

# Memorandum

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To: DEPUTY DIRECTORS  
DISTRICT DIRECTORS  
DIVISION CHIEFS  
DEPUTY DISTRICT DIRECTORS  
PLANNING AND DESIGN

Date: October 4, 2005

File: 610.22

From:   
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Subject: Relinquishment of State Highways by Legislative Enactment

This memorandum rescinds former Chief Engineer Brent Felker's memorandum, "Relinquishment of State Highways," dated April 9, 2003. The attached revision to Chapter 25, "Relinquishments," of the Project Development Procedures Manual (PDPM) establishes procedures for the relinquishment of state highways by legislative enactment and defines the roles and responsibilities of headquarters and districts in the process. This revision supersedes the current version of Chapter 25 of the PDPM dated December 30, 1999.

Section 73 of the Streets and Highways Code allows the California Transportation Commission (CTC) to relinquish state highways. Types of relinquishment include: deletion of a state highway by legislative enactment, superseding the existing State Highway by relocation, or an agreement with a local agency to accept collateral facilities that are not part of the main traveled way and are constructed by a state highway project.

Potential relinquishments by legislative enactment can be proposed by either the Department or the appropriate local agency and consist of state highway segments that do not serve inter-regional or statewide transportation needs. The attached procedures and accompanying flowchart outline the processes to be followed during any such relinquishment.

Prior to pursuing any relinquishment by legislative enactment, the district shall obtain concurrence from the Division of Transportation Planning that the route or route segment is no longer an appropriate state highway.

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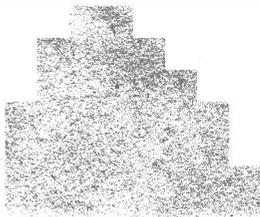
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Once concurrence from the Division of Transportation Planning is obtained, the district is responsible for negotiating the terms of the relinquishment with the local agency that will accept ownership of the facility. This negotiation must be processed through the Relinquishment Advisory Committee as outlined in the attached guidelines.

It is important to note that the Department is under no statutory obligation to put the facility in a "state of good repair," construct improvements or betterments, or incur any financial obligation. The legislation enacted to relinquish the state highway will typically require that the transaction be "in the best interest of the State." This can be demonstrated by the preparation of a benefit-cost analysis that recognizes certain anticipated savings to the Department in terms of reduced maintenance and operations costs, previously anticipated capital improvements, and permitting costs.

The CTC has final authority for the relinquishment, including approval of any costs to relinquish.

Attachments



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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, requires a relinquishment approved by the California Transportation Commission (CTC). There are three types of relinquishments: relinquishment by legislative enactment, relinquishment by superseding with a new state highway, and relinquishment of collateral facilities. This chapter will discuss the procedures for each type of relinquishment and when costs are to be considered.

### 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 facilities – those local streets and roads that were built or modified during the course of a state highway project.

Relinquish – the act of turning over to another entity the property rights, liability and maintenance responsibilities of a portion of a state highway.

Relinquishment Advisory Committee (RAC) – a committee of Headquarters managers representing Design, Transportation Planning, Transportation System Information, Programming, Maintenance, Traffic Operations and Legal that evaluates cost to relinquish calculations, if any, to verify that they meet the best interest of the state criteria.

Relinquishment by legislative enactment – using legislative action to delete a portion of a state highway from the State Highway System that no longer serves inter-regional or statewide transportation needs.

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

Relinquishment by superceding – a state highway has been realigned or built on an alignment that is different than the existing alignment making the old alignment redundant.

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

Relinquishment of collateral facilities – those local streets and roads that were built or modified during the course of a state highway project and are no longer needed for the State Highway System and are to be relinquished to the appropriate local agency.

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

System analysis – an analysis by District Transportation Planning staff that, using Transportation Concept Reports, Interregional Road System Plans and other tools, determines if a highway meets the goals of the State Highway System.

State of good repair – a term defined in Streets and Highway Code Section 73 that means a safe, drivable, well-maintained road. This term does not include betterments or capacity increasing improvements.

## ARTICLE 2 – Legislative Statutes

### Streets & Highways Code

Sections 73 and 73.5 provide the statutory direction for relinquishment of a portion of a state highway. These sections 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.

Section 73 of the Streets and Highways (S&H) Code states: The California Transportation Commission (CTC) 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. The CTC may likewise relinquish any portion of any state highway that has been superseded by relocation. Whenever Caltrans 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 CTC 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 CTC may also relinquish, to a county or city within whose territorial limits it is located, any non-motorized transportation facility, as defined in Section 887 (of the S&H Code), 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.

Section 73 also states that the CTC shall not relinquish to any county or city any portion of any state highway that has been superseded by relocation until Caltrans has placed the highway, as defined in Section 23, in a state of good repair. This requirement shall not obligate Caltrans for widening, new construction, or major reconstruction, except as the CTC may direct. A state of good repair requires maintenance by Caltrans, as defined in Section 27, including litter removal, weed control, and tree and shrub trimming until the time of relinquishment.

Section 73.5 of the S&H Code states: Whenever any area has been or may hereafter be constituted a national park or be added to any existing national park and jurisdiction there over 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 CTC shall approve.

Section 73 of the S&H Code does not require that a state highway be relinquished in a state of good repair when it is deleted by legislation. The state of good repair requirement only applies to those routes that are relinquished when being superseded by relocation. The specific legislation that authorizes relinquishment of a given portion of a state highway typically requires that the relinquishment be in the best interest of the state.

## **ARTICLE 3 – Policies**

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 potential further relinquishment efforts. 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:

- The relinquishments of applicable facilities allow local agencies to be more responsive to community interest in the administration, planning, construction and operation of that facility. The result is a cost savings to taxpayers by eliminating the need for State encroachment permits.
- Reduction of on going maintenance costs.
- Reduction in tort liability.
- Decreased incidence response efforts.
- Decreased competition for capital funds for regional and statewide improvements.

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 safe and drivable. Additional work or financial contributions may be considered if in the best interest of the public, as evaluated by the Relinquishment Advisory Committee.

## **ARTICLE 4 – Legislative Relinquishments Procedures**

### **Procedures**

[Figure 1](#) is a flow chart that highlights the decision point on 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.

### **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 first occurs after the effective date of the legislative enactment and the relinquishment has been approved by the CTC.

The procedures in this Article outline the process for the relinquishment of a state highway segment by legislative enactment.

### **Policy**

A state highway segment shall be considered for relinquishment upon determination by the District Director, in consultation with Headquarters Division of Transportation Planning, that the segment does not serve regional or statewide transportation needs as determined by a system analysis. Following the decision to relinquish the state highway segment, 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 appropriate costs and benefits specific to the portion of the state highway segment in question.

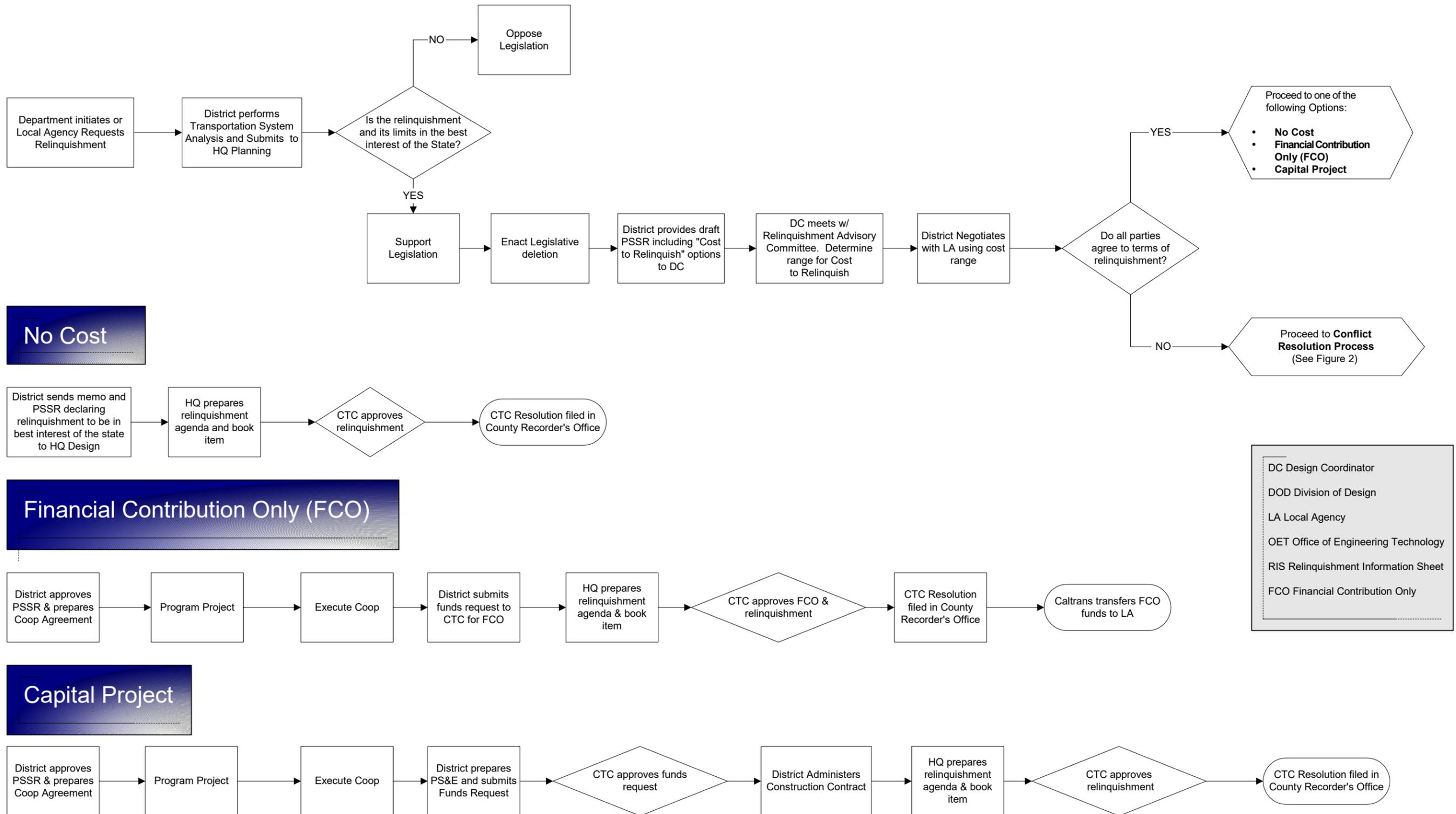
### **Appropriateness of Relinquishment**

Caltrans must first determine if the relinquishment makes sense from a transportation system perspective. The district should inform Headquarters Division of Transportation Planning of any proposed legislation to relinquish a state highway to a local agency. The District Director, in consultation with Headquarters Division of Transportation Planning, shall make a determination as to the appropriateness of the legislative relinquishment. This determination is developed during a system analysis. This decision should be documented in a letter signed by the District Director. This letter then serves to initiate the staff workload to execute the relinquishment.

## **Cost to Relinquish**

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, it may at times 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. Developing a benefit-cost analysis comparing the cost to keep a facility in the State Highway System with the cost of relinquishment will facilitate the decision process and will provide the basis of the business decision to expend State Highway Account funds to relinquish a given portion of a state highway. A Project Scope Summary Report (PSSR) documents the benefit-cost analysis and enables Caltrans' cost to relinquish to be amended into the SHOPP and voted by the CTC. A PSSR shall be prepared for a state highway relinquished by legislative enactment.

**FIGURE 1 - Legislative Relinquishment Process**



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 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. 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 not likely to be included in the negotiation. If Caltrans has an approved PSSR for a rehabilitation project, it may be appropriate to include remaining support costs as part of the cost to relinquishment. 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.

It is the district's responsibility to coordinate with the Division of Programming to ensure SHOPP funds are available, if necessary, for the relinquishment. The district is also responsible for sending a Funds Request to the Division of Budgets and sending relinquishment maps to the Division of Right of Way and Land Surveying. The CTC approval process will be coordinated through the Division of Design, Office of Project Development Procedures.

The district must involve the Design Coordinator in the preparation of the benefit-cost analysis prior to any negotiations with the local agency.

### **Relinquishment Advisory Committee (RAC)**

The role of the RAC is to evaluate the district's relinquishment proposals and the cost to relinquish, if any, and to verify that they meet the best interest of the state criteria. The committee is not to make the determination of the appropriateness of the relinquishment as that decision should have been made as part of the district's system planning process. The RAC includes representatives from Headquarters Design, Legal, Maintenance, Programming, Traffic Operations, Transportation Planning and Transportation System Information divisions.

As a member of the RAC, the Design Coordinator is the key link between the district and the RAC. As such, the district should discuss the proposed relinquishment and associated legislation with the Design Coordinator. Once the legislation becomes law and prior to negotiating with the local agency, the district

should provide background information, including the draft PSSR, benefit-cost analysis, and other pertinent information to the Design Coordinator. The Design Coordinator will then convene the RAC and lead the discussion on the proposal. The RAC reviews the district proposal and makes recommendations to the district on the items included in the relinquishment and the cost to relinquish, if any, prior to the district entering into negotiations with the local agency.

### **Negotiation with Local Agency**

The RAC's concurrence with the district's proposal provides the basis for negotiations with the local agency. The district is responsible for negotiating with the local agency the cost to relinquish, if any. The District Director is ultimately accountable to the CTC that the negotiated cost to relinquish is in fact in the best interest of the state and not a gift of state funds.

### **Relinquishment Resolution Committee (RRC)**

The role of the RRC is to review disputed relinquishments and to provide advice to the district and to the Chief Engineer. The committee is not to make the determination of the appropriateness of the relinquishment as that decision should have been made as part of the district's system planning process. The RRC is comprised of the Headquarters Division Chiefs of Design, Transportation Planning, Programming, Maintenance, Traffic Operations, and Legal. Optional members may include CTC staff, an impartial district member and an impartial local agency member.

### **Conflict Resolution**

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, proceeding to the Conflict Resolution process may be the next step. The conflict resolution process is described in detail in [Article 6](#).

### **CTC Approval**

There are generally two actions by the CTC to remove a highway from the State Highway System. The first action approves the relinquishment and discusses the cost to relinquish the highway. The second action authorizes the funding and advertising of a capital project or authorizes the transfer of capital funds to the local agency. If the highway is in adequate condition and construction work is not needed then the second action by the CTC is not needed. These scenarios are shown on [Figure 1](#).

## **ARTICLE 5 – Superseding with a New State Highway and Collateral Facilities Relinquishments Procedures**

### **Superseding with a New State Highway and Collateral Facilities Relinquishments**

A superseding with a new state highway relinquishment 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 and the old alignment is to be relinquished to the appropriate local agency. A collateral facility relinquishment occurs when local streets and roads are built or modified during the course of a state highway project and are no longer needed for the State Highway System and are to be relinquished to the appropriate local agency.

This Article outlines the procedures for superseding with a new state highway and collateral facilities relinquishments. Unless otherwise stated, the procedures and information in this Article apply to both superseding with a new state highway and collateral facilities relinquishments.

#### **Policy**

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 for relinquishment. Major widening of the superseded highway or other improvements (except safety work) that result in upgrading or betterment should not be considered in the state of good repair calculation. However, the city or county may elect to pay for improvements whose costs exceed what is required to place the existing facility in a state of good repair.

#### **Scoping**

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 relinquishment.

A Project Initiation Document (PID), PSSR, or Project Report (PR) 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. Also see Chapter 23, for route adoption considerations for cases where a route adoption is used to supersede an existing facility.

At the earliest possible time during the scoping process, the district and local agency should come to a clear understanding of each party's financial responsibilities. The Design Coordinator should be involved when the district and the local agency cannot agree on what constitutes a state of good repair. See [Article 6](#) for the procedures for processing 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 corrective work (if any) on bridges, culverts, curbs, drains, pavement, pedestrian facilities, or other facilities that are part of the highway in order to place the facility into a maintainable condition. In no case is the pavement rehabilitation design life to be in excess of ten years.

### **Freeway Agreements, Relinquishment of Local Roads**

A standard Freeway Agreement usually identifies for relinquishment those local roads constructed as part of a freeway project. If a Freeway Agreement is not involved or does not include the local roads to be relinquished, another agreement or a resolution adopted by the local agency is required. This 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 is not required for purposes of the relinquishment. In both cases, preparation of the relinquishment package for CTC action is the responsibility of the Office of Land Surveys in the Division of Right of Way and Land Surveys function. Instructions on relinquishments are contained in the *Right of Way Manual*. However, responsibility for scheduling CTC action has been transferred to the DOD.

### **Collateral Facilities**

Most relinquishment actions involve the relinquishment of collateral facilities that were acquired or built as part of a project. These include frontage roads, relocated streets, new streets to maintain service, cul-de-sac adjustments, and bicycle and pedestrian facilities.

Collateral facilities are relinquished pursuant to an 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 another agreement needs to be negotiated or a resolution should be obtained from the local agency. A cooperative agreement is not needed for the relinquishment of collateral facilities.

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

### **Cooperative Agreements**

A cooperative agreement is needed when a transfer of funds, effort or materials is necessary for the relinquishment. A cooperative agreement may be used for relinquishments that do not involve the transfer of funds, effort or materials as additional documentation. Contact the Headquarters Cooperative Agreement Coordinator for questions or concerns regarding cooperative agreements with relinquishments.

### **Pavement Deflection Study**

Prior to completion of the PID, PSSR, or PR on projects involving rehabilitation of distressed asphalt concrete pavement, the Pavement Consultant Services Branch, of the Office of Materials Engineering and Testing Services, of the Engineering Service Center, should be requested to perform a pavement deflection study. 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 1.5 years 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 if pavement deterioration occurring 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 that anticipated in the original PSSR or PR, a supplemental PR or a new PSSR must be prepared.

### **Joint Field Review**

The deflection study and resultant recommendations are to be based on truck traffic projections that consider both 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, PSSR, or PR, a joint field review with the involved city or county should be conducted to eliminate any misunderstandings and to resolve any differences.

Where 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.

### **Cost to Relinquish**

Caltrans is responsible for relinquishing roads that are safe and drivable. Roads that are to be relinquished should be in a condition that major maintenance is not needed in the near future. Major widening or other improvements (except safety work) included to obtain federal aid, should not be considered if it would result in upgrading or betterment. 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.

### **Programming**

Costs for the proposed relinquishment work shall be covered in the PID and the PR for the relocation project that supersedes the existing highway. The programming of the relocation project shall include funds needed for any relinquishment work. A PSSR needs to be prepared if the PID and/or PR does not adequately define the scope, cost, and schedule of the relinquishment work. A PSSR shall be prepared also for a state highway relinquished by legislative enactment.

### **CTC Resolution**

Section 73, S&H Code, requires that relinquishment of roads; streets or highways must be made by a CTC resolution. Relinquishment action is required by Caltrans when (1) a route is superseded by relocation (the CTC route adoption resolution contains a clause that specifies the relinquishment action), (2) a route location is deleted from the State Highway System by legislative enactment, or (3) when new construction or improvements to the local system are made by a construction contract.

### **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 proceeding to the Conflict Resolution process may be the next step. The conflict resolution process is described in detail in [Article 6](#).

### **Request for CTC Action**

Requests for relinquishment resolutions must be forwarded to Chief, Office of Land Surveys, Division of Right of Way and Land Surveys at least four months prior to the anticipated completion date of all construction projects involving

transfer of superseded state highways. 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 in writing, special efforts should be made to resolve any issues raised. Any major issues with the city or county should be resolved before the start of construction, 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 6](#).

## **ARTICLE 6 - Conflict Resolution Process**

### **Conflict Resolution Process**

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, Section 73 of the Streets and Highways (S&H) Code 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. The local agency objection to a relinquishment is usually based on Caltrans denial of requested improvements. Caltrans denial of improvements is in accordance with S&H 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 [CTC] may direct.” Section 73 does require a state of good repair as defined in statute; except however, Section 73 does not require that a state highway be relinquished in a state of good repair when it is deleted by legislation. The Caltrans procedure for processing difficult relinquishments also applies to collateral facilities covered by agreement and to highways deleted from the State Highway System by legislative enactment.

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 one has not yet been submitted.

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 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 the facts, issues, and Caltrans recommendation. Advice may be provided by District Deputy Directors of Right of Way, Design, Maintenance, and other functions with responsibility relative to the action. A meeting with the local agency may be necessary.

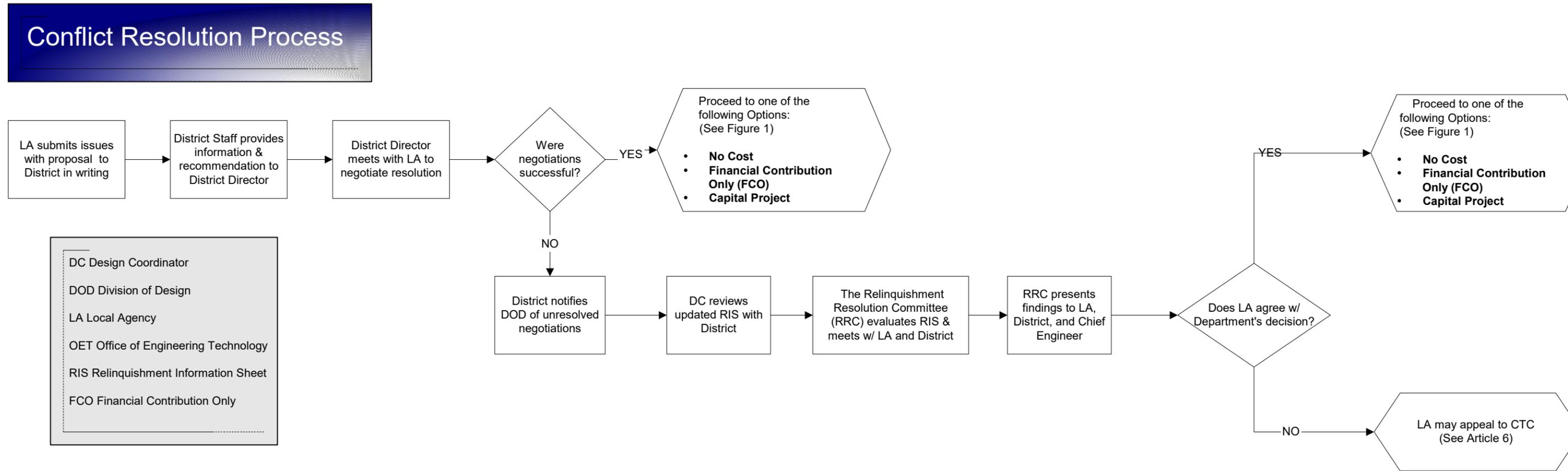
The review provides the District Director an opportunity for resolving any impasse that may have developed. The review must determine, but is not limited to, the following:

- The exact nature of the protest and alternatives suggested by the local agency. The district should request the local agency to submit their protest in writing. If the local agency requests improvements, appropriate plans and details should accompany the protest submittal to enable preparation of a reasonable Caltrans cost estimate.
- The estimated date the delaying issue will be resolved when delays are due to reasons other than local agency protest (litigation involving R/W, hazardous waste cleanup, etc.).
- 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 (RRC).

**FIGURE 2 - Conflict Resolution Process**



## **Relinquishment Resolution Committee**

The role of the RRC is to review and resolve disputed relinquishments and to provide advice to the Chief Engineer. The Headquarters Division Chief of Design is the leader of the RRC. The RRC is comprised of the Headquarters Division Chiefs of Design, Transportation Planning, Programming, Maintenance, Traffic Operations, and Legal. Optional members may include CTC staff, an impartial district member and an impartial local agency member.

The RRC will meet with the district and local agency in an attempt to resolve differences. The RRC obtains input from the local agency, district and the Relinquishment Advisory Committee. The Relinquishment Information Sheet (RIS) will be used to present the relinquishment project to the RRC. See [Figure 3](#) for an outline of the RIS.

If an agreement cannot be reached then the issue will be elevated to the Chief Engineer with a recommendation from the RRC.

## **Relinquishment Information Sheet**

The notification to the RRC will be a Relinquishment Information Sheet (RIS), approved and signed by the Project Manager. A copy must be sent to the Design Coordinator as well as the Chief, Office of Land Surveys in the Division of Right of Way and Land Surveys. The RIS must be sufficiently complete to enable the DOD Chief and the RRC to make an informed decision and a justifiable recommendation to forward to the CTC. [Figure 3](#) contains a complete outline of the required data needed for a draft RIS.

## **Chief Engineer Review**

If an agreement cannot be reached at the RRC level, then the issue will be elevated to the Chief Engineer. The Chief Engineer will be the final step in determining if 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 DOD Chief will present the findings of the RRC to the Chief Engineer. The Chief Engineer will obtain information from others as needed.

## **Submittal to CTC Without Additional Work**

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, the relinquishment package prepared by the

Office of Land Surveys in the Division of Right of Way and Land Surveys and the DOD recommendation letter are forwarded for inclusion in the CTC briefing book. The RIS and DOD 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 DOD 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.

### **Submittal to CTC for Public Hearing**

When a public hearing is provided to a local agency at a CTC meeting, 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. Notifying the local agency of the specific CTC procedures should be completed prior to the formal written notice required by Section 73, S&H Code. The 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.

### **Preparations for CTC Hearing**

DOD submits to the CTC staff the relinquishment package prepared by the Division of Right of Way and Land Surveys and the DOD recommendation letter for inclusion in the CTC briefing book. The date selected for CTC presentation depends on the state of completeness of the district's initial relinquishment submittal, on when DOD was notified of the problem, and on the amount preparation time needed for the CTC report. The CTC meeting will usually be attended by one or more Caltrans individuals to respond to CTC questions on specific issues.

### **Public Hearing Provided at CTC 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, or may proceed with the relinquishment action, or may direct some other action.

Figure 3 Relinquishment Information Sheet Outline

## Relinquishment Information Sheet

### Purpose

The responsible district prepares a Relinquishment Information Sheet (RIS) that represents a summary of the efforts to date to effect the relinquishment and serves as the basis by which the Relinquishment Resolution Committee (RRC) will evaluate relevant issues. The RIS should take the form of a memorandum addressed to the members of the RRC, with a copy to the Design Coordinator.

### Contents

The RIS can be brief, but should include the following information:

- A description of the highway to be relinquished; i.e., its limits, functionality, connections to other state highways or other relinquishments, and the results of the system analysis decision.
- A summary of the draft Project Initiation Document (PID) that documents the Caltrans' estimated cost to relinquish and how those funds will be transferred to the local agency (capitol project or funds-contribution-only transfer).
- A short summary of the local agency's primary concerns (e.g., lack of maintenance funds, requested improvements, traffic control devices, etc.)
- A description of the local agency proposal, including any the costs of any work, financial considerations or other terms or conditions. Include the local agency's written protest as an attachment. Provide the district's recommendation for handling these suggestions, with basis and justification for the district's decision.
- If the delay is due to some reason other than a local agency protest, such as right-of-way litigation or inadequate resources, provide a list of the main facts concerning the delay, a target date for completion of the maps and of court proceedings, etc.
- 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.