



3.10 RIGHT OF WAY CERTIFICATION PROCESS

The purpose of right of way certification is to identify and confirm acquisition of the necessary rights of way to allow advertising a project for construction. This is called letting a project.

The procedures in this section apply to acquisition of real estate for highway or highway-related projects that use federal and/or state funds for construction.

Funding options include:

1. City and/or county funds for acquisition; state and/or federal funds for construction
2. Federal funds for acquisition and construction
3. State funds for acquisition and construction
4. State funds for acquisition; federal funds for construction

3.10.1 Process Overview

All projects begin with a Planning Phase and then proceed to the Planning and Design Phase. Once a highway or highway related project has been identified, the Regional Office must submit a Plan, Specifications and Estimate (PS&E) to the Bureau of Project Development/Proposal Management Section fourteen (14) weeks in advance of advertising/letting the project for construction bids. A copy of the Certificate of Right of Way (Form RE1889), often referred to as a cert, must be submitted with every PS&E. An approved cert is written proof that the affected right of way has been acquired through negotiation or condemnation; that affected individuals and businesses have been relocated; that utility and railroad easements have been identified and satisfied; that relevant state and federal requirements have been followed; and that payments have been made to acquire the property.

3.10.2 General Procedures and Responsibilities

Regional Real Estate and Design Office is responsible for sending the Bureau of Project Development-Proposal Management Section a completed cert (RE1899) showing that the rights of way on all projects have been acquired and cleared for letting. This includes clearance of anything or anyone that could interfere with construction such as structures, businesses, and billboards, as well as permanent or temporary residents.

Bureau of Project Development-Proposal Management Section (BPD-PMS) is responsible for compiling the PS&E submittals and Right of Way Certificates from the regional offices, determining which projects are ready for letting, and sending the certs for National Highway System projects to the Federal Highway Administration (FHWA) for review and authorization prior to the ad meeting. BPD-PMS also schedules monthly Ad meetings to review and authorize right of way certifications. The meetings are attended by representatives of the Bureau of Project Development

and the Bureau of Technical Services-Real Estate, along with Utilities and Railroads. Actual letting of projects is done four times a year.

Bureau of Technical Services-Real Estate (BTS-RE) is responsible for review of submitted certs. BTS-RE notify the regions two weeks prior to the ad meeting of any “at risk” projects that may be pulled from letting because of right of way acquisition certification issues. Issues can be simple such as a missing signature or more complex such as parcels not fully acquired. BTS-RE also monitors and updates certs as necessary to enable and ensure all projects are clear for letting.

3.10.3 Real Estate Requirements to Let a Project

Authorization to advertise federal, state and local public agency construction projects for bids will not be issued until all the following conditions have been met by real estate:

- Certification #1 obtained
- All individuals and families relocated to safe and sanitary housing
- All permanent and temporary interests acquired and all right(s) of way cleared
- Rights of way acquired according to state and federal requirements
- State and Federal relocation assistance and payment requirements followed.

3.10.4 Certification Types and Status

Certification #1 – let and award; cleared to advertise

Cert #1 means that WisDOT has acquired all necessary rights/interests as shown on the right of way plat and/or construction plan including legal and physical possession. There may be cases on appeal or pending in court, but the legal possession has been obtained. A Certificate of Right of Way with a Certification Status #1 indicates completed acquisition and review and is ready to be submitted with the PS&E.

Certification #2 – let and award, but follow-up needed

Cert #2 means that although all necessary rights of way have not been fully acquired, WisDOT has acquired the right to occupy and use all rights of way required for the proper execution of the project by obtaining a Temporary Right of Entry Easement (RE 1561) reviewed and approved by BTS-RE. Trial or appeal of some parcels may be pending in court. WisDOT has physical possession and the right to remove, salvage, or demolish these improvements.

Certification #3 – follow up and right of way clearance required before letting

Cert #3 means that the acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing and the relocation assistance program made available to them. For any parcels, not yet clear at the time the PS & E is submitted, an updated cert must be received by BTS-RE before the scheduled ad meeting. The cert must identify the parcels not yet acquired, the parcels not yet vacated, the anticipated date of acquisition and vacancy, and all other information to explain the deficiency.

Defer – *follow up and reschedule to later meeting*

Defer means that the project does not meet the above requirements and will not be advertised for letting. This designation risks postponement and delay in the project.

3.10.5 Completing Certificate of Right of Way

The organization designing the project-regional design, traffic, maintenance or the consultant- must complete the top half of the form (RE1899) (lines/boxes 1-17). Once completed the cert must be signed and dated by the Design Representative.

If no new land is being acquired (either permanent or temporary), the Design Supervisor will add a copy of the cert to the PS&E package and must file the original cert at the Regional Office.

If new land interests are being acquired (either temporary or permanent), the Design Supervisor must send the cert to the Regional Real Estate Unit to complete lines/boxes 16-19 of the form. When these sections have been completed, the Regional Representative must sign, date and check the status box. The Regional Representative must add the cert to the PS&E package and file the original in the Regional Office.

See a sample of the Certificate of Right of Way (RE1899) and detailed instructions for completing the cert on the following pages.

3.10.6 Certificate of Right of Way (RE1899)

CERTIFICATE OF RIGHT OF WAY		Wisconsin Department of Transportation	
(Excludes railroad interests) RE1899 03/22/2019 (Replaces RE5005)			
After completing, convert to a PDF format prior to sending via Esubmit.			
To: Director, Bureau of Technical Services – Real Estate Hill Farms Bldg/Rm 501 - Madison		From: Region; Technical Svcs (1)	Date: (2)
Construction project number (3)	Federal aid project number (4)	R/W project number (5)	
Highway (6)		Letting date (7)	
Title and limits (8)		County (9)	
Type of work (10)	Begin station (11)	End station (12)	
Encroachments still to be removed <input type="checkbox"/> None <input type="checkbox"/> Yes, list parcel #(s), station(s), explain items, who will remove, estimated removal date, etc.: (13)			
Encroachments to be left in place by revocable permit <input type="checkbox"/> None <input type="checkbox"/> Yes, list parcel #(s), station(s), explain items, etc.: (14)			
Hazardous materials <input type="checkbox"/> None <input type="checkbox"/> Yes, list parcel #(s), station(s), explain remedy plan, estimated removal date, etc.: (15)			
List right of way parcels and interests required for this construction project letting. <input type="checkbox"/> None <input type="checkbox"/> Yes, provide parcels #(s) and type of interest, to include construction permits: (16)			
-- For WisDOT Regional Design Authorization Use Only --			
Note: Railroad land interests are <u>not</u> a part of this certification.			
<input type="checkbox"/> No new right of way is required; and, we certify the right of way status as #1, pursuant to 23 CFR 635.309 and other federal regulation as appropriate.			
<input type="checkbox"/> Yes, new right of way is required. (If checked, forward to regional Technical Services – Real Estate.)			
(17)		_____ Regional Design Representative (Only WisDOT has authorization approval)	_____ Date
-- For WisDOT Regional Real Estate Authorization Use Only --			
If new R/W is required: <input type="checkbox"/> <u>All</u> parcels are acquired. <input type="checkbox"/> Parcels not yet acquired. If applicable, list parcel number(s), closing date, award date, and other pertinent details: (18)			
Relocation <input type="checkbox"/> None <input type="checkbox"/> Yes, provide parcel #(s), relocation date(s), anticipated, delays, etc.: (19)		Structure Removal <input type="checkbox"/> None <input type="checkbox"/> Yes, provide type(s), removal date(s), by whom: (20)	
On behalf of the acquiring agency <input type="checkbox"/> State, <input type="checkbox"/> County, <input type="checkbox"/> City, <input type="checkbox"/> Village, <input type="checkbox"/> Town, <input type="checkbox"/> Other: _____, and pursuant to 23 CFR 635.309 and other federal regulation as appropriate, we certify the right of way status as: <input type="checkbox"/> 1, <input type="checkbox"/> 2, <input type="checkbox"/> 3.			
(21)		_____ Regional Real Estate Representative (Only WisDOT has authorization approval)	_____ Date

Include additional information and attach additional pages, if necessary.

3.10.7 Detailed Instructions to Complete RE1899

CERTIFICATE OF RIGHT OF WAY (RE1899) – DETAILED INSTRUCTIONS

Items marked 1 - 17 on the Certificate of Right of Way should be completed by the regional WisDOT Design Unit or consultant. **NOTE:** instruction (17) below “For WisDOT Regional Design Authorization Use Only.”

Item # Step-by-step instructions to complete

- (1) *“From”* – region completing cert. form.
- (2) *“Date”* – date preparing the form.
- (3) *“Construction project number”*
- (4) *“Federal aid project number”* – if applicable.
- (5) *“R/W project number”* – right of way project number, if applicable.
- (6) *“Highway”* – formal name of highway. Example: S.T.H. 55.
- (7) *“Letting date”* – date when project is scheduled for letting.
- (8) *“Title and limits”* – general location information (use official title and limit from FIIPS).
- (9) *“County”* – county where majority of work on project will take place.
- (10) *“Type of work”* – briefly summarize action to be taken. Example: grading, curb, etc.
- (11) *“Begin station”* – station where construction will begin on project.
- (12) *“End station”* – station where construction will end on project.
- (13) *“Encroachments still to be removed”* – check either *“None”* or *“Yes, list parcel #(s), station(s), explain items, who will remove, estimated removal date, etc.”* – provide plat parcel number, station and description of encroachment to be removed or to remain in place without a revocable permit; who will remove and when; consult with Design or Maintenance Units, if necessary to provide this information.
- (14) *“Encroachments to be left in place by revocable permit”* – check either *“None”* or *“Yes, list parcel #(s), station(s), explain items, etc.”* – provide plat parcel number, station and description of encroachment. Give status of permit. Provide as much detail as practicable. Example: Parcel 8, Station 106+75, village “Welcome” sign; permit granted on 00/00/0000.
- (15) *“Hazardous materials”* – check either *“None”* or *“Yes, list parcel #(s), station(s), explain remedy plan, estimated removal date, etc.”* – provide plat parcel number and station of waste site. Describe materials found and explain remedy plan, including any estimate removal date. Include point of contact information as part of remedy plan, if applicable.
- (16) *“List right of way parcels and interests required for this construction project letting.”* – check either *“None”* or *“Yes, provide parcel #(s) and type of interest, to include construction permits.”* – do not include utility or railroad parcels. Example: Parcels 1,3,5,6 – FEE; Parcels 2,4 – PLE; Parcels 7,8,9 – TLE; Parcel 10 – Construction Permit.
- (17) **For WisDOT Regional Design Authorization Use Only**
This section identifies if new R/W is required
Check either, *“No new right of way is required; and, we certify the right of way status as #1, pursuant to 23 CFR 635.309 and other federal regulation as appropriate.”* (this applies to permanent or temporary.) OR, *“Yes, new right of way is required.”*
ENTER NAME OF REGIONAL DESIGN REPRESENTATIVE AND DATE.

If no new right of way is required, file original in the Regional Office and convert to PDF format and Esubmit to the WisDOT Proposal Unit of the Bureau of Project Development.

If a new R/W is required, forward the cert to Regional WisDOT/Technical Services Real Estate to lines/boxes #18 - 21. **Note:** Only WisDOT has authorization for approval (consultants are not recognized by FHWA for approval authority).

- (18) **For WisDOT Regional Real Estate Authorization Use Only**
Check EITHER *“All parcels are acquired”* OR *“Parcels not yet acquired. If applicable, list parcel number(s), closing date, award date, and other pertinent details”* – provide additional detail as necessary to explain any circumstances of any parcels not acquired.
- (19) Relocation – check either *“None”* or *“Yes, provide parcel #(s), relocation date(s), and anticipated delays, etc.”* – provide additional detail as necessary to explain circumstances of any relocations not completed.
- (20) Structure Removal – check either *“None”* or *“Yes, provide type(s), removal dates(s), by whom.”* Example: Small shed to be removed by owner on or before 00/00/0000.
- (21) Check appropriate box of “On behalf of acquiring agency...” and, check appropriate level for *“we certify right of way status...”* **ENTER NAME OF REGIONAL REPRESENTATIVE AND DATE.** **NOTE:** Only WisDOT has authorization for approval (consultants are not recognized by FHWA for approval authority).

Once Sections 18-21 are complete, the Regional Real Estate Representative must file the original in the Regional Office and convert to PDF format and Esubmit to the WisDOT Proposal Unit of the Bureau of Project development. **Additional information and other additional pages and documents may be attached to the cert if needed.**

3.10.8 The PS&E Tracking System

The Plans Specifications and Estimate Tracking System (Psetrak) is used to monitor the clearance status of:

- Department of Resources (DNR)
- Corp of Engineers (COE)
- Traffic Management Plan (TMP)
- Real Estate (RE)
- Railroad Engineering (RR Eng)
- Railroad Real Estate (RR RE)
- Utility (UTL)
- Federal Highways (FHWA)
- Bureau of Project Development (BPD)/others.

Tracking projects begins before PS&E submittal, through the Advertisement Meeting and until Contract Execution. Clearing a project by the PS&E and Advertisement Date allows WisDOT to advertise and successfully LET, award and execute the contract, and confirm all necessary approvals are satisfied. If Psetrak is not complete the PS&E is considered incomplete and the project may need to be withdrawn or deferred from the original letting to a future date when the clearances have been provided. See FDM 19-1-1 <http://wisconsin.gov/rdwy/fdm/fd-19-01.pdf#fd19-1-1> for additional information.

Psetrak is populated from FIIPS and AASHTOWare Preconstruction and is updated instantly. If a project is not created in AASHTOWare Preconstruction and/or does not have a PWL estimate it will not appear in Psetrak.

The Psetrak is found at: <https://trust.dot.state.wi.us/pse/>


To access the Psetrak, the following is needed:

- A WAMS ID
- A Wisconsin Department of Transportation mailbox, and
- Supervisor's permission requesting access through the Proposal Management Section mailbox: DOTDTSDBPD@DOT.WI.GOV

There are three ways to search for a project (listed in order of preference):

- Use the specific construction ID or for a wider search use only the first four digits of a project ID
- Use the letting date
- Use the following to narrow your search:
 - ✓ Region, State/Local, County
 - ✓ Project Type
 - ✓ Status of clearances and area to be cleared
 - ✓ Supervisor, Project Manager

See the following sample.


State of Wisconsin
Department of Transportation

[Search](#) | [PSE Calendar](#) | [Reports](#) | [Help Document](#) | [Log Off](#)

PSE Project Search

Search by a project number (Ex: 10660076, 1066-00-76, 1066)

Project Number:

Search by letting date.

Letting Date:

Search on multiple fields. Dates are required. Maximum date range is 4 months.

Start Date: End Date:

Region: State/Local: County:

Type:

Status: Function:

Supervisor

Project Manager

Questions about the content of this page:

Contact Name: [WisDOT Computer Help Desk](#) 1-800-362-3050

3.10.9 Real Estate Review of a Cert (Form RE1899)

Once the cert has been submitted by either the Regional Design Representative or the Regional Real Estate Representative, the Proposal Unit of the Bureau of Project Development will compile and send a composite list of projects to relevant parties (railroad, utilities, and real estate) in letting for the month. This is commonly called the Letting List. Each Letting List has a proposal number, a construction project number (the federal identification number), the county, highway location, and title of the project. There may be one or more certs for each project. Each cert must be checked by BTE-RE for accuracy.

To find a copy of each cert, go to the Psetrak as described earlier or type the project number without hyphens in the Search bar of the PSE folder on the N Drive. Each project will show many documents submitted for the project including the plan, cost estimate, maps, railroad, utilities, etc. Locate and print the most recent Plan Letter (pln) and all Real Estate Certificates (row) for each project. Compare the plan and the cert and confirm agreement whether there is real estate required or there is not real estate required. There may be differences between the row and the plan (example: row states no parcels required; plan letter states parcels are required). The plan letter contains contacts for people involved with the project and is helpful to reconcile an inconsistency.

If no property is required:

- confirm and highlight the project number on the cert
- confirm and highlight the correct let date
- confirm and highlight the box “No New Right of Way is Required” is checked
- confirm and highlight the Regional Design Representative signature and date

If real estate is required and acquired:

- confirm and highlight the project number on the cert
- confirm and highlight the correct let date
- confirm and highlight the box “Yes, new right of way is required” is checked
- confirm the Regional Design Representative signature and date
- confirm and highlight “All parcels are acquired” box is checked
- confirm and highlight status box 1 is checked
- confirm and highlight the Regional Design Representative signature and date

If real estate is required but not acquired and/or structures or residents remain:

- confirm and highlight the project number on the cert
- confirm and highlight the correct let date
- confirm and highlight the box “Yes, new right of way is required” is checked
- confirm the Regional Design Representative signature and date
- confirm and highlight “Parcels not yet acquired” box is checked
- read and highlight reason stated to explain parcels not yet acquired
- find and highlight anticipated date to satisfy
- confirm and highlight the Regional Design Representative has signed and dated

If the RE Cert is filled out correctly and there is no R/W required or all parcels have been acquired, staple the plan and the RE cert(s) together, put the proposal number and an OK at the top of the cert. Then put OK on the Letting List next to the project. If no R/W is required

put N/A on letting list in comment area. Put the RE Cert(s) and plan letter in a folder in preparation for the Ad Meeting. Repeat with each remaining proposal for let.

If the RE Cert is not filled out properly or if all parcels have not been acquired or if structures and residents remain, highlight the problem and note the issue. For example, a Design Rep signature is missing or parcel #39 awaiting payment. Put the proposal number on the RE Cert and a brief note identifying the problem. Separate those RE Certs that are not Cert #1. On the Letting List put an arrow next to the proposal number with the issue noted and anticipated date of satisfaction.

Once all certs have been reviewed, create a composite list of "problem" proposals (those lacking Cert #1). List the problems numerically by proposal, project, and by region. Contact each Project Manager of a problem cert to discuss the problem and the probability of resolution of the problem and resubmittal of an amended cert before the Ad Meeting. Continue to monitor and print all amended and resubmitted Certs and staple to the original. Again review, highlight and confirm each updated Cert as detailed above. One week before the meeting send a reminder to the Regional Supervisors of any remaining problems. If the real estate will not be cleared (JO'd, Award Issued, Occupancy) by the letting date, **recommend removing the proposal from the letting.** If the parcels are not yet clear, but a Jurisdictional Offer has been issued and the 20 days is in progress, **recommend Advertising but Hold for Award.**

3.10.10 PS&E Real Estate Clearance

At least one week before the Ad Meeting, go to the PS&E site, locate each cert by id number and check the box to show that the project has a Cert #1 clearance. If no real estate right of way is necessary also check the box indicating no R/W.

3.10.11 Federal Oversight Projects

The Bureau of Project Development will monthly compile and send a list of projects that need federal design and/or construction oversight and submit a cert.

3.10.12 Ad Meeting

The Ad Meeting occurs monthly. The BPD Proposal Management Section schedules and conducts the Ad Meetings. **Attend all Ad Meetings.** Each proposal and cert will be discussed at the Ad Meeting. Take copies of all R/W certs to the meeting arranged in chronological order according to the proposal number. Separate those certs without Cert #1 clearance and be prepared to discuss most recent updates. **Know and be prepared to report the expected date of clearance of all certs that are not yet clear.** The committee will consider BTS-RE information and recommendation and decide the course of action going forward.

3.10.13 After the Ad Meeting

If all projects are clear for letting at the Ad Meeting regarding real estate right, file and keep the printed plans and project certs at your desk for three months should there be additional

questions. After three months, you may discard copies of the plans and R/W certs. If ever needed, R/W certs can be found on file at the relevant Regional Office.

Monitor all projects labeled “Advertise but Hold for Award” until there is a Cert #1. Send each updated change in certs to the Proposal Management Section.

3.10.14 Bid Review Meeting

The Bid Review Meeting occurs two days after the Ad Meeting. Each project is reviewed in detail in preparation of letting by select members of BPD. This meeting should be a non-event for certs because every parcel has been acquired and each project cleared. In the unlikely event a cert has changed since the Ad Meeting, notify BPD immediately. It is possible during its meeting BPD will email a request for a detailed status report on a cert that has not cleared.