

Local Agency Certification & Compliance Report (CCR)



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Certification & Compliance Report

In accordance with 23 CFR 635.309, one of the requirements for a project to be advertised for construction bids or to proceed under force account construction is the provision of a certification. This certification must confirm that all right of way (ROW) has been acquired and cleared of any displacees, or it must identify situations where the ROW has not been fully acquired and/or where some displacees may still be on the property. Additionally, the acquired ROW must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) requirements and federal regulations outlined in 49 CFR Part 24.

Compliance with Federal Laws and Regulations:

If FHWA determines that a State has violated or failed to comply with the Federal laws or the regulations in this part with respect to a project, payment may be withheld to the State of federal funds on account of such project, approval of further projects in the State withheld, or other action taken that is deemed appropriate under the circumstances, until compliance or remedial action has been accomplished to the satisfaction of FHWA.

Monitoring and Corrective Actions:

49CFR 24.4(b) -The Federal agency will monitor compliance with this part, and the agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal agency may also apply sanctions in accordance with applicable program regulations.

Delegation of Authority for Oversight:

Under the Stewardship and Oversight Agreement (S&O), Federal Highways has delegated authority to WSDOT Local Programs Right of Way (LP ROW) to provide full oversight on all federally funded local agency projects with ROW phases. LP ROW conducts spot-check reviews to assist agencies in successfully delivering their projects. This process allows for necessary changes or corrections to be made before payments are made to the property owners or displacees.

Once all properties have been acquired, property owners have been compensated, and the ROW has been cleared, LP ROW will conduct a ROW Certification Review. If any non-compliance issues are identified during this review, LP ROW will prepare an Oversight Report and utilize this document to apply necessary corrective actions.

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Conditions Addressed in the Oversight Report:

This document outlines some actions taken by local agencies or their consultants that do not comply with the statutory, regulatory, or procedural requirements of the FHWA, State Law, and WSDOT policy and procedures. In certain cases, LP ROW can approve corrective actions for a local agency to remedy non-compliant actions. This document outlines corrective actions in accordance with the ROW function. However, some non-compliance actions may not be correctable or may recur in future projects. In these instances, and when the recommendation will result in the loss of federal funds from the parcel, phase, or project, LP ROW will involve the FHWA to make a project-specific determination on how to proceed.*

Role of the LAC:

The LAC evaluates all aspects of the project acquisition process when determining whether a project is ready for certification. If non-compliance issues are identified, the LAC will recommend corrective actions for those within their purview. Depending on the nature of the non-compliance issues found during the review, the LAC may wish to consult the LPRM to verify the appropriateness of the proposed corrective actions.

Role of the LPRM:

The LPRM reviews and approves corrective action recommendations made by the LAC. The LPRM also identifies and approves corrective actions for non-compliance issues identified within his/her purview. Depending on the nature of any non-compliance issues discovered during the review, the LPRM may also consult the FHWA to verify the appropriateness of the proposed action.

Role of FHWA:

If non-compliance issues are identified that require a project-level joint decision by Local Programs and FHWA, the LPRM will recommend a plan of corrective action to FHWA to remedy the non-compliance. FHWA will determine the appropriateness of the corrective action plan and will take any necessary approval actions. FHWA will provide approval actions in all cases where corrective action plans involve the removal of federal funds.

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Non-Compliance With Corrective Action:

When it is determined that an agency has not followed statutory, regulatory, or procedural requirements on a project and there are corrective actions that can be taken to bring the ROW back into compliance, the LAC will prepare an Oversight Report and will work with the LPRM to identify appropriate corrective actions within their purview. The LPRM will engage the FHWA in situations requiring joint project-level decisions.

***Non-Compliance Without Corrective Action:**

When it is determined by LP ROW that an agency has not followed statutory, regulatory, or procedural requirements on a project, and no corrective action can be taken to bring the ROW activities back into compliance, the LPRM will elevate the non-compliance issues to FHWA for concurrence. If in agreement with the determination, the FHWA will communicate with LP ROW informing them that the FHWA has deemed the activities to be non-compliant and ineligible for federal assistance under the Uniform Act. The FHWA will send a letter to the WSDOT Secretary of Transportation regarding the ineligibility.

The LPRM will prepare and provide a Project Closeout Letter to the local agency. This letter will outline any loss of funding or required reimbursement and notify the local agency that future non-compliance could jeopardize future federal funding eligibility for their projects. Local Programs Program Management will invoice the local agency if reimbursement is necessary.

FHWA Review and Oversight:

The FHWA can review and audit any corrective action authorized by LP ROW at any time. Local Programs will provide the local agency with a copy of the approved Oversight Report, which identifies the necessary corrective actions. LP ROW will retain a copy of the report as part of the project certification package.

NOTE: For all federally funded projects with a ROW Phase, the LAC will conduct a spot-check review before making offers to property owners. The local agency must resolve any non-compliance identified during this review before proceeding with the acquisitions. It is important to note that an Oversight Report will not be issued for these non-compliance issues unless they remain unresolved at the time of the Certification Review.

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
General ROW Program							
G1	Follow approved ROW Procedures (LPA-001 & LPA-001b), which include Administrative Settlement & Waiver Valuation	23 CFR 710.201(h) LAG Manual 25.2	(A) The agency did not follow approved procedures (excluding regulatory requirements), and the review results show that procedural non-compliance does not materially impact property owners.	Identify which procedures were not followed and determine if the property owner was harmed. Take actions required to correct procedural deficiencies (presuming compliance with all regulatory requirements) LP ROW will issue a written warning if this is a first offense with no procedural deficiencies. If this is not a first offense, sanctions may be applied, such as remedial training, modifying Approved Procedures to limit allowable agency staff activities, or loss of federal funding.		X	
			(B) The agency did not follow approved procedures (excluding regulatory requirements), and the review results indicate that procedural non-compliance had a material impact on property owners.	A project-specific decision will be required - FHWA and LPRM will determine possible remedial actions. <ul style="list-style-type: none"> • The agency must complete remedial actions for the project to be certified. 		X Evaluate if federal funding will be lost.	

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				If remedial actions are not possible, LP ROW/FHWA will not certify the project.			
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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
General ROW Program							
G2 (New)	Right of Way Plan submitted and accepted by LAC, with re-acceptance if any ROW changes occur	LAG Manual 25.412	The agency did not submit ROW Plans to the LAC for acceptance before ROW Authorization.	The agency shall ensure that ROW Plans are submitted to the LAC in a timely manner.	X		
G3 (New)	Right of Way Funding Estimate (ROWFE) submitted and approved by LAC before the project's federalized ROW Phase is obligated	LAG Manual 25.411	The agency has a federalized ROW Phase, and they did not submit the ROWFE to the LAC for approval before the ROW obligation.	The agency shall ensure that a ROWFE is submitted to the LAC in a timely manner for approval on future projects with a federalized ROW phase.	X		

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
General ROW Program							
G4	Adequate documentation in project files.	49 CFR 24.9 WAC 468-100-009 LAG Manual 25.98, 25.13, 25.132, & 25.19	(A) The agency lacks adequate documentation and support for decisions made and actions taken, as required by regulations (e.g., payments, correspondence, notices, etc.), and the action is therefore incomplete.	The agency shall: <ul style="list-style-type: none"> • Provide adequate documentation 	X		
			(B) The agency lacks adequate documentation and support for decisions made and actions taken, as required by regulations (e.g., payments, correspondence, notices, etc.), and the action is therefore incomplete.	A project-specific decision will be required.		X	X Evaluate if federal funding will be lost

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
General ROW Program							
G5 (New)	Diary (Acquisition and/or Relocation)	49 CFR 24.9 WAC 468-100-009 LAG Manual 25.16 ROW Manual 4.1.2.6	The agency does not provide an adequate and complete diary for acquisition/relocation activities.	The agency shall: <ul style="list-style-type: none"> Provide a Supplemental Diary that provides the missing information so that there is a complete record of what transpired. 	X		
				If this is not a first offense, sanctions may be applied (e.g., requiring remedial training, modifying ROW Procedures, limiting allowable LPA staff activities, or loss of federal funding).		X	X Evaluate if federal funding will be lost
G6 (New)	Spot Check Review-Required	LAG Manual 25.13	The agency did not obtain the required Spot Check review, and offers have been made.	The agency must ensure that on all future projects, it obtains a Spot Check Review prior to making offers.	X		

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General ROW Program							
G7 (New)	Proper Delivery of Required Notices	49 CFR 24.5 LAG Manual 25.99 ROW Manual 4.1.2.5	The agency did not properly deliver the required notices to the property owner/occupant: <ul style="list-style-type: none"> Personally served Sent by certified or registered mail with a return receipt or by companies other than USPS that provide the same function as certified mail with return receipts. Agency didn't receive written authorization to deviate from in-person delivery (out-of-state owner, etc.) 	The agency shall: <ul style="list-style-type: none"> Send notices in the proper manner and document file. Ensure that all future required notices are delivered appropriately. 	X		
				If this is not a first offense, sanctions may be applied (e.g., requiring remedial training, modifying ROW Procedures, limiting allowable LPA staff activities, or loss of federal funding, etc.).		X	X Evaluate if federal funding will be lost

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General ROW Program							
G8	Underpayment / Overpayment, including duplication of payment issues, could cause reimbursement/participation issues with FHWA	23 CFR 1.36	(A) The agency underpays a property owner/displacee.	Just Compensation/Relocation Benefits shall be reviewed for accuracy, and additional payment must be made to the property owner/displacee to bring the project back into compliance.		X	
		23 CFR 1.9(a) 23 CFR 1.36	(B) The agency overpays the property owner/displacee.	The amount of overpayment will not be eligible for federal participation. The agency must repay the funds if the expense has already been reimbursed.			X
G9 (New)	Expeditious Acquisition	49 CFR 24.102(a) ROW Manual 2.6	The agency did not make every reasonable effort to acquire necessary property rights expeditiously, including delayed payments to property owners and the recording of the documents.	The agency will ensure that all transactional aspects are completed expeditiously during all future acquisitions.	X		
				If this is not a first offense, sanctions may be applied (e.g., requiring remedial training, modifying ROW Procedures, limiting allowable LPA staff activities, or loss of federal funding, etc.).		X	X Evaluated if federal funding will be lost

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General ROW Program							
G10	Recording of conveyance documents	RCW 65.08.070 RCW 65.24.060(l)	The agency did not record conveyance documents.	The agency shall: <ul style="list-style-type: none"> Record documents and place the recorded instruments in the files. 	X		
G11 (New)	Oversight of Consultants	23 CFR 710.201(a) 23 CFR 710.201(b) 23 CFR 710.201(h) LAG Manual 25.17 LAG Manual 25.2	(A) The agency, specifically the ROW Procedures Program Administrator, did not oversee its consultants and track ROW activities throughout the project. Review results indicate that non-compliance did not have a material impact on property owners.	The agency shall ensure that proper oversight of its consultants is provided on all future projects. If this is not a first offense, sanctions may be applied (e.g., remedial training, removal of the Program Administrator from the ROW Procedure, or loss of federal funding).		X	X Evaluated if federal funding will be lost
			(B) The agency, specifically the ROW Procedures Program Administrator, did not oversee its consultants and track ROW activities throughout the project. Review results indicate that non-compliance had a material impact on property owners.	A project-specific decision will be required.		X	

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Valuation							
V1 (New)	Appraisal	49 CFR 24.103 WAC 468.100-102 LAG 25.51 ROW Manual 3.3	The agency did not complete an appraisal, and one was required; an offer was made to the property owner, with or without payment being made.	The agency shall: <ul style="list-style-type: none"> • Obtain an appraisal and have it reviewed <i>Please see the Appraisal Review for additional corrective action.</i>	X		
V2	Appraisal Review	49 CFR 24.104 WAC 468.100-103 LAG 25.6 ROW Manual 3.6	(A) The appraisal was not reviewed, and an offer was made to the property owner, but payment was not made.	The agency shall: <ul style="list-style-type: none"> • Obtain an appraisal review • Re-establish Just Compensation based on the review appraisal • If the re-established Just Compensation differs from the amount offered, provide a revised written offer to the property owner. 	X		
			(B) The appraisal was not reviewed, the offer was made to the property owner, and payment made.	The agency shall: <ul style="list-style-type: none"> • Obtain an appraisal review • Reestablish just compensation based on the review appraisal • If the re-established Just Compensation differs from the amount offered, provide a revised written offer to the property owner. 	X		

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V2 Cont.				<ul style="list-style-type: none"> Pay the owner any additional funds based on the reestablished Just Compensation. 			
				<ul style="list-style-type: none"> If Just Compensation concludes that overpayment has been made, it becomes a reimbursement issue with FHWA. 			X
			<p>(C) The updated/owner appraisal was not reviewed, an offer was made to the property owner, but the payment was not made.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> Obtain an appraisal review Reestablish just compensation based on the review appraisal If the reestablished Just Compensation is different than the amount offered, then provide a revised written offer to the property owner. 	X		
			<p>(D) The updated/owner appraisal was not reviewed, an offer was made to the property owner, and payment was made.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> Obtain an appraisal review Reestablish Just Compensation based on the review appraisal If the re-established Just Compensation is different than the offered amount, then provide a revised written offer to the property owner Pay the property owner any additional funds owed 		X	

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V2 Cont.				based on the reestablished Just Compensation.			
				If Just Compensation concludes that overpayment was made, it becomes a reimbursement issue with FHWA.			X
			(E) The review does not match the appraisal. The review appraiser did not provide a written explanation for the difference. The offer has been made to the property owner (with or without payment being made), and it's been determined the correct offer amount was provided to the owner.	The agency shall: <ul style="list-style-type: none"> • Obtain a written explanation from the review appraiser as to why there is a difference • Provide a copy of the review appraiser's written explanation to the property owner 	X		
			(F) The review does not match the appraisal. The review appraiser did not provide a written explanation for the difference. An offer was made to the property owner, but payment has not been made, and it was determined that an incorrect offer amount was provided to the owner.	The agency shall: <ul style="list-style-type: none"> • Obtain a written explanation from the review appraiser as to why there is a difference • Provide a copy of the review appraiser's written explanation to the property owner • Prepare and provide the owner with a revised offer for the correct amount. 		X	

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V2 Cont.			<p>(G) The review does not match the appraisal. The review appraiser did not provide a written explanation for the difference. An offer was made to the property owner, payment has been made, and it was determined that an incorrect offer amount was provided to the owner.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> • Obtain a written explanation from the review appraiser as to why there is a difference • Provide a copy of the review appraiser's written explanation to the property owner • Prepare and provide the owner with a revised offer for the correct amount. • Pay the property owner any additional funds owed based on the reestablished Just Compensation. 		X	
				<p>If Just Compensation concludes that overpayment was made, it becomes a reimbursement issue with FHWA.</p>			X

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Valuation							
V3	Waiver Valuation *CAUTION: Check the local agency Waiver Valuation process within the ROW Procedure for \$10,000 or \$15,000 to determine when the agency should offer the owner the opportunity to request an appraisal.	49 CFR 24.102(c)(2) RCW 8.26.180(2) WAC 468-100-102(1) LAG Manual 25.5 ROW Manual 3.4	(A) The property owner is not informed of their rights to an appraisal when a Waiver Valuation is used, the value exceeds \$15,000, and an offer has been made to the owner, but payment has not been made.	The agency shall: <ul style="list-style-type: none"> • Inform the property owner in writing that they have a right to an appraisal • If the property owner elects not to have an appraisal prepared by the agency, then no further action is required other than documentation • If the property owner elects to have an appraisal prepared by the agency, provide a revised offer based on the approved appraisal 	X		
			(B) The property owner is not informed of their rights to an appraisal when a Waiver Valuation is used, the value exceeds *\$15,000, and payment is made to the owner.	The agency shall: <ul style="list-style-type: none"> • Inform the property owner in writing that they have a right to an appraisal • If the property owner elects not to have an appraisal prepared by the agency, then no further action is required other than documentation • If the property owner elects to have an appraisal prepared by the agency, provide a revised offer 		X	

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V3 Cont.				<p>based on the approved appraisal</p> <ul style="list-style-type: none"> • If appraisal results in higher Just Compensation, pay the owner any additional funds owing based on the newly established Just Compensation. 			
				<p>If Just Compensation concludes that overpayment was made, it becomes a reimbursement issue with FHWA.</p>			X

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation / Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Valuation							
V4	<p>Setting Just Compensation before making an offer or revised offer</p> <p>Just Compensation cannot be less than the approved appraisal/Waiver Valuation of fair market value.</p> <p>Note: If the information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of the</p>	<p>49 CFR 24.102(d) & (g)</p> <p>RCW 8.26.180(3)</p> <p>LAG Manual 25.7</p> <p>ROW Manual 3.1.1</p> <p>ROW Manual 4.10</p>	<p>(A) The agency did not approve Just Compensation before the offer or revised offer to the owner, and payment was not made.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> • Document approval of Just Compensation based on Waiver Valuation or approved appraisal • If the offer was less than the approved Just Compensation, a new offer will be made based on the approved Just Compensation • No further action is required if the offer and the approved Just Compensation are the same <p>NOTE: If the offer is greater than a Waiver Valuation or approved appraisal, LAC shall inform LPRM.</p>	X		

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V4 Cont.	appraisal(s) of the property, the agency shall have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change to the offer letter is necessary, the agency shall promptly reestablish just compensation, rescind the original offer, and present an updated /new offer to the owner in writing at the new amount.		(B) Just Compensation not established or approved by the agency before the offer or revised offer to the owner, and payment made.	The agency shall: <ul style="list-style-type: none"> • Document approval of just compensation based on Waiver Valuation or approved appraisal • If the offer was less than the approved Just Compensation, a new offer will be made based on the approved Just Compensation, and an additional amount will be paid to the owner • No further action is required if the offer and the approved Just Compensation are the same. 			
			If Just Compensation concludes that overpayment was made, it becomes a reimbursement issue with FHWA.			X	
			(C) The amount in the offer letter or revised offer letter to the owner differs from what the agency set as Just Compensation and the payment has been made to the owner.	The agency shall: Prepare and provide a revised offer letter based on the agency's approved Just Compensation.	X		
			(D) The amount listed in the offer letter or revised offer letter and paid to the owner is less than what the agency set as Just Compensation, and payment was made to the owner.	The agency shall: <ul style="list-style-type: none"> • Prepare and provide a corrected offer letter based on the agency's approved Just Compensation • Pay the owner any additional funds based on 	X		

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V4 Cont.				the approved Just Compensation			
			<p>(E) The amount listed in the offer letter or revised offer letter and paid to the owner is more than what the agency set as Just Compensation, and payment was made to the owner.</p>	<p>The agency shall: Provide a written justification for an administrative settlement for the additional funds paid above the approved Just Compensation.</p> <p>NOTE: The LAC shall inform LPRM if the additional amount is not justifiable.</p>	X		
			<p>(F) Just Compensation has not been updated or approved by the agency due to a delay or a change in character or condition of the property, and an offer has not been made to the owner.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> • Update or obtain a new appraisal/review or Waiver Valuation • Reestablish Just Compensation • Provide a revised written offer to the property owner • Pay to the owner any additional funds based on the reestablished Just Compensation 	X		
		<p>(G) Just Compensation is not updated or approved by the agency due to a delay or a change in the character or condition of the property, and/or the property involves a residential relocation of the owner (Payment will affect Price Differential Payment). Payment made to the owner.</p>	<p>A project-specific decision will be required.</p>		X	X Evaluated if federal funding will be lost	

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Valuation							
V5	<p>Good-faith effort by the appraiser to provide an opportunity for the property owner to accompany the appraiser</p> <p>Examples of a failure to make a good faith effort include leaving only a card at the door, leaving only a voicemail, or sending a letter stating that the appraiser would be present only on a specific date and time to inspect the property.</p>	<p>49 CFR 24.102(c)(1)</p> <p>49 CFR 24.102(f)</p> <p>RCW 8.26.180(2)</p> <p>WAC 468.100-102</p> <p>LAG Manual 25.53</p> <p>ROW Manual 3.3.1.1</p>	<p>(A) A good-faith effort was not made, and the written offer has not yet been made to the property owner.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> Contact the property owner as soon as possible and arrange for the appraiser to return, meet with the property owner, and perform the inspection. If the appraisal is complete, the agency could revise or update it, if appropriate, based on the results of the inspection with the property owner. 	X		
			<p>(B) A good-faith effort was not made, and the appraisal was reviewed and approved. The offer was made to the property owner, and the property owner was paid.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> Provide the property owner with a written notice of the opportunity to accept or decline an opportunity to have the offer withdrawn or suspended and have the appraisal process restarted, or accept the offer as initially presented, or Withdraw or suspend the offer and restart the appraisal process. 		X	X Evaluated if federal funding will be lost

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Valuation							
V6	Uneconomic remnant determination and offer to purchase the uneconomic remnant from the property owner	49 CFR 24.102(k) RCW 8.26.180(9) RCW 47.12.160 LAG Manual 25.61 ROW Manual 3.6.2	(A) The appraisal review did not consider whether a remnant was uneconomic, and no offer was made.	The agency shall: Determine remnant status and ensure the offer reflects the decision	X		
			(B) The appraisal review did not consider whether a remnant is uneconomic, an offer has been made, and the property owner has not been paid.	The agency shall: <ul style="list-style-type: none"> • Determine remnant status. • If the remnant is determined uneconomic, revise the offer accordingly 	X		
			(C) The appraisal review did not consider whether a remnant is uneconomic, an offer has been made, and the property owner has been paid.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
			(D) The appraisal review indicates that the remnant is uneconomic; however, the agency did not include the remnant in its offer to purchase, and the owner has not been paid.	The agency shall: <ul style="list-style-type: none"> • Contact the property owner and make a written offer to purchase the uneconomic remnant 	X		
			(E) The appraisal review indicates that the remnant is uneconomic; however, the agency does not include the remnant in the offer to	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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			purchase, and the owner has been paid.				
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Valuation							
V7	Valuation considers buildings, structures, and other improvements from owners and/or tenants Note: Tied to A4	49 CFR 24.103(a)(2)(i) 49 CFR 24.105 LAG 25.6 ROW Manual 3.3.1.2 & 3.3.2.5	(A) The agency failed to include improvements in the appraisal and/or identify them in the personality/realty report, and an offer has not been made.	The agency shall: <ul style="list-style-type: none"> • Revise the appraisal • Establish and approve JC 	X		
			(B) The agency failed to include improvements in the appraisal and/or identify them in the personality/realty report. An offer was made, but the acquisition is not complete.	The agency shall: <ul style="list-style-type: none"> • Withdraw offer • Revise the appraisal • Establish and approve JC • Issue new offer 	X		
			(C) The agency failed to include improvements in the appraisal and/or identify in the personality/realty report. An offer has been made, and the acquisition is complete.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Valuation							
V8	The appraisal shall include items identified as personal property	49 CFR 24.103(a)(2)(i) WAC 468-100-102(1)(b) ROW Manual 3.3.1.2	(A) The appraisal does not include a Realty/Personalty Report, and the offer made.	The Agency shall: <ul style="list-style-type: none"> • Request the appraiser to provide a personalty/realty report 	X		
			(B) The appraisal does not include a Realty/Personalty Report; the offer made, just compensation, and/or relocation are affected, and payment has not been made.	The Agency shall: <ul style="list-style-type: none"> • Request the appraiser to provide a personalty/realty report • Set new DV, if applicable • Provide a revised offer letter if JC is affected • Provide appropriate relocation notices if applicable 	X		
			(C) The appraisal does not include a Realty/Personalty Report. The offer has been made, and just compensation and/or relocation are impacted; payment has been made.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Valuation							
V9	An appraiser, review appraiser, or waiver valuation preparer making an appraisal, appraisal review, or waiver valuation may be authorized by the Agency to act as a negotiator for real property for which that person has made an appraisal, appraisal review, or waiver valuation, only if the offer to acquire the property is \$15,000 or less	49CFR 24.102(n)(3) WAC 468-100-102(5) LAG 25.5 ROW Manual 3.1.4	(A) The agency allowed the same person to both appraise and negotiate an acquisition over \$15,000, and the acquisition is not complete.	The agency shall: <ul style="list-style-type: none"> • Use another person authorized/qualified to review and confirm the value. 	X		
			(B) The agency allowed the same person to both appraise and negotiate an acquisition over \$15,000, and the acquisition is complete.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A1 (New)	Notice to Owner (Introduction Letter) Note: The information required from this letter may be part of the Offer Letter and Brochure, which is acceptable.	49 CFR 24.102 (b)	The agency did not provide a "Notice to Owner" letter regarding its interest in acquiring property and the basic protections provided by laws and regulations.	The agency shall: <ul style="list-style-type: none"> Ensure that this required notice/information is provided to all property owners on all future federally funded projects. 	X		
A2	Provide property owners with a written offer	49 CFR 24.102 (d) RCW 8.26.180 (3) LAG 25.93 ROW Manual 4.10	The property owner was not provided with a written offer to purchase and was required to vacate the property or have condemnation proceedings filed.	The agency shall: <ul style="list-style-type: none"> Start the acquisition process over again with the property owner Or a project-specific decision will be required.		X	X Evaluated if federal funding will be lost
A3	Provide the property owner with a summary statement within the written offer	49 CFR 24.102 (e) RCW 8.26.180(3) LAG 25.93 ROW Manual 4.10	(A) The property owner was provided with a written offer to purchase, but it did not summarize the basis for the offer before payment.	The agency shall: <ul style="list-style-type: none"> Provide a corrected offer letter that explains the basis of the offer 	X		
			(B) The property owner was given a written offer to purchase, but it did not summarize the basis for the offer and payment was made.	The agency shall: <ul style="list-style-type: none"> Provide a corrected offer letter that explains the basis of the offer Or a project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A4	Offer to acquire buildings, structures, and other improvements from owners and/or tenants Note: Tied to V7	49 CFR 24.102(e)(3)	(A) The agency did not include improvements in the offer; acquisition is not complete.	The agency shall: <ul style="list-style-type: none"> • Withdraw offer • Establish and approve JC with improvements • Issue new offer 	X		
		49 CFR 24.105 LAG 25.93 ROW Manual 4.10 & 4.11.11					

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A5	Offer Statutory Evaluation Allowance (SEA)	RCW 8.25.020 LAG 25.96 ROW Manual 4.11.1.1 <u>Note:</u> 23 CFR 710.203(b)(1) & (2) allow FHWA to participate in costs required by State law, even if such costs are limited in the URA.	(A) The agency did not offer SEA, and the property owner incurred and has documented expenses.	The agency shall: <ul style="list-style-type: none"> • Ensure that SEA is offered to all property owners on future projects. • Pay the property owner the SEA based on document expenses • There will be no federal participation in the payment. 	X		
			(B) The agency did not offer SEA, and the property owner incurred expenses but was unable to document them.	The agency shall: <ul style="list-style-type: none"> • Ensure that SEA is offered to all property owners on future projects. • Pay the property owner the full amount of the SEA (\$750) • There will be no federal participation in the payment. 	X		
			(C) The agency did not offer SEA, and the property owner did not seek third-party assistance because they were unaware of its availability.	The agency shall: <ul style="list-style-type: none"> • Ensure that SEA is offered to all property owners on future projects. • Pay the property owner the full amount of the SEA (\$750) • There will be no federal participation in the payment. 	X		

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A6	Provide the property owner with a reasonable opportunity to consider the offer. NOTE: The time between the written offer and the filing of condemnation (initiated by the acquiring agency) should NOT be less than 30 days; however, it can be longer if circumstances warrant. Generally, 30 days is not sufficient time for a property owner to consider an offer. "Good faith negotiations" and "a reasonable amount of time to consider the offer" mean that you provide the property owner with an amount of time that any reasonable person should be able to expect to consider details of the offer, impacts of the acquisition on the remainder property, and time to prepare a counteroffer.	49 CFR 24.102 (f) LAG Manual 25.99 ROW Manual 4.11.2	(A) Condemnation was initiated less than 30 days after the initial offer, and the owner has refused reasonable offers.	The agency shall: <ul style="list-style-type: none"> • Make sure there is sufficient documentation that the owner has refused all reasonable offers, which leads to the agency's decision to condemn 	X		
			(B) Condemnation was initiated less than 30 days after the initial offer, despite the agency still negotiating with the owner and the reasonable possibility of a settlement still existing.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A7	Negotiate in good faith with the property owner	49 CFR 24.102 (f)	(A) The agency did not adequately consider the property owner's concerns/issues, and payment to the owner was not made.	The agency shall: <ul style="list-style-type: none"> • Document consideration of the property owner's concerns/issues and share the information with the property owner. Documentation must be in the file describing the agency's considerations. The property owner must be informed of the decision either: <ul style="list-style-type: none"> ○ By mail; address concerns via letter ○ By personal contact; document contact in the diary 	X		
			(B) The agency did not adequately document its consideration of the property owner's concerns/issues, and the payment to the owner was made.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
			(C) The agency initiated condemnation without further contact after the offer was initially presented.	A project-specific decision will be required.		X	X Evaluated if federal

Certification & Compliance Report

									funding will be lost
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Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation / Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A8	Administrative Settlements	49 CFR 24.102 (i) LAG 25.11 ROW Manual 4.11.3	(A) The agency did not have the Administrative Settlement reviewed by an LAC before it was signed, and the approved Administrative Settlement did not have sufficient <u>documentation</u> .	The agency shall: <ul style="list-style-type: none"> • Provide adequate <u>documentation</u> that supports the administrative settlement 	X		
			Supporting documents may include bids, market data, diary entries, or other relevant information to substantiate the reason for the Administrative Settlement.	A project-specific decision will be required if the agency can't provide adequate <u>documentation</u> .		X	X Evaluated if federal funding will be lost
			(B) The agency did not have the Administrative Settlement reviewed by an LAC before it was signed, and the approved Administrative Settlement did not have sufficient <u>justification</u> . The written memo to the file does not support the justification for the settlement being reasonable, prudent, and in the public's best interest.	The agency shall: <ul style="list-style-type: none"> • Have staff involved re-take the Administrative Settlement eLearning. • Once training is complete, Reevaluate and correct the Administrative Settlement to provide adequate <u>justification</u>. 		X	X Evaluated if federal funding will be lost
			A project-specific decision will be required if the agency can't provide adequate <u>justification</u> .				

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation / Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A9	The property owner cannot be coerced into signing	49 CFR 24.102 (h) RCW 8.26.180 (7) LAG Manual 25.98 ROW Manual 4.9	Based on the documentation and diary in the file, there is concern that the agency may have been coercive during negotiations.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
A10	Clearing Encumbrances	RCW 84.60.070 LAG 25.8 ROW Manual 4.7	(A) Encumbrances were not cleared, and payment was not made to the property owner.	The agency shall: <ul style="list-style-type: none"> • Evaluate encumbrances to determine location and impact on acquisition area • Determine if encumbrance is required to be cleared or can be accepted (may require a risk decision) • Clearly identified encumbrances • For those encumbrances not cleared, place risk decision/approval documentation in the parcel file 	X		
			(B) Encumbrances were not cleared, nor was the risk accepted by the	A project-specific decision will be required.		X	X Evaluated if federal

Certification & Compliance Report

			agency, and payment has been made to the property owner.				funding will be lost
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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation / Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Acquisition							
A11	Payment before possession	49 CFR 24.102 (j)	The agency took possession of the property before payment to the property owner.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
A12	Payment of property owner's eligible incidental expenses (closing costs, etc.)	49 CFR 24.102 (f) 49 CFR 24.106 ROW Manual 4.11.1	Based on the documentation and diary in the file, there is concern that the agency may have been coercive during negotiations.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: General							
R1	Relocation Plan/Amended Relocation Plan (if applicable) before starting relocation activities	49 CFR 24.205(a) LAG Manual 25.12 ROW Manual 5.2.2	(A) The agency did not prepare a relocation plan, an amended relocation plan, or obtain LP-ROW approval prior to commencing relocation activities. The relocation files reviewed showed that the relocations were completed in compliance with the URA and/or the displacee was not harmed.	The agency will receive a written warning that relocation activities cannot commence until the relocation plan or amended relocation plan has been approved. Future reoccurrences of this could result in a loss of federal funding or non-certification.		X	
			(B) The agency did not prepare a relocation plan, an amended relocation plan, or obtain LP-ROW approval prior to commencing relocation activities. The relocation files reviewed showed that the relocations were not completed in compliance with the URA, and/or the displacee was harmed.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: General							
R2	Provide required relocation notices for displaced persons	49 CFR 24.203 WAC 468-100-203 ROW Manual 5.3	(A) Displacees were not provided with the required notices and have not yet vacated.	The agency shall: <ul style="list-style-type: none"> • Provide appropriate notices • Ensure the displacee's eligibility for payments and assistance has been adequately explained 	X		
			(B) Displacees were not provided with the required notices and have not yet vacated but have entered into an agreement for a replacement location.	The agency shall: <ul style="list-style-type: none"> • Provide appropriate notices • Ensure the displacee's eligibility for payments and assistance has been adequately explained • Compensation for any nonrefundable commitments made by a displaced person • The agency will be responsible for making sure all refundable commitments are returned to displaced persons 		X	
			(C) Displacees were not provided with the required notices and have vacated.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: General							
R3	Give the displaced person a 90-day written assurance	49 CFR 24.203(c) WAC 468-100-203(3) ROW Manual 5.1.1.1	(A) The agency did not provide a written 90-day assurance and notice to vacate to the displacee, and the displacee vacated on their own.	Procedural violation: WSDOT procedures state that the displaced person will receive a written assurance at least 90 days before the earliest date the displacee must vacate the property. The agency shall: <ul style="list-style-type: none"> • Comply with WSDOT procedures and issue an assurance letter to every displaced person for all future displacements 	X		
			(B) The agency did not provide a 90-day assurance for the displaced person, but they issued a notice to vacate.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
Relocation: General							
R4	Offer advisory services	49 CFR 24.205 WAC 468-100-205 RCW 8.26.065 ROW Manual 5.4.1	(A) The agency did not provide adequate advisory services, and the displacee remains in occupancy.	The agency shall: <ul style="list-style-type: none"> • Identify and provide appropriate advisory services • Document the file 	X		
			(B) The agency did not provide adequate advisory services, and the displacee has relocated.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

						Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA	
Relocation: General								
R5	Offer and reimburse the displacee all eligible moving expenses.	49 CFR 24.202 49 CFR 24.301 WAC 468-100-202 WAC 468-100-301 RCW 8.26.035 ROW Manual 5.4.2	(A) The agency did not determine or offer all eligible moving expenses, and the displaced person has not moved.	The agency shall: <ul style="list-style-type: none"> • Offer all eligible moving expenses • Provide a copy of the brochure or other appropriate written explanation outlining eligible move costs • Discuss all eligible moving expenses with the displaced person 	X			
			(B) The agency did not determine or offer all eligible moving expenses, and the displaced person has moved.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost	
			(C) The agency did not reimburse all eligible moving expenses expeditiously, and the displaced person has moved.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost	
		49 CFR 24.207(b) WAC 468-100-207(2) RCW 8.26-085(1)(b)						

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: General							
R6	Document "actual and reasonable" costs	49 CFR 24.9(a) 49 CFR 24.207(a) WAC 468-100-009(1) WAC 468-100-207(1)	(A) The agency does not have copies of payment vouchers in the files during the certification review.	The agency shall: <ul style="list-style-type: none"> • Provide proof of payment based on paid receipts or invoices, and document the file 	X		
			(B) The agency does not have payment vouchers or other documents to support claims.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: General							
R7	Review of relocation appeals	49 CFR 24.10 LAG Manual 25.2	(A) The agency has no process for handling relocation appeals; neither advisory services nor required notices have been provided to the displacee.	The agency shall: <ul style="list-style-type: none"> • Establish appeal procedures consistent with the agency’s specific regulatory authorities before starting relocation activities • Make sure the appeal language is included in required notices 	X		
			(B) The agency has no process for handling relocation appeals, and advisory services and/or required notices have not been provided to the displacee, and the displacee has not raised concerns or asked questions regarding their relocation activities.	The agency shall: <ul style="list-style-type: none"> • Establish appeal procedures consistent with the agency’s specific regulatory authorities before starting relocation activities • Provide a revised notice to include the relocation appeal procedure to the displaced person 		X	
			(C) The agency has no process for handling relocation appeals, advisory services, or required notices are not provided to the displacee, and the displacee has raised concerns or asked questions regarding their relocation activities.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Residential							
R8	Perform an inspection of a comparable replacement dwelling	49 CFR 24.403(b) 49 CFR 24.2(a)(6)(i) 49 CFR 24.2(a)(8) WAC 468-100-403(2) WAC 468-100-002(6) & (8) ROW Manual 5.4.3.3	(A) The agency did not inspect the interior and exterior of the comparable to determine whether it was decent, safe, and sanitary (DSS), the required written notification was not provided, and the displaced person has not moved.	The agency shall: <ul style="list-style-type: none"> • Inspect the comparable replacement dwelling Document file that the comparable is DSS If comparable is determined to be non-DSS, the agency must: <ul style="list-style-type: none"> • Find and inspect a new comparable • Recompute the RHP, if necessary • Send updated NOE & 90 Day Assurance Letter 	X		
			(B) The agency did not inspect the interior and exterior of the comparable property to determine whether it was decent, safe, and sanitary (DSS). Written notification was not provided, and the displaced person has moved.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
			(C) The agency was not allowed to inspect the comparable to determine whether it was decent, safe, and sanitary (DSS), and required written notification was not provided to the displaced person.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Residential							
R9	Offer comparable replacement housing	49 CFR 24.204 WAC 468-100-204 RCW 8.26.075(2) ROW Manual 5.4.3.3	(A) The agency did not offer comparable replacement housing to the displacee, and they have not relocated.	Agency shall: <ul style="list-style-type: none"> • Provide comparable replacement housing to the displacee • Document the file 	X		
			(B) The agency did not offer comparable replacement housing to the displacee; they have not relocated and have made a nonrefundable commitment.	Agency shall: <ul style="list-style-type: none"> • Provide comparable replacement housing to the displacee • Document the file • Compensate for any non-refundable commitments made by the displacee 		X	
			(C) The agency did not offer comparable replacement housing to the displacee, and they have relocated.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Residential							
R10	Offer tenant-displaced persons the choice of the down payment assistance option	49 CFR 24.402(c) WAC 468-100-402(3) RCW 8.26 055(2) ROW Manual 5.4.3.9	(A) The agency did not offer a down payment assistance option to displaced residential tenants, and they have not relocated or put down a deposit for a rental/lease.	The agency shall: <ul style="list-style-type: none"> • Contact displacee to determine if they want to use this option. • If so, calculate down payment assistance and present a revised Notice of Entitlement letter to the displaced person. 	X		
			(B) The agency did not offer a down payment assistance option to a displaced residential tenant who has not relocated but has made a deposit for a rental/lease.	The agency shall: <ul style="list-style-type: none"> • Contact the displacee to determine if they want to use this option. • If so, the agency must assist the displacee in getting the deposit back, or the Agency must refund the deposit to the displaced person with their own funds (ineligible for federal funds) • Agency calculates down payment assistance as if the displacee has not expended funds yet, and presents a revised Notice of Entitlement letter to the displaced person 		X	
			(C) The agency did not offer a down payment assistance option to a	A project-specific decision will be required.		X	X Evaluated if federal

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R10 Cont.			displaced residential tenant, and they have relocated.				funding will be lost
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Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Residential							
R11	Provide last resort housing options when comparable replacement housing is not available within the monetary limits for owners or tenants	49 CFR 24.404 WAC 468-100-404 ROW Manual 5.4.3.8	(A) The agency did not provide justification in the Housing Comparison Worksheet write-up to support housing of last resort.	The agency shall provide: <ul style="list-style-type: none"> • Adequate supporting documentation as to why they provided additional or alternative assistance under the last resort housing provisions. 	X		
			(B) The agency did not provide last resort housing when RHP exceeded the regulatory cap (super payment) or offer an alternative option, and they have not yet moved.	The agency shall: <ul style="list-style-type: none"> • Determine an appropriate last resort housing option • Offer an option to the displacee • Document file 		X	
			(C) The agency did not provide last-resort housing when RHP exceeded the regulatory cap (super payment) or an alternative option, and they had moved.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

Certification & Compliance Report

					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Residential							
R12	Compute the eligible Replacement Housing Payment (RHP)	49 CFR 24.401(b) & (c) 49 CFR 24.402(b)&(c) WAC 468-100-401(2) & (B) WAC 468-100-402(2)&(3) RCW 8.26.045 RCW 8.26.055(2) ROW Manual 5.4.3.6	(A) The agency did not correctly compute the initial RHP entitlement, and the displacee has not obtained replacement housing.	The agency shall: <ul style="list-style-type: none"> Evaluate what RHP payments were eligible Re-compute proper RHP Provide written notification of RHP to the displacee Document file 	X		
			(B) The agency did not correctly compute the initial RHP entitlement, and the displacee has obtained replacement housing.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
R13	Perform DSS inspection of replacement dwelling	49 CFR 24.403(b) WAC 468-100-403(2) ROW Manual 5.4.3.4.1	(A) The agency did not inspect the replacement dwelling, and payment has not been made to displacee.	The agency shall: <ul style="list-style-type: none"> Perform a Replacement Housing inspection and document the file. 	X		
			(B) The agency inspected the replacement dwelling after making payment, and it was found to be DSS.	The agency shall: <ul style="list-style-type: none"> Document the file related to the inspection and the findings. 	X		
			(C) The agency inspected the replacement dwelling after making payment, and it was found to be non-DSS.	A project-specific decision will be required.		X	X Evaluated if federal

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						funding will be lost		
						Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA	
Relocation: Residential								
R14	Pay eligible Replacement Housing Payments (RHPs)	49 CFR 24.401 49 CFR 24.402 WAC 468-100-401 WAC 468-100-402 ROW Manual 5.4.3	The agency did not reimburse the displaced person for the eligible RHP.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost	
R15	Pay mortgage interest differential (MIDP)	49 CFR 24.401(d) WAC 468-100-401(4) ROW Manual 5.4.3.5	The displacee was eligible for an MIDP, but the agency did not pay the MIDP at the time of closing.	The agency shall: <ul style="list-style-type: none"> • Obtain necessary documentation from the displacee and calculate the MIDP. • Make payment and update the file, including proof of payment. 	X			
R16	Paying closing costs on a replacement dwelling	49 CFR 24.401(e) WAC 468-100-401(5) ROW Manual 5.4.3.5.4	The agency did not reimburse the property owner for eligible closing costs on the replacement dwelling.	The agency shall: <ul style="list-style-type: none"> • Obtain a certified copy of the closing statement to confirm eligible closing costs. • Make payment and update the file, including proof of payment. 	X			

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Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Non-Residential							
R17	Explain move options to non-residential displaced persons (actual direct loss, fixed payment, substitute personal property, etc.)	49 CFR 24 Subpart D WAC 468-100-301 through 305 RCW 8.26.035	(A) The agency did not adequately explain the move options, and the displaced person has not relocated.	The agency shall: <ul style="list-style-type: none"> • Explain all available move options in writing and verbally. • Document file 	X		X Evaluated if federal funding will be lost
			(B) The agency did not adequately explain the move options, and the displaced person has relocated.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Non-Residential							
R18	Provide inventories and monitor non-residential moves	49 CFR 24.301(d) 49 CFR 24.301(i) WAC 468-100-301(9) ROW Manual 5.4.5.7.1	(A) The agency did not obtain or create an inventory of personal property to move, and the displacee has not moved.	The agency shall: <ul style="list-style-type: none"> • Create an inventory and get verification from the property owner 	X		
			(B) The agency did not obtain or create an inventory of personal property to move, and the displacee has moved using a commercial mover.	The agency shall: <ul style="list-style-type: none"> • Obtain a copy of the commercial mover's inventory and document file. • Analyze and verify the commercial mover's inventory matches the items moved. 	X		
			(C) The agency did not obtain or create an inventory of personal property for the move, and a self-move was completed.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost
			(D) The agency obtained or created an inventory but did not monitor the move.	The agency shall: <ul style="list-style-type: none"> • Confirm that the property has been moved to a replacement location. • Document the file 	X		
			(E) The agency neither obtained nor created an inventory and did not monitor the move.	A project-specific decision will be required.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Relocation: Non-Residential							
R19	Maximum reestablishment reimbursement offered	SHB1733 RCW 8.26.035 ROW Manual 5.4.5.7.2	(A) The agency did not offer the maximum reestablishment reimbursement based on the date the expense occurred, and payment to the displacee has not been made.	The agency shall: <ul style="list-style-type: none"> • Recalculate the reimbursement at the correct maximum rate and document the file. 	X		
			(B) The agency did not offer the maximum reestablishment reimbursement based on the date the expense occurred, and payment to the displacee has been made.	The agency shall: <ul style="list-style-type: none"> • Recalculate the reimbursement at the correct maximum rate and make an additional payment to the displacee. • Document the file 		X	

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Property Management							
P1	Charge fair market value (FMV) on a lease for non-highway uses for property acquired with federal funds NOTE: This applies to residential and non-residential occupants, personal property, and cost to cure items that an owner has been paid to move onto the remainder prior to construction. Short-term Lease is 3 months or less. Long-Term Lease is 4 months or more.	23 CFR 710.403(e)(1) through (6) LAG 25.15 ROW Manual 7.4.4	(A) The Administrative Settlement includes a short-term leaseback at less than FMV, and the file does not contain justification (public interest finding), and prior approval wasn't obtained from FHWA (LPA-407 & 407b)	The agency shall: <ul style="list-style-type: none"> Complete LPA 407 & 407b. Submit forms for LPRM & FHWA review and approval. If forms aren't approved, a project-specific decision will be required.		X	X
			(B) Short-term leaseback was at less than FMV and was not part of an Administrative Settlement. Prior approval was not received from FHWA (LPA 407 & 407b)	The agency shall: <ul style="list-style-type: none"> Complete LPA 407 & 407b. Submit forms for LPRM & FHWA review and approval. If forms aren't approved, a project-specific decision will be required.		X	X
			(C) The Administrative Settlement includes a long-term leaseback at less than FMV.	The agency shall: <ul style="list-style-type: none"> Complete LPA 407 & 407b. Submit forms for LPRM & FHWA review and approval. If forms aren't approved, a project-specific decision will be required.		X	X
			(D) The agency overcharged for rent.	The agency shall: <ul style="list-style-type: none"> Refund the excess rent and provide proof of payment in the file. 	X		

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P1 Cont.			<p>(E) The agency allowed occupancy of the ROW beyond payment/possession and did not execute a lease at FMV, and the ROW is still occupied.</p>	<p>The agency shall:</p> <ul style="list-style-type: none"> • Determine the fair market value for rent and enter into a lease with the occupant at that amount. 	X		
			<p>(F) The agency allowed occupancy of the ROW beyond payment/possession and did not execute a lease at FMV, and the ROW is no longer occupied.</p>	<p>A project-specific decision will be required.</p>		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Property Management							
P2	Account for the use of proceeds from the disposal and lease of property acquired with federal funds on other eligible Title 23 activities.	23 CFR 710.403(f) LAG 25.15 ROW Manual Ch. 7	The agency did not track or account for funds.	A project-specific decision will be required.			X

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Property Management							
P3	Leases contain provisions to ensure the safety and integrity of the facility. NOTE: Region LPE may need to review use for consistency with appropriate design standards.	23 CFR 710.407(a) LAG 25.15 ROW Manual Ch. 7	(A) Lease does not include provisions on lease revocation (termination clause for no cause), removal of improvements at no cost to FHWA, insurance to hold WSDOT and FHWA harmless, access by WSDOT and FHWA for inspection, maintenance, and reconstruction of the facility.	If the lease has a termination clause, the lease will be terminated, and a new lease will be executed with the required clauses		X	
				If the lease does not permit termination at will or if the remainder of the lease term is longer than 3 months, then no corrective action for the lease is possible. FHWA may request repayment of funds spent on the acquisition of the property.			X
		23 CFR 710.407(b)	(B) The proposed use necessitates modifications to the existing transportation facility, and federal funds were utilized for the conversion without prior approval from the FHWA and WSDOT.	The agency shall: <ul style="list-style-type: none"> • Get an after-the-fact approval from FHWA through WSDOT; or • Pay back the federal funds used for the conversion and restore the facility to its original condition with their own funds. 			X
	23 CFR 710.407(c)	(C) The proposed uses allowed by the lease do not comply with current design standards and safety criteria for the highway	The agency shall: <ul style="list-style-type: none"> • Restore the facility to its original condition with their own funds, or 			X	

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P3 Cont.			type (interstate, NHS, or non-NHS streets).	<ul style="list-style-type: none">• Modify facility using current design standards.			
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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Property Management							
P4	Disposal or lease ROW along the interstate with FHWA approval	23 CFR 710.401 LAG 25.15 ROW Manual Ch. 7	The agency leased/disposed of property along the interstate without prior approval from LP ROW and FHWA (LPA-407)	The agency shall: <ul style="list-style-type: none"> • Get an after-the-fact approval from the LP ROW and FHWA. OR • Reacquire the property without federal participation and incorporate it back into the project if necessary for safety, maintenance, or operational needs. 			X
P5	Dispose of property	23 CFR 710.403 23 CFR 710.409 LAG 25.15 ROW Manual Ch. 7	The agency disposed of property acquired with federal funds without prior LP ROW and FHWA pre-approval.	The agency shall: <ul style="list-style-type: none"> • Get an after-the-fact approval from the LP ROW and FHWA. OR • Reacquire the property without federal participation and incorporate it back into the project if necessary for safety, maintenance, or operational needs. If the market value is not charged/paid, a project-level decision will have to be made.		X	X Evaluated if federal funding will be lost

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Property Management							
P6	Keep ROW free of unapproved uses (encroachments) NOTE: If the agency resists clearing the encroachment, the LAC shall escalate to the LPRM.	23 CFR 710.403(a) LAG 25.152 ROW Manual Ch. 7	The agency is aware of encroachments that have not been cleared.	The agency shall: <ul style="list-style-type: none"> • Clear encroachments (e.g., removal, lease/permit, or surplus) per the Encroachment guidance in the LAG. • Provide documentation 	X		
P7	Obtain approval from FHWA for a change in access control along the Interstate.	23 CFR 710.403 ROW Manual Ch. 7	The agency did not obtain approval to change access control.	The agency shall: <ul style="list-style-type: none"> • Get an after the fact approval from FHWA through WSDOT; or • Take action to restore access control to the original location using their own funds 			X

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					Authorization to Approve Corrective Action		
Item	Requirement	Law/Regulation/ Procedure	Condition	Corrective Action (if applicable)	WSDOT LAC	WSDOT LPRM	FHWA
Property Management							
P8	Evaluate the environmental effects of disposal and leasing actions	23 CFR 710.403(d) ROW Manual Ch. 7	The agency did not evaluate the environmental effects of the disposal or leasing action.	A project-specific decision will be required. If the property is interstate, an after-the-fact NEPA document must be prepared that also demonstrates compliance with the ESA and the National Historic Preservation Act (Section 106). If the NEPA document identifies impacts that require mitigation, further discussion is necessary to determine if a solution is feasible.			X