

# CHAPTER 25 – Relinquishments

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# CHAPTER 25 – Relinquishments

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## 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 four types of relinquishments:

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- Superseded by Relocation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

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

Caltrans recognizes that there are several State highways that can be characterized as a conventional city street or a county road. These highways do not serve regional or statewide transportation needs and, therefore, represent facilities for potential 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 – a level of work or financial contribution to facilitate the relinquishment.

Collateral facility – a commonly used 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 that are 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 located 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 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.

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 that is different from the current alignment, making the old alignment redundant.

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 provide advice to 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, drivable, well-maintained road. 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 as well as multimodal elements of the transportation facility. The system analysis also determines travel demand adequacy and improvements needed to maintain mobility.

## **ARTICLE 2      Laws**

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 attributes for the State Highway System are discussed in *California Streets and Highways Code*, Section 300.

### **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.

California Streets and Highways Code, Section 73.5

Section 73.5 states:

Whenever any area has been or may hereafter be constituted a National park or be added to any existing National park and jurisdiction thereover has been ceded by the Legislature to the United States, any lands within such area acquired for highway purposes may be conveyed by the department to the United States on such terms as the commission shall approve.

California Streets and Highways Code, Section 300

Section 300 states:

The state highway system shall consist of the routes described in this article.

It is the intent of the Legislature, in enacting this article, that the routes of the state highway system serve the state's heavily traveled rural and urban corridors, that they connect the communities and regions of the state, and that they serve the state's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.

## **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 work or to provide financial contributions to the local agency to ensure that the facility is well maintained and in operable condition. Additional 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. It identifies four types of relinquishments:

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

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 relinquishments of park-and-ride lots to county transportation commissions, joint powers authorities, transit districts, or to regional transportation planning agencies. However, any proposed relinquishment of park-and-ride facilities procured with federal funds must be approved by the Federal Highway Administration (FHWA).

### **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 at least four months prior to the anticipated project construction completion. Requests for CTC relinquishment resolutions must be forwarded to the Chief of the Office of Land Surveys, Headquarters Division of Right of Way and Land Surveys. This will permit one month for processing and mailing of the 90-day written notice of intention 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 agreements or during either the plan preparation stage or the joint field review of the existing highway. See the conflict resolution process described in detail in Article 5 “Conflict Resolution Process.”

### **Use of Project Initiation Documents for Relinquishments**

Caltrans typically uses a project scope summary report (PSSR) as the project initiation document (PID) and project approval document for relinquishments.

For legislative enactment relinquishments, a project initiation document is only required if there is a cost to relinquish.

For highway superseded by relocation relinquishments, a project initiation document and project approval document are only required if the project approval document for the parent project does not cover the cost to relinquish.

For information on application of the PSSR, see the heading “Approval of Project Scope Summary Report” 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 does not become effective until the first day of the next calendar year or fiscal year, whichever occurs first after the effective date of the legislative enactment and after the relinquishment has been approved by the CTC.

### **Establishing a Cost to Relinquish for a Legislative Enactment Relinquishment**

A State highway segment shall 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, if any, shall

be based on a benefit-cost analysis specific to the portion of the State highway segment in question. 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 shall 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, at times it may be in the best interest of the State to negotiate with the local agency a level of work or contribution to facilitate the relinquishment. If there is any associated cost to relinquish, the cost will need to be discussed in a PID for programming. This document will enable Caltrans’ cost to relinquish to be amended into the State Highway Operation and Protection Program (SHOPP) and voted on by the CTC.

For projects that include the relinquishment of a highway superseded by relocation, the proposed relinquishment work or the costs to bring the superseded highway to a state of good repair shall be discussed in the PID. The programming of the relocation project shall include funds needed for any relinquishment 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 work, then a supplemental PID or a new PID needs to be prepared.

## **ARTICLE 4      Essential Procedures**

This article outlines the procedures specific to legislative enactment relinquishments, procedures specific to other types of relinquishments, and procedures that are common to all types of relinquishments.

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

## **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. If these types of agreements are not involved or do not include the local roads to be relinquished, 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 purposes of the relinquishment. For more information on freeway agreements and controlled access highway agreements, see [Chapter 24](#) – Freeway Agreements.

## **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 25-1 provides a flow chart that highlights the decision points for whether or not 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 during a system analysis, shall make a determination as to 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 serves to initiate 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 statutory 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. However, at times it may be in the best interest of the State to negotiate with the local agency a level of work or contribution to facilitate the relinquishment. 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 given 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 as well, 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 the portion of the State highway segment in question. Caltrans negotiates the cost to relinquish with the local agency. 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.

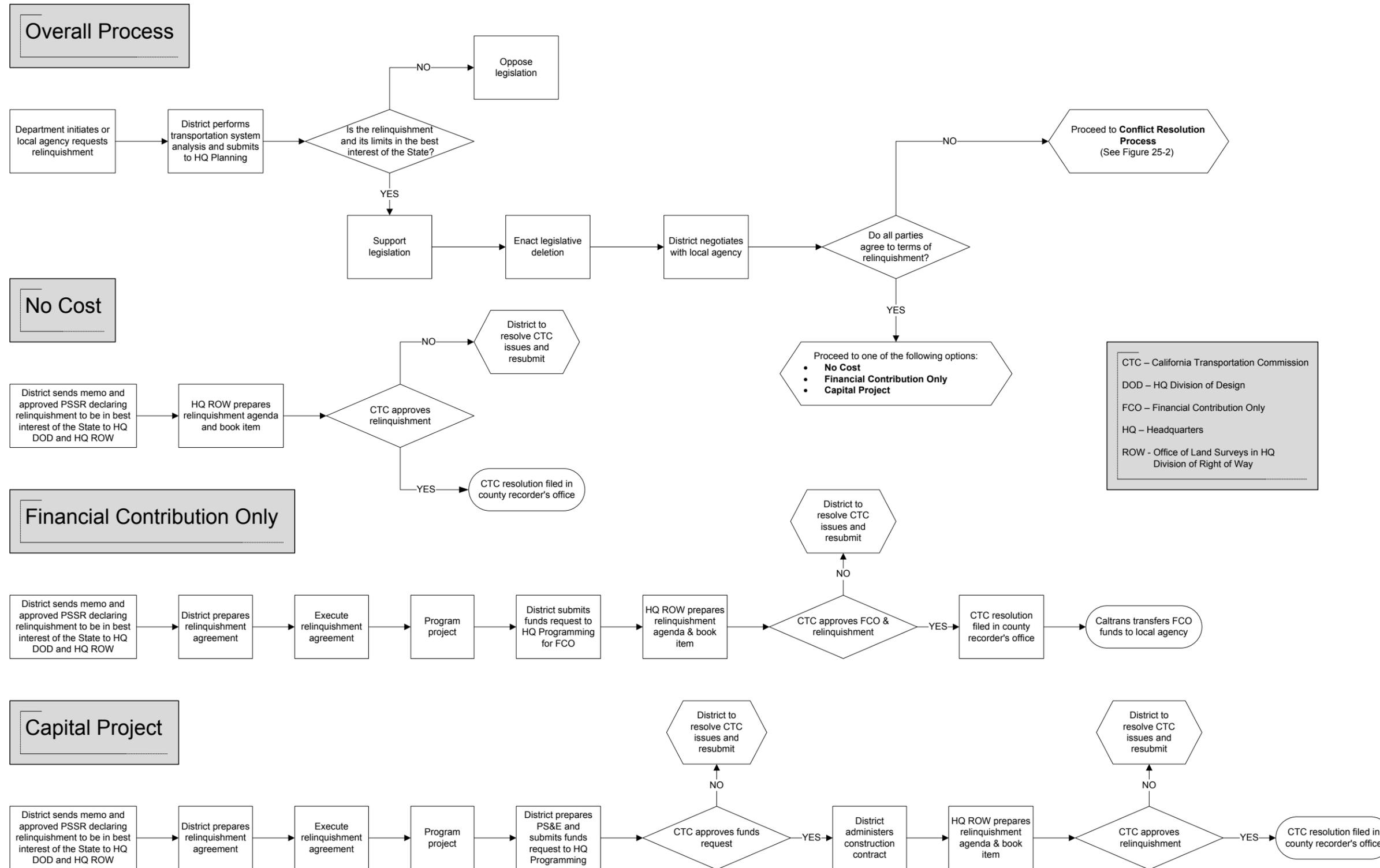
#### Negotiation with Local Agency

The district is responsible for negotiating the cost to relinquish, if any, with the local agency. A relinquishment agreement will be required if a transfer of 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 fact in the best interest of the State and not a gift of State funds. The determination of whether the proposal is a good business decision will be mainly based on the prepared ten-year period cost benefit analysis. If negotiation is required with the local agency, see the “Procedures that Apply to All Relinquishment Types” sub-article 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 prior to 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, if necessary, for the relinquishment. The Headquarters Division of Programming will determine the availability of the SHOPP funds for the proposed relinquishment. The district is also responsible for sending a Funds Request to the Headquarters Division of Transportation Programming and sending relinquishment maps 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 Development Procedures.

Figure 25-1 Legislative Enactment Relinquishment Process





## **Procedures for Other Types of Relinquishments**

This sub-article outlines the procedures for relinquishment of:

- a highway superseded by relocation.
- a collateral facility.
- a nonmotorized transportation facility.
- a park-and-ride lot to any of the entities authorized by *California Streets and Highways Code*, Section 73.01.

Relinquishment of a highway superseded by relocation occurs when any portion of a State highway has been realigned or built on an alignment that is different than the existing alignment, making the old alignment redundant. The old alignment is then to be relinquished to the appropriate local agency.

A collateral facility relinquishment occurs when streets and roads have been built or modified during the course of a State highway project, and are not needed for the State Highway System, and are to be relinquished to the appropriate local agency.

Park-and-ride lots can also be relinquished to cities and counties as collateral facilities. 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 relinquishments occur when sidewalks or bikeways are to be relinquished to the local agencies, usually by their request.

### Relinquishment Procedures of a Highway Superseded by Relocation

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 prior to relinquishment. Major widening of the superseded highway or other improvements (except safety work) that result in betterment of the facility should not be considered in the state of good repair calculation. However, the city or county may elect to pay for improvements when the improvement costs exceed what is 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 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 as early as possible in the project scoping process. At that early stage, it is important that the local agency has a clear understanding of 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 prior to relinquishment. For some projects, the completion of construction may be a number of years away, and it may be too early to determine the scope and strategy of the pavement rehabilitation work that will be required for relinquishment. Nevertheless, the report for the relocation project should cover the anticipated relinquishment work and estimated costs to the extent possible. These costs are important for programming purposes.

As early as possible 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 are to be completed as soon as possible after construction of a replacement facility in order to conserve maintenance funds and minimize potential legal liabilities.

Rehabilitation work proposed as a condition of relinquishment must be justified. This includes any corrective work on bridges, culverts, curbs, drainage inlets, pavement, pedestrian facilities, or other facilities that are part of the highway, in order to place the facility into a maintainable condition. Rehabilitation work must comply with the environmental requirements contained in the [Standard Environmental Reference](#). In no case is the pavement rehabilitation design life to exceed 10 years.

### Pavement Deflection Study

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 more than 18 months old. In those instances where relinquishment work will not be undertaken for a number of years, a follow-up pavement deflection study must be performed no more than 12 months prior to 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 for the repair work, 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 that 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 current preventive maintenance program.

### Joint Field Review

The deflection study and resultant recommendations are to be based on truck traffic projections that consider the diversion of through traffic as well as local traffic projections. Such projections must be in agreement 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 with the involved city or county should be conducted to eliminate any misunderstandings and to resolve any differences.

### Relinquishment Procedures for Collateral Facilities

Most relinquishment actions involve relinquishing collateral facilities that were 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 these agreements do not adequately show the facilities to be relinquished, then a relinquishment agreement needs to be negotiated with or a resolution should be obtained from the local agency.

Park-and-ride lot relinquishments to cities and counties require preparation of a relinquishment assessment report and a relinquishment agreement. Park-and-ride lots are a congestion mitigation tool and, consequently, the relinquishment assessment report will discuss impacts to operations when the park-and-ride lot is relinquished.

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.

#### Relinquishment Procedures for Nonmotorized Transportation Facilities

Nonmotorized transportation facilities constructed as part of a State highway project can also 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 bikeways and pedestrian facilities such as sidewalks. Since these facilities are not usually shown in freeway agreements or controlled access highway agreements, a relinquishment agreement needs to be negotiated with, or a resolution should be obtained from, the local agency.

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

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

The county transportation commission, the joint powers authority, transit district, or the regional transportation planning agency requesting the relinquishment must provide verification that they are either a county transportation commission created pursuant to the *California Public Utilities Code*, Division 12, Chapter 1, a joint powers authority formed for the purposes of providing transportation services, a transit district, or a 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 any of 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 that there is no system need to retain State ownership of the park-and-ride lot based on a transportation system analysis evaluation.

The agency 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. A project approval document and a relinquishment agreement are required for park-and-ride lot relinquishments to any of the entities authorized by *California Streets and Highways Code*, Section 73.01. The final step in the relinquishment decision process is CTC approval.

The relinquishment assessment report or equivalent 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 of the entities authorized by *California Streets and Highways Code*, Section 73.01 requesting the relinquishment shall 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 the use of the parking spaces, revenues must not exceed the park-and-ride lot maintenance and operations costs. Relinquishments of park-and-ride lots constructed with federal-aid funds must be approved by the FHWA.

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 then serves to initiate the staff workload to execute the relinquishment.

A project approval document and a relinquishment agreement are prepared to document the issues and costs to relinquish the park-and-ride lot, including FHWA approval if applicable. Following the decision to relinquish the lot, the associated cost to relinquish, if any, shall be based on a benefit-cost analysis utilizing a ten-year analysis period, an assumed interest rate based on the escalation rate used in the STIP and SHOPP, and appropriate costs and benefits specific to the portion of the State highway segment in question. If the analysis determines that there is a cost to relinquish, see the “Cost to Relinquish and Benefit-Cost Analysis” heading.

## **Procedures that Apply to All Relinquishment Types**

### Relinquishment Agreements

A relinquishment agreement is needed when a transfer of funds, effort, or materials is necessary for the relinquishment. Relinquishment agreements are always required for legislative enactment relinquishments and for park-and-ride lot relinquishments. They are strongly recommended as a best practice for highway superseded by relocation relinquishments. At the district’s discretion, a relinquishment agreement can be prepared for any type of relinquishment. They can be used to document all the stakeholders’ commitments to the relinquishment after project construction, even if the agreement does not involve the transfer of funds, effort, or materials. Contact the Headquarters Cooperative Agreement Coordinator for questions or concerns regarding relinquishment agreements and available standard templates. For more information, see [Chapter 16](#) – Cooperative Agreements.

### 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 Design 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 Design will coordinate with Headquarters Division of Environmental Analysis for their review and approval of the initial site assessment report and 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 prior to 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 receipt of the initial site assessment report by the local agency must be acknowledged by the local agency within their resolution accepting the relinquishment.

### Cost to Relinquish

Caltrans is responsible for relinquishing roads that are well maintained and in operable condition. Major widening or other improvements (except safety work) should not be considered if the improvement would result in 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.

### Preparation of the Relinquishment Package

Preparation of the relinquishment package for CTC action is the responsibility of the Office of Land Surveys in the Headquarters Division of Right of Way and Land Surveys. Additional instructions on relinquishments are contained in Chapter 6 of the [Right of Way Manual](#). The Headquarters Division of Design is responsible for scheduling CTC action.

### 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.

#### Lack of Local Agency Agreement

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

#### 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 fact in the best interest of the State and not a gift of State funds.

## **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 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.

The 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 that has been superseded by relocation type of relinquishment, Section 73 does require 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 Caltrans cost estimate.

### **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 25-2. The first step is for the district staff and local agency to try to come to an agreement regarding the terms of the relinquishment. If the district staff cannot reach agreement with the local agency as to 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 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 following:

- 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 provide advice to 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 in an attempt to resolve differences. The Relinquishment Resolution Committee obtains input from the local agency and district. See the following section 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 prior to 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 as well as the Chief of the Office of Land Surveys in the Headquarters 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 to effect the relinquishment and serves as the basis by which the Relinquishment Resolution Committee will evaluate relevant 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.

### Contents

The relinquishment information sheet can be brief, but it must include the following 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 short 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 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, etc. (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 prior to 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, etc.
- Clear, legible maps and other attachments as appropriate that show the highway to be relinquished, the condition of the highway, and other features that are 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 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**

There may be situations where Caltrans determines that it is in the best interest of the State to relinquish a road 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 for inclusion 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 state of completeness of the district's initial relinquishment submittal, on when Headquarters Division of Design was notified of the problem, and on the amount of preparation time needed 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 shall 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 prior to 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. One or more Caltrans individuals will usually attend the CTC meeting to respond to CTC questions on specific issues.

### **Public Hearing Provided at California Transportation Commission Meeting**

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

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



Figure 25-2 Conflict Resolution Process

