

CODE OF ETHICS
for
EMPLOYEES
in
RIGHT OF WAY AND ASSET MANAGEMENT
DEPARTMENT OF TRANSPORTATION
STATE OF CALIFORNIA

Recognizing our responsibility to our Department and to the people of the State of California and feeling that we should encourage and foster high ethical standards in our organization, we do hereby subscribe to the following Code of Ethics for our constant guidance and inspiration, predicated upon the basic principals of trust, justice, and fair play.

- *To show faith in the worthiness of our profession by industry, honesty, and courtesy in order to merit a reputation for high quality of service and fair dealing.*
- *To add to the knowledge of our profession by constant study and to share the lessons of our experience with our fellow employees.*
- *To build an ever-increasing confidence and goodwill with the public and our employees by poise, self restraint, and constructive cooperation.*
- *To ascertain and weigh all the facts relative to real properties in making an appraisal thereof using the best and most approved methods of determining just compensation.*
- *To conduct ourselves in the most ethical and competent manner in our negotiations with affected property owners, thus meriting confidence in our knowledge and integrity.*
- *To accept our full share of responsibility in constructive public service to the community, state, and nation.*
- *To strive to attain and to express a sincerity of character that shall enrich our human contacts ever aiming toward that ideal -- the practice of the "golden rule."*

CHAPTER 1

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CHAPTER 1

1.00.00.00 INTRODUCTION

1.01.00.00 **Manual Overview**

Welcome to Right of Way and Asset Management. We have designed this manual to be as user friendly as possible given the subject matter, and we have tried to write it in a conversational tone for ease of reading and understanding. Since this is not entirely practicable in all circumstances, you will see a variety of styles used. The purpose of this manual is to give users a tool that will lead them through the Right of Way and Asset Management processes.

This manual is organized along the normal work flow as much as possible. The first subjects deal with planning and financing R/W activities. The manual then proceeds through the engineering stage to the appraisal and acquisition stages. Relocation assistance becomes involved at many stages but is most conveniently discussed after acquisition. Utilities also is involved continuously but is covered after acquisition. Once the property has been acquired, it must be managed and then cleared for construction. After all of the project requirements are completed, the project must be certified for construction. A few activities are accomplished after construction of a project. These generally are airspace leasing and disposal of excess land. Some activities are not directly related to a Caltrans project but R/W is involved, and these are covered in the last chapters.

Various type faces have been used to produce this manual. All section headings are in bold print. The text of any law, statute, or regulation is in bold italicized print. Abbreviations and acronyms are used wherever possible. A glossary of definitions is included along with the various forms and exhibits. All forms are mandatory in use and contain instructions for their use. In most cases exhibits are optional in use and are suggestions based on history and experience. There are some exceptions. Where a form from some other source (state agency, federal government, other Caltrans units) is cited, it is referenced as an exhibit, but its use is mandatory. Also, if a district proposes to use an electronic version of a form, it may do so if a copy is sent to the Program Manager in Sacramento for review and approval prior to its use.

Administrative regulations, statutory references, and citations from the Code of Federal Regulations (CFR) are referenced but not quoted in their entirety, except in the Relocation Assistance chapter. Citations are contained in the Exhibits Section or in other books and pamphlets that are available to the district. Flow charts have been developed for those chapters where applicable and helpful to the reader.

A system of advisory and informational memoranda called Reference File Memoranda has been developed. These are not part of the manual but expand on specific topics as felt necessary. They will be issued by the appropriate Program Branch and should be filed in the district files.

The manual will be updated to keep it current through issuance of periodic changes. Should the need arise to issue an interim Manual Change pending a formal Change Memorandum, it will be issued with a different Transmittal Memorandum than is used for the formal Change Memorandum.

1.02.00.00 **R/W Organization**

The R/W Agent is a special type of person. Agents have both the duty and responsibility to make friends for the department through exemplary conduct, patient explanation, and courteous treatment of all persons with whom they come in contact. Agents must have thorough knowledge of basic engineering practices; theories and techniques of real property appraisal, acquisition, and management; real property law; and title regulations. Agents must be able to communicate and to be honest, tactful, and creative.

The State Constitution provides the basis for operation of the California Department of Transportation. It specifically authorizes the Legislature to provide for construction and maintenance of the state transportation system. The State Legislature exercises direct control over the extent of the system by statutory authorization of inclusive routes and facilities. The Legislature also controls financing of the system through enactments contained in the statutory codes.

The Legislature established the California Transportation Commission (CTC), which is charged with various duties specific to the department. The composition of the CTC and its specific duties are set forth in Government Code Part 5.3, Chapters 1, 2, and 3, Sections 14500 through 14555.57. The CTC's primary functions include locating routes, identifying transportation projects to be funded, facilities to be constructed, and funding levels; passing Condemnation Resolutions to effect acquisition of needed rights of way; adopting long-range programs; and reporting to the Legislature on the success and progress of its programs.

The Department of Transportation (Caltrans) is one of several departments within the Business, Transportation and Housing Agency. The department is under the control of an executive officer known as the Director of Transportation. There are a number of programs within the department, one of which is the Right of Way and Asset Management Program. It is directed by a Program Manager who has program responsibility for all R/W functions and activities. There are 12 district offices, each under the control of

a District Director. Within each district, there is a R/W division.

The Right of Way and Asset Management Program, through the district offices, is primarily responsible for acquisition and management of property required for state transportation purposes. As such, it must carry out the orderly relocation of affected families and businesses, manage and clear properties prior to construction, and dispose of properties the department no longer needs. Transportation purposes may include highways, mass transit guideways and related facilities, airports, shops, maintenance stations, storage yards, material sites, and any other purpose that may be necessary for Caltrans operations.

Wherever Caltrans operates and for whatever purpose, R/W gets involved. We not only must acquire the land and improvements, we must take care of the people affected by our projects. We must treat all persons in a fair and equitable manner without prejudice.

MAJOR FUNCTIONAL AREAS	
Function	Synopsis
Planning and Management	Develop and implement information and data gathering systems used to budget staff resources and capital outlay funds. Prepare estimates for future projects. Develop and monitor R/W schedules and certify projects for construction when all necessary rights have been acquired.
R/W Engineering	Prepare all maps, documents, and descriptions needed to acquire right of way and dispose of excess land.
Appraisals	Prepare all valuation reports needed to acquire right of way, lease air rights, and dispose of excess land.
Acquisition	Conduct all acquisition activities necessary to acquire property and rights needed to construct the transportation facility. This includes the condemnation process if necessary.
Relocation Assistance	Provide for full implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act in the relocation of displaced persons and businesses.
Property Management	Manage all property owned by the department and being held for future construction or for sale as excess land and development and leasing of airspace sites. Also responsible for clearance of the right of way for construction and locating and leasing space for Resident Engineer offices as needed on construction projects.
Utility Relocation	Conduct all activities necessary to adjust or relocate utility facilities that are in conflict with planned construction.
Airspace	Leasing of property within the right of way limits of an existing operating highway that is capable of other uses without interference with the operation and expansion of the highway.
Excess Land	Responsible for disposal of all properties declared as excess to the department's needs. This can include fee owned land as well as rights held in easement title. It can include materials sources, disposal sites, maintenance station properties no longer needed, or any other property owned by the department.
Asset Management	Revise strategic 20-year facility master plan to reflect changes due to reorganization and personnel shifts; oversee real property retention review process and monitor transfer of unused property to excess land inventory for disposal; oversee project development of operational facility projects; and promote and pursue opportunities to optimize use of the department's real property assets.

MAJOR FUNCTIONAL AREAS

Function	Synopsis
Local Assistance	Responsible for administration of the local assistance program as it affects rights of way for projects constructed by local agencies and private organizations with federal and state funding. This can include both city and county streets and roads and projects on the state highway system.
Outdoor Advertising	Regulate placement of Outdoor Advertising displays visible to California highways; process permits and licenses in accordance with state laws and regulations.
Traveler Services	Manage Tourist Oriented Directional Sign Program (TODS) on conventional highways; Business Logo Program (LOGO); and kiosks advertising, public service messages (missing children), and newspaper vending.