million or less per parcel, is being requested.

### **Post- Allocation** (for non-operating parcels of \$2 million and under)

After acquisition of parcels, local agencies submit reimbursement requests for payment by Caltrans. Documents submitted, if not previously sent, include invoices, appraisals, copies of final purchase agreements, estimates and hazardous waste certification/reports.

Upon receipt of documents for non-operating right of way purchased for \$2 million or under, Caltrans Intercity Rail Program will review the packages for completeness and will identify those parcels where the acquisition price exceeds the established criteria on page 24. Those parcels that exceed the criteria will be submitted with a written request to review to Headquarters RWAM Appraisal Unit, Attn.: Rail Review Coordinator. Reimbursement of those parcels will be held pending a favorable recommendation from RWAM. Requests are to be identified as agency reimbursements and clearly show the local agency name, project and segment name, owners name or parcel number, date and amount of purchase.

When the local agency is pre-qualified and the reimbursement request is for several parcels on the same project, Caltrans Intercity Rail Program may provide RWAM with a listing of the parcels, the appraised amounts and the final acquisition cost. From these RWAM will identify the sample parcels for review. The complete packages need only be provided for those sample parcels so selected.

**NOTE:** Since RWAM previously reviewed all operating and non-operating parcels over \$2 million in the pre-allocation phase, these projects will normally not require RWAM review for post allocation reimbursement requests.

### **Other Action** (Project Status)

Right of Way requires the following data on a quarterly basis for its CTC report on project status:

- agency name and/or applicant name, if different
- current and future rail projects involving right of way acquisitions
- number of parcels or ownerships (actual or projected)
- parcel identification number or ownership name

- application dates and allocation dates (proposed or actual)
  - parcel appraised values
  - purchase dates and amounts
  - pre-allocation estimate, if applicable and not previously provided
1. Upon receipt of the tracking chart (paper copy) from Headquarters RWAM, Caltrans Intercity Rail Program identifies new inter-city rail projects and parcels (current or future) with right of way involved to be added to projects listed in the chart. The Caltrans Intercity Rail Program provides quarterly data updates for existing inter-city rail projects shown on the chart from information provided by local agencies.
  2. Upon settlement or purchase of parcels for inter-city rail projects, the Caltrans Intercity Program forwards to Headquarters RWAM settlement information such as parcel number or ownership name, agency name, project name and segment, appraised amount, price, date of purchase and pre-allocation estimate, if applicable.

*NOTE: All Caltrans Intercity Rail Program actions apply to inter-city rail projects.*

## **REVIEW OF REPRESENTATIVE SAMPLES (Non-Operating Right of Way, \$2 Million or Less)**

### **Background**

Section 2.7 of CTC Resolution G-95-09 and Rail Project Review Guidelines specify that upon submittal by the applicant (agency) of invoices requesting reimbursement of parcel acquisition costs, Caltrans will review a representative sample to compare the reasonableness of the purchase price before reimbursement is made for parcels of \$2 million or less. In addition, Section 2.8 requires a representative sample be reviewed where allocation requests are submitted as estimates. In each case the sample selection will be made by the RWAM Reviewer. The Reviewer is then responsible for furnishing the requisite assurances to the CTC.

### **PRE-ALLOCATION ESTIMATES (Non-operating \$2 million or less)**

Estimates received from agency applicants for allocations are to be forwarded by District Mass Transportation or Caltrans Intercity Rail Program (for inter-city rail projects) to RWAM for review. Estimates and required documentation for all parcels should be forwarded and the selection of the representative sample will be made by RWAM using the following criteria.

### **Criteria**

- Any parcel estimate submitted should be non-operating right of way with an estimated individual value of \$2 million or less.
- At least one parcel, or 20% of the total number of parcels within the project, whichever is greater, will be the guide for what is to be reviewed. Selection will be at the discretion of the reviewer on the basis of which parcels are most likely to provide a representative sample.

## **REIMBURSEMENT REQUESTS**

Agency applicants submit invoices and reimbursement requests for payment to District Mass Transportation office or to Caltrans Intercity Rail Program (for inter-city rail projects). These units, will forward packages of parcels where the purchase price exceeds the established criteria on page 24 to RWAM requesting review of the packages. Payment for those parcels will be held pending a favorable recommendation from RWAM.

As part of this, District Mass Transportation offices and Caltrans Intercity Rail Program (for rail projects) will provide information to RWAM on all projects and parcels submitted to them for allocations during each quarter. Information should show agency and project data, parcel number (or owner's name), purchase date, estimate amount, appraiser's name, appraised amount and purchase cost.

RWAM will review quarterly parcel lists and data submitted and may select additional parcels for review to meet requirements of a representative sample.

Review selection and action will be by Headquarters RWAM Appraisals, or done under its supervision. The determination of a "representative sample" is the responsibility of the reviewer and depends on various factors, including the complexity of the acquisition, the dollar amount, the difference between the appraisal, the settlement and the estimate, capability of the size of the project and the number of parcels submitted for review.

Upon completion of review, RWAM will forward comments to requesting units with copies to CTC liaison.

### Criteria

To guide the appropriate units in identifying those parcels to be submitted for review by RWAM, the following criteria should be applied

- Any parcel submitted should be non-operating right of way with a purchase price of \$2 million or less.
- Parcels acquired for less than \$500,000 where the purchase price exceeds the appraisal or pre-allocation estimate by 30% or more.
- Parcels acquired for \$500,000 or more and where the purchase price exceeds the appraisal or pre-allocation estimate by 20% or more.
- Any parcel considered significantly unusual or where the valuation or amounts may raise reasonable questions.

*NOTE: If no parcels submitted by the local agency for reimbursement within a given quarter fall within any of the last three criteria above, then in most cases, RWAM will request at least one parcel or 10% of the total number of parcel, which ever is greater, will be selected by RWAM for review. Purchase price will be one of a number of considerations in selecting the sample.*

## **RIGHT OF WAY REVIEW PROCESS SAMPLE PROJECT "A"**

**Note:** *The procedures outlined below apply to commuter and urban rail projects processed through the District Mass Transportation office. For projects involving inter-city rail, packages are to be submitted through Headquarters Caltrans Intercity Rail Program for processing.*

**Project:** City of Any town has proposed an urban commuter rail project requiring the purchase of an operating rail line and several additional properties belonging to private owners for parking an station sites. The City, located in Caltrans District 17, will be the project applicant. Allocation date is unknown.

### **PROCESS STEPS:**

1. City determines project data such as owner names, parcel sizes, number of parcels identified as operating and non-operating right of way, and identifies proposed application and allocation dates.
2. Upon project approval by the CTC, District Mass Transportation office requests project data from the City to include items in 1 above. Project data is forwarded quarterly to Headquarters Right of Way and Asset Management (RWAM) for input into the Rail Project Tracking Chart. Note: For project approval, the CTC requires information on how cost estimates were determined, usually by appraiser estimates.
3. City orders hazardous waste investigation and reports and appraisals by qualified appraisers for all project parcels proposed for allocation, to be completed for delivery to Caltrans at least 45 days prior to the date the City submits its formal allocation request to the Caltrans District Mass Transportation office.
4. City prepares draft acquisition documents.
5. City identifies route segment for allocation submittal.

6. City forwards a pre-allocation package covering those parcels to be submitted for allocation (appraisal reports, hazardous waste investigations, hazardous waste certification/indemnification and copies of final or draft acquisition documents, if available) to Caltrans District Mass Transportation office. The package should identify the project segment to be allocated and show parcel numbers or ownership names grouped as operating or non-operating right of way.
7. District Mass Transportation office confirms parcels requiring right of way review and forward pre-allocation package to Headquarters RWAM.
8. Package is reviewed by Headquarters RWAM and forwarded, as necessary to Headquarters Environmental for hazardous waste review and HQ Legal for indemnification review.
9. Environmental and Legal complete review, provide written comments and return packages to RWAM.
10. RWAM forwards Headquarters review findings to CTC Liaison and to District Mass Transportation office, with copies to District RWAM and Headquarters Mass Transportation.

\* The formal request for allocation to Caltrans can follow submittal of pre-allocation package

11. Mass Transportation completes SB 580 review and submits allocation requests to the CTC.
12. CTC meets, passes resolution approving allocation.
13. Upon acquisition of allocated parcels, the City forwards requests for reimbursements to the District Mass Transportation office. Reimbursement packages include, if not previously forwarded; invoices; appraisals; copies of final purchase documents (with date of purchase and price); prior estimated parcel costs, if applicable; and, hazardous waste certification reports and indemnification.

*The following apply to non-operating parcels, \$2 million and under, in the project submitted for reimbursement.*

14. District Mass Transportation office forwards packages for parcels where the purchase price exceeds the criteria on pages 23 to Headquarters RWAM for review.
15. Headquarters RWAM selects and reviews the packages and may select a representative sample of any other parcels if necessary. Reviewed packages are forwarded when necessary to Environmental and Legal.
16. Environmental and Legal review and return packages to RWAM.
17. RWAM returns package to District Mass Transportation office along with written reviews performed by RWAM, Legal and Environmental.

## **RIGHT OF WAY REVIEW PROCESS SAMPLE PROJECT "B"**

**Note:** *The procedures outlined above apply to commuter and urban rail projects processed through the District Mass Transportation office for allocation prior to acquisition. For projects involving inter-city rail, packages are submitted through Headquarters Caltrans Intercity Rail Program for processing*

**Project:** The East Coast Transit Authority has proposed a commuter rail project involving the purchase of operating rail right of way and a large number of small, privately-owned parcels and several non-operating parcels from the railroad required for several multi-modal stations. The Authority will be the project applicant and the allocation is needed as soon as possible to meet project schedules. The Authority is requesting allocation on the basis of an estimate.

### **PROCESS STEPS:**

A property value estimate is prepared for proposed project application and application is submitted and approved by the CTC.

1. The Authority determines project data such as owner names, parcel numbers and parcel sizes (if available), categorized into operating or non-operating right of way.
2. The Authority decides to request an allocation for the non-operating parcels \$2 million and under for a segment of the project prior to completion of final appraisals and purchase documents. Other parcels in the project, i.e. operating right of way and non-operating right of way over \$2 million, not submitted as estimates, will follow the process outlined in the preceding Sample Project "A".
3. The Authority prepares a pre-allocation (estimate) package for submittal to the Caltrans District Mass Transportation office. Packages are to include a list of all ownerships or parcels; parcel sizes; parcel maps and location maps, if available; descriptions of area, parcel use and surrounding uses; damages to remaining properties; description of improvements; estimated parcel values with adequate documentation (i.e., who made the estimate, qualifications, basis of value, identification of potential hazardous waste conditions for each parcel). A Hazardous Waste Indemnification is necessary to complete the package.
4. The Authority submits the package, orders appraisal reports and prepares a hazardous waste investigation.
5. The District Mass Transportation office forwards the pre-allocation request package to Headquarters Right of Way and Asset Management (RWAM) with a request to review the estimate.
6. Headquarters RWAM determines the appropriate parcel sample and reviews those parcels selected. Where necessary the sample package is forwarded to Headquarters Environmental unit and to HQ Legal for further review of hazardous waste compliance.
7. Environmental and Legal provide written comments and return packages to RWAM.
8. RWAM forwards Headquarters review comments to District Mass Transportation office.
9. Mass Transportation completes SB 580 review and processes allocation request to the CTC.

10. CTC meets, passes resolution authorizing the allocation based on the estimate.
11. Authority completes appraisals, prepares final documents and acquires allocated parcels.
12. After acquisition, the Authority requests reimbursement from Caltrans for parcels acquired. Requests are forwarded to the District Mass Transportation office. Reimbursement packages, if not previously forwarded, include invoices, appraisals, copies of final purchase documents, pre-allocation estimate cost for each parcel and the Hazardous Waste Certification/indemnification.
13. Reimbursements are handled under the same steps in the preceding Sample Project "A".

## **DEFINITION OF COMMON TERMS**

### **ACQUISITION COST**

Refers to all forms of compensation whether monetary, given or reserved real or personal property rights, cost forgiveness, deferral of payments or interest, or any other consideration.

### **ALLOCATION**

A Commission (CTC) action to authorize an applicant agency to access state funds and the Department to enter into an agreement to make funds available.

### **ALLOCATION REQUEST**

A letter from the local agency to Caltrans requesting actual reimbursement of programmed funds for transit capital projects or bonded fund projects. Caltrans Intercity Rail Program or Mass Transportation Office reviews packages and prepares project scope information for submittal to the California Transportation Commission (CTC) for approval of the allocation.

### **APPLICATION**

A request to program funds within a state funding program (~CI, Prop 116, FCR, etc.) submitted to the CTC for approval. This can be submitted concurrently or prior to the allocation request. The application request serves as the conceptual approval of the project. When approved by the CTC, the project is programmed and amended into the STIP (State Transportation Improvement Program). A project must be approved and programmed before (or concurrently) an allocation can be made.

### **CALTRANS INTERCITY RAIL PROGRAM OFFICE**

Describes the Caltrans office centered in Headquarters, Sacramento, generally responsible for inter-city rail projects.

### **COMMUTER RAIL SERVICE**

A form of passenger transportation which uses fixed guideway technology, is characterized by medium distance home-to-work passenger travel, multiple ride ticketing, recurring peak-hour travel, and uses cars with high density seating.

### **FAIR AND REASONABLE PRICE FUND TRANSFER AGREEMENT**

A price wherein there is a reasonable balance between the value of what is given and what is received in the acquisition right of rights to railroad right of way.

## FUND TRANSFER AGREEMENT

The Fund Transfer Agreement (FTA) is a contract between the state and the local agency which commits the state to provide funds to the local agency for a specified project. It also commits the local agency to deliver a specific project and level of service for the state funds received and covers project details, activities, schedules and future monitoring and audit. The FTA process is initiated upon receipt of an agency allocation request. After completion and approval of the allocation the FTA document is prepared and executed.

## HAZARDOUS WASTE CERTIFICATION

Pursuant to CTC Resolution G-91-2, agencies must perform due diligence to certify that all responsible steps have been taken to discover hazardous waste. Agencies certify that: All properties have been found to be that clean; or that clean-up has been completed; or that a permanent easement has been acquired in lieu of fee title, with full liability and responsibility remaining with the seller; or if acquisition must proceed in advance of cleanup, then an enforceable agreement must be reached requiring cleanup by a certain date, with the added option escrowing funds to do the cleanup. In addition, the agency must certify that the seller retains liability waste investigation, cleanup and damages discovered later, and that the seller has provided full indemnification to the purchasing agency; and, that the state is indemnified and held harmless from all present a cleanup liability and damages.

***NOTE: Full Indemnification from the seller to the agency and the state is required for major corporate ownership particularly railroad corporations. With other private or smaller ownerships, indemnification to the state can generally be provided from the applicant agency.***

## HAZARDOUS WASTE INDEMNIFICATION

A step in the hazardous waste certification where the state and local agency is indemnified from cleanup liability and damages.

## INTERCITY RAIL

That form of passenger transportation operated by carriers and using fixed guideway technology where service is characterized by inter-regional passenger travel, oriented towards non-commute hours, provision for personal carry-on baggage, and possible use of specialized car for food service, sleeping and mail express.

## INTERCITY RAIL PROGRAM

This program implements and maintains a cost-effective system of inter-city rail services connecting the major population centers of the state and flexible enough to provide feeder services to or interface with future public or transit systems such as high-speed rail lines, commuter and urban rail and other modal systems.

## MULTIMODAL

Pertaining to more than one mode of travel.

## NON OPERATING RIGHT OF WAY

Any property (commercial, industrial, residential, etc.) that is not utilized for rail operating purpose at the time of valuation/acquisition. Non-operating right of way be property owned by a rail operator that is utilize for support of the operating right of way (e.g., administrative offices, storage areas, etc.). The valuation of this type of property can be established by ordinary appraisal methods.

## OPERATING RIGHT OF WAY

Property owned by a railroad and necessary for railroad transportation purposes, over which property rights are to be acquired by a public agency. These are the properties and rights which another railroad would likely acquire to continue the freight/ passenger traffic service; and if not acquired, would have to be replaced with substitute properties/rights to continue that service. A railroad owner's fee or easement title to right of way is currently improved with rail, ties and ballast, and ancillary improvements to run train operations on that line. It may include station sites and their parking lots. The valuation of this type of property requires special procedures.

## PROJECT AGREEMENT

This is Caltrans' contract with the local agency for the project concept and completion of work, and the state reimbursement for progress work. For transit projects this document is known as a Fund Transfer Agreement. CTC project approval usually comes before Caltrans project agreement, but Caltrans must complete its project agreement immediately following CTC funding allocation.

## QUALIFIED AGENCY

An agency certified by Caltrans RWAM as having adequ2 staff and procedures to perform Right of Way activities in accordance with applicable laws.

## QUALIFIED APPRAISER

An appraiser who possesses experience, qualifications and knowledge to appraise and value public acquisitions subject to federal and state property acquisition laws including, where applicable, knowledge, abilities and experience to value complex real property used as operating railroad right of way.

## REIMBURSEMENT REQUESTS

Requests to Caltrans for reimbursement of project funds used by local agencies or applicants. Requests are submitted with invoices and documentation (appraisals, estimates, acquisition agreements) and are to be schedule for payment within 21 days or sooner pursuant to Memorandums Of Understanding or procedures for either expedited or standard reimbursements.

## RWAM

The Right of Way Asset Management program in Caltrans. Each district has a RWAM unit. The central Headquarters Appraisal unit in Sacramento is responsible for completing all rail project right of way reviews.

## SB 580 REVIEW

An agency level review performed by Caltrans Mass Transportation to certify that the agency's procedure performance standards and qualifications to complete the project are acceptable. A project level review of the local agency's financial and project management process performed by Caltrans Mass Transportation and is usually undertaken upon receipt of an allocation request.

***Note: For detailed In formation, please refer to the Transit Funding Reference Guide In your District Office.***

## TRANSIT FUNDING/PROGRAMS

Proposition 108- This is the Passenger Rail and Clean Air Bond Act passed by the voters in June 1990, providing funds for commuter rail, urban rail and inter-city rail projects. Eligible routes and corridors are specified by statutes enacted by the legislature.

Proposition 116- This is the Clean Air and Transportation Improvement Bond Act of 1990, also passed by the voters June 1990. Provides funding for projects similar to Proposition 108.

TCI - Transit Capital Improvement Program is a mass transit program funded from the State Highway Account and Transportation Planning and Development Account. Transit projects receive state funds allocated by the California Transportation Commission (CTC) pursuant to applicable legislation. Provides funding for railroad right of way acquisition, bus rehabilitation, exclusive public mass transit guideway and rolling stock, grade separations, intermodal transfer stations serving various transportation modes, ferry vessels and terminals and short-line railroad rehabilitation.

FCR - Flexible Congestion Relief Program. One of the state programs for local or regional transportation projects that will reduce congestion. State highway projects, roads and rail guideway projects are all eligible for FCR program.

TSM - Traffic System Management Program. A state program which is services and operations oriented in which low capital, environmentally-responsive, efficiency maximizing improvements are implemented on exist facilities.

PVEA -Petroleum Violation Escrow Account. Programs funding is provided from oil company price overcharge refunds allocated to California to be used for various. on a discretionary basis

#### URBAN RAIL SERVICE

A rail mass transportation operation, usually within area, generally characterized by more frequent service over shorter distances than normally provided by commuter rail service, or inter-city rail service and operating on a rail line without any or with very limited rail freight service.

<b>Right of Way Review Summary</b>		
<b>Pre-Allocation</b>		
<b>R/W Review Activity</b>	<b>Documentation</b>	<b>Responsible Unity or Entity</b>
<p>*Reviews all operating right of way</p> <p>*Reviews all non-operating Right of Way parcels over \$2 million</p>	<ol style="list-style-type: none"> <li>1. Appraisal by qualified appraiser.</li> <li>2. Draft or final purchase documents, if available</li> <li>3. Hazardous Waste Certification/Reports and indemnification</li> </ol>	<ol style="list-style-type: none"> <li>1. Required documents forwarded by applicant agency to Caltrans District Mass Transportation or Rail Program.</li> <li>2. District mass Transportation or Rail confirms identification of right of way as operating or non-operating and forwards package with written request for review to HQ RWAM.</li> <li>3. RWAM reviews and provides written comments to District Mass Transportation or Rail Program; where necessary, forwards for further hazardous waste review to Caltrans Environmental-Hazardous Waste Management and Legal; returns remaining packages to District Mass Transportation or Rail.</li> <li>4. Environmental/Legal provide comments and return packages to HQ RWAM.</li> <li>5. RWAM enters data in rail project tracking chart.</li> </ol>
<p>* Reviews samples of parcel cost estimates for allocations requested without final appraisals/purchase documents. Applies to non-operating parcels \$2 million and under.</p>	<ol style="list-style-type: none"> <li>1. List of all ownerships or parcels in the project</li> <li>2. Parcel sizes</li> <li>3. Parcel site or location maps</li> <li>4. Area and use descriptions</li> <li>5. Estimated parcel values with documentation (i.e., who made the estimate, qualifications, basis of value, potential hazardous waste, etc.)</li> <li>6. Hazardous waste indemnification</li> </ol>	<ol style="list-style-type: none"> <li>1. Applicant agency forwards cost estimates with minimum data as required to Caltrans District Mass Transportation or Rail Program.</li> <li>2. District Mass Transportation or Rail confirms identification of right of way requirements as non-operating, \$2 million and under, and forwards package with written request to HQ RWAM for review.</li> <li>3. If necessary, RWAM forwards packages to Environmental/Legal for further review of hazardous waste compliance.</li> <li>4. Environmental/Legal provide comments and return packages to HQ RWAM.</li> <li>5. RWAM reviews and returns packages with written comments to District Mass Transportation or Rail.</li> <li>6. RWAM enters data in rail project tracking chart.</li> </ol>
<b>Post-Allocation</b>		
<p>* At the time invoices are submitted for reimbursement, reviews a sample of parcel costs and purchase documents for non-operating parcels \$2 million and under.</p>	<ol style="list-style-type: none"> <li>1. Appraisal by qualified appraiser</li> <li>2. Copies of final purchase documents, including price and date of purchase</li> <li>3. Pre-allocation estimate, if applicable</li> <li>4. Hazardous waste certification/indemnification and reports</li> </ol>	<ol style="list-style-type: none"> <li>1. Applicant agency submits requests for reimbursement along with required information to Caltrans Mass Transportation or Rail once a month or quarterly.</li> <li>2. Mass Transportation or Rail confirms indemnification of right of way acquisition as non-operating, under \$2 million, and using criteria for representative samples, forwards packages on sample parcels to HQ RWAM for review.</li> <li>3. RWAM reviews parcels and provides written comments, where necessary, forwards packages to Caltrans Environmental-Hazardous Waste</li> </ol>

		Management/Legal for review. 4. Environmental and Legal review sample, comment and return package to RWAM.
		5. RWAM enters data in rail project tracking chart and forwards package and comments to District Mass Transportation or Rail.
<b><u>Other Actions</u></b>		
<b><u>R/W Review Activity</u></b>	<b><u>Documentation</u></b>	
* Prepares quarterly reports to CTC showing project status and acquisition history.	<ol style="list-style-type: none"> <li>1. List of projects (current and future) with RW involved.</li> <li>2. No. of parcels or ownership per project (actual or estimated) and a parcel list</li> <li>3. Application and allocation dates, if available</li> <li>4. Appraised values for each parcel</li> <li>5. Pre-allocation value estimates for each parcel, if applicable</li> </ol>	<ol style="list-style-type: none"> <li>1. Working with local agencies, Caltrans District Mass Transportation and Rail Program submit to HQ RWAM on a quarterly basis, a list of current and future projects with TW involved; including the number of parcels (ownership) divided into operating or non-operating; application and allocation dates, and other parcel and project information as required.</li> <li>2. Caltrans District Mass Transportation &amp; Rail Programs shall either submit appraisals, estimates and acquisition data or provide acquisition and data</li> <li>3. RWAM enters data in rail project tracking chart.</li> <li>4. RWAM prepares quarterly status report to CTC</li> </ol>
	<ol style="list-style-type: none"> <li>6. Purchase price of each parcel (ownership)</li> <li>7. Parcel purchase date</li> </ol>	
<ul style="list-style-type: none"> <li>• SB 580 Agency Review- See Transit funding Reference Guide Caltrans Mass Transportation refers to the district units. Rail Program refers to the headquarters unit.</li> </ul>		

## RAIL PROJECT TRACKING CHART DEFINITIONS

DIST.	Caltrans district where the project is located.
AGENCY	Name of the agency having ownership of the project.
PROJECTS	The project name submitted or to be submitted by the agency.
APPL. DATE	Shows the date the project application is submitted by agency for CTC conceptual approval. "P" Indicates a proposed or planned date.
R/W INV.	Right of way involvement. A "yes" indicates a right of way acquisition, either operating or non-operating. "No" indicates no right of way acquisition needed. "?" (or blank) indicates right of way status is unknown.
PARCEL COUNT	The number of parcels or ownership to be acquired in the project.
ALLOCATION.	
REQUEST DATE	The date of the allocation requested by the controlling agency.
ESTIMATE	
PARCEL COUNT	The number of parcels submitted in the allocation as estimates (without appraisals).
ALLOCATION	
PARCEL	The valuation estimate for each parcel provided by the agency at the time of the allocation request. This data applies only to projects where allocations are based on estimates and not actual appraisals
COMPLETE R/W	
REVIEW OF ESTIMATE	The date Right of Way completes its review of the valuation <u>estimate</u> .
OPER. RW	
PARCEL NO.	Shows the number or owner's name of each railroad operating parcel required for the project.
APPR. \$VALUE	The appraised value for each operating parcel required for acquisition.
NON-OPER. RW	
PARCEL NO.	Shows the number or owner's name of each non-operating property required for acquisition.
APPR. \$VALUE	The appraised value for each non-operating parcel required for acquisition.
APPR. RCVD.	
IN R/W	The date the acquisition appraisal is received in Right of Way.
APPR. REVIEW	
COMPLETE	The date Right of Way completes the review of the appraisal.
PURCHASE DOCS	
REVIEWED	The date Right of Way completes its review of the acquisition documents.
SETTLEMENT	
AMOUNT	The amount of the actual settlement of all interests in the parcel.
SETTLEMENT	
DIFFERS	Indication of the settlement amount compared to the appraisal or estimate. An APPR indicates the settlement was made per the appraisal/or estimated amount. A DIFF indicates the settlement made was different than either the estimate or appraised value. A DIFF(S) indicates a substantial difference in the settlement compared to the appraised or estimated value of the parcel. A Blank indicates no settlement has been made.

Review Requirements of CTC Resolution G-95-09  
With Section References

			(Pre-Allocation)	(Post
Allocation)				
	<u>All Operating</u>	<u>Non-Operating</u>	<u>Non-Operating</u>	<u>Non-Operating</u>
	Yes (statutes)	<u>Over \$2 Million</u>	\$2 Million or	\$2 Million or
	N/A	Yes (statutes)	Less	<u>Less Only</u>
SB 580 Cert		N/A	Yes (statutes)	Yes (2.5)
Cost Estimate			w/Allocation	Yes, if not
Documentation			Request (2.5, 2.8)	previously
				provided
Appraisals &	w/Allocation	w/Allocation	if available in lieu	w/Reimbursement
	Request (2.4)	Request (2.3, 2.4,	of estimate (2.3)*	Request (2.7)
		2.6)		
Hazardous	w/Allocation	w/Allocation	w/Allocation	w/Allocation
Material/Waste	Request (2.4)	Request (2.3)	Request (2.3)	Request
(2.3)				
Indemnification				
Final Purchase,	w/Allocation	w/Allocation	N/A	w/Reimbursement
Sale Agreement or	Request	Request		Request (2.7)
Condemnation				
Judgment				
Res #G-95-09	2.4	2.4, 2.6, 2.3	2.3	2.5, 2.7,
2.8				
Reference				

\*If available, appraisals and HW report can be submitted for allocations,

Checklist of Data for Right of Way Review  
Part I

All Operating R/W  
and Non-Operating R/W  
over \$2 Million to be Acquired:

<u>Item</u>	<u>Pre-Allocation</u>	<u>Post Allocation Reimbursement</u>
1. Project name	<input type="checkbox"/>	
2. Segment to be allocated	<input type="checkbox"/>	
3. Projected allocation request date	<input type="checkbox"/>	
4. Listing of parcel numbers or owners	<input type="checkbox"/>	
5. Categorized as operating or non-operating	<input type="checkbox"/>	
6. Total project parcels	<input type="checkbox"/>	
7. Total parcels in segment to be allocated	<input type="checkbox"/>	
8. Appraisal report	<input type="checkbox"/>	
9. Hazardous waste report	<input type="checkbox"/>	
10. Hazardous waste indemnification	<input type="checkbox"/>	
11. Purchase documents	<input type="checkbox"/>	
Draft		
Actual		

Checklist of Data for Right of Way Review Part 2

Non-Operating RIW  
\$2 Million and Under to be Acquired:

<u>Item</u>	<u>Pre-Allocation</u>	<u>Post Allocation Reimbursement</u>
*1 Project name		<input type="checkbox"/>
*2 Segment to be allocated		<input type="checkbox"/>
*3 Listing of parcel numbers or owners		<input type="checkbox"/>
*4 Total project parcels		<input type="checkbox"/>
~5. Total parcels in segment to be allocated		<input type="checkbox"/>
*6. Appraisal report		<input type="checkbox"/>
*7 Hazardous waste report		<input type="checkbox"/>
*8. Hazardous waste indemnification		<input type="checkbox"/>
*9 Purchase documents		<input type="checkbox"/>
Draft		
Actual		
1 Estimates		
No. of parcels in project	<input type="checkbox"/>	
List of owners and parcels	<input type="checkbox"/>	
Parcel sizes	<input type="checkbox"/>	
Parcel maps, if available	<input type="checkbox"/>	
Description of area, Improvements, use, Surrounding use,	<input type="checkbox"/>	
damages	<input type="checkbox"/>	<input type="checkbox"/>
Estimated parcel values	<input type="checkbox"/>	<input type="checkbox"/>
Name of estimator, qualifications	<input type="checkbox"/>	
Basis of value	<input type="checkbox"/>	
Potential hazardous waste	<input type="checkbox"/>	
Hazardous waste indemnification		

\* Not required for Right of Way (RWAM) pre-allocation review, but should be included as data needed to complete Caltrans allocation review in accordance with the Transit Funding Reference Guide.

	All Operating Rail R/W	Appraisals of Non-Operating R/W Over \$2 Million	Estimates of Non-Operating R/W over \$2 Million	Appraisals of Non-Operating R/W \$2 Million and Under	Estimates of Non-Operating R/W \$2 Million and Under
Pre-Allocation R/W Appraisal Review Required	Yes	Yes	Estimates may not be used prior to allocation	Yes, sample or parcels in the project	Yes, sample of parcels in the project
Pre-Allocation Hazardous Waste Compliance Review Required	Yes	Yes	See Above	Yes, sample of parcels in the project	Yes, sample of parcels in the project
Pre-Allocation R/W Review of Purchase Documents	Yes, draft or final if available	Yes, draft or final if available	See Above	Yes, draft or final if available	Yes, draft or final if available
Post Allocation /W Review for reimbursements required	No	No	See Above	Yes, sample of appraisals and settlement amounts	Yes, sample of appraisals and settlement amounts
Post/Parcel Data for CTC Reports	Yes, per guidelines	Yes, per guidelines	See Above	Yes, per guidelines	Yes, per guidelines

