

CHAPTER 25 – Relinquishments

Table of Contents

CHAPTER 25 – Relinquishments	25-3
ARTICLE 1 Introduction and Definitions.....	25-3
Introduction.....	25-3
Definitions	25-4
ARTICLE 2 Laws	25-6
Federal Laws.....	25-6
California Statutes	25-10
ARTICLE 3 Policies	25-12
General.....	25-12
Federal Highway Administration Policy	25-13
California Transportation Commission Relinquishment Resolution.....	25-15
Schedule Requirements for Requests for California Transportation Commission Action	25-15
Project Approval Documents and Project Initiation Documents.....	25-16
Deletion of a Route by Legislative Enactment	25-17
Establishing a Cost to Relinquish for a Legislative Enactment Relinquishment	25-17
Programming	25-18
ARTICLE 4 Essential Procedures	25-18
Federal Highway Administration Review and Approval	25-19
Procedures that Apply to All Relinquishment Types	25-20
Legislative Enactment Relinquishment Procedures	25-23
Superseded by Relocation Relinquishment Procedures	25-26
Collateral Facility Relinquishment Procedures	25-28
Nonmotorized Transportation Facility Relinquishment Procedures	25-29
Park-and-Ride Lot to County Transportation Commissions, Joint Powers Authorities, Transit Districts, and Regional Transportation Planning Agencies Relinquishment Procedures	25-30
ARTICLE 5 Conflict Resolution Process.....	25-31
Conflict Resolution.....	25-31
Initial District/Local Agency Agreement	25-32
District Director Review.....	25-32
Relinquishment Resolution Committee Review.....	25-33
Relinquishment Information Sheet	25-34
Chief Engineer Review.....	25-35
Submittal to the California Transportation Commission for	

Public Hearing 25-35
Public Hearing Provided at
California Transportation Commission Meeting 25-36

Table of Figures

Figure 25-1 Federal Law Summary 25-14
Figure 25-2 Relinquishment by Legislative Enactment..... 25-37
Figure 25-3 Relinquishment of Highway Superseded by Relocation..... 25-39
Figure 25-4 Relinquishment of Collateral Facility 25-41
Figure 25-5 Relinquishment of Nonmotorized Transportation Facility 25-43
Figure 25-6 Relinquishment of Park-and-Ride Lot to County Transportation
Commissions, Joint Powers Authorities, Transit Districts, and
Regional Transportation Planning Agencies 25-45
Figure 25-7 Conflict Resolution Process 25-47

CHAPTER 25 – Relinquishments

ARTICLE 1 Introduction and Definitions

Introduction

The removal of a State highway, either in whole or in part from the State Highway System (SHS), requires a relinquishment approved by the California Transportation Commission (CTC). There are five types of relinquishments:

- Legislative Enactment
- Superseded by Relocation
- Collateral Facility
- Park-and-Ride Lot
- Nonmotorized Transportation Facility

This chapter discusses the procedures for each type of relinquishment and when costs are to be considered.

Caltrans recognizes there are State highways that can be characterized as a conventional city street or a county road. The highways and facilities that do not serve regional or statewide transportation needs are potential candidates for relinquishment. The districts should work with local agencies to identify and transfer these facilities as appropriate.

There are several benefits to relinquishing facilities that are no longer required to serve regional and statewide needs:

- An increase in local agencies' responsiveness to community interest in the administration, planning, construction, and operation of facilities, resulting in a cost savings to taxpayers by eliminating the need for State encroachment permits
- A reduction of on-going maintenance costs for the State
- A reduction in tort liability for the State
- A decrease in State incident response efforts
- Decreased competition for capital funds for regional and statewide improvements

Definitions

Best interest of the State – the best possible value for the State. The benefits of the relinquishment are provided at the lowest cost while minimizing risk.

Betterment – a physical improvement to a facility (roadbed, roadway, or roadside element) either geometrically or structurally, that would be considered above and beyond a state of good repair.

Cost to relinquish – an extent of construction improvements or financial contribution to facilitate the relinquishment.

Collateral facility – a commonly used Caltrans term for streets or roads and appurtenances constructed in connection with a State highway project that are not needed for continuity or the proper functioning of the State Highway System. Examples of these facilities include frontage roads, relocated or reconstructed roads, service roads, and cul-de-sacs. Collateral facilities also include outer highways such as park-and-ride lots and safety roadside rest areas needed to support travelers and alleviate highway congestion. Facilities that are appurtenant may include landscaping, slope, and drainage or basin areas.

CTC relinquishment resolution – a written, formal form of a motion expressing a decision of the CTC approving or not approving a proposed relinquishment. Relinquishment resolutions are required by the *California Streets and Highways Code*, Section 73 and are used as evidentiary documents to be transmitted to another governmental agency.

Nonmotorized transportation facility – as defined in the *California Streets and Highways Code*, Section 887, a facility designed primarily for the use of pedestrians, bicyclists, or equestrians.

Outer highway – a facility that is a part of the highway system but not a part of the traversable highway. Park-and-ride lots and safety roadside rest areas fit within the description of an outer highway.

Park-and-ride lot – the term used to describe a parking facility along or near the State Highway System that provides a location for individuals to park their vehicles to join carpools and to access bus and/or rail services.

Relinquishment – the statutory conveyance of all rights, title, interests, liability, and maintenance responsibilities of a State highway, or portion thereof, to another government entity.

Relinquishment agreement – a type of cooperative agreement. It documents the terms and conditions under which Caltrans relinquishes 1) any portion of a State highway or facility, including outer highways, to either a city or county; or 2) a park-and-ride lot to a county transportation commission, a joint powers authority, a transit district, or a regional transportation planning agency (RTPA).

Relinquishment assessment report (RAR) – a system analysis report prepared for legislative enactment relinquishments and for park-and-ride lot relinquishments. These reports are developed by district transportation planning and approved by the Headquarters Division of Transportation Planning.

Relinquishment by legislative enactment – the use of legislative action to remove a portion of a State highway from the State Highway System or a legislative action authorizing Caltrans to relinquish a portion of a State highway to a local agency.

Relinquishment by relocation – the same as “relinquishment by superseding.”

Relinquishment by superseding – the removal of a portion of a State highway that has been relocated, realigned, or built on an alignment different from the current alignment, making the old alignment redundant. An example of this is when a State highway is realigned to bypass a town.

Relinquishment information sheet (RIS) – a document prepared by the district that informs the Relinquishment Resolution Committee and Chief Engineer of discussions and issues surrounding a disputed relinquishment.

Relinquishment Resolution Committee (RRC) – a committee consisting of the Headquarters Division Chiefs of Design, Transportation Planning, Transportation Programming, Maintenance, Traffic Operations, Environmental Analysis, Right of Way and Land Surveys, and Legal that reviews disputed relinquishments to advise the district and the Chief Engineer. Optional members may include CTC staff, an impartial district member, and an impartial local agency member.

State of good repair – as defined in the *California Streets and Highways Code*, Section 73, a safe, operable, well-maintained road. The state of good repair does not include widening, new construction, or major reconstruction, except when directed by

the CTC. Capacity increasing improvements or betterments are not included when bringing a highway to a state of good repair.

System analysis – a high-level planning and operational analysis of State Highway System corridors to evaluate current and future conditions, and multimodal elements of the transportation facility. The system analysis also determines travel demand adequacy and improvements needed to maintain mobility.

ARTICLE 2 Laws

Public Law 114-94, Section 1423 included here covers the federal requirements for relinquishment of park-and-ride lot facilities and *Title 23 Code of Federal Regulations*, Part 620 – Engineering, Subpart B covers the relinquishment of highway facilities. The sections of the *California Streets and Highways Code* included here define the CTC’s role and authority to relinquish a State highway. They define what types of facilities can be relinquished, to whom, and under what conditions. The routes that make up the State Highway System and the legal authority to relinquish portions of these routes are described in *California Streets and Highways Code*, Section 300 through Section 635.

The laws presented in this article represent the current version available on the internet at the time of publishing. It is the user’s responsibility to verify the correctness and applicability of specific laws.

Federal Laws

Public Law 114-94, Section 1423

Section 1423 states:

SEC. 1423. RELINQUISHMENT OF PARK-AND-RIDE LOT FACILITIES.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law if the agreement providing for the relinquishment provides that—

(1) rights-of-way on the Interstate System will remain available for future highway improvements; and

(2) modifications to the facilities that could impair the highway or interfere with the free and safe flow of traffic are subject to the approval of the Secretary.

Secretary – the term means the United States Secretary of Transportation.

Title 23 Code of Federal Regulations, Part 620 – Engineering, Subpart B – Relinquishment of Highway Facilities, Section 620.202, Applicability

Section 620.202 states:

The provisions of this subpart apply to highway facilities where Federal-aid funds have participated in either right of-way or physical construction costs of a project. The provisions of this subpart apply only to relinquishment of facilities for continued highway purposes. Other real property disposals and modifications or disposal of access rights are governed by the requirements of 23 CFR part 710.

Title 23 Code of Federal Regulations, Part 620 – Engineering, Subpart B – Relinquishment of Highway Facilities, Section 620.203, Procedures

Section 620.203 states:

(a) After final acceptance of a project on the Federal-aid primary, urban, or secondary system or after the date that the plans, specifications and estimates (PS&E) for the physical construction on the right-of-way for a Federal-aid Interstate project have been approved by the FHWA, relinquishment of the right-of-way or any change made in control of access shall be in accordance with the provisions of this section. For the purposes of this section, final acceptance for a project involving physical construction is the date of the acceptance of the physical construction by the FHWA and for right-of-way projects, the date the division engineer determines to be the date of the completion of the acquisition of the right-of-way shown on the final plans.

(b) Other than a conveyance made as part of a concession agreement as defined in section 710.703, for purposes of this section, relinquishment is defined as the conveyance of a portion of a highway right-of-way or facility by a State highway agency (SHA) to another Government agency for highway use.

(c) The following facilities may be relinquished in accordance with paragraph 203(f):

(1) Sections of a State highway which have been superseded by construction on new location and removed from the Federal-aid system and the replaced section thereof is approved by the FHWA as the new location of the Federal-

aid route. Federal-aid funds may not participate in rehabilitation work performed for the purpose of placing the superseded section of the highway in a condition acceptable to the local authority. The relinquishment of any Interstate mileage shall be submitted to the Federal Highway Administrator as a special case for prior approval.

(2) Sections of reconstructed local facilities that are located outside the control of access lines, such as turn-arounds of severed local roads or streets adjacent to the Federal-aid project's right-of-way, and local roads and streets crossing over or under said project that have been adjusted in grade and/or alignment, including new right-of-way required for adjustments. Eligibility for Federal-aid participation in the costs of the foregoing adjustments is as determined at the time of PS&E approval under policies of the FHWA.

(3) Frontage roads or portions thereof that are constructed generally parallel to and outside the control of access lines of a Federal-aid project for the purpose of permitting access to private properties rather than to serve as extensions of ramps to connect said Federal-aid project with the nearest crossroad or street.

(d) The following facilities may be relinquished only with the approval of the Federal Highway Administrator in accordance with paragraph 203(g).

(1) Frontage roads or portions thereof located outside the access control lines of a Federal-aid project that are constructed to service (in lieu of or in addition to the purposes outlined under paragraph (c)(3) of this section) as connections between ramps to or from the Federal-aid project and existing public roads or streets.

(2) Ramps constructed to serve as connections for interchange of traffic between the Federal-aid project and local roads or streets.

(e) Where a frontage road is not on an approved Federal-aid system title to the right-of-way may be acquired initially in the name of the political subdivision which is to assume control thus eliminating the necessity of a formal transfer later. Such procedure would be subject to prior FHWA approval and would be limited to those facilities which meet the criteria set forth in paragraphs (c) (2) and (3) of this section.

(f) Upon presentation by a State that it intends to relinquish facilities such as described in paragraph (c) (1), (2) or (3) of this section to local authorities, the division engineer of the FHWA shall have appropriate field and office examination made thereof to assure that such relinquishments are in accordance with the provisions of the cited paragraphs. Relinquishments of the types described in paragraph (c) (1), (2) or (3) of this section may be made on an individual basis or on a project or route basis subject to the following conditions and understandings:

- (1) Immediately following action by the State in approving a relinquishment, it shall furnish to the Division Administrator for record purposes a copy of a suitable map or maps identified by the Federal-aid project number, with the facilities to be relinquished and the date of such relinquishment action clearly delineated thereon.
- (2) If it is found at any time after relinquishment that a relinquished facility is in fact required for the safe and proper operation of the Federal-aid highway, the State shall take immediate action to restore such facility to its jurisdiction without cost to Federal-aid highway funds.
- (3) If it is found at any time that a relinquished frontage road or portion thereof or any part of the right-of-way therefor has been abandoned by local governmental authority and a showing cannot be made that such abandoned facility is no longer required as a public road, it is to be understood that the Federal Highway Administrator may cause to be withheld from Federal-aid highway funds due to the State an amount equal to the Federal-aid participation in the abandoned facility.
- (4) In no case shall any relinquishment include any portion of the right-of-way within the access control lines as shown on the plans for a Federal-aid project approved by the FHWA, without the prior approval of the Federal Highway Administrator.
- (5) There cannot be additional Federal-aid participation in future construction or reconstruction on any relinquished “off the Federal-aid system” facility unless the underlying reason for such future work is caused by future improvement of the associated Federal-aid highway.
- (g) In the event that a State desires to apply for approval by the Federal Highway Administrator for the relinquishment of a facility such as described in paragraph (d) (1) and (2) of this section, the facts pertinent to such proposal are to be presented to the division engineer of the FHWA. The division engineer shall have appropriate review made of such presentation and forward the material presented by the State together with his findings thereon through the Regional Federal Highway Administrator for consideration by the Federal Highway Administrator and determination of action to be taken.
- (h) No change may be made in control of access, without the joint determination and approval of the SHA and FHWA. This would not prevent the relinquishment of title, without prior approval of the FHWA, of a segment of the right-of-way provided there is an abandonment of a section of highway inclusive of such segment.
- (i) Relinquishments must be justified by the State’s finding concurred in by the FHWA, that:

- (1) The subject land will not be needed for Federal-aid highway purposes in the foreseeable future;
 - (2) That the right-of-way being retained is adequate under present day standards for the facility involved;
 - (3) That the release will not adversely affect the Federal-aid highway facility or the traffic thereon;
 - (4) That the lands to be relinquished are not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and Pub. L. 89-285, Title III, sections 302-305 (Highway Beautification Act of 1965).
- (j) If a relinquishment is to a Federal, State, or local government agency for highway purposes, there need not be a charge to the said agency, nor in such event any credit to Federal funds. If for any reason there is a charge, the STD may retain the Federal share of the proceeds if used for projects eligible under title 23 of the United States Code.

California Statutes

California Streets and Highways Code, Section 73

Section 73 states:

The commission shall relinquish to any county or city any portion of any state highway within the county or city that has been deleted from the state highway system by legislative enactment, and the relinquishment shall become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of the legislative enactment. It may likewise relinquish any portion of any state highway that has been superseded by relocation. Whenever the department and the county or city concerned have entered into an agreement providing therefor, or the legislative body of the county or city has adopted a resolution consenting thereto, the commission may relinquish, to that county or city, any frontage or service road or outer highway, within the territorial limits of the county or city, which has a right-of-way of at least 40 feet in width and which has been constructed as a part of a state highway project, but does not constitute a part of the main traveled roadway thereof. The commission may also relinquish, to a county or city within whose territorial limits it is located, any nonmotorized transportation facility, as defined in Section 887, constructed as part of a state highway project if the county or city, as the case may be, has entered into an agreement providing therefor or its legislative body has adopted a resolution consenting thereto.

Relinquishment shall be by resolution. A certified copy of the resolution shall be filed with the board of supervisors or the city clerk, as the case may be. A certified copy of the resolution shall also be recorded in the office of the recorder of the county where the land is located and, upon its recordation, all right, title, and interest of the state in and to that portion of any state highway shall vest in the county or city, as the case may be, and that highway or portion thereof shall thereupon constitute a county road or city street, as the case may be.

The vesting of all right, title, and interest of the state in and to portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished, is hereby confirmed.

Prior to relinquishing any portion of a state highway to a county or a city, except where required by legislative enactment, the department shall give 90 days' notice in writing of intention to relinquish to the board of supervisors, or the city council, as the case may be. Where the resolution of relinquishment contains a recital as to the giving of the notice, adoption of the resolution of relinquishment shall be conclusive evidence that the notice has been given.

The commission shall not relinquish to any county or city any portion of any state highway that has been superseded by relocation until the department has placed the highway, as defined in Section 23, in a state of good repair. This requirement shall not obligate the department for widening, new construction, or major reconstruction, except as the commission may direct. A state of good repair requires maintenance, as defined in Section 27, including litter removal, weed control, and tree and shrub trimming to the time of relinquishment.

Within the 90-day period, the board of supervisors or the city council may protest in writing to the commission stating the reasons therefor, including, but not limited to, objections that the highway is not in a state of good repair, or is not needed for public use and should be vacated by the commission. In the event that the commission does not comply with the requests of the protesting body, it may proceed with the relinquishment only after a public hearing given to the protesting body on 10 days' written notice.

California Streets and Highways Code, Section 73.01

Section 73.01 states:

(a) The commission may relinquish to a county transportation commission created pursuant to Chapter 1 (commencing with Section 130000) of Division 12 of the Public Utilities Code, a joint powers authority formed for the purposes of providing transportation services, a transit district, or a regional transportation planning agency, a park-and-ride lot within their respective jurisdictions, on terms and conditions that the commission finds to be within the best interests of the state, if the department enters into an agreement with

the county transportation commission, joint powers authority, the transit district, or regional transportation planning agency providing for that relinquishment.

(b) The county transportation commission, joint powers authority, the transit district, or regional transportation planning agency requesting the relinquishment shall agree to maintain, at a minimum, the number of parking spaces provided by the department in the lot at the time of relinquishment. The relinquishment shall become effective on the date following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

ARTICLE 3 Policies

General

Highways or local roads under Caltrans' jurisdiction that do not serve regional or statewide transportation needs should be relinquished to the appropriate local agency. Caltrans districts must work with local agencies to identify these facilities and develop strategies to facilitate their relinquishment. For legislative enactment type relinquishments, legislation must be established into law to allow these facilities to be relinquished. Local agencies or districts must work with State legislators to initiate relinquishment legislation.

When relinquishing a State highway, there may be occasions when it is appropriate for Caltrans to perform construction work or to provide financial contributions to the local agency to ensure that the facility is well maintained and in operable condition. Construction work or financial contributions may be considered if they are in the best interest of the State.

The *California Streets and Highways Code*, Section 73 authorizes relinquishment of transportation facilities to cities and counties by the CTC. The relinquished facilities become city streets or county roads. Section 73 identifies four types of relinquishments:

- Legislative Enactment
- Superseded by Relocation
- Collateral Facility (including outer highways)
- Nonmotorized Transportation Facility

Section 73 also mandates that the CTC relinquish to any city or county any portion of any State highway within their jurisdiction that has been deleted from the State Highway System by legislative enactment.

The *California Streets and Highways Code*, Section 73.01 authorizes relinquishment of park-and-ride lots to county transportation commissions, joint powers authorities, transit districts, or regional transportation planning agencies.

Limits of Relinquishments Adjacent to Elevated Highway Structures

Relinquishment of rights-of-way and park-and-ride lots under freeway or highway structures is prohibited. Roads and portions of park-and-ride lots outside the minimum lateral clearance from the edge of the structures may be relinquished. See [Highway Design Manual](#), Index 309.4 “Lateral Clearance for Elevated Structures” for the minimum lateral clearances and the reasons for them.

Use of the portion of park-and-ride lots under structures may be negotiated with a right-of-way use agreement.

Federal Highway Administration Policy

Relinquishment of highway facilities in which Federal-aid funds participated in the procurement of right-of-way or construction cost must be in accordance with *Title 23 Code of Federal Regulations*, Part 620—Engineering, Subpart B—Relinquishment of Highway Facilities, Section 620.203 Procedures. Caltrans and the Federal Highway Administration (FHWA) have agreed to relinquishment policy for Federal-aid projects as described in the [Right of Way Manual](#), Section 6.17.01.00 “Policy.” Specific procedures are outlined in Article 4, under the Sub-article “Federal Highway Administration Reviews and Approvals.” Additionally, the relinquishment of park-and-ride lots must meet the requirements of *Public Law 114-94*, Section 1423 and the FHWA has determined that the relinquishment should be in accordance with the procedures in *Title 23 Code of Federal Regulations*, Section 620.203 (f), (i), and (j).

Relinquishment of highway facilities must be for continued highway purposes where Federal-aid funds were used for the acquisition and/or construction.

Relinquishment of any interstate mileage, although rare, must be submitted to FHWA as a special case for approval.

Relinquishment of frontage roads that serve as connections between ramps and local roads, and ramps that serve as connections to exchange traffic between the highway and local roads require review and approval from the FHWA.

FHWA approval is required if any part of a proposed relinquishment is within the existing access control or if the proposed relinquishment changes the location of the access control lines.

Figure 25-1 Federal Law Summary

Relinquishment Description:	Law Requirements Location:	Performed in Accordance With:	FHWA Approval Required:
Park-and-ride lots	Public Law 114-94, Section 1423	23 CFR 620.203 (f) 23 CFR 620.203 (i) 23 CFR 620.203 (j)	Yes
Highway superseded by construction on new location	23 CFR 620.203 (c)(1)	23 CFR 620.203 (f)	No (the relinquishment is approved as part of the project that constructs the new highway location)
Interstate mileage	23 CFR 620.203 (c)(1)	23 CFR 620.203 (f)	Yes
Reconstructed local facilities outside the access control	23 CFR 620.203 (c)(2)	23 CFR 620.203 (f)	No

Relinquishment Description:	Law Requirements Location:	Performed in Accordance With:	FHWA Approval Required:
Frontage roads outside the access control for the purpose of permitting access to private properties	23 CFR 620.203 (c)(3)	23 CFR 620.203 (f)	No
Frontage roads outside the access control for the purpose of connections between ramps or public roads	23 CFR 620.203 (d)(1)	23 CFR 620.203 (g)	Yes
Ramps constructed to serve as connections between Federal-aid project and local roads or streets	23 CFR 620.203 (d)(2)	23 CFR 620.203 (g)	Yes
Any portion of the right-of-way within the access control lines	23 CFR 620.203 (f)(4)		Yes

Note: Title 23 Code of Federal Regulations (23 CFR)

California Transportation Commission Relinquishment Resolution

The *California Streets and Highways Code*, Section 73 and Section 73.01 require that all relinquishments be made by a CTC resolution.

Schedule Requirements for Requests for California Transportation Commission Action

For all relinquishments except deletion of a route by legislative enactment, district design, planning, or the project manager will initiate the relinquishment process before the end of project construction. Requests for CTC relinquishment resolutions

with the relinquishment package, must be forwarded to the Chief of the Office of Land Surveys, Headquarters Division of Right of Way and Land Surveys at least four months before the anticipated completion of project construction. This will allow one month for processing and mailing of the 90-day written notice of intent to relinquish, as required by statute.

If the city or county protests the proposed relinquishment in writing, special efforts should be made to resolve any issues raised. For relinquishments of a State highway superseded by relocation, any major issues with the city or county should be resolved before the start of construction, while working on the cooperative agreement or during either plan preparation or the joint field review of the existing highway. See the conflict resolution process described in Article 5 “Conflict Resolution Process.”

Project Approval Documents and Project Initiation Documents

Legislative Enactment

A project approval document is always required for the relinquishment of a highway by legislative enactment. The project approval document also serves as the project initiation document (PID) when a cost must be programmed for financial contribution only relinquishments. A separate PID is required to program the cost when construction improvements are needed prior to relinquishment.

Superseded by Relocation

A project approval document is required for the relinquishment of a highway superseded by relocation when the project approval document and environmental compliance document for the associated project (parent project) that created the need for the relinquishment did not include discussion of the relinquishment. When a project approval document is not required for the relinquishment project, a freeway agreement, relinquishment agreement, or city or county resolution requesting the relinquishment is required. A separate PID is required to program the cost for the relinquishment.

Collateral Facility (Including Outer Highways)

A project approval document is required for the relinquishment of a collateral facility when the freeway agreement or controlled access highway agreement for the associated project (parent project) that constructed the collateral facility did not show the area to be relinquished or when there is not a city or county resolution requesting

the relinquishment. A separate PID is required to program the cost for the relinquishment.

Park-and-Ride Lot

A project approval document is always required for relinquishment of a park-and-ride lot. A separate PID is required to program the cost for the relinquishment.

Nonmotorized Transportation Facility

A project approval document is required for relinquishment of a nonmotorized transportation facility when Caltrans initiates the relinquishment or when a local agency initiates a complex relinquishment (greater than 0.1 mile in length). A project approval document is not required when the local agency initiates and accepts a non-complex relinquishment by approving a resolution. A PID is not required.

Report Format

A specific project approval document format has been prepared due to the specialized nature of relinquishments. The project approval document for a relinquishment project must follow the preparation guidelines in [Appendix Z](#) – Preparation Guidelines for Relinquishment Approval Report.

PID requirements for State Highway Operation and Protection Program (SHOPP) projects are located in [Chapter 9](#) – Project Initiation.

Deletion of a Route by Legislative Enactment

When any portion of a State highway is to be deleted from the State Highway System by legislative enactment, the relinquishment legislation becomes effective the first day of the next calendar year or fiscal year, whichever first occurs after the effective date of the legislative enactment. The relinquishment takes effect only after CTC approval and a certified copy of the relinquishment resolution is recorded in the county office of the recorder.

Establishing a Cost to Relinquish for a Legislative Enactment Relinquishment

A State highway segment must be considered for legislative enactment relinquishment when the District Director, in consultation with Headquarters Division of Transportation Planning, determines that the segment does not serve regional or

statewide transportation needs as determined by a system analysis documented in a relinquishment assessment report. Following the determination that the State highway segment could be relinquished, the associated cost to relinquish must be based on a benefit-cost analysis specific to that State highway segment. See the “Cost to Relinquish and Benefit-Cost Analysis” heading in Article 4 for more information. If a cost to relinquish has been negotiated, it must be discussed in the project initiation document, project approval document, and in a relinquishment agreement.

Programming

Costs for relinquishment are always programmed and must be discussed in the PID for the relinquishment.

Caltrans is under no statutory obligation to bring a facility into a state of good repair when considering a potential relinquishment of a State highway to a local agency by legislative enactment. However, it may be in the best interest of the State to consider an extent of construction improvements or financial contribution to facilitate the relinquishment negotiations between Caltrans and the local agency. If there is any associated cost to relinquish, the cost must be discussed in a PID for programming. This document will enable Caltrans’ cost to relinquish to be amended into the SHOPP and voted on by the CTC.

For projects that include the relinquishment of a highway superseded by relocation, the proposed relinquishment construction work or the costs to bring the superseded highway to a state of good repair must be discussed in the PID. The programming of the relocation project must include funds for any relinquishment construction work. If the PID and/or project approval document, for the parent project, does not adequately define the scope, cost, and schedule of the relinquishment construction work, then a supplemental PID or a new PID must be prepared.

ARTICLE 4 Essential Procedures

This article outlines the procedures specific to each type of relinquishment and procedures that are common to all types of relinquishments. The procedures identified in this article are supplemented by the specific procedures in the [*Right of Way Manual*](#), Section 6.17.00.00 “Relinquishments.”

Federal Highway Administration Review and Approval

The FHWA oversight activities and approvals must be documented in the reports prepared for project initiation and project approval.

FHWA involvement, as dictated by the project aspects, must begin as early as project feasibility studies for all projects on the National Highway System, in particular for projects determined to have elevated delivery risk (see [Chapter 8](#) – Overview of Project Development).

Proposed relinquishments that require FHWA approval, as shown in [Figure 25-1](#), are discussed with the appropriate district FHWA transportation engineer early in the process, where FHWA approval is obtained in two steps. Initially, concurrence from the district FHWA transportation engineer is obtained during the PID phase for relinquishments that have a PID, otherwise this should be completed early in the process while the relinquishment agreement is still in draft form. The concurrence request should contain everything (to the extent possible and even if the documents are incomplete) that will ultimately be in the approval request. Concurrence in the form of an email from FHWA is sufficient. Ultimately, approval from the FHWA division administrator is obtained after all required documents are approved and the relinquishment package is ready for submittal to the Headquarters Division of Right of Way and Land Surveys, Office of Land Surveys, about four months before the anticipated completion of project construction.

Requests for FHWA approval must include a formal letter ready for the FHWA division administrator approval signature and include a recommendation from the district division chief from which the relinquishment request originated, with the required attachments. The request package must be submitted to the Federal Highway Administration, California Division, Division Administrator, Attention: FHWA Project Delivery Director. It is acceptable to send the request package by electronic mail with digital documents.

Use the [FHWA relinquishment approval letter templates](#) to prepare the formal letter that must include:

- an explanation of the proposed relinquishment.
- the reason approval is recommended.
- an explanation of why the relinquishment is in the best interest of the State.
- a description of the project scope when a project triggers the relinquishment.

- an explanation of the delay when the processing of the relinquishment has been postponed by over three years.
- an explanation of the plans or proposal for parking facilities associated with park-and-ride lot relinquishments to agencies other than cities or counties.

The required attachments to the formal letter must include:

- a copy of the district relinquishment request memorandum, signed by the District Director. See the [Right of Way Manual](#), Section 6.17.10.00 “Preparation of Requests.”
- a copy of the draft relinquishment mapping.
- aerial photos or maps, for easy assessment of how the relinquishment interrelates with the highway, clearly showing the:
 - proposed area to be relinquished.
 - existing and proposed State right-of-way lines.
 - access control lines (access denial lines).
- a copy of the National Environmental Policy Act (NEPA) document.
- copies of other required documents, depending on the type of relinquishment (see the following topics for each type of relinquishment); partially executed documents may be acceptable:
 - Freeway agreement(s) or controlled access highway agreement(s)
 - Project approval document
 - Relinquishment assessment report
 - Initial site assessment (ISA)
 - Relinquishment agreement(s)
 - Set of plans for proposed developments on park-and-ride lot facilities (not required for relinquishments to cities or counties)
 - Local agency resolution requesting the relinquishment

Procedures that Apply to All Relinquishment Types

Relinquishment Agreements

A relinquishment agreement is required when a transfer of funds, effort, or materials is necessary for the relinquishment. A relinquishment agreement is always recommended to secure commitment from the local agency to accept the relinquishment at the agreed terms when Caltrans initiates the relinquishment process and presents the relinquishment book item to the CTC. The agreement is used to document all the stakeholders’ commitments to the relinquishment after completion of project construction, even if the agreement does not involve the transfer of funds,

effort, or materials. The approved relinquishment agreement is part of the relinquishment package.

A relinquishment agreement is always required for legislative enactment and park-and-ride lot relinquishments. A relinquishment agreement is also required for a superseded by relocation relinquishment to document local agency acceptance of the condition (including any planned improvements) of the highway proposed for relinquishment. At the district's discretion, a relinquishment agreement can be prepared for any type of relinquishment. Contact the Headquarters Cooperative Agreement Coordinator for questions regarding relinquishment agreements and standard templates. For more information, see [Chapter 16](#) – Cooperative Agreements and for details about relinquishment agreements and the requirements for exhibits, see the [Cooperative Agreement Handbook](#).

Environmental Compliance and Coordination

Compliance with environmental law is required for all relinquishments; the guidance is contained in the [Standard Environmental Reference](#).

Coordination with the environmental unit is required just like any other project. Time and resources must be allocated for environmental staff to assess each individual situation and complete any necessary environmental reviews.

Initial Site Assessment

If a relinquishment agreement is prepared, a copy of the initial site assessment (ISA) report, prepared by the district hazardous waste technical specialist or by a consultant working for the local agency, must be provided to Headquarters Division of Environmental Analysis and to the local agency requesting the relinquishment. See the [Standard Environmental Reference](#) for information on the requirements for performing initial site assessments.

Headquarters Division of Environmental Analysis will review and approve the initial site assessment report and provide concurrence of the relinquishment agreement language. Full disclosure about the contents of the initial site assessment report must be documented in all relinquishment agreements to avoid parties making different assumptions. It must accurately represent the conditions and cannot be older than one year before the date of the expected CTC relinquishment resolution.

If a relinquishment agreement is not required, a copy of the initial site assessment report (approved by the Headquarters Division of Environmental Analysis) must be provided to the local agency. The local agency must acknowledge receipt of the initial site assessment report within their resolution accepting the relinquishment.

Submittal of information and request for approval from the Headquarters Division of Environmental Analysis must follow the procedures specified in the [*Cooperative Agreement Handbook*](#).

Freeway Agreements or Controlled Access Highway Agreements for Relinquishment of Local Roads and Superseded Highways

For all types of relinquishments except legislative enactment relinquishments, a freeway agreement or controlled access highway agreement usually identifies for relinquishment those local roads constructed as part of a freeway or expressway project. When a freeway agreement or controlled access highway agreement does not include the local roads to be relinquished or when there isn't a freeway agreement or controlled access highway agreement, a relinquishment agreement or a resolution adopted by the local agency is required. The relinquishment agreement or resolution is the basis for relinquishment action by the CTC. When a local agency adopts a resolution that consents to accepting the facility, a separate freeway agreement or controlled access highway agreement is not required for the relinquishment. For more information on freeway agreements and controlled access highway agreements, see [Chapter 24](#) – Freeway Agreements.

For superseded by relocation type relinquishments, a new freeway agreement or controlled access highway agreement is always prepared unless the superseded route is a conventional highway; furthermore, a relinquishment agreement for the superseded route must be approved prior to start of project construction.

Joint Field Review

A joint field review is recommended for all types of relinquishments where cost is being negotiated. The field review should eliminate any misunderstandings and resolve any differences in opinion about the condition or the proposed repair of the facility to be relinquished. All State facilities must be in safe and operable condition before relinquishment. For a superseded by relocation relinquishment, a joint field review between the district and the involved city or county must be conducted before completion of the PID and/or project approval document.

Negotiation with Local Agency

The district is responsible for negotiating with the local agency any cost to relinquish. The District Director is ultimately accountable to the CTC to ensure that the negotiated cost to relinquish is in the best interest of the State and not a gift of State funds.

Cost to Relinquish

Caltrans is responsible for relinquishing roads well maintained and in operable condition. Major widening or other improvements (except safety improvements) should not be considered if the improvement would cause betterment of the facility beyond the state of good repair. In these cases, the city or county may elect to pay the portion of the cost to upgrade the facility geometrically or structurally over and above that which is justified.

Lack of Local Agency Agreement

If the local agency cannot agree with the district on the terms of the relinquishment, and outstanding issues cannot be resolved at the District Director level, the next step is to proceed to the conflict resolution process. The conflict resolution process is described in Article 5 “Conflict Resolution Process.”

Preparation of the Relinquishment Package

Relinquishments must be approved through a resolution by the CTC. The district right-of-way engineering unit submits the request for relinquishment resolution and related documents to the Headquarters Division of Right of Way and Land Surveys, Office of Land Surveys. Review and preparation of the final relinquishment package for CTC action is the responsibility of the Office of Land Surveys. Additional instructions on requests for relinquishment resolutions by the CTC and preparation of relinquishment packages are contained in the [Right of Way Manual](#), Section 6.17.10.00 “Preparation of Requests.” The Headquarters Division of Design is responsible for scheduling CTC action depending on the readiness of the documents.

Legislative Enactment Relinquishment Procedures

This sub-article outlines the process for the relinquishment of a State highway where legislative enactment authorizes the CTC to relinquish an entire route or a portion of a route to a local agency. [Figure 25-2](#) provides a flow chart that highlights the decision points for whether to move forward with the relinquishment from a system

perspective and how to proceed with the different funding options when parties agree to the relinquishment terms. It may be necessary to conduct a joint field review during the legislative enactment relinquishment process. See the “Joint Field Review” heading for more information.

Appropriateness of Relinquishment

Caltrans must first determine whether the relinquishment makes sense from a transportation system perspective. The district should inform the Headquarters Division of Transportation Planning of any proposed legislation to relinquish a State highway to a local agency. The District Director, in consultation with the Headquarters Divisions of Transportation Planning and Traffic Operations through a system analysis, must determine the appropriateness of the legislative enactment relinquishment. A relinquishment assessment report must be developed by district transportation planning and approved by the Headquarters Division of Transportation Planning. The decision of the appropriateness of the relinquishment must be documented in a letter to the local agency signed by the District Director. This letter initiates the staff workload to execute the relinquishment.

Headquarters Division of Transportation Planning must ensure that the Headquarters Division of Legislative Affairs is informed of any proposed legislation to relinquish a State highway or portion of a State highway.

Cost to Relinquish and Benefit-Cost Analysis

Caltrans is under no legal obligation to put a facility into a state of good repair, construct improvements or betterments, or incur a financial obligation of any kind to relinquish a State highway to a local agency by legislative enactment. This should be the initial premise established by the district when considering or discussing the potential relinquishment. Nevertheless, it may be in the best interest of the State to consider an extent of construction improvements or financial contribution to facilitate the relinquishment negotiations between Caltrans and the local agency. This cost to relinquish is one factor of a benefit-cost analysis. The benefit-cost analysis compares the cost to keep a facility in the State Highway System with the cost of relinquishment and facilitates the decision process. It also provides the basis of the business decision to expend State Highway Account funds to relinquish a portion of a State highway. The PID must include the benefit-cost analysis; this enables Caltrans’ cost to relinquish to be amended into the SHOPP. The project approval document

must include the benefit-cost analysis that enables Caltrans' to request relinquishment approval from the CTC.

Each relinquishment must be considered in context to establish a negotiation strategy. The relinquishment will provide control of the facility to the local agency and allow them to pursue improvements to their local system or other enhancements to their community without the constraints of Caltrans' requirements and encroachment permit process. This is an economic benefit to the local agency. Removing the road from the State Highway System is an economic benefit to Caltrans since it reduces maintenance costs, capital improvement costs, and exposure to tort liability.

The benefit-cost analysis will compare the costs to maintain and operate the road with the cost to relinquish over a ten-year period utilizing an assumed interest rate based on the escalation rate used in the State Transportation Improvement Program (STIP) and SHOPP, and appropriate costs and benefits specific to that State highway segment. Components of the cost to relinquish estimate are driven by the characteristics of the highway to be relinquished. For example, when assessing maintenance costs, Caltrans will first establish a baseline pavement strategy. If a rehabilitation project has recently been completed, future maintenance costs should be low and are not likely to be included in the negotiation. If Caltrans has an approved PID for a rehabilitation project on a section of highway that will be relinquished, it may be appropriate to include the support costs for delivering the project as part of the cost to relinquish. Tort liability is not an item to be included in the negotiation, although it may be a factor in determining how much Caltrans is willing to negotiate to relinquish the highway.

Negotiation with Local Agency

A relinquishment agreement will be required if transferring funds, effort, or materials is necessary for the relinquishment. The District Director is ultimately accountable to the CTC to ensure that the negotiated cost to relinquish is in the best interest of the State and not a gift of State or Federal funds. Determining whether the proposal is a good business decision will be mainly based on the prepared ten-year period benefit-cost analysis. If negotiation is required with the local agency and agreement cannot be reached, see Article 5 "Conflict Resolution Process" for more information on negotiation and resolution procedures.

Programming and California Transportation Commission Approval of Relinquishment

If a cost to relinquish has been negotiated, an executed relinquishment agreement will be required before project programming. It is the district's responsibility to coordinate with the Headquarters Division of Transportation Programming and appropriate SHOPP program manager to ensure that SHOPP funds are available for the relinquishment. The Headquarters Division of Programming will determine the availability of the SHOPP funds for the proposed relinquishment. The district project manager is responsible for sending a Funds Request to the Headquarters Division of Transportation Programming with a copy sent to the district right-of-way engineering unit to include in the relinquishment submittal package that is sent to the Headquarters Division of Right of Way and Land Surveys. The CTC approval process will be coordinated through the Headquarters Division of Design, Office of Project Support.

Superseded by Relocation Relinquishment Procedures

Relinquishment of a highway superseded by relocation occurs when any portion of a State highway has been realigned or built on an alignment that differs from the existing alignment, making the old alignment redundant. The old alignment will then be relinquished to the appropriate local agency. [Figure 25-3](#) provides a flow chart depicting the process for this type of relinquishment.

Projects superseding an existing highway with a new State highway should include specific measures for placing the existing highway in a state of good repair before relinquishment. Widening of the superseded highway, major reconstruction, or other improvements (except safety improvements) that result in betterment of the facility should not be considered in the state of good repair assessment. Nevertheless, the city or county may choose to pay for improvements when the cost exceeds the cost required to place the existing facility in a state of good repair. The State is not required to bring a facility to a state of good repair for relinquishments due to transfer of highway location projects initiated by local agencies. See [Chapter 23](#) – Route Adoptions, for route adoption or transfer of highway location considerations for cases where a route adoption is used to supersede an existing facility and [Chapter 24](#) – Freeway Agreements, for information on the required freeway agreement with the local agency if a route is adopted or relocated.

Negotiations with the local agency should begin early in the project scoping process. At that early stage, the local agency should clearly understand each party's responsibilities related to the relinquishment of the superseded highway.

The PID and project approval document should include specific recommendations for placing the existing highway in a state of good repair before relinquishment. For some projects, completion of construction may be several years away and it may be too early to determine the scope and strategy of the pavement rehabilitation construction work required for relinquishment. Nevertheless, the PID and project approval document for the relocation project must discuss the anticipated relinquishment construction work and estimated costs to the extent possible. Additionally, the relinquishment agreement should be prepared and approved soon after completion of the Project Approval and Environmental Document (PA&ED) phase even when some specifics may be unknown because the agreement can be amended later to address new information or changed conditions.

Early during the scoping process, the district and local agency should come to a clear understanding of each party's financial responsibilities. The Headquarters Project Delivery Coordinator should be involved when the district and the local agency cannot agree on what constitutes a state of good repair. See Article 5 "Conflict Resolution Process" for the procedures to process difficult relinquishments using the conflict resolution process.

Relinquishments must be completed soon after construction of a replacement facility to conserve maintenance funds and minimize potential legal liabilities.

State of Good Repair Assessment

Rehabilitation construction work proposed as a condition of relinquishment must be justified. This includes any corrective improvements on bridges, culverts, curbs, drainage inlets, pavement, pedestrian facilities, or other facilities that are part of the highway, to place the facility into a maintainable condition. Rehabilitation construction work must comply with the environmental requirements in the [*Standard Environmental Reference*](#). The pavement rehabilitation design life must not exceed 10 years.

On projects involving rehabilitation of distressed asphalt concrete pavement, a pavement deflection study should be requested from the Headquarters Division of Engineering Services-Materials Engineering and Testing Services. This study is

performed to determine the need for an overlay and/or other pavement rehabilitation treatment. It will be used for project scope and cost estimating purposes.

For proper project scoping and cost estimating, the pavement deflection study should be no older than 18 months. Where relinquishment construction work will not be undertaken for several years, a follow-up pavement deflection study must be performed within 12 months prior to start construction of the relinquishment project. This is done to determine whether pavement deterioration that occurred since the previous study is significant enough to warrant a new rehabilitation strategy. If a new strategy is required, a new agreement may need to be negotiated with the local agency. If the new strategy substantially increases the final scope and costs from those anticipated in the original project approval document, a supplemental project approval document or new project approval document must be prepared. When the deflection study finds there is no need for pavement rehabilitation, an overlay should not be included in the project. Suitable surface sealing may be included if warranted by the preventive maintenance program.

The deflection study and resultant recommendations should be based on truck traffic projections that consider the diversion of through traffic and local traffic projections. Such projections must agree with the local/regional General Plan for land use. Following receipt of the deflection study recommendations, and before completion of the PID and/or project approval document, a joint field review between the district and the involved city or county must be conducted to eliminate any misunderstandings and to resolve any differences.

Collateral Facility Relinquishment Procedures

A collateral facility relinquishment occurs when streets and roads have been built or modified during a State highway project, and are not needed for the State Highway System, and are to be relinquished to the appropriate local agency. [Figure 25-4](#) provides a flow chart depicting the process for this type of relinquishment.

Most relinquishment actions involve relinquishing collateral facilities acquired or built as part of a project to a city or county. These include frontage roads, relocated streets, new streets to maintain service, cul-de-sac adjustments, outer highways such as park-and-ride lots, and appurtenances such as landscaping, slopes, drainage or basin areas.

Collateral facilities are relinquished pursuant to a freeway agreement, a controlled access highway agreement, or a relinquishment agreement. Normally, a freeway agreement or a controlled access highway agreement is used to show the facilities to be relinquished. If the agreement does not adequately show the facilities to be relinquished, then a relinquishment agreement should be negotiated with or a resolution should be obtained from the local agency.

Collateral facilities are normally included in the contract plans. Local agencies participate in the design of these facilities since they will own and operate them after construction.

Park-and-Ride Lot Relinquishment to Cities and Counties

Park-and-ride lots can also be relinquished to cities and counties as collateral facilities. Park-and-ride lot relinquishments to cities and counties require preparation of a relinquishment assessment report and a relinquishment agreement in addition to the project approval document. Park-and-ride lots are a congestion mitigation tool and so the relinquishment assessment report will discuss impacts to operations when the park-and-ride lot is relinquished. [Figure 25-4](#) provides a flow chart depicting the process for this type of relinquishment.

Park-and-ride lot relinquishments to county transportation commissions, joint powers authorities, transit districts, or regional transportation planning agencies have specific requirements discussed later in this article.

Nonmotorized Transportation Facility Relinquishment Procedures

Nonmotorized transportation facility relinquishments occur when sidewalks, bikeways, or equestrian trails are relinquished to the local agencies, usually by their request. [Figure 25-5](#) provides a flow chart depicting the process for this type of relinquishment.

Nonmotorized transportation facilities constructed as part of a State highway project can be relinquished to a city or county per *California Streets and Highways Code*, Section 73. Nonmotorized transportation facilities are defined in the *California Streets and Highways Code*, Section 887 and include pedestrian facilities such as sidewalks, bikeways, and equestrian trails. Since these facilities are not usually shown in freeway agreements or controlled access highway agreements, a

relinquishment agreement should be negotiated with, or a resolution should be obtained from, the local agency.

Park-and-Ride Lot to County Transportation Commissions, Joint Powers Authorities, Transit Districts, and Regional Transportation Planning Agencies Relinquishment Procedures

The *California Streets and Highways Code*, Section 73.01 authorizes relinquishment of park-and-ride lots to county transportation commissions, joint powers authorities, transit districts, or regional transportation planning agencies. [Figure 25-6](#) provides a flow chart depicting the process for this type of relinquishment.

The county transportation commission, joint powers authority, transit district, or regional transportation planning agency requesting the relinquishment must provide verification they are a county transportation commission created pursuant to the *California Public Utilities Code*, Division 12, Chapter 1, or a joint powers authority formed for the purposes of providing transportation services, transit district, or regional transportation planning agency as stated under the *California Streets and Highways Code*, Section 73.01. Caltrans must first determine if the relinquishment makes sense from a transportation system perspective. The district should inform Headquarters Divisions of Transportation Planning and Traffic Operations of any park-and-ride lot relinquishment request from the entities authorized by *California Streets and Highways Code*, Section 73.01.

The District Director, in consultation with Headquarters Divisions of Transportation Planning and Traffic Operations, will consider a park-and-ride lot for relinquishment if it is determined there is no system need to retain State ownership of the park-and-ride lot based on a transportation system analysis evaluation.

The entity assuming responsibility for the park-and-ride lot must have the fiscal and organizational capacity to operate and maintain the facility to ensure it continues to serve as an effective component of the corridor infrastructure. When the entity is a joint powers authority, careful consideration must be undertaken to determine the future fiscal solvency and stability of the joint powers authority. The final step in the relinquishment decision process is CTC approval.

The relinquishment assessment report will be developed by district transportation planning and approved by Headquarters Division of Transportation Planning. If there is no State interest in retaining the park-and-ride lot, any entity authorized by

California Streets and Highways Code, Section 73.01 requesting the relinquishment must agree to maintain, at a minimum, the number of parking spaces provided by Caltrans in the park-and-ride lot at the time of relinquishment. This specific number of parking spaces should be provided at no cost to the park-and-ride lot users. If agencies will be charging for using the parking spaces, revenues must not exceed the park-and-ride lot maintenance and operations costs.

The decision of the appropriateness of the relinquishment must be documented in a letter signed by the District Director to the entity requesting the relinquishment. This letter initiates the staff workload to execute the relinquishment.

Caltrans does not provide financial contributions for relinquishment of park-and-ride lots; however, on rare occasions, financial contributions may be considered when the cost to relinquish is in the best interest of the State.

Relinquishment of park-and-ride lots along the Interstate System must first be reviewed and concurred by the FHWA and later approved by the FHWA. The district must discuss the proposal with the appropriate district FHWA transportation engineer who will review the district proposal for concurrence. The district proposal must demonstrate that the proposed modifications to the park-and-ride lot facilities do not impair the highway or interfere with the free and safe flow of traffic and include a discussion of any changes in occupancy or use of the facilities. The district submits the request for FHWA approval in accordance with the procedures specified in Article 4 “Essential Procedures.”

ARTICLE 5 Conflict Resolution Process

Conflict Resolution

At the time of project initiation, an attempt is made to reasonably accommodate the concerns of the local agency through contact with the agency decision makers. A solution to a protest or potential protest is preferable at this time. When a State highway is superseded by relocation, the *California Streets and Highways Code*, Section 73 provides for CTC relinquishment over a protest only if the protesting local agency is given an opportunity to express concerns at a public hearing before the CTC. Caltrans’ procedure is to submit a relinquishment to the CTC when the local agency objects for any reason. Caltrans’ procedures for processing difficult relinquishments contained in this article also apply to collateral facilities covered by

freeway or controlled access highway agreements and to highways deleted from the State Highway System by legislative enactment.

Local agency objection to a relinquishment is usually based on Caltrans' denial of requested improvements. Caltrans' ability to deny improvements is in accordance with the *California Streets and Highways Code*, Section 73 that states: "This requirement [Caltrans placing the highway in a state of good repair] shall not obligate the department for widening, new construction or major reconstruction, except as the commission may direct." For a State highway superseded by relocation type of relinquishment, Section 73 requires a state of good repair as defined in statute; however, Section 73 does not require that a State highway be relinquished in a state of good repair when it is deleted by legislation.

When the local agency is not satisfied with the district's counterproposals and continues to protest the relinquishment, the district should obtain the objection in writing from the local agency if a written objection has not yet been submitted. If the local agency requests improvements, appropriate plans and details should accompany the protest submittal to enable preparation of a reasonable cost estimate by Caltrans.

Initial District/Local Agency Agreement

It is Caltrans' policy to resolve conflicts at the lowest possible level. All efforts should be made to reach agreement with the local agency at the district level. The conflict resolution process for relinquishments is depicted in [Figure 25-7](#). The first step is for the district staff and local agency to come to an agreement regarding the terms of the relinquishment. If the district staff cannot reach agreement with the local agency on the terms of the relinquishment, the next step is to proceed with the District Director review.

District Director Review

The District Director must conduct a comprehensive review of Caltrans' recommendation and the facts and issues. District Directors may seek advice from the Deputy District Directors of Right of Way, Design, Traffic Operations, Maintenance, Environmental, and other functions with responsibility relative to the action. A meeting with the local agency may be necessary. If agreement with the local agency is not obtained, the relinquishment is referred to the Headquarters Division of Design through the Headquarters Project Delivery Coordinator to initiate the conflict resolution process.

The review provides the District Director an opportunity for resolving any impasse that may have developed. The review must determine, but is not limited to:

- The exact nature of the protest and alternatives suggested by the local agency
- The estimated date the delaying issue will be resolved (when delays are due to reasons other than local agency protest, such as litigation involving right-of-way or hazardous waste cleanup)
- Reasonable alternatives (with cost estimates) that might satisfy the local agency or resolve the delay
- The recommended Caltrans position to present to the CTC

The District Director must ensure that appropriate personnel deal with the local agency throughout the process. District functions must work cooperatively, beginning with local agency negotiations at project initiation. If the outstanding issues cannot be resolved at the District Director level, the next step of the conflict resolution process is to request a meeting with the Relinquishment Resolution Committee.

Relinquishment Resolution Committee Review

The role of the Relinquishment Resolution Committee is to review and resolve disputed relinquishments and to advise the Chief Engineer. The Relinquishment Resolution Committee is comprised of the Headquarters Division Chiefs of Design, Transportation Planning, Transportation Programming, Maintenance, Traffic Operations, Environmental Analysis, Right of Way and Land Surveys, and Legal. The Headquarters Division Chief of Design is the leader of the Relinquishment Resolution Committee. Optional members may include CTC staff, an impartial district member and an impartial local agency member.

The Relinquishment Resolution Committee will meet with the district and local agency to resolve differences. The Relinquishment Resolution Committee obtains input from the local agency and district. See the following topic for an outline of the relinquishment information sheet, which is used to present the relinquishment project to the Relinquishment Resolution Committee.

If an agreement cannot be reached, the issue will be elevated to the Chief Engineer with a recommendation from the Relinquishment Resolution Committee.

Relinquishment Information Sheet

A relinquishment information sheet should be prepared and discussed with the Headquarters Project Delivery Coordinator before final signature. The notification to the Relinquishment Resolution Committee will be the approved relinquishment information sheet signed by the project manager. A copy must be sent to the Headquarters Project Delivery Coordinator and the Chief of the Office of Land Surveys in the Headquarters Division of Right of Way and Land Surveys. The relinquishment information sheet must be sufficiently complete to enable the Headquarters Division of Design Chief and the Relinquishment Resolution Committee to make an informed decision and a justifiable recommendation to forward to the CTC.

Purpose and Format

The responsible district prepares a relinquishment information sheet that represents a summary of the efforts to date related to the relinquishment and serves as the basis by which the Relinquishment Resolution Committee will evaluate issues. The relinquishment information sheet should be a memorandum addressed to the members of the Relinquishment Resolution Committee, with a copy to the Headquarters Project Delivery Coordinator.

Content

The relinquishment information sheet can be brief, but it must include this information:

- A description of the highway to be relinquished (for example, its limits, functionality, connections to other State highways or other relinquishments, and the results of the system analysis decision)
- A description of any environmental concerns or restrictions on the highway to be relinquished
- A summary of the unsigned PID that documents Caltrans' estimated cost to relinquish and how those funds will be transferred to the local agency (capital project or funds-contribution-only transfer)
- A summary of the local agency's primary concerns (for example, lack of maintenance funds, requested improvements, or traffic control devices)
- A description of the local agency proposal, including the costs of any construction work, financial considerations, or other terms or conditions. Include the following:
 - The local agency's written protest (as an attachment)

- The district’s recommendation for handling these suggestions, with basis and justification for the district’s decision
- A list of the main facts concerning the delay, a target date for completion of the maps and of court proceedings, etcetera. (if the delay is due to a reason other than local agency protest, such as right-of-way litigation or inadequate resources)
- The district’s opinion of the potential for settlement of the protest before the CTC action meeting (if that is a constraint)
- A chronological history of the relinquishment with pertinent previous official contacts, negotiations, decisions, cooperative agreements, freeway agreement features, disagreements, main reasons for the impasse, etcetera.
- Clear, legible maps and other attachments as appropriate that show the highway to be relinquished, the condition of the highway, and other features of concern to the local agency or Caltrans
- Names, phone numbers, and locations of the appropriate district contact persons

Chief Engineer Review

If an agreement cannot be reached at the Relinquishment Resolution Committee level, the issue will be elevated to the Chief Engineer. The Chief Engineer review will be the final step in determining whether it is in the best interest of the State to continue negotiations with the local agency, terminate work on the relinquishment, or proceed with the relinquishment even if the local agency does not agree with the relinquishment conditions. The Headquarters Division of Design Chief will present the findings of the Relinquishment Resolution Committee to the Chief Engineer. The Chief Engineer will obtain information from others as needed.

Submittal to the California Transportation Commission for Public Hearing

Caltrans may determine that it is in the best interest of the State to relinquish even if the local agency does not agree with the relinquishment conditions. If the Chief Engineer determines it is in the best interest of the State to proceed with the relinquishment, then a public hearing at a CTC meeting will take place. If the Chief Engineer recommends sending the relinquishment for CTC approval, Headquarters Division of Design submits the relinquishment package prepared by the Office of Land Surveys in the Headquarters Division of Right of Way and Land Surveys and the Headquarters Division of Design recommendation letter to include in the CTC briefing book. The relinquishment information sheet and Headquarters Division of Design recommendation letter are also furnished to the district.

The date selected for CTC presentation depends on the completeness of the district's initial relinquishment submittal, when Headquarters Division of Design was notified about the issues, and the preparation time for the CTC submittal package. The local agency will be given an opportunity to protest the terms of the relinquishment at the CTC meeting.

Prior to the CTC meeting where the public hearing will be provided to the local agency, the district must inform the local agency of the specific CTC procedures to allow time for the local agency representatives to arrange for engineering and/or legal assistance. The district should notify the local agency of the specific CTC procedures before the formal written notice required by the *California Streets and Highways Code*, Section 73. The Headquarters Division of Right of Way and Land Surveys, Office of Land Surveys is responsible for sending a notice by certified letter 15 days before the hearing to ensure the local agency has received a 10-day written notice. The contact with the local agency provides a final opportunity for an agreement on the relinquishment. A copy of the report that goes to the CTC is furnished to the local agency with this notification.

Public Hearing Provided at California Transportation Commission Meeting

Depending on specific issues, appropriate district and Headquarters representatives will make the presentation to the CTC and answer questions. The presentation is usually brief, five to ten minutes in length. The project manager is responsible for preparation of wall maps or displays. The local agency is given their public hearing after the presentation by Caltrans.

The CTC decision may direct Caltrans to make additional improvements to the facility, proceed with the relinquishment action, or take some other action.

Figure 25-2 Relinquishment by Legislative Enactment

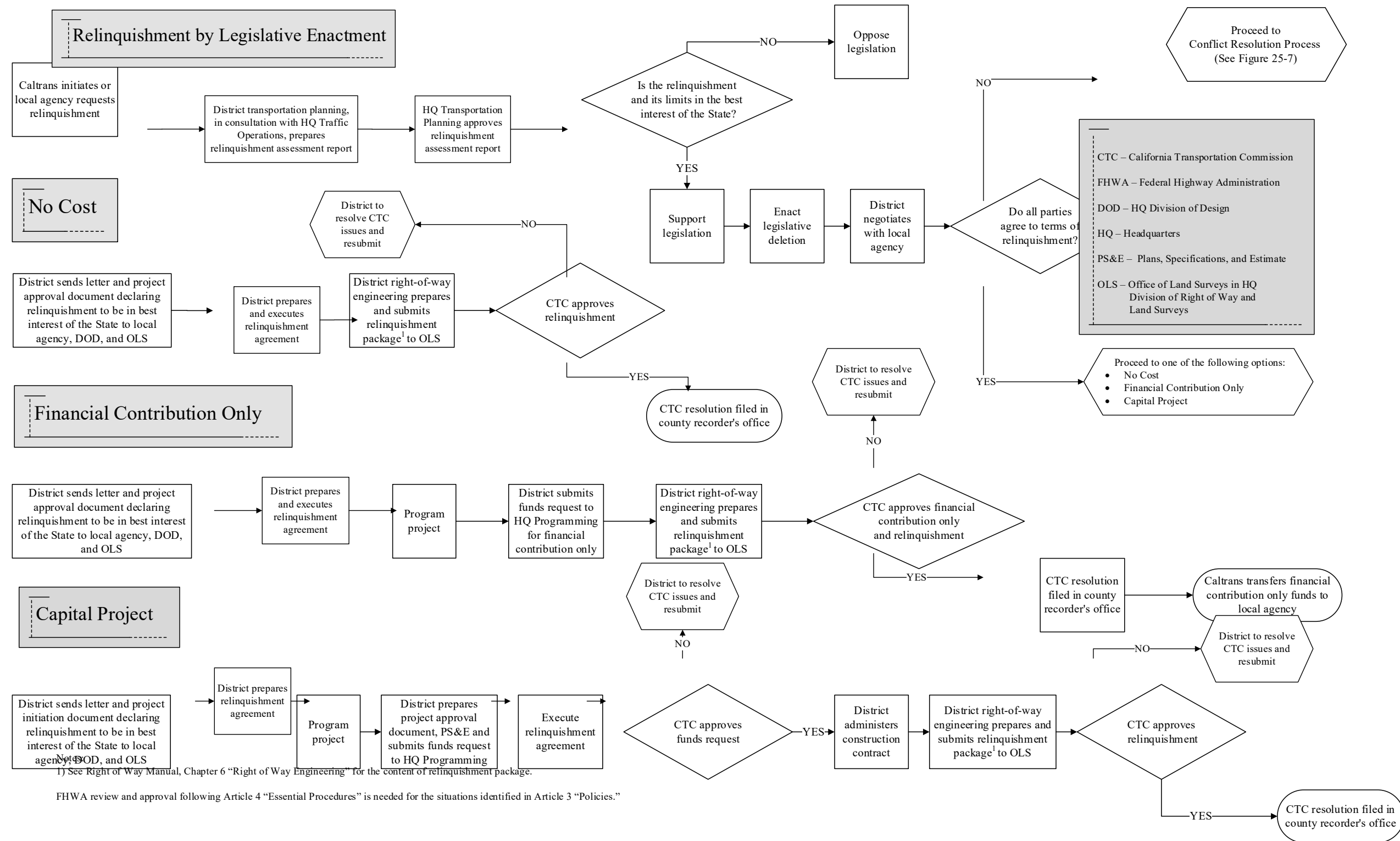
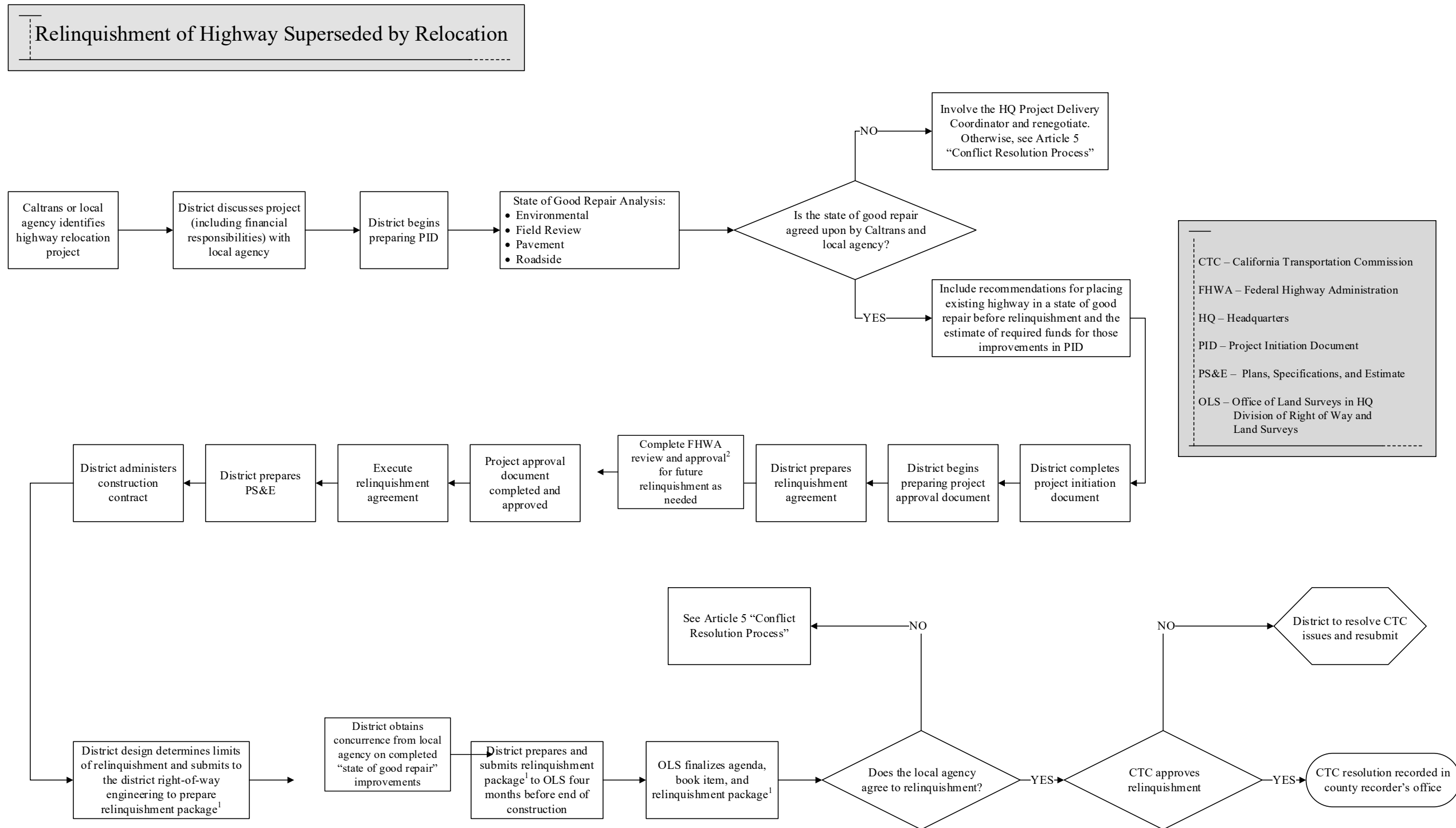


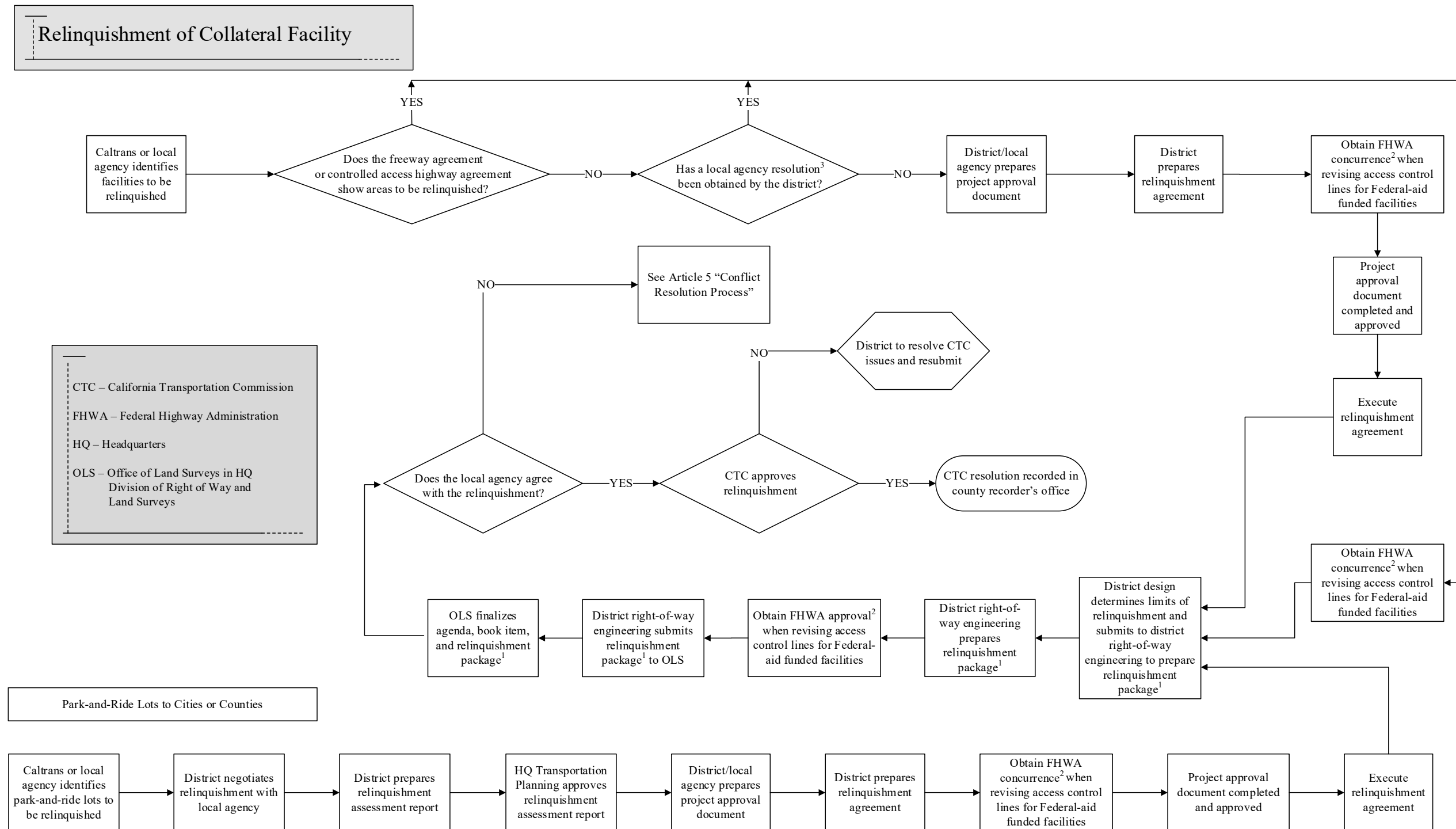
Figure 25-3 Relinquishment of Highway Superseded by Relocation



Notes:
 1) See Right of Way Manual, Chapter 6 "Right of Way Engineering" for the content of relinquishment package.
 2) FHWA review and approval following Article 4 "Essential Procedures" is needed for the situations identified in Article 3 "Policies."

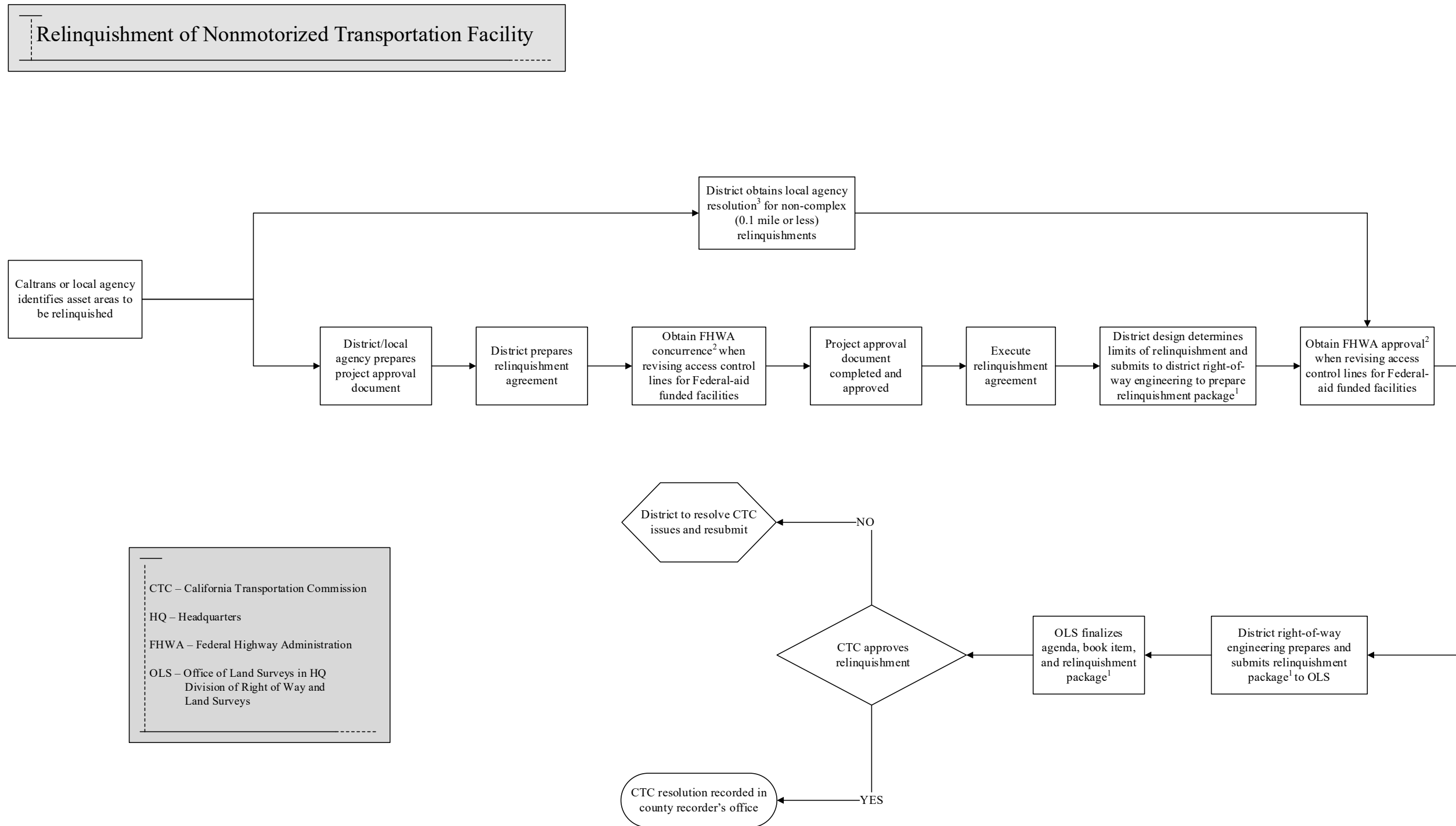
This figure focuses on the steps to complete the relinquishment, as such it does not include the programming aspect of the process.

Figure 25-4 Relinquishment of Collateral Facility



Notes:
 1) See Right of Way Manual, Chapter 6 "Right of Way Engineering" for the content of relinquishment package.
 2) FHWA concurrence is obtained from appropriate district FHWA transportation engineer; FHWA approval is obtained from FHWA division administrator.
 3) Resolution by the county board of supervisors or city council agreement to accept the relinquishment and waive the 90-day written notice of intent to relinquish.

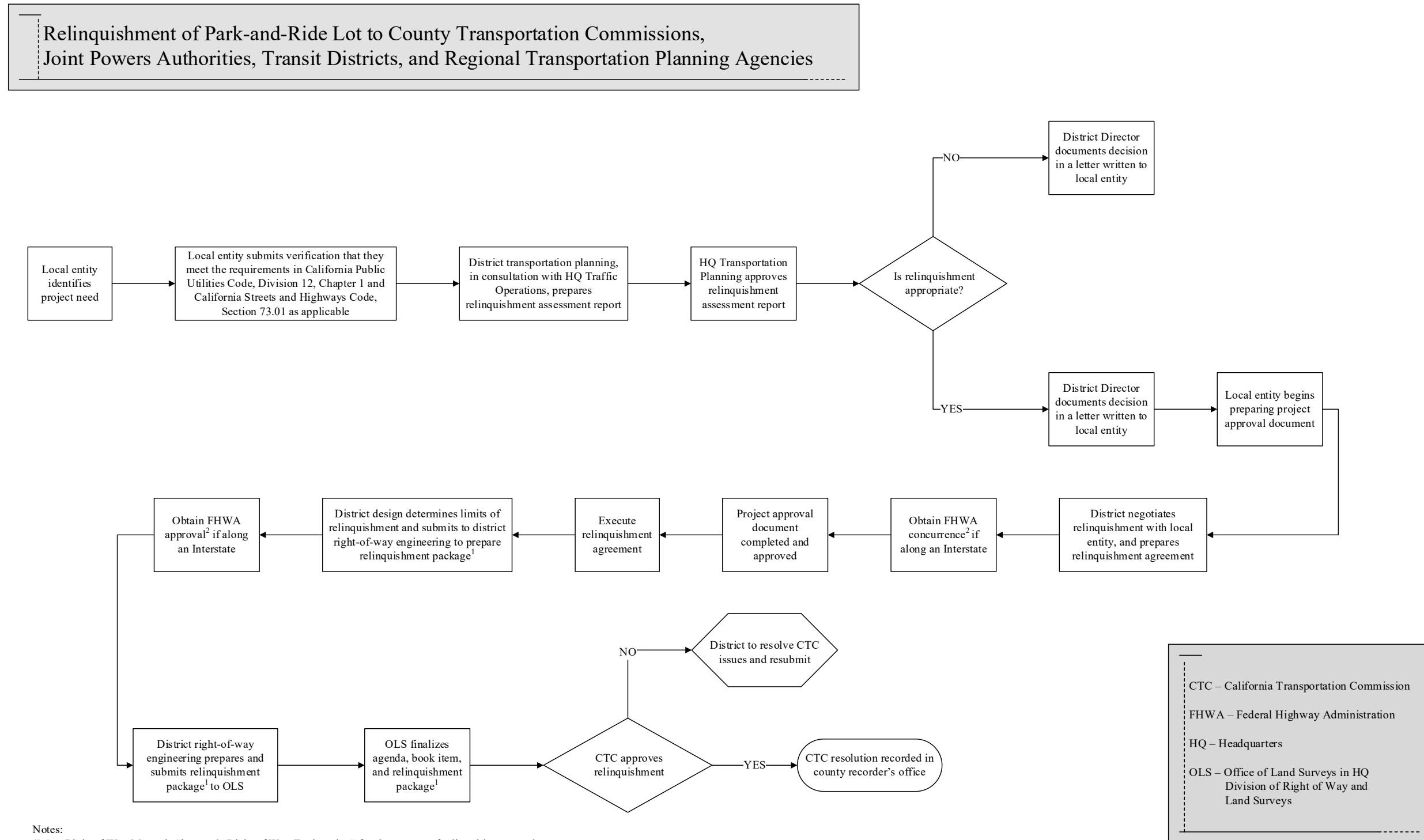
Figure 25-5 Relinquishment of Nonmotorized Transportation Facility



Notes:

- 1) See Right of Way Manual, Chapter 6 “Right of Way Engineering” for the content of relinquishment package.
- 2) FHWA concurrence is obtained from appropriate district FHWA transportation engineer; FHWA approval is obtained from FHWA division administrator.
- 3) Resolution by the county board of supervisors or city council agreement to accept the relinquishment and waive the 90-day written notice of intent to relinquish.

Figure 25-6 Relinquishment of Park-and-Ride Lot to County Transportation Commissions, Joint Powers Authorities, Transit Districts, and Regional Transportation Planning Agencies



Notes:
 1) See Right of Way Manual, Chapter 6 “Right of Way Engineering” for the content of relinquishment package.
 2) FHWA concurrence is obtained from appropriate district FHWA transportation engineer; FHWA approval is obtained from FHWA division administrator.

Figure 25-7 Conflict Resolution Process

