



RIGHT OF WAY MANUAL DIRECTIVE

RWMD NUMBER:

25-03

ISSUANCE DATE:

06-09-2025

EFFECTIVE DATE:

Immediately

APPROVED BY:

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SUBJECT:

Chapter 15, Airspace and Telecommunications Licensing Program Policy and Process Changes.

PURPOSE:

To adopt these Airspace Program policies and changes prior to updating Chapter 15 of the Right of Way Manual.

REFERENCE:

Right of Way Manual Chapter 15

BACKGROUND:

Following the LA I-10 fire in 2023, the Airspace and Telecommunications Licensing Program has undergone changes that involve the types of uses allowed to be leased and the prohibitions on sites.

EXISTING POLICY OR PROCEDURE:

In March 2024, a memo was sent to all districts detailing an interim policy as a result of the I-10 fire. Specific prohibitions were implemented on electric buses, non-operable vehicles, and limitations on developing structures in the operating right of way, in addition to increases in insurance requirements. New rules have

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been developed to ensure the safety and reduce the risk of the Airspace Program.

NEW POLICY OR PROCEDURE:

- No Non-Operable Vehicles near Structure – Non-operable vehicle storage shall be prohibited directly next to, or on sites within any areas under or over structures.
- Electric Buses near Structure Require State Fire Marshal (SFM)/FHWA Clearance – The parking of electric buses next to or on sites within any areas under or over highway structures is restricted.
- Liability Insurance Increase – In areas under, over, or next to the structure, the liability insurance threshold shall be increased to \$20 million dollars (Commercial General Liability plus umbrella). In all other areas, the insurance requirement will remain \$5 million dollars.
- Limitation on New Lease Uses/Lessees near Structure – Caltrans will limit new lessees to joiners and government entities; or limit uses to wireless, Clean Energy Connectivity, and utility infrastructure use for sites under, over, or next to the structure.
- Prohibit Construction of New Permanent Buildings – New permanent buildings on leased airspace sites will be prohibited.
- Evaluate Leases for Cancellation, and for Demolition of Existing Buildings near Structures – Caltrans will review leases to evaluate whether non-renewal or cancellation of leases inconsistent with new policy is possible, given the existing lease language. Leases for buildings near Caltrans' structures will also be evaluated for non-renewal or cancellation.
- Increase Reliance on Encroachment Permits – When possible, Caltrans will prioritize issuing encroachment permits as the controlling Right of Way Use Agreement document for the alternative use of operating right of way. This minimizes the creation of more complex, Landlord/Tenant relationships when not necessary.
- Exceptions from Policy – Caltrans has developed a process to permit exceptions to policy that continue to maintain the safety and operational standards that support the state highway system.

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RESPONSIBILITIES:

Districts shall:

- Ensure they understand the new policies for airspace.
- Implement the new policies immediately.
- Forward any questions to HQ for clarification.

HQ Office of Real Property Services shall:

- Amend the Right of Way Manual regarding all new program changes.
- Work with the Districts in implementing new procedures.

LINKS/RESOURCES:

- Right of Way Manual Chapter 15

DISTRIBUTION LIST:

- Airspace Functional Council
- Right of Way Management Board
- Subscribers to the Right of Way Manual update list