What are Right-of-Way Certifications?
Right-of-Way Certification Form

Revised 2/22/11

This form must be completed and submitted to FHWA with the PS&E package for federal-aid funded Interstate, Appalachia, and Major projects. This form shall also be submitted to FHWA for all federal-aid projects that fall under Conditions No. 2 or 3 outlined elsewhere in this form. When Condition No. 2 or 3 apply, KYTC shall resubmit this ROW Certification prior to construction contract Award. For all other federal-aid projects, this form shall be completed and retained in the KYTC project file.

Date: May 9, 2013

Project Name: Louisville-Southern Indiana ORB
Project #: 13J7 J201 056 8364302R
Item #: 05-732.20
Description of Project: Construction of Ohio River Bridges Project

Projects that require NO new or additional right-of-way acquisitions and/or relocations

☐ The proposed transportation improvement will be built within the existing rights-of-way and there are no properties to be acquired, individuals, families, and businesses (“relocates”) to be relocated, or improvements to be removed as a part of this project.

Projects that require new or additional right-of-way acquisitions and/or relocations

☐ Per 23 CFR 635.309, the KYTC hereby certify that all relocatees have been relocated to decent, safe, and sanitary housing or that KYTC has made available to relocatees adequate replacement housing in accordance with the provisions of the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program and that at least one of the following three conditions has been met. (Check those that apply.)

☐ Condition 1. All necessary rights-of-way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Fair market value has been paid or deposited with the court.

☐ Condition 2. Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Fair market value has been paid or deposited with the court for most parcels. Fair market value for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract. (See note 1 below.)

Note 1: The KYTC shall re-submit a right-of-way certification form for this project prior to AWARD of all Federal-Aid construction contracts. Award must not be made until after KYTC has obtained full legal possession and fair market value for all parcels has been paid or deposited with the court and FHWA has concurred in the re-submitted right-of-way certification.
Right-of-Way Certification Form

Condition 3. The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. However, all remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. The KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary rights-of-way will not be fully acquired, and/or some occupants will not be relocated, and/or the fair market value will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 835.309(c)(3) and 49 CFR 24.102(i) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction. A full explanation and reason for this request, including identification of each such parcel and dates on which acquisitions, payments, and relocations will be completed, is attached to this certification form for FHWA concurrence. (See note 2.)

Note 2: The KYTC may request authorization on this basis only in unique and unusual circumstances. Proceeding to bid letting shall be the exception and never become the rule. In all cases, the KYTC shall make extraordinary efforts to expedite completion of the acquisition, payment for all affected parcels, and the relocation of all relocatees prior to AWARD of all Federal-Aid construction contracts or force account construction.

Approved:

Brett Thiess  
Printed Name

Right-of-Way Supervisor

Keith McDonald  
Printed Name

KYTC, Director of ROW & Utilities

David Whittmeyer  
Printed Name

FHWA, ROW Officer (when applicable)
Right-of-Way Certification Form

Date: 

Project Name: 
Project #: 
Item #: 
Letting Date: 

County: 
Federal #: 

This project has _____ total number of parcels to be acquired, and _____ total number of individuals or families to be relocated, as well as _____ total number of businesses to be relocated.

____ Parcels where acquired by a signed fee simple deed and fair market value has been paid
____ Parcels have been acquired by IOJ through condemnation and fair market value has been deposited with the court
____ Parcels have not been acquired at this time (explain below for each parcel)
____ Parcels have been acquired or have a “right of entry” but fair market value has not been paid or has not been deposited with the court (explain below for each parcel)
____ Relocatees have not been relocated from parcels _____, _____, _____, _____, and _____ (explain below for each parcel)

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Name/Station</th>
<th>Explanation for delayed acquisition, delayed relocation, or delayed payment of fair market value</th>
<th>Proposed date of payment or of relocation</th>
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There are _____ billboards and/or _____ cemeteries involved on this project.

There are _____ water or monitoring wells on parcels _____, _____, _____, and ____. All have been acquired and are the responsibility of the project contractor to close/cap.

Form Effective Date: April 1, 2006
Last Revised: February 22, 2011

Page 3
What makes a ROW Certification a Condition 1?
Per 23 CFR 635.309, the KYTC hereby certify that all relocatees have been relocated to decent, safe, and sanitary housing or that KYTC has made available to relocatees adequate replacement housing in accordance with the provisions of the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program and that at least one of the following three conditions has been met. (Check those that apply.)

Condition 1. All necessary rights-of-way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Fair market value has been paid or deposited with the court.
Date: May 9, 2013

Project Name: LSIORBP
Project #: 05-732.20
Item #: 13J7 JZ01 056 8364302R
Letting Date: ____________

County: Jefferson
Federal #: NH 2653 (022)

This project has 106 total number of parcels to be acquired, and 37 total number of individuals or families to be relocated, as well as 5 total number of businesses to be relocated.

103 Parcels where acquired by a signed fee simple deed and fair market value has been paid
3 Parcels have been acquired by IOJ through condemnation and fair market value has been deposited with the court
___ Parcels have not been acquired at this time (explain below for each parcel)
___ Parcels have been acquired or have a “right of entry” but fair market value has not been paid or has not been deposited with the court (explain below for each parcel)
___ Relocatees have not been relocated from parcels _____ _____ _____ _____ and _____ (explain below for each parcel)

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Name/Station</th>
<th>Explanation for delayed acquisition, delayed relocation, or delayed payment of fair market value</th>
<th>Proposed date of payment or of relocation</th>
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</tbody>
</table>

There are 0 billboards and/or 0 cemeteries involved on this project.
There are 1 water or monitoring wells on parcels 118, _____, _____, and _____. All have been acquired and are the responsibility of the project contractor to close/cap.

Form Effective Date: April 1, 2006
Last Revised: February 22, 2011
What makes a ROW Certification a Condition 2?
Condition 2. Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Fair market value has been paid or deposited with the court for most parcels. Fair market value for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract. (See note 1 below.)

Note 1: The KYTC shall re-submit a right-of-way certification form for this project prior to AWARD of all Federal-Aid construction contracts. Award must not to be made until after KYTC has obtained full legal possession and fair market value for all parcels has been paid or deposited with the court and FHWA has concurred in the re-submitted right-of-way certification.
This project has 6 total number of parcels to be acquired, and 0 total number of individuals or families to be relocated, as well as 0 total number of businesses to be relocated.

5  Parcels where acquired by a signed fee simple deed and fair market value has been paid

Parcels have been acquired by IOJ through condemnation and fair market value has been deposited with the court

Parcels have not been acquired at this time (explain below for each parcel)

1  Parcels have been acquired or have a “right of entry” but fair market value has not been paid or has not been deposited with the court (explain below for each parcel)

- Relocatees have not been relocated from parcels _, _, _, _, _, _, and _ (explain below for each parcel)

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Name/Station</th>
<th>Explanation for delayed acquisition, delayed relocation, or delayed payment of fair market value</th>
<th>Proposed date of payment or of relocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sandra Dodson</td>
<td>deed and MOU signed, payment requested and awaiting check for del.</td>
<td>Aug. 15 2013</td>
</tr>
</tbody>
</table>

There are 0 billboards and/or 0 cemeteries involved on this project.

There are 0 water or monitoring wells on parcels _, _, _, _, _, and _. All have been acquired and are the responsibility of the project contractor to close/cap.
What makes a ROW Certification a Condition 3?
Condition 3. The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. However, all remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. The KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary rights-of-way will not be fully acquired, and/or some occupants will not be relocated, and/or the fair market value will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction. A full explanation and reason for this request, including identification of each such parcel and dates on which acquisitions, payments, and relocations will be completed, is attached to this certification form for FHWA concurrence. (See note 2.)

Note 2: The KYTC may request authorization on this basis only in unique and unusual circumstances. Proceeding to bid letting shall be the exception and never become the rule. In all cases, the KYTC shall make extraordinary efforts to expedite completion of the acquisition, payment for all affected parcels, and the relocation of all relocatees prior to AWARD of all Federal-Aid construction contracts or force account construction.
## Condition 3

05 Parcels where acquired by a signed fee simple deed and fair market value has been paid

03 Parcels have been acquired by IOJ through condemnation and fair market value has been deposited with the court

00 Parcels have not been acquired at this time (explain below for each parcel)

00 Parcels have been acquired or have a "right of entry" but fair market value has not been paid or has not been deposited with the court (explain below for each parcel)

01 Relocatees have not been relocated from parcels 05, 00, 00, and 01 (explain below for each parcel)

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Name/Station</th>
<th>Explanation for delayed acquisition, delayed relocation, or delayed payment of fair market value</th>
<th>Proposed date of payment or of relocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>005</td>
<td>Frank Greg Moore</td>
<td>Two Improvements to remove. One is still occupied.</td>
<td>30-AUG-2013</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Eviction Process is being taken. Waiting on sheriff department to serve.</td>
<td></td>
</tr>
</tbody>
</table>

There are 0 billboards and/or 0 cemeteries involved on this project.

There are 0 water or monitoring wells on parcels 00, 00, 00, 00, and 01. All have been acquired and are the responsibility of the project contractor to close/cap.
FROM A FEDERAL STANDPOINT
WHY IS CERTIFICATION REQUIRED?
The specific requirements for this action are found at 23 CFR 635.309 (b) and (c). Because of the importance of this action, it is critical that the contract administration staff of your agency knows the exact status of the project at the time the construction contract is advertised and awarded.
Acquisition of ROW in accordance with laws and requirements (so prospective contracts will not be stopped by related litigation);

Relocation of people (so that the contractor may enter upon the properties);

Identification of encroachments and acquired structures within the ROW, and an explanation of who will remove them; and

Hazardous waste identification that may be present at the site, with information on contractor's responsibility for safe disposal.
Prior to the FHWA authorization to advertise for bids of physical construction, the acquiring agency shall prepare a statement that:

A. all ROW is clear, or if not, appropriate notification has been included in bid proposals of any work concurrent with highway construction;

B. all people relocated to DSS, and one of the following applies:
   1. All needed ROW acquired, all occupants have moved; or
   2. Not all needed ROW acquired, but right of entry obtained on all parcels, and all occupants have moved; or
   3. Acquisition of ROW not complete, and occupants still on the project (rare exceptions only, and only if in the public interest) - requires full explanation, notices in bid proposals, and special assurances about occupant protection.

C. advises that ROW acquired in accord with the FHWA directives, and

D. advises that relocation assistance and payments rules followed, if required.
# Stewardship Agreement

## ROW Approvals and Business Standards Chart

<table>
<thead>
<tr>
<th>Work Activity</th>
<th>KYTC Action</th>
<th>FHWA Action</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraisals</td>
<td>Review, Certify, and Approve – All Projects</td>
<td>N/A</td>
<td>Appraisal Reports</td>
</tr>
<tr>
<td>Acquisitions</td>
<td>Perform and Approve – All Projects</td>
<td>N/A</td>
<td>Property Ownership, Title, or Easement</td>
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<tr>
<td>Relocations</td>
<td>Perform and Approve – All Projects</td>
<td>N/A</td>
<td>Relocations</td>
</tr>
<tr>
<td>ROW Authorizations and Agreements</td>
<td>Request</td>
<td>Authorize – All Projects (7 days)</td>
<td>Authorization &amp; Agreement</td>
</tr>
<tr>
<td>ROW Certification</td>
<td>Approve - non-Interstate</td>
<td>Approve - Interstate and APD. (7 days)</td>
<td>Certificates</td>
</tr>
</tbody>
</table>
# Project/Program Approval Chart

<table>
<thead>
<tr>
<th>Approval Action</th>
<th>Reference Document</th>
<th>Interstate and APD</th>
<th>Non-Interstate NHS</th>
<th>Non-NHS Projects</th>
<th>Other Projects Subject to FHWA Oversight by Mutual Agreement</th>
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<tbody>
<tr>
<td>Appraisals</td>
<td>49 CFR 24</td>
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<td>KYTC</td>
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QUESTIONS?