PURPOSE

This manual change updates the following:

Section 6.11.00.00 (Vacations)

- Include information on use of a Record of Survey map as an alternative to Vacation mapping and requirements.
- Include statute law on Utility Reservations (6.11.04.01).
- Add reference to the California Coastal Commission (6.11.04.02).
- Provide guidance on internal routing prior to HQ processing (6.11.05.00).
- Updated guidance on internal routing when referencing to the California Coordinate System.

Section 6.12.00.00 (Relinquishments)

- Include information regarding Section 73.01 of the Streets and Highways Code that went into effect January 1, 2013, regarding relinquishment of Park and Ride Lots to county transportation commissions or regional transportation planning agencies.
- Provide guidance on internal routing prior to HQ processing (6.12.09.00).
- Include information on use of a Record of Survey map as an alternative to Relinquishment mapping and requirements.
- Updated requirements when referencing to the California Coordinate System.

Hyperlinks were updated and/or provided for applicable California Codes and Caltrans manuals.

PROCEDURES

Sections
6.11.00.00 Updates the process and procedures for Vacations.
6.12.00.00 Updates the process and procedures for Relinquishments.
EFFECTIVE DATE

Immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

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#CHAPTER 6

##RIGHT OF WAY ENGINEERING

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6.11.01.00  General

A vacation is an action by the California Transportation Commission (CTC) by which the public right of use is removed from State highway right of way, which is held as an easement (Section 8309 of the Streets and Highways (S&H) Code). The easement is removed from the title of the underlying fee owner by vacation procedures described in the following sub-Sections. If State right of way is held in fee, the land should be disposed of as described in Section 6.13.00.00 of this manual.

In addition to a vacation, an alternative method of the disposal of easement areas would be by Director’s Deed in accordance with Section 118 of the S&H Code. Cost effectiveness is the basis for determining which method is used.

6.11.02.00  Local Agency Consent

Section 8330.5 of the S&H Code - requires that a superseded highway, or portion thereof, to be vacated, must first be offered for relinquishment to the local agency.

Section 8313 of the S&H Code - requires that a vacation should not conflict with the local master plan in effect for the area.

Section 892 of the S&H Code - requires that highway right of way shall not be vacated until the local agency has indicated it does not need the right of way for nonmotorized transportation, as defined in Section 887 of the S&H Code.

All vacations shall be offered to local agencies using the sample letter shown in Exhibit 6-EX-6 of this manual, which explains provisions of each Section of the S&H Code in detail. If a Right of Way (R/W) contract predates former Section 2381 (now Section 892), which was the first of the above three sections to be added to the S&H Code (September 30, 1975), a statement may be added to the letter that refers to the R/W contract. A second letter should be sent to the local agency, certified mail return receipt requested, if no reply is received within 90 days of the first letter.

NOTE: If particular local agencies have a history of “non replies” in your District, use Certified Mail and request a “Return Receipt” for the first letter.

It is the policy of the Office of Land Surveys at Headquarters (HQ) that a R/W contract signed prior to September 30, 1975 providing for vacation of superseded State highway to the grantor does not preclude compliance with the above noted sections of the S&H Code. Any local agency with plans to use the area proposed for vacation will be referred back to Caltrans Legal Division for final disposition. That portion of a R/W contract providing for vacation that is signed after this date is invalid unless consent of the local agency has already been obtained.

Local agency clearance is not required for vacation of highway right of way across Federal lands.

6.11.03.00  Status of Vacations

The District shall prepare and maintain an up-to-date listing of vacations that need to be completed. The list should include current status and reasons for any delay in completing the vacation process on schedule. The status shall contain sufficient information to describe without undue investigation the latest completed step in the vacation process. The listing will be submitted to HQ on a quarterly basis.
Vacations shall be entered on the status not later than 30 days after award of a construction contract for a project that contains highway right of way requiring vacation.

Vacations that are a result of policy change but are not connected with new construction projects shall be entered on the vacation status within 90 days of the issuance of the policy change.

Vacations that are a result of right of way requirement changes not connected with new construction projects shall be entered on the vacation status at the time right of way changes are completed on R/W Record Maps.

**6.11.04.00 Legal Description**

Legal descriptions of State highway right of way to be vacated may be described in general terms sufficient to identify the area to be vacated, provided definite terminal limits are described. Where the highway right of way to be vacated is adjacent to the new State highway, the common boundary between right of way to be vacated and right of way to be retained must be described or defined by some recorded reference or by an actual description of said line.

Caltrans may file vacation maps in State Highway Map Books (Sections 128 and 129 of the S&H Code) or record a Record of Survey Map which depicts the proposed segments to be vacated. The vacation is referenced to the filed/recorded maps. The maps must contain the same basic information required when a vacation is entirely by legal description.

Requirements for Vacation Maps are described in Section 4-14 of the Plans Preparation Manual.

Requirements for Record of Survey Maps are described in Section 8762, et seq., of the Business and Professions Code and must be made under the direction of a licensed Land Surveyor or pre-1982 registered Civil Engineer, as required by State law. An additional guide is available from the County Engineers Association of California, titled Guide to the Preparation of Records of Survey and Corner Records.

**6.11.04.01 Utility Reservations**

No vacation recommendation should go to the CTC without first determining the presence of any utility encroachments. This will require close working relations between R/W Engineering and District Utilities, Permits and Maintenance functions.

Whenever facilities belonging to utility owners are within the area to be vacated, Districts will notify the owners of the proposed vacation. Unless Caltrans can demonstrate that the public convenience and necessity do not require utility reservations as provided in Sections 8340 and 8341 of the S&H Code, a clause will be included in the legal description used for vacation.

A separate reservation clause identifying each affected utility company will be included in the legal description as follows:

EXCEPTING AND RESERVING to the (name of owner, e.g., Pacific Telephone and Telegraph Co.) an easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge the existing public utility facilities, namely, (insert description of the facilities with as much specificity as possible, e.g., underground telephone lines) and facilities incidental thereto, including access to protect the property from all hazards, in, upon, under and over the highway herewith vacated.
Care should be exercised in using this clause when the vacation is over Federal lands. If Caltrans acquired a highway easement from a Federal agency, it is possible that the vacation may terminate all prior rights upon cessation of highway use. In this case, the utility company should apply for rights from the Federal agency.

### 6.11.04.02 Access Restrictions

If access is to be restricted between the vacated road and an adjacent State freeway, the following clause is to be added at the end of the legal description:

```
EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the highway hereby vacated in and to the adjacent and adjoining freeway, except at such points as now are or may be established by resolution of this Commission.
```

It should be noted that Section 30609.5 of the Public Resources Code (PRC) restricts the sale or transfer of State lands located between the first public road and the sea. Said restrictions preserve existing or potential access rights to and along a sea. If a proposed vacation has potential impact to such rights, District should consult with the California Coastal Commission.

### 6.11.05.00 Scheduling Vacation Resolutions

The District Director shall appoint staff with the duty of preparing requests for all vacation resolutions. Each request shall be assigned a request number. This number shall be the basic reference when communicating with HQ regarding a specific resolution.

Prior to submittal of vacation proposals to HQ, they should be circulated through the various internal District functions for their review and comment. Commonly contacted functional areas are Design, Construction, Maintenance, Traffic Operations, Excess Lands, Environmental Planning, Right of Way Utilities, and others.

In order to prevent premature CTC action on vacations, HQ will obtain written clearance from the District prior to scheduling specific requests on the CTC’s agenda. District clearance may be in the form of a letter or e-mail which clearly states the vacation is clear to proceed to the CTC for action.

### 6.11.06.00 Preparation of Requests

The request for vacation resolution by the CTC shall be prepared and submitted to the Chief, Office of Land Surveys, Division of Right of Way and Land Surveys, Attention: Relinquishment and Vacation Coordinator, with the personal recommendation of the District Director. The request shall be in the form of a District Vacation Request Memorandum.

The memo may be submitted electronically and shall contain the following information:

1. District, County, Route, Postmile Range.
   * Include number of segments.
   * Include name of the local agency where the relinquishment is located.
   * Include Contract Number and Project Limits.
   * Include date of acceptance or anticipated date of construction completion.

2. Describe location of proposed vacation by descriptive limits. An example would be to reference the beginning and end points to the nearest existing definable point on the ground, such as a road, street, river or county line. A specific tie to a city limit should never be used because city limits are subject to frequent change.
3. State the manner in which the State acquired title to the segments to be vacated.

4. State whether the property owner will be cut off from access by reason of the vacation (Section 8330.5(c) of the S&H Code).

5. If this vacation is a R/W contractual obligation, attach a copy of the R/W contract.

6. If a utility reservation is necessary, include the reservation needed in the legal description and list the name of the utility owner.

7. State whether or not access rights are to be reserved and give details.

8. Describe any special conditions that may exist:
   a. Is the proposed vacation within U.S. Forest Service land?
   b. Does the proposed vacation involve a railroad grade crossing? Include the Public Utility Commission decision number by which consent was given.
   c. Can the proposed road be used for stock trail purposes? Give District recommendation (Section 105 of the S&H Code).
   d. Can the superseded road be used for maintenance stockpile areas?
   e. Does the vacation involve Tribal Lands? Give District recommendation.
   f. Include any additional comments.

9. State whether the vacation complies with Sections 892, 8313, and 8330.5 of the S&H Code. This statement is used by HQ when preparing agenda letters recommending approval of vacation resolutions by the CTC.

10. State whether the vacation involves public access to the sea (Section 30609.5 of the PRC).

NOTE: Mileage of highway proposed to be vacated does not need to be submitted.

In addition to the District Vacation Request Memorandum, the following items shall be included in the vacation request package. This package may be submitted in digital format and e-mailed as attachments, such as pdf, except for the legal description which must be on bond paper, signed and sealed by a licensed land surveyor, and mailed.

A. Two original copies of the legal description of the right of way to be vacated. Vacation descriptions shall be submitted, double-spaced, on 8-1/2" x 11" good quality paper (bond) acceptable for recording, with 1-1/2" margin at the top and 1" margin at the bottom and sides, except the last page shall have a 3" minimum margin at the bottom. Legal descriptions should include utility and/or access clauses, if applicable.

B. A copy of the letter from Caltrans to the local agency regarding Sections 892, 8313, and 8330.5 of the S&H Code and a copy of the letter from the local agency affected, stating it has no objection to the vacation. In the absence of a letter from the local agency, a copy of both sides of the certified mail and signed return receipt showing proof of a second attempt to notify the local agency is sufficient.
C. One set of unrecorded vacation maps. After HQ review and approval of the unrecorded maps, the District will be requested to record the maps and submit a copy of the recorded map for inclusion in the vacation package to be forwarded for review to Design and Legal at Headquarters. If a Record of Survey map is to be used instead of a vacation map, the Record of Survey must clearly show the area to be vacated and must not unduly delay the vacation process.

NOTE:

a. When bearings and distances used on maps or in legal descriptions are based on the California Coordinate System, identify the datum (NAD 1927 or NAD 1983), datum tag (adjustment), epoch, and state the zone.

For additional information on datums, see Chapter 4 of the Surveys Manual and Section 8801, et seq., of the California Public Resources Code.

b. The final maps or legal descriptions shall include: the signature, seal, date of signing, and expiration date of the license on the title sheet of the relinquishment map or legal description by the person in responsible charge (Section 8761 of the Business and Professions Code).

6.11.07.00 Recordation of Vacations

The District, upon receipt of certified copies of the CTC’s resolution authorizing the vacation of highway right of way, shall file a certified copy with the county (Board of Supervisors) and record a certified copy in the Recorder’s Office of the county in which the vacated right of way is located. Upon such recordation, the vacation is complete.

The District shall submit to HQ for filing, a copy of the recorded CTC vacation resolution. The District shall also update the Right of Way Record Maps to reflect changes made by the approved vacation and inform the District’s Maintenance Office and other interested offices in the District of the approved vacation.
6.12.00.00 - RELINQUISHMENTS

6.12.00.01 General

A relinquishment is a conveyance of all rights, title and interest to a State highway, or portion thereof, to a county or city (Section 73 of the Streets and Highways (S&H) Code), and specific to park and ride lots, to a county transportation commission or regional transportation planning agency (RTPA) (Section 73.01 of the S&H Code). It must be approved through a resolution by the California Transportation Commission (CTC).

For additional information on the Relinquishment process, see Chapter 25 of the Project Development Procedures Manual.

6.12.00.02 Definitions

The following list includes definitions to common terms used throughout this section. Links and references to applicable laws, codes and references have been made to assist with further definition and context usage.

Collateral Facilities: a commonly used term for roads and appurtenances constructed in connection with a freeway or conventional highway project not needed for continuity of the State freeway or State highway. Examples are frontage roads, road connections, relocated or reconstructed roads and cul-de-sacs, and areas used by pedestrians, bicyclists, and equestrians. Facilities that are appurtenant may include landscaping, slope, and drainage or basin areas.

Freeway: highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. (Section 23.5 of the S&H Code)

Highway: includes bridges, culverts, curbs, drains, and all works incidental to highway construction, improvement, and maintenance. (Section 23 of the S&H Code)

Legislative Deletion: using legislative action to delete a portion of a state highway from the State Highway System that no longer serves interregional or statewide transportation needs.

Nonmotorized Transportation Facility: pedestrian ways, bikeways, and equestrian ways. (Section 887 of the S&H Code)

Park and Ride Lot: 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 rail services.

State of good repair: term used to mean a safe, drivable, well-maintained road, as used in Section 73 of the S&H Code. It does not include betterment or capacity increasing improvements.

Superseded Alignment: a state highway that has been built (relocated) or realigned from the existing alignment.
6.12.01.00 Policy

It is the policy of the California Department of Transportation (Caltrans) to relinquish all interests in State highways deleted by legislative enactment, State highways superseded by relocation, and adjacent public ways (collateral facilities) which have been constructed as part of a highway project but are not essential to the proper functioning of the State highway facility (Sections 73 and 73.01 of the S&H Code).

Relinquishments are unnecessary for adjacent public ways improved as part of a State highway project if there was no additional acquisition of title. These adjacent public ways lie outside of Caltrans’ normal operating right of way.

Relinquishment policy for projects financed solely from State funds is similar to Federal Aid projects (see Code of Federal Regulations, Title 23: Highways, Part 620, Subpart B-Relinquishment of Highway Facilities). Federal and State authorities have agreed to acceptable relinquishment procedures on all Federal Aid projects. The procedures are as follows:

A. Sections of the State highway superseded by construction on a new location are usually relinquished to local authority for control, maintenance and operation. According to Section 73 of the S&H Code, 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 of the S&H Code, in a state of good repair.

Under these circumstances, a section of highway superseded by construction of a new project, approved by the Federal Highway Administration (FHWA) as the new location of the particular Federal Aid route, is not a part of the Federal Aid highway system and the superseded section may be disposed of without referral to the FHWA. Federal Aid funds may not participate in rehabilitation work performed for the purpose of placing the road to be relinquished in a condition acceptable to the local authority.

B. In connection with freeway projects, reconstructed local facilities, that are located outside access control lines, such as turnarounds of severed local roads or roads adjacent to the freeway right of way, and local roads and streets crossing over or under the project that have been adjusted in grade and/or alignment, including any new right of way required for adjustments, are relinquished to local authorities for control, maintenance and operation. Structures over or under the freeway within the State highway right of way lines are retained under State jurisdiction.

Under these circumstances, the State obtains custody of the local facilities. Any new right of way required for adjustments, and only for the time necessary for performing the construction involved in the adjustments, never become a part of the State highway system or Federal Aid highway system. These local facilities may be allowed to revert to local custody without referral to the FHWA. Eligibility of such adjustments for Federal Aid participation is as determined at time of Plans, Specifications & Estimates (PS&E) approval under policies of the FHWA.
C. Frontage roads, or portions of frontage roads not necessary as extensions of freeway ramps to connect the freeway with the nearest crossroads or streets, are constructed generally parallel to and outside of the access control lines of the freeway. This permits access to private properties, and thus reduces or eliminates claims for severance damages by those whose access rights are affected by freeway construction. This also restores local travel circulation that has been disrupted by the severing or adjustment of local streets and roads. Such frontage roads, or portions thereof, are relinquished to the local authority for control, maintenance and operation.

Frontage roads constructed under these conditions are not a necessary part of the State highway system or the Federal Aid system and may be relinquished to local public authority without referral to the FHWA. Eligibility of such frontage roads for Federal Aid participation will be as determined at the time of PS&E approval under policies of the FHWA.

D. Frontage roads, or portions of frontage roads outside access control lines of the freeway, are constructed to serve (in lieu of or in addition to the purposes outlined under C. above) as connections between ramps to or from the freeway and existing public roads or streets. In effect, these become part of the ramps, and are retained in the custody of the State for control, maintenance and operation. A frontage road, or portion of a frontage road, which serves as an extension of a ramp from a freeway to a local public road or street, is necessary to the intended functioning of the Federal Aid freeway and may not be released from State jurisdiction without approval of the FHWA.

E. Ramps are constructed to serve as connections for interchange of traffic between the freeway and local roads or streets. Ramps are generally within project access control lines for the full length except at the point of connection with the local road or street. Ramps are retained in the custody of the State for control, maintenance and operation.

All ramps constructed to serve for interchange of traffic between the freeway and local roads or streets are necessary for the intended functioning of the Federal Aid freeway and may not be released from State jurisdiction without approval of the FHWA.

The State may relinquish to local government jurisdictions, without referral to the FHWA, on a project-by-project basis items A., B., and C. above, subject to the following conditions and understandings:

- Immediately following action by the CTC in approving relinquishment to local governmental jurisdiction of facilities in which there has been participation of Federal Aid funds, Caltrans will furnish the FHWA Division Engineer, for record purposes, a copy of a suitable map, or maps, identified by the Federal Aid project number and the date of the CTC action, clearly delineating the facilities to be relinquished.

- If at any time after relinquishment the relinquished facility is required for proper operation of the Federal Aid freeway, Caltrans will take immediate action to restore such facility to State jurisdiction.

- If at any time a relinquished frontage road, or portion thereof, or any part of the right of way therefore, has been vacated by local governmental authority and a showing cannot be made that the vacated facility is no longer required as a public road, the FHWA may withhold Federal Aid highway funds due the State an amount equal to the Federal Aid participation in the vacated facility.
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 prior approval from the FHWA.

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.

6.12.02.00 Numbering

A number is given to each continuous segment of legislative deletion, superseded State highway, or collateral facility proposed to be relinquished to a single local agency. A continuous segment includes all contiguous rights of way, including slope and drainage easements, and is given a single number. Legislative deletions, superseded highway, and collateral facilities are identified by separate numbers (e.g., Segment 1, Segment 2, etc.).

Park and ride lots proposed to be relinquished to a county transportation commission or RTPA are given a separate segment number for each distinct park and ride lot.

A collateral facility that is one continuous segment on the freeway agreement map will generally carry one segment number on the relinquishment map.

Exceptions may be made in the above-numbering procedure when necessary to expedite the relinquishment process or to clarify unusual situations. Exceptions should be explained in the Relinquishment Request submitted to the Office of Land Surveys at Headquarters (HQ).

6.12.03.00 Status of Relinquishments

The District shall prepare and maintain an up-to-date listing of relinquishments that need to be completed. The list should include current status and reasons for any delay in completing the relinquishment process on schedule. The status shall contain sufficient information to describe without undue investigation the latest completed step in the relinquishment process. The listing will be submitted to HQ on a quarterly basis for inclusion in the Division report on Deferred Relinquishments, as required by Deputy Directive DD-52.

Relinquishments shall be entered on the status not later than 30 days after award of a construction contract for a project that contains highway right of way requiring relinquishment.

Relinquishments that are a result of policy change but that are not connected with new construction projects shall be entered on the relinquishment status within 90 days of issuance of the policy change.

Relinquishments that are a result of right of way requirement changes not connected with new construction projects shall be entered on the relinquishment status at the time right of way changes are completed on Right of Way Record Maps.
6.12.04.00 FHWA Approval

FHWA approval of a proposed relinquishment is required when any portion of the proposed relinquished right of way lies within access control lines as shown on the plans for a Federal Aid project previously approved by the FHWA.

Design determines when access rights are no longer needed. They obtain necessary approvals for disposal from the FHWA. Access rights proposed to be relinquished should be brought to the attention of Design by Right of Way Engineering at the earliest practicable time. This will give Design adequate time to obtain FHWA approval and prevent delay in relinquishment processing. Right of Way Engineering relinquishment files should document the coordinating effort with Design.

Relinquishment requests submitted to HQ involving access rights no longer needed for freeway purposes will contain either a copy of the FHWA approval letter or a statement that Design has obtained FHWA approval.

6.12.05.00 Local Agency Consent

Section 73 of the S&H Code authorizes relinquishment only in four situations:

A. Where a State highway has been deleted from the State highway system by legislative enactment.

B. When a State highway or portion thereof has been superseded by relocation.

C. Where frontage or service roads, or outer highways, having a right-of-way of at least 40 feet in width, have been constructed as part of a State highway project but do not constitute a part of the main traveled roadway.

D. Any nonmotorized transportation facility, as defined in Section 887 of the S&H Code, that has been constructed as part of a State highway project and does not lie within the main traveled way.

In the first two situations, the relinquishment may be made without the consent of the local agency. In the third and fourth situations, the local agency’s consent is required. Normally, this consent is given in an agreement or by resolution adopted by the local agency, in a clause which provides for the local agency to accept control and maintenance over each of the “... relocated or reconstructed city streets (or county roads), frontage roads and other State-constructed local roads...” and “... will also accept title to the portions of such roads lying outside the State highway limits upon relinquishment by the State.”

If a local agency protests a relinquishment proposal, the District will follow procedures set forth in Chapter 25, Article 6 of the PDPM.

A county transportation commission or RTPA may request the relinquishment of a park and ride lot (Section 73.01 of the S&H Code). An agreement is required between Caltrans and a county transportation agency or RTPA providing for the relinquishment.

For additional information on Cooperative Agreements, see the Cooperative Agreement Manual and Chapter 16 of the PDPM.

For additional information on Freeway Agreements, see Chapter 24 of the PDPM.

For additional information on nonmotorized transportation facilities, see Chapter 31 of the PDPM.
6.12.05.01  Changes Subsequent to Agreement

When changes occur in the project after an agreement has been executed, an amendment to the original agreement is recommended. In the absence of an amended agreement, or in situations which are appropriate for relinquishment and are not covered by an agreement, a Resolution of Acceptance or Letter of Consent from the legislative body of the county (Board of Supervisors) or city (City Council) shall be forwarded to HQ with the letter of transmittal requesting the relinquishment resolution. It may save time to have included in the resolution or letter a waiver of the 90-Day Notice of Intention to Relinquish, as required by Section 73 of the S&H Code.

6.12.06.00  Ramp Junction Limits

It is the policy of Caltrans to acquire access rights and to protect such rights with appropriate fencing along interchange ramps to their junctions with the local road system. Details regarding this policy are stated in the Highway Design Manual.

It is the policy of Caltrans that roads that have been constructed as parts of State highway projects, but which will become part of the local road system upon relinquishment, to establish cutoff lines between ramps and roads to be relinquished along normal right of way lines of the local road system of which the roads will become a part. In most cases, cutoff lines will be between the ends of access control fences constructed to protect ramp access rights. Sound engineering judgment must be used in the application of this policy. In no case may facilities, which are essential to proper flow of traffic on freeways, be relinquished. In cases of doubt, Design must be consulted.

6.12.07.00  Park and Ride Facilities

Caltrans constructs, maintains, and operates parking facilities located along the state highway system. Such facilities are considered a part of the state highway (Sections 146.5 and 148 of the S&H Code). If it is considered in the best interests of the state and there is an agreement with a local agency, these facilities can be relinquished to a city or county (Section 73 of the S&H Code).

In January 2013, Section 73.01 of the S&H Code became law, which allows the CTC to relinquish to county transportation commissions or RTPAs, park and ride lots that are within their respective jurisdictions. An agreement is required between Caltrans and the county transportation commission or RTPA. As a part of the agreement, the commission or agency must maintain, at a minimum, the same number of parking spaces as were maintained by Caltrans at the time of the relinquishment.

For additional information on Park and Ride Lots, see the Park and Ride Program Resource Guide, provided by the Division of Traffic Operations.

6.12.08.00  Legal Description

Legal descriptions of State highway right of way, deleted by legislative enactment or superseded by relocation, may be described in general terms sufficient to identify the area to be relinquished, provided definite terminal limits are described. Where the superseded highway is adjacent to the new State highway, the common boundary between right of way to be relinquished and right of way to be retained must be described or defined by some recorded reference or by an actual description of said line.
Caltrans may file relinquishment maps in State Highway Map Books (Sections 128 and 129 of the S&H Code) or record a Record of Survey map which depicts the proposed segments to be relinquished. The relinquishment is referenced to the filed/recorded maps. The maps must contain the same basic information required when a relinquishment is entirely by legal description.

Care should be taken when using a Record of Survey to show the relinquishment segments. It is Caltrans policy to relinquish as soon as possible after completion of the related construction project. A relinquishment should not be delayed because of a lengthy amount of time required to gain County Surveyor approvals and to record a Record of Survey.

Requirements for Relinquishment Maps are described in Chapter 4-13 of the Plans Preparation Manual.

Requirements for Record of Survey Maps are described in Section 8762, et seq., of the Business and Professions Code and must be made under the direction of a licensed Land Surveyor or pre-1982 registered Civil Engineer, as required by State law. An additional guide is available from the County Engineers Association of California, titled Guide to the Preparation of Records of Survey and Corner Records.

6.12.08.01 Frontage Roads or Relocated Public Roads

Frontage roads or relocated public roads that will constitute new public roads (as distinguished from a superseded existing road) must have their boundary fully described. This requirement may be fulfilled by giving either the correct centerline description with right of way widths stated, a metes and bounds description, or a description referring to maps filed in the State Highway Map Books. The reason for the distinction between frontage roads or relocated public roads, and superseded public roads, is that the width and location of the superseded road can be determined by record. The construction of a frontage road or relocation of a public road to accommodate the new State highway creates a new road or roads that did not exist prior to construction.

6.12.08.02 Relinquishment over Federal Lands

Care should be exercised when contemplating a relinquishment of State highway over Federal lands. If Caltrans acquired a highway easement from a Federal agency, it is possible that the easement is not transferable and must be vacated, with a new easement conveyed from the Federal agency to the local agency in a separate arrangement.

If that is the case, it is advisable for Caltrans, the local agency, and the Federal agency to agree beforehand as to what procedures will be acceptable to all parties.

6.12.08.03 Excess Land

It is the policy of Caltrans to dispose of excess land by Director’s Deed. The relinquishment statutes apply only to the conveyance of highway right of way. Therefore, care should be taken that relinquishment descriptions do not include any land outside the highway right of way lines. Only small portions of land that are unsalable or of nominal value that have been included within the right of way lines may be relinquished as part of the highway right of way.

If there is excess land along the route of a proposed relinquishment, the relinquishment maps and legal descriptions must clearly show by exception or exclusion the excess land that is not a part of the relinquishment.

For additional information on Excess Lands, see Chapter 16 of this manual.

For additional information of Director’s Deeds, see Section 6.13.00.00 of this chapter.
6.12.08.04  Access Restrictions

Access will not be reserved to the State on lines between private property and the road to be relinquished.

If access is to be restricted between the relinquished road and an adjacent State freeway, the following clause will be added at the end of the legal description:

EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the highway hereby relinquished in and to the adjacent and adjoining freeway, except at such points as now are or may be established by resolution of this Commission.

6.12.09.00  Scheduling Relinquishment Resolutions

The District Director shall appoint staff with the duty of preparing requests for all relinquishment resolutions. Each request shall be assigned a request number. This number shall be the basic reference when communicating with HQ regarding a specific resolution.

Prior to submittal of relinquishment proposals to HQ, they should be circulated through the various internal District functions for their review and comment. Commonly contacted functional areas are Design, Construction, Maintenance, Traffic Operations, Excess Lands, Environmental Planning, Right of Way Utilities, and others.

In order to prevent premature CTC action on relinquishments, HQ will obtain written clearance from the District, prior to scheduling specific requests on the CTC’s agenda. District clearance may be in the form of a letter or e-mail, which clearly states the relinquishment is clear to proceed to the CTC for action.

Relinquishment requests are to be forwarded to HQ at least four months prior to completion of construction. This allows time for the 90-day notification period to the local agency to elapse and permit presentation of the resolution to the CTC immediately after the project is completed.

Where counties and cities object to receiving the 90-day notice prior to completion of construction, the District should notify HQ to delay issuance of the Notice of Intention to Relinquish.

Submittals of relinquishment requests to HQ for freeway collateral facilities are not to be delayed in the District pending proposed freeway planting contracts. Where planting contracts will affect relinquishment, the District shall enter into a cooperative agreement at an early enough date so the agreement will be executed prior to completion of the construction contract. Any difficulty in securing a cooperative agreement that will delay relinquishment of the collateral facilities is to be referred to HQ with full details.

6.12.10.00  Preparation of Requests

The request for relinquishment resolution by the CTC shall be prepared and submitted to the Chief, Office of Land Surveys, Division of Right of Way and Land Surveys, Attention: Relinquishment & Vacation Coordinator, with the personal recommendation of the District Director. The request shall be in the form of a District Relinquishment Request Memorandum.

The memo may be submitted electronically and shall contain the following information:

1. District, County, Route, Postmile Range.
   • Include number of segments.
   • Include name of the local agency where the relinquishment is located.
   • Include Contract Number and Project Limits.
   • Include date of acceptance or anticipated date of construction completion.
2. Describe location of proposed relinquishment by descriptive limits. An example would be to reference the beginning and end points to the nearest existing definable point on the ground, such as a road, street, river or county line. A specific tie to a city limit should never be used because city limits are subject to frequent change.

3. Type of relinquishment:
   - Deleted by legislative enactment. Provide Senate/Assembly Bill No. and date.
   - Superseded State highway.
   - Frontage road, Service Road, Outer Highway.
   - Nonmotorized Transportation Facilities, i.e., pedestrian, bicycle, or equestrian ways.
   - Park and Ride Lot (county transportation commission or regional transportation planning agency – RTPA’s).

4. Federal Aid number, if applicable (see Section 6.12.04.00), and a statement that the relinquishment complies with the Code of Federal Regulations 23 CFR 620.203(i), as follows:
   (1) The lands to be relinquished will not be needed for Federal Aid highway purposes in the foreseeable future;
   (2) The right of way being retained is adequate under present day standards for the facility involved;
   (3) The relinquishment will not adversely affect the Federal Aid highway facility or the traffic thereon;
   (4) 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.

5. State that all right of way has been acquired and that fee and/or easement title vests in the State.

6. State whether or not access rights are to be reserved and give details.

7. State whether the proposed relinquishment conforms to the approved plans and if discrepancies exist. Include reasons for the discrepancies.

8. State if frontage roads, service roads and outer highways are under the minimum width of 40 feet and are shown in the freeway agreement. Attach a copy of the Resolution of Acceptance or Letter of Consent by the local authority if the facility does not meet the minimum width.

9. State whether highway facilities are in good repair in accordance with Section 73 of the S&H Code, whether State funding is involved, and if so, state date when funding request will be before the CTC.

10. State whether the proposed relinquishment has been reviewed with the local agency within the past year. If a protest is probable, this should be stated in the request reporting the kind of protest and action to be taken. Consult the Project Development Procedures Manual, Chapter 25, Article 6, if a local agency protests a relinquishment proposal.

11. Describe any special conditions that may exist:
   a. Is the proposed relinquishment within U.S. Forest Service land?
   b. Does the proposed relinquishment involve a railroad grade crossing? Include the Public Utility Commission decision number by which consent was given.
   c. Can the proposed road be used for stock trail purposes? Give District recommendation. (Section 105 of the S&H Code)
   d. Does the relinquishment involve Tribal Lands? Give District recommendation.
   e. Include any additional comments.
12. State whether there are any pending minor contracts and explain.

13. State whether any highway planting is covered by a cooperative agreement.

14. Include Segment details in a tabular form:

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<th>Segment</th>
<th>Begin PM</th>
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<th>Type**</th>
<th>Typ. Hwy Lanes (#)</th>
<th>C/L Miles</th>
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* Lane Miles = (Typical Hwy Lanes) x (C/L Miles)

** Type of Relinquishment:
A. Legislative Enactment – Senate / Assembly Bill No. ______, dated ______
B. Superseded State Highway
C. Frontage Road, Service Road, Outer Highway
D. Nonmotorized Transportation Facility
E. Park and Ride Lot

Mileage will be noted for superseded highway, frontage roads, and connecting road type parcels. Mileage should not be shown in the legal description, on maps, or for parcels that contain only cul-de-sacs, alleys or reconstructed county roads. In cases where frontage roads and reconstructed local roads are combined as one parcel, show mileage for the frontage road portion only and note it as “mileage added.”

In addition to the District Relinquishment Request Memorandum, the following items shall be included in the relinquishment request package. This package may be submitted in digital format and e-mailed as attachments, such as pdf, except for the legal description which must be on bond paper, signed and sealed by a licensed land surveyor, and mailed.

A. Two original copies of the legal description of the right of way to be relinquished. Relinquishment descriptions shall be submitted, double-spaced, on 8-1/2” x 11” good quality paper (bond) acceptable for recording, with 1-1/2” margin at the top and 1” margin at the bottom and sides, except the last page shall have a 3” minimum margin at the bottom. Legal descriptions should include an access clause, if applicable.

B. One set of unreleased relinquishment maps. After HQ review and approval of the unreleased maps, the District will be requested to record the maps and submit a copy of the recorded map for inclusion in the relinquishment package to be forwarded for review to Design and Legal at Headquarters. If a Record of Survey map is to be used instead of a relinquishment map, the Record of Survey must clearly show the area to be relinquished and must not unduly delay the relinquishment process.

NOTE:

a. When bearings and distances used on maps or in legal descriptions are based on the California Coordinate System, identify the datum (NAD 1927 or NAD 1983), datum tab (adjustment), epoch, and state the zone.

For additional information on datums, see Chapter 4 of the Surveys Manual and Section 8801, et seq., of the California Public Resources Code.
b. The final maps or legal descriptions shall include: the signature, seal, date of signing, and expiration date of the license on the title sheet of the relinquishment map or legal description by the person in responsible charge (Section 8761 of the Business and Professions Code).

c. If relinquishment maps do not show construction features, they shall be accompanied by one additional set of maps, such as marked up layout sheets, which show the proposed relinquishment and also features of construction shown on the approved plans.

6.12.11.00 Processing

There is no legal requirement for the consent from the legislative body of the county (Board of Supervisors) or city (City Council) to relinquish superseded portions of State highways. However, in the interest of courtesy and cooperative effort, District Directors will contact local authorities and advise them of the impending action and their responsibility for future maintenance before recommending relinquishment to HQ.

As required by Section 73 of the S&H Code, HQ will forward to the county or city a “90-Day Notice of Intention to Relinquish” letter on all superseded highways, frontage roads, service roads, outer highways or nonmotorized transportation facilities. (Note: the local agency may choose to waive this requirement by inclusion of wording in an agreement or resolution.) This letter will be sent by certified mail with a return receipt requested. The Notice of Intention to Relinquish will contain a copy of the proposed CTC resolution together with a set of relinquishment maps. Copies of the proposed CTC resolution will also be forwarded to the District. After the 90-day notice period, and clearance from the District, the proposed CTC resolution will be submitted to the CTC. If adopted, a certified copy of the approved CTC resolution will be recorded by the District. After CTC action, HQ will send a certified copy of the relinquishment to the county (Board of Supervisors) or city (City Council) and will advise them that the relinquishment will become effective upon recordation by District staff.

When processing has been completed, the District shall forward a copy of any relinquishment involving National Forest Lands to the local National Forest Representative.

6.12.12.00 Recordation of Relinquishments

The District, upon receipt of a certified copy of the CTC’s resolution authorizing the relinquishment of highway right of way, shall record such certified copy in the Recorder’s Office of the county in which the relinquished right of way is located. Immediately upon recordation, the District shall inform, by letter, the county (Board of Supervisors) or city (City Council), that the relinquishment has been recorded, giving full recordation data.

The District shall submit to HQ for filing, a copy of the letter sent to the local agency and a copy of the recorded CTC relinquishment resolution. The District shall also update the Right of Way Record Maps to reflect changes made by the approved relinquishment and inform the District’s Maintenance Office and other interested offices in the District of the approved relinquishment.