

RESOLUTION NO. 2025-09

A RESOLUTION OF THE VENTURA COUNTY TRANSPORTATION COMMISSION
AUTHORIZING THE EXECUTIVE DIRECTOR, OR DESIGNEE, TO EXECUTE RIGHT-OF-WAY
CERTIFICATIONS FOR COMMISSION PROJECTS WHERE CALTRANS REQUIRES
COMMISSION RIGHT-OF-WAY CERTIFICATIONS.

WHEREAS, Section 635.309 of Title 23 of the Code of Federal Regulations provides in part that as a condition precedent to advertising bids for construction of projects funded in whole or in part with Federal Highway Administration (FHWA) administered funds, the State must certify to the FHWA as to the status of right-of-way acquisitions, utility relocations and railroad operating facilities for such projects; and

WHEREAS, Ventura County Transportation Commission (Commission) projects receiving funding administered by the FHWA must provide the California Department of Transportation (Caltrans) with certifications of the right-of-way acquisitions, utility relocations and railroad operating facilities (Right-of-Way Certification) for such projects prior to advertising bids for construction of such projects; and

WHEREAS, in accordance with current guidance in the Caltrans Local Assistance Procedures Manual, for 100% state-funded projects, Local Public Agencies such as the Commission, are to self-certify and a separate Right-of-Way Certification must be completed by Local Public Agencies for each Local Assistance project even if no Right-of-Way is required for the project; and

WHEREAS, Commission desires to delegate authority to the Executive Director of the Ventura County Transportation Commission, to execute Right-of-Way certifications required by Caltrans for Commission projects.

NOW, THEREFORE, BE IT RESOLVED by the Ventura County Transportation Commission as follows:

SECTION 1. The Executive Director of VCTC, or designee, is authorized to execute on behalf of the Ventura County Transportation Commission any Caltrans-required Commission certifications of the right-of-way acquisitions, utility relocations and railroad operating facilities for Commission projects, and to include in such certifications Caltrans-required indemnification language in the following form or such form required by Caltrans from time-to-time:

"The Ventura County Transportation Commission (Commission) agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. Commission shall pay from its own nonmatching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to Commission for the orderly performance of the project work."

SECTION 3. This Resolution shall take effect upon adoption.

ADOPTED by the Ventura County Transportation Commission on _____, by the following vote:

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED AND ADOPTED on this 5th day of September 2025 by VCTC action.

Mike Judge, Chair

ATTEST:

Roxanna Ibarra, Clerk of the Board

APPROVED AS TO FORM:

Lindsay D'Andrea, General Counsel