



**State Highway System**

- Interstate
- US Route
- State Route



# ADOT

## ROUTE TRANSFER HANDBOOK

JUNE 2012





# ADOT Route Transfer Procedures Study Route Transfer Handbook

ADOT MPD Task Assignment 15-11  
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## 1. Overview

This handbook describes processes and procedures associated with transfers of road jurisdiction, both to and from the State Highway System. The intended users of this handbook are the Arizona Department of Transportation (ADOT), local government agencies, tribal governments, Councils of Governments, Metropolitan Planning Organizations, and other agencies that may be involved in the decision-making processes regarding jurisdictional responsibility for the State Highway System.

This handbook is intended to be a guidance document. There is significant flexibility in the route transfer process. Since each request for a route transfer to or from the State Highway System has its own unique circumstances, ADOT will take into account these circumstances in judging the relative merits of each proposal. To that end, ADOT recognizes that there must be flexibility to ensure a level of analysis appropriate to the circumstances surrounding each proposal. The process outlined in this Handbook may be modified to match the needs of the route transfer proposal.

### 1.1 The State Highway System

Highways are critical to Arizona's economic vitality. There are 17,100 highway lane miles operated and maintained by ADOT (Source: *What Moves You Arizona, Transportation in Arizona Executive Summary*). The State Highway System is shown in **Figure 1**.

Major interstate highways in Arizona (shown in red on **Figure 1**) are the east-west highways of I-8, I-10, and I-40, and the north-south interstate highways of I-17, I-19, and I-15, which serves the far northwest corner of the State.

U.S. Routes (shown in blue on **Figure 1**) include the following routes: U.S. 60, 70, 89, 89A, 93, 95, 160, 163, 180, and 191. U.S. routes are part of an integrated system of highways within the United States, maintained by the State. The Interstate Highway System has largely replaced the U.S. Highways for through traffic, though many regional connections are still made by U.S. Highways.

State Routes are shown in green in **Figure 1** on the next page.



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0 20 40 80 Miles

**Figure 1 – State Highway System**



## 1.2 Why Transfer Roads

As the road system in Arizona grows and changes to meet land development demands and population growth, the functions of the roads adapt to the needs. Roads that serve primarily local trips may be more suitable to be transferred to the local road system. Conversely, local roads that primarily serve regional and statewide through trips or connect to state roadway facilities may be candidates for transfer to the State Highway System. In both cases, a transparent and cooperative process is needed to determine which agency is best suited to provide long-term ownership and management of the road.

### 1.2.1 Transfers from the State Highway System to Local or Tribal Roads

The major reason for transferring a state highway to a local jurisdiction is that the road serves primarily local interests. Arizona State Transportation Board Policy 16 states: “Routes primarily providing land access and local movement of people and goods should be the responsibility of local governments.”

There are a number of other reasons why ADOT might desire to transfer a state highway segment to a local or tribal government:

- The roadway carries vehicle trips that are mostly local in nature—for shopping, local business, and recreation
- The roadway function has changed and no longer provides higher-capacity continuity in the State Highway System
- A new state highway bypasses a city, and the route through the city is no longer needed as part of the State Highway System
- Highway realignment leaves a remnant portion of a state highway that is useful primarily for local access purposes
- Having only one government making access management, maintenance, and operations decisions on a roadway might result in greater efficiency, support economic vitality, and improve community responsiveness
- The local or tribal government wants to have improvements, permit accesses, or maintain the state route in a way that is different from ADOT
- The highway no longer provides interstate, intrastate, or regional system connectivity

A transfer to a local government may allow the local jurisdiction to maintain the road consistent with local objectives, and to use alternative funding options in order to do so; however, such a transfer may have financial implications on local and/or tribal government budgets (as applicable).

### 1.2.2 Transfers from the Local or Tribal Road System to the State Highway System

There are also reasons why a local or tribal road or highway should be added to the State Highway System:

- Long-range planning indicates that the road will serve a regional or statewide function
- The road may connect to a planned state route





- The local road currently serves a statewide or regional function. Examples include a major urban arterial that serves mainly through traffic, or a rural route that has statewide economic importance
- The road is a connector between two interstates or state highways, or between a state highway and an interstate route



## 2 Legal and Policy Framework

This chapter presents summaries of relevant Arizona Revised Statutes which establish the legal framework for the route transfer process.

**Table 1** identifies relevant Arizona Revised Statutes (A.R.S). Excerpts of applicable A.R.S. are included in **Appendix A**.

ADOT also develops and periodically updates State Transportation Board Policies regarding the Board's statutory authority to plan and develop Arizona's state transportation facilities. The most recent State Transportation Board Policies can be found at [http://azdot.gov/Board/PDF/Board\\_Policies\\_010411.pdf](http://azdot.gov/Board/PDF/Board_Policies_010411.pdf).



**Table 1 – Relevant State Statutes Regarding Route Transfer**

Statute or Policy	Summary
<b>Arizona Revised Statute (A.R.S)</b>	
28-101, (Definitions)	Provides definitions.
28-304, Powers and duties of the board; transportation facilities	Describes powers and duties of the board, including abandonment of state highways.
28-401, Intergovernmental agreements (I.G.A)	Authorizes the ADOT Director to enter into agreements with cities, tribes, and counties for improvements to state routes.
28-6993, State highway fund; authorized uses	Authorizes state highway funds to be expended on land damages associated with abandoning portions of a state highway.
28-7041, State highways and routes defined	Defines the powers and duties of the State Transportation Board regarding establishing a State Highway System.
28-7207, State roadway abandoned	Abandonment of state highways outside of incorporated limits vests to counties.
28-7209, Vacated or abandoned highway; affected jurisdiction; procedure	<p>In conjunction with state highway abandonment, the State Transportation Board will:</p> <ul style="list-style-type: none"> <li>• Recognize financial and administrative impacts of abandonment on local jurisdictions.</li> <li>• Provide four years advance notice to local jurisdiction, except by mutual agreement.</li> <li>• Provide 120 days' notice to local jurisdiction for the abandonment of new street improvements such as cul-de-sacs and reconnections of existing streets resulting from highway projects.</li> <li>• Improve abandoned highway such that surface treatment is not required for at least five years, except by mutual agreement.</li> </ul>
28-7210, Reservation of easements	Rights-of-way or easements continue as they existed before the disposal or abandonment of the rights-of-way or easements.
28-7213, Resolution; effective date	Resolutions vesting a roadway to another jurisdiction must describe the roadway and its use, and take effect when it is recorded in the office of the county recorder.
28-7043, Designation of state route as state highway	<ul style="list-style-type: none"> <li>• County Board of Supervisors may petition the transportation board to take over and designate a state route as a state highway.</li> <li>• Until designated as a state highway, state routes are constructed and maintained as county highways.</li> <li>• State routes will not be designated as a state highway until funding is programmed for improvement.</li> <li>• ADOT maintains state routes that are designated and accepted by the State Transportation Board as state highways.</li> </ul>
28-7049, Classification of streets that connect highways and routes	If the streets of a city or town form necessary connection of sections of state highways or state routes, governing bodies may mutually agree that the streets are deemed state highways or county highways, respectively.



### 3 Steps in the Route Transfer Process

This chapter provides an overview of the steps in the route transfer process. The route transfer process was developed as a cooperative procedure to assess the function of a candidate roadway relative to route transfer evaluation criteria, and to formulate a rational and mutually agreeable transition strategy to transfer ownership responsibilities between government agencies. This chapter presents processes for:

- Transfer to the State Highway System;
- Transfer from the State Highway System to local or tribal governments.

#### 3.1 Process Flow Chart

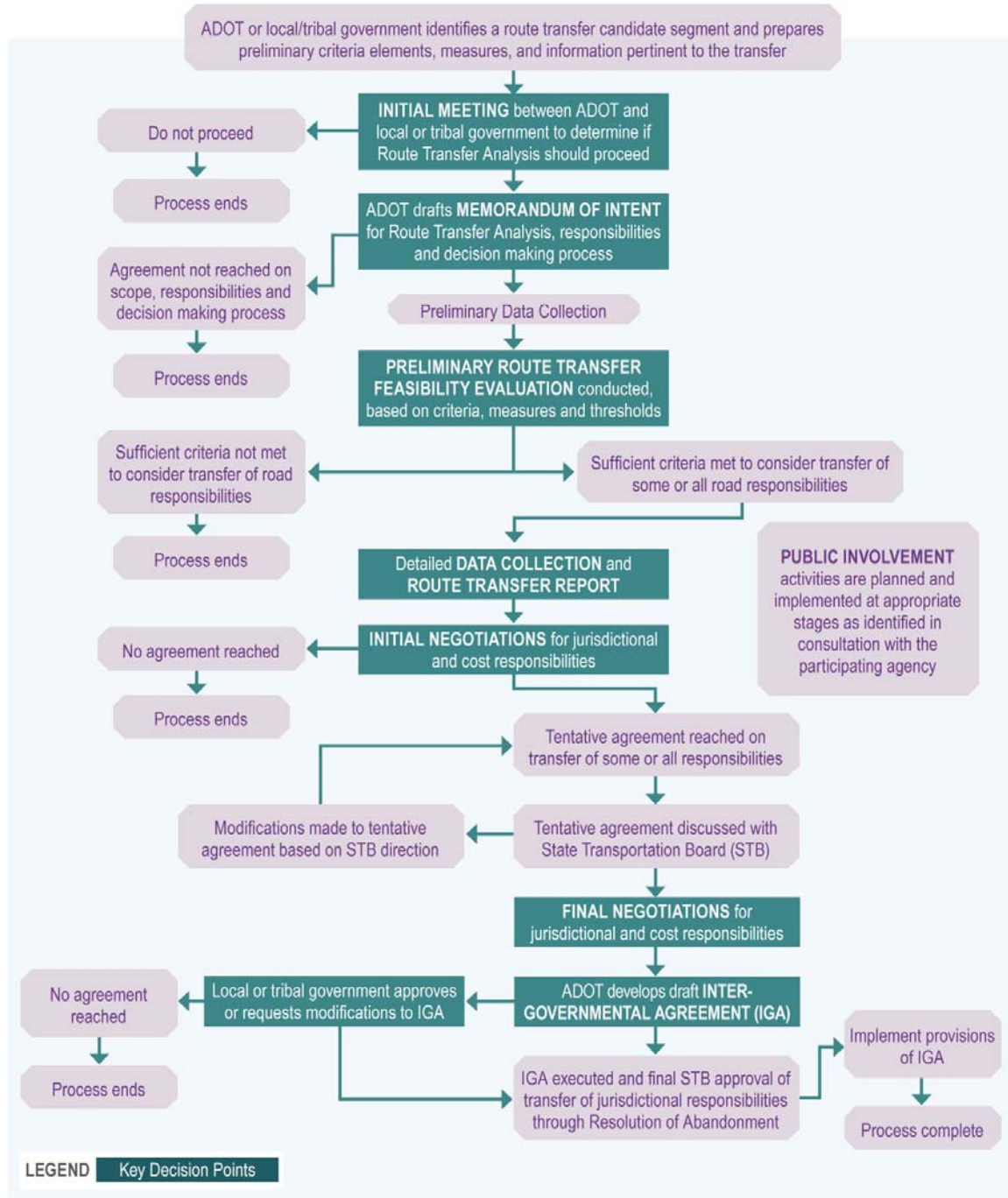
The processes for transfers to the State Highway System and transfers to local or tribal governments are nearly identical. The primary differences relate to which governmental agency initiates the transfer and how the transfer is implemented, either by State Transportation Board resolution of abandonment or resolution of establishment. **Figure 2** depicts processes for making transfers of responsibilities from the State Highway System to a local or tribal government, while **Figure 3** depicts that process for transfer of a roadway from local or tribal government to the State Highway System.

The flow charts reflect the following key steps, which are explained in more detail in the following sections:

- Identify and Define a Route Transfer Candidate Segment (Section 3.2)
- Initial Meeting (Section 3.3)
- Memorandum of Intent (Section 3.4)
- Preliminary Data Collection and Route Transfer Feasibility Evaluation (Section 3.5)
- Detailed Data Collection (Section 3.6)
- Route Transfer Report (Section 3.7)
- Initial Negotiations (Section 3.8)
- Public Involvement (Section 3.9)
- Final Negotiations (Section 3.10)
- Development of Intergovernmental Agreement (Section 3.11)



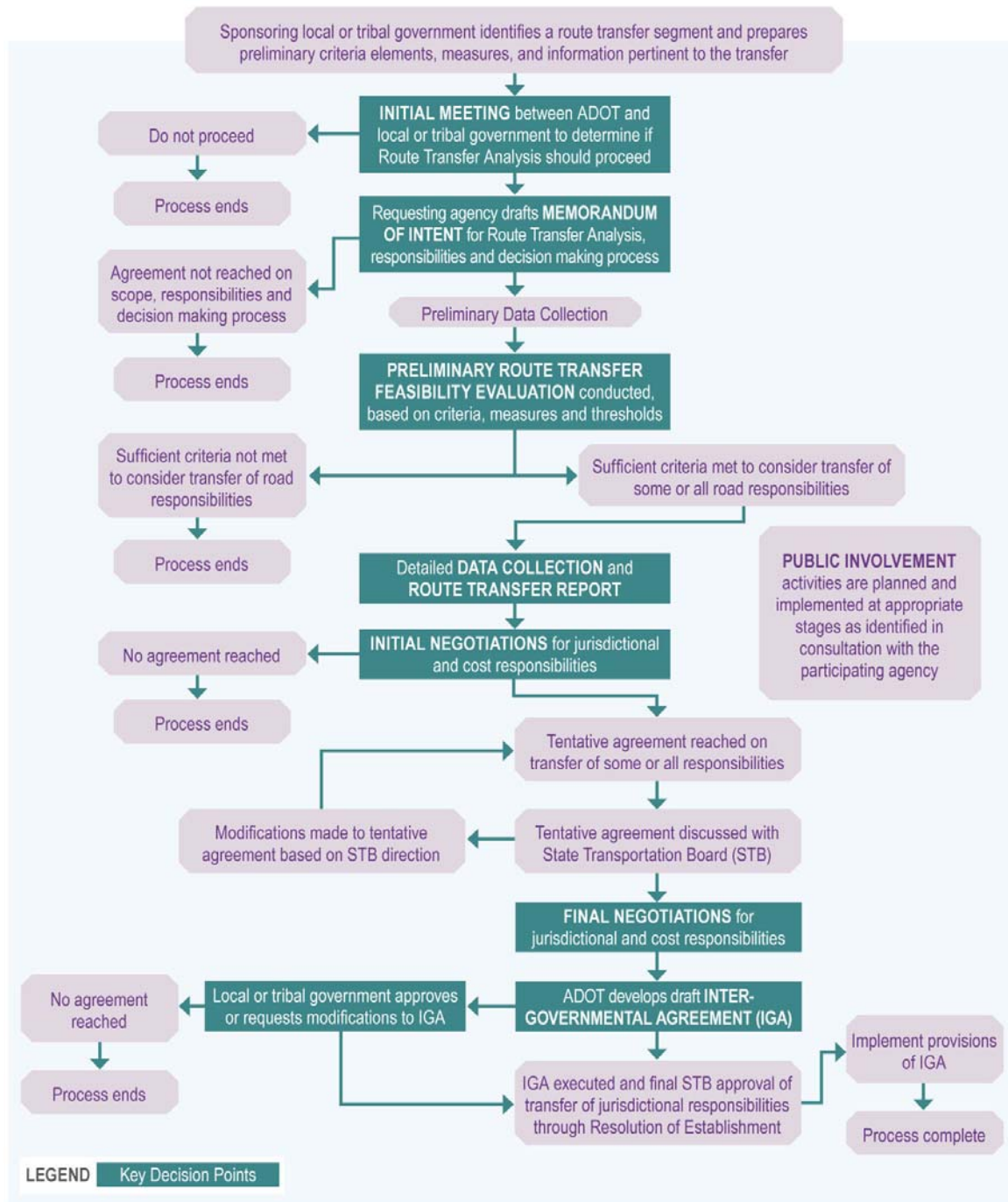
## Decision Making Process for Cooperative Permanent Route Transfer from State Highway System to a Local or Tribal Government



**Figure 2 – Transfer from the State Highway System to a Local or Tribal Government**



## Decision Making Process for Cooperative Permanent Route Transfer from a Local or Tribal Government to the State Highway System



**Figure 3 – Transfer from a Local or Tribal Government to State Highway System**



## 3.2 Define the Route Transfer Candidate Segment

The route transfer process may be initiated by ADOT or by a local or tribal agency that wants to pursue transferring a route segment to another jurisdiction. The first step in the process is to define the segment that is being proposed for transfer. Route transfer can either include transfer to the State Highway System from a local jurisdiction or tribal government, or a transfer from the State Highway System to a local jurisdiction or tribal government.

### 3.2.1 Route Transfer Candidate Segment – State Route to Local or Tribal Route

Candidate routes for transfers from the state system to the local system are those primarily providing land access and local movement of people and goods. The Arizona State Transportation Board has defined priorities for route transfers from state routes to local routes. Examples of potential candidates for transfer to local or tribal jurisdiction are:

- Routes for which local governments have expressed interest in acquiring
- Routes for which ADOT is constructing a bypass or alternate route
- Routes that provide duplicative services
- Business routes that are not necessary for system continuity
- Routes that primarily serve local or tribal travel

An initial checklist (**Table 2**) serves as an early tool, prior to detailed investigation, to assess whether route transfer from the State Highway System to a local or tribal government may be feasible and detailed investigation should continue. The checklist can help to validate a decision to proceed with the route transfer process, including the detailed data collection and analysis that will be required.

A preponderance of “yes” statements indicates that the corridor is largely consistent with the route transfer considerations, and that the route transfer process should proceed to the next step. A preponderance of “no” statement indicates that the candidate route likely does not meet route transfer criteria, and that the analysis should not continue.



**Table 2 – Initial Checklist for Transfer from State Highway System to Local or Tribal Government**

NOTE: This checklist will help to determine if route transfer investigation should continue. A preponderance of “no” responses indicates that the candidate route likely does not meet route transfer criteria, and effort and expense of detailed investigation is not warranted. “Yes” responses indicate that route transfer criteria may be satisfied and additional detailed investigation should continue.

DATE			
ROUTE NAME			
CANDIDATE SEGMENT LIMITS (MAJOR STREETS, MILEPOSTS)			
Route Transfer Consideration		Yes	No
Trip Character	Does the route primarily serve local travel needs?		
	Are vehicles trips primarily local in nature, for shopping, local business, and recreation?		
Highway Function	Is the route considered non-essential for statewide or regional system connectivity?		
New or Major Reconstruction	Is the route affected by a new state highway that bypasses or duplicates the route?		
Maintenance and Operations	Does a receiving agency (local or tribal jurisdiction) have the ability to maintain and operate the highway?		
Other Compelling Considerations	Please explain.		





### 3.2.2 Route Transfer Candidate Segment – Local or Tribal Route to State Route

Candidate routes for transfers from the local system to the state system are those primarily providing State Highway System continuity and through movement of people and goods. Examples of potential candidates for transfer to a state route are:

- Routes that primarily serve regional or statewide travel
- Routes that are needed to maintain statewide or regional continuity
- Routes that form necessary links for carrying state highways through cities, towns or population centers
- Routes that connect two interstates or state highways, including connections to a state highway in another state or Mexico's primary corridors

An initial checklist, shown in **Table 3**, serves as an early tool, prior to detailed investigation, to assess whether route transfer from a local or tribal government to the State Highway System may be feasible and detailed investigation should continue. Completion of the checklist can validate a decision to proceed with the route transfer process, including the detailed data collection and analysis that will be required.

A preponderance of “yes” statements indicates that the corridor is largely consistent with the route transfer considerations, and that the route transfer process should proceed to the next step. A preponderance of “no” statement indicates that the candidate route likely does not meet route transfer criteria, and that the analysis should not continue.



**Table 3 – Initial Checklist for Transfer from a Local or Tribal Government to the State Highway System**

NOTE: This checklist will help to determine if route transfer investigation should continue. A preponderance of “no” responses indicates that the candidate route likely does not meet route transfer criteria, and effort and expense of detailed investigation is not warranted. “Yes” responses indicate that route transfer criteria may be satisfied and additional detailed investigation should continue.

DATE			
ROUTE NAME			
CANDIDATE SEGMENT LIMITS (MAJOR STREETS, MILEPOSTS)			
Route Transfer Consideration		Yes	No
Trip Character	Does the route primarily serve statewide or regional travel needs?		
	Are vehicles trips mostly regional or statewide in nature?		
Highway Function	Is the route needed for statewide or regional system connectivity?		
	Do local or regional plans treat the highway as a statewide facility favoring mobility, as determined by highway classification and access management?		
Maintenance and Operations	Are route maintenance requirements more efficiently provided by the state?		
Other Compelling Reasons	Please explain.		

### 3.3 Initial Meeting

If a review of preliminary route considerations confirms that the route segment discussions should continue, ADOT or a local or tribal government can initiate the process of a route transfer through an initial meeting to determine if the preliminary considerations have merit.

The initial meeting would typically involve:



- ADOT District Engineer(s)
- Local jurisdiction or tribal government directors or managers

Discussion topics at the initial meeting should include:

- Is there state, local or tribal interest in a route transfer?
- Defining the logical termini of the transfer
- Justification / rationale for the transfer

The outcome of this meeting would be an agreement to further investigate route transfer. No formal commitments are made at the meeting. After the parties informally agree to continue to discuss a potential transfer, the agency initiating the transfer can begin agency coordination, and background research, and initiate informal negotiations with more detail and data available. A Memorandum of Intent (described in section 3.4), outlining key points in the transfer, would document the informal understanding discussed at the initial meeting.

If there is no consensus that the preliminary considerations have merit, or there is not state, local, or tribal interest in a route transfer, the route transfer process would typically end.



### 3.4 Memorandum of Intent

A Memorandum of Intent is a non-binding document which outlines the framework for an agreement between two or more parties before the route transfer agreement is finalized and documented within an Intergovernmental Agreement (IGA).

The purpose of the Memorandum of Intent is to define roles and responsibilities for activities that will be completed during the route transfer decision-making process and it sets the framework for the negotiation process. The Memorandum of Intent should illustrate the following:

- Proposed limits of route transfer segment (description and map)
- Justification / rationale for the transfer
- Anticipated time frame for completion of the transfer
- Notation of the initial meeting (including individuals who participated, outcomes), each Agency's roles and responsibilities for collecting identified data, their agency's financial responsibility to collect the data, and development of further analysis and reports

A Memorandum of Intent template is shown in **Table 5** below. The Memorandum of Intent should be signed by authorized representatives of both ADOT (the ADOT District Engineer) and the local or tribal government. A copy of the Memorandum of Intent should be provided to the appropriate MPO and/or COG for early consideration in their respective regional transportation planning processes.

If there is no agreement on the scope and responsibilities for the route transfer analysis and the route transfer decision-making process, as expressed in the Memorandum of Intent, then the route transfer process will end.



**Table 4 – Memorandum of Intent Template**

Address (Agency requesting/initiating the route transfer)

Date

Re: Route Transfer of (Route Description) from (Local Jurisdiction, Tribal Government or ADOT) to (Local Jurisdiction, Tribal Government or ADOT)

The purpose of this Memorandum of Intent is to initiate document discussions regarding the potential route transfer of (description of street segment, or highway including major cross streets and mileposts if applicable) from ----- (Local Jurisdiction, Tribal Government or ADOT) to ----- (Local Jurisdiction, Tribal Government or ADOT).

The route transfer is being considered for the following reasons:

- The function of the road is more consistent with a (local, state, or tribal) road because-----.
- The transfer of this road will support economic development because-----.
- The road segment will be improved by the following projects: ----- prior to the transfer.
- (Local Jurisdiction, Tribal Government or ADOT) will be able to reduce its maintenance budget.
- (Local Jurisdiction, Tribal Government or ADOT) will accept this route transfer without reservation.
- (Local Jurisdiction, Tribal Government or ADOT) has the resources to maintain this road segment.

ADOT and \_\_\_\_ (Local Jurisdiction, Tribal Government or ADOT) have agreed to further consider route transfer and complete data collection and analysis required for an informed decision. The following is a list of roles and responsibilities during the route transfer evaluation process:

- Data collection will be completed by \_\_\_\_ (Local Jurisdiction, Tribal Government or ADOT). Costs for data collection will be the responsibility of \_\_\_\_\_ (Jurisdiction, Tribal Government or ADOT)
- Data analysis will be the responsibility of \_\_\_\_\_ (Local Jurisdiction, Tribal Government or ADOT).
- Report development and documentation will be the responsibility of \_\_\_\_ (Local Jurisdiction, Tribal Government or ADOT).
- Other discussion items

The terms as outlined in this Memorandum of Intent provide the framework for initiating route transfer negotiations. The desired time frame for completing the transfer is \_\_\_\_\_.

\_\_\_\_\_  
Signatory #1 (ADOT)

\_\_\_\_\_  
Signatory #2 (Local Jurisdiction or Tribal Government)

Enclosures – Map of Route segment to be considered for transfer



### **3.5 Preliminary Route Transfer Data Collection and Evaluation**

The Memorandum of Intent launches a preliminary data collection and evaluation effort that is ultimately documented in a Route Transfer Report. The purpose of the preliminary route transfer evaluation is to provide an early assessment of whether or not both ADOT and the local or tribal government are better served through route transfer and to identify fatal flaws that may preclude further investigation and discussion of the route transfer.

Route transfer evaluation considerations are outlined in **Table 5**. A route that meets a preponderance of the criteria may be suitable for transfer.

**Appendix B** illustrates how the route transfer considerations can be applied to a roadway that is under consideration for route transfer. A spreadsheet was developed that includes each of the route transfer considerations listed in **Table 5**. The analyst answers each of the route transfer considerations with a “true” or a “false.” “True/Green” statements are those for which the route transfer candidate is consistent with the considerations. “False/Red” statements indicate that the route transfer candidate is inconsistent with the stated considerations. “Neutral/Yellow” statements indicate that the consideration is either not applicable, or does not have a significant influence on the candidate corridor. Upon completion of the analysis, a preponderance of “True/Green” statements indicates that the corridor is largely consistent with the route transfer considerations.

### **3.6 Data Collection**

To validate the preliminary route transfer evaluation and provide supporting justification to be included in a Route Transfer Report significant data collection may be required. A list of potential data needs is identified in **Table 6**.

**Table 5 – Route Transfer Considerations**

Category	Transfer Considerations	Considerations for Transfer to Local or Tribal Government	Considerations for Transfer to State Jurisdiction
<b>Transfer Objective</b>			
	What is the main objective or goal that is anticipated through completion of the proposed transfer?	A local or tribal government desires increased control of improvements, maintenance, access decisions, and financial responsibility.	ADOT desires to gain or maintain control and/or financial responsibility.
<b>Right-of-Way</b>			
	Does ADOT or the local or tribal government have full title rights to the candidate roadway?	Route transfer evaluation and negotiations require that all roadway owners (e.g. federal, state, tribal, easement) are participants in the process.	Route transfer evaluation and negotiations require that all roadway owners (e.g. federal, state, tribal, easement) are participants in the process.
<b>Trip character</b>			
Trip purpose	Does the road or highway serve statewide, regional, or local travel needs?	Route primarily serves local travel needs. Vehicle trips are primarily local in nature, for shopping, local business, and recreation.	Route primarily serves regional or statewide travel needs; vehicle trips are mostly regional or statewide in nature.
Multimodal transportation	Do alternate modes of travel (bicycles, pedestrians, public transit, and school buses) that primarily serve local trips, significantly impact the function of the roadway?	Trips made by local transit, bicycles, and pedestrians have a significant impact on the function of the route. This does not pertain to regionally-oriented transit such as Express Bus or other high-capacity transit.	Local transit, bicycles, and pedestrians do not have a significant impact on the function of the route. This does not pertain to regionally-oriented transit such as Express Bus or other high-capacity transit.
	Is there a desire by the local or tribal government for significant investment in multimodal facilities, such as sidewalks, shared use paths, crosswalks/pedestrian signals?	Significant multimodal infrastructure is needed to accommodate locally-oriented users of the roadway, including bicyclists, pedestrians, and transit users.	There is not a desire or need for significant locally-oriented multimodal infrastructure.
	Does the route connect to regional multimodal facilities, such as airports or rail stations?	Route does not connect to significant regional multimodal facilities.	Route connects to significant regional multimodal transportation facilities.

**Table 5 – Route Transfer Considerations (continued)**

Category	Transfer Considerations	Considerations for Transfer to Local or Tribal Government	Considerations for Transfer to State Jurisdiction
<b>Highway Function</b>			
Continuity and Connectivity	Is the route needed for statewide or regional system connectivity?	Route is not needed to maintain regional continuity.	Route is needed to maintain regional continuity.
	Is this route a high-capacity connecting route needed to form an efficient network?	Route is not needed to maintain continuity in the State Highway System.	Route is needed to maintain continuity in the State Highway System.
	Does this route form a convenient or necessary link for connecting sections of state highways or for carrying state highways or state routes through cities or towns?	Route does not form a necessary link for carrying state highways through cities or towns.	Route forms a necessary link for carrying state highways through cities or towns.
	Does the route or route segment connect two interstate freeways?	Route does not connect two interstates.	Route connects two interstates.
	Does the route connect two state highways?	Route does not connect two state highways.	Route connects two or more state highways.
	Does the route connect a state highway to an interstate?	Route does not connect a state highway to an interstate.	Route connects a state highway to an interstate.
	Does the highway interconnect with those of other states?	Route does not connect to state highways in another state.	Route connects to state highways in another state.
	Does the route serve as a by-pass for interstate, regional, or local routes?	Route serves as an alternative bypass to local routes.	Route serves as an alternative bypass to regional and interstate routes.
	Does this route connect Arizona's population centers?	The route is not essential to connecting Arizona's population centers.	The route is essential to connecting Arizona's population centers.
State Highway System functionality	Is the route important to the functionality of the statewide highway system? Will the changes in maintenance, access management, or other standards resulting from a transfer negatively impact the function of other nearby state facilities?	Route is not critical to the functionality of the State Highway System.	Route is critical to the functionality of the State Highway System.
	Does the transfer of a segment affect the functionality of the whole highway? For example, will significant delay be caused for through traffic?	Transfer of route segment to local entity would not impair the functionality of the whole highway.	Transfer of route segment to local entity would impair the functionality of the whole highway.



**Table 5 – Route Transfer Considerations (continued)**

Category	Transfer Considerations	Considerations for Transfer to Local or Tribal Government	Considerations for Transfer to State Jurisdiction
State Highway System functionality (continued)	Does this route provide statewide and regional movement of people and goods?	Route primarily provides for local land access; provides minimal support for regional or statewide movement of people or goods.	Route primarily provides for the statewide movement of people and goods.
	Does this route provide statewide and regional movement of people and goods?	Route primarily provides for local land access; provides minimal support for regional or statewide movement of people or goods.	Route primarily provides for the statewide movement of people and goods.
Frontage roads	Is the route a frontage road to a major state facility that is needed to complement or be a detour for the mainline facility?	The frontage road primarily accommodates local access.	Frontage road serves emergency purposes, accommodates wide loads, and relieves congestion.
Parallel routes	Is the route a parallel route to a state highway? (identify actual distance from state route)	Route parallels and duplicates the function and purpose of the parallel state highway facility.	Route does not parallel or duplicate the function of another state highway; or if it does parallel or duplicate another state highway the route is essential to serve emergency purposes and to relieve congestion.
New or major reconstruction	Is the route affected by a new state highway that bypasses or duplicates the route?	<ul style="list-style-type: none"> <li>The route is now served by a new state highway that bypasses the city or town; the route is no longer needed as part of the state system.</li> <li>The route changed as part of a highway realignment that left a portion of the old highway useful only for local access purposes.</li> </ul>	The route is not served by a new state highway facility; the route is needed as part of the State Highway System.
<b>Land Use</b>			
Local land use plans	Do local or regional plans treat the highway as a local road favoring accessibility, or as a statewide or regional facility favoring mobility, as determined by highway classification and access management?	Local and regional plans treat the route as a local road favoring accessibility.	Local and regional plans treat the route as a statewide or regional facility favoring mobility, as evidenced by roadway classification and access management.

**Table 5 – Route Transfer Considerations (continued)**

Category	Transfer Considerations	Considerations for Transfer to Local or Tribal Government	Considerations for Transfer to State Jurisdiction
Local land use plans (continued)	Recognizing that land use decisions are made by local and tribal governments, should consolidation of government decisions for land use and access management decisions provide greater efficiency and community responsiveness?	Consolidation of government decisions for land use and access management decisions would provide greater efficiency, economic development potential, and community responsiveness.	Local and tribal agencies effectively collaborate with ADOT in making land use decisions which influence access management.
<b>Access Management</b>			
Driveways/access points	How does existing access management (number of driveways, access points, intersection geometrics, intersection spacing) affect mobility, capacity, and safety?	<ul style="list-style-type: none"> <li>• Existing access points impact the integrity of the corridor.</li> <li>• Non-compliance for access (nor permitted or not in compliance to DOT standards / requirements) and local jurisdictions will not support actions to correct.</li> <li>• Past actions determined that the local agency and / or business community is not supportive of access management implementation.</li> </ul>	Access management is sufficient.
Access management features	Does the route include access management features (medians, right in / right out, islands)?	Route includes minimal or no access management features.	Route is controlled or limited access, route includes significant access management.
Intersection/interchange access	Does the route cross an Interstate or state highway where state ownership of the highway is required to protect the access management of the interchange, off-ramp or highway?	Route segment does not cross an interstate or state highway where ownership is required to protect access management.	Route segment crosses an interstate or state highway where ownership is required to protect access management.
Frontage road	Is the frontage road being considered for transfer needed to support the limited access of an interstate, freeway, interchange, or potential freeway?	The route is a frontage road that is intended primarily for local access; route is not needed to support limited access.	The route is a frontage road that is needed to support a limited access state highway.

**Table 5 – Route Transfer Considerations (continued)**

Category	Transfer Considerations	Considerations for Transfer to Local or Tribal Government	Considerations for Transfer to State Jurisdiction
<b>Future Needs</b>			
Plans	Does a Regional Plan or planning study say that the route will be needed on the state system to accommodate population growth or a change in the economy?	Route will not be needed on the State Highway System to accommodate future growth.	Route will be needed on the State Highway System to accommodate future growth.
<b>Jurisdictional Interest</b>			
Local or Tribal Government Interest	Has a local or tribal government expressed interested in assuming ownership of the route?	A local or tribal government has expressed interest in assuming ownership of the route.	The state has expressed interest to maintain or assume control of the route.
Service Expectations	Is there a desire by local government for a different standard of service (e.g. permit accesses, maintenance)?	There is a desire by a local or tribal government for a different standard of service, which state ownership is not prepared to provide.	State ownership is able to provide the standard of service desired by local or tribal jurisdictions.
<b>Other Non-Statewide Routes</b>			
State and National points of interest	Does this route meet criteria for “non-statewide routes” serving points of state and national or international interest?	The route does not serve as a primary route to federal public lands and destinations.	The route serves as a primary route to federal public lands and destinations.
Special designations	Does this route meet criteria for “other major facilities” including: <ul style="list-style-type: none"> <li>• Rural routes with more than 5,000 ADT.</li> <li>• Connecting rural National Highway System (NHS) routes with more than 1,500 ADT.</li> <li>• Key freight routes (more than 1,000 articulated trucks per day).</li> <li>• A regional evacuation route.</li> <li>• Scenic Byway or Scenic Corridor.</li> <li>• Or others as identified.</li> </ul>	Route does not have special designations.	Route has special designations as listed.

**Table 5 – Route Transfer Considerations (continued)**

Category	Transfer Considerations	Considerations for Transfer to Local or Tribal Government	Considerations for Transfer to State Jurisdiction
<b>Maintenance and Operations</b>			
State highway segmentation	Will the transfer result in a state highway being broken into segments owned by different jurisdictions?	Transfer will not result in state highway being broken into segments owned and operated by different jurisdictions.	Transfer will result in route being consolidated into segments owned and operated by the state.
Maintenance resources	Does the receiving agency have the ability to maintain and operate the roadway?	Local or tribal government has the resources to maintain and operate the roadway.	Local or tribal government does not have the resources to maintain and operate the roadway.
Maintenance requirements	Are maintenance requirements, materials and/or equipment more appropriate or efficient at the state or local level (signal power and maintenance, plowing, sanding/de-icing, other maintenance work)	Route maintenance requirements are more efficiently provided at the local or tribal level.	Route maintenance requirements are more efficiently provided by the state.

**Table 6 – List of Route Transfer Potential Data Collection Needs**

Category	Data Needs	Potential Data Sources
Goal of the Transfer	<ul style="list-style-type: none"> <li>• Formal agreements: IGAs / JPAs</li> <li>• Informal agreements: Memorandum of Understanding (MOUs), Memoranda of Agreement (MOAs), Memoranda of Intent (MOIs)</li> <li>• Relevant state legislation or local policies</li> </ul>	<ul style="list-style-type: none"> <li>• District office, ADOT central office</li> <li>• Regional, local or tribal government/jurisdiction</li> <li>• Arizona Revised Statutes</li> </ul>
Trip Character	<ul style="list-style-type: none"> <li>• Average daily traffic volumes</li> <li>• Average trip lengths</li> <li>• Projected average daily traffic volumes</li> <li>• Percentage of through traffic</li> <li>• Percentage of truck traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic studies (origin-destination)</li> <li>• ADOT traffic volume databases</li> <li>• MPO / COG traffic data</li> </ul>
Highway Function	<ul style="list-style-type: none"> <li>• Connecting routes (interstates, other state highways)</li> <li>• Design exceptions</li> <li>• Design speed / posted speed</li> <li>• Right-of-way width and ownership</li> <li>• Permits and Encumbrances</li> <li>• Funding sources (was highway acquired with federal funds)</li> <li>• Typical section of roadway (number and width of travel lanes, shoulders, and turn lane(s))</li> </ul>	<ul style="list-style-type: none"> <li>• ADOT materials reports for specified projects</li> <li>• As-builts</li> <li>• Crash reports (ADOT MPD, local police / tribal police)</li> <li>• ROW plans</li> <li>• Speed studies</li> <li>• State Highway System maps</li> <li>• Permits</li> <li>• Records of encumbrances</li> </ul>
Land Use	<ul style="list-style-type: none"> <li>• Land uses</li> <li>• Pending and planned developments</li> </ul>	<ul style="list-style-type: none"> <li>• Land use plan of affected jurisdiction</li> <li>• Pending development plans (local agencies / tribal governments, economic development offices)</li> </ul>
Access Management	<ul style="list-style-type: none"> <li>• Access management features (medians, right in / right out, islands, etc.)</li> <li>• Existing permits, encumbrances and agreements, access spacing, intersection geometrics / type of intersection control</li> <li>• Number of permitted driveways / number of non-permitted driveways</li> <li>• Pedestrian crosswalks</li> </ul>	<ul style="list-style-type: none"> <li>• Accident report(s) based on locations of each driveway / access point</li> <li>• District permit inventory listing</li> <li>• Intersection analysis; ownership of intersecting roads, who maintains JPAs / Intergovernmental Agreements ( IGAs) for intersection control maintenance (signals / roadway lighting)</li> </ul>

**Table 6 – List of Route Transfer Potential Data Collection Needs (continued)**

Category	Data Needs	Potential Data Sources
Future Needs	<ul style="list-style-type: none"> <li>• Future planned projects</li> <li>• Future projects programmed</li> <li>• History of projects planned (not programmed) and programmed (funded) projects within the route</li> </ul>	<ul style="list-style-type: none"> <li>• Asset management report, Dollar value for the route</li> <li>• Local / state / private planned projects in and around route</li> <li>• Local / state / private programmed projects in and around the route</li> <li>• Regional Transportation Plans</li> </ul>
Other non-statewide routes	<ul style="list-style-type: none"> <li>• Access to federal lands</li> <li>• Right-of-way ownership</li> <li>• Special use / considerations ((Home Owners Association (HOA), adopted landscaping, grazing, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory or restricted access to federal lands / properties</li> <li>• Underlying fee (mineral rights, federal land easements, etc.)</li> </ul>
Maintenance and Operations	<ul style="list-style-type: none"> <li>• Bridge and roadway weight limit postings and restrictions and studies</li> <li>• Americans with Disabilities Act (ADA) compliance</li> <li>• Adopted highway (litter pickup or sponsored)</li> <li>• Construction plans</li> <li>• Cultural properties / sensitive properties</li> <li>• Drainage</li> <li>• Flooding / wetlands</li> <li>• Hazardous – contaminated sites</li> <li>• Historical properties (state / national register)</li> <li>• History overview of route life cycle</li> <li>• IGAs / MOUs in place for maintenance / operations</li> <li>• Intersection control / equipment</li> <li>• Landscaping and roadside features</li> <li>• Lighting inventory</li> <li>• Maintenance agreements</li> <li>• Maintenance annual cost by feature (road, shoulder, signal(s), signs, etc.)</li> <li>• Outdoor advertising</li> <li>• Pavement type, thickness, and condition</li> <li>• Railroad crossings</li> <li>• Signing inventory</li> <li>• Storm water management (ponds, BMPs)</li> <li>• Utility information</li> <li>• Emergency response incidents</li> </ul>	<ul style="list-style-type: none"> <li>• ADOT ADA inventory</li> <li>• ADOT sign inventory , type of signs / sign structures</li> <li>• As-Built plans</li> <li>• As-built plans identifying fence, guardrail, end treatments</li> <li>• IGAs (e.g., for emergency vehicle preemption)</li> <li>• IGAs / MOUs from District and Central offices</li> <li>• Local agency report on cost for their annual maintenance on route</li> <li>• PECOS report for route identifying the costs for manpower, materials and equipment</li> <li>• Responses to incidents on route (accident reports, maintenance reports / diaries)</li> <li>• Traffic engineering documentation</li> </ul>



### 3.7 Route Transfer Report

If completion of prior steps indicates that the route transfer process should continue, the next step is to update the preliminary evaluation and requisite data and document the findings in a Route Transfer Report. The Route Transfer Report expands upon the preliminary evaluation described in **Section 3.5** to include current and future roadway development considerations, access, maintenance, drainage improvements and requirements, and anticipated costs. The Route Transfer Report is a reference tool that can be used both during and after the negotiation process.

**Table 7** outlines a sample table of contents for the report. The Route Transfer Report should summarize considerations as identified in **Table 6**. The result of this analysis is a determination of whether criteria are met to consider some or all road responsibilities.

**Table 7 – Table of Contents for Route Transfer Report**

<u>Route Transfer Report Table of Contents</u>	
1.	Why is this Route Jurisdictional Transfer being requested?
2.	What are the limits of the transfer request?
3.	What are the characteristics of the roadway within those limits?
a.	Traffic volumes
b.	Functional classification
c.	Roadway cross-sections
d.	Speed limits
e.	Access control
f.	Right-of-way widths
g.	Property ownership
h.	Multimodal provisions
4.	What are the current responsibilities?
a.	Jurisdiction
b.	State
5.	What will be the result of the change in responsibilities?
a.	Description of roadway improvements that will be required prior to completion of route transfer.
b.	Description of how improvements will be funded.
6.	What are costs and risks to this change in responsibilities?
a.	Typical annual maintenance costs
b.	Weather conditions that may increase average maintenance costs
c.	Status of pavement
d.	Benefit/cost analysis
7.	Does this transfer request meet criteria for a change to the system?
8.	Summary – Route Transfer Feasibility Evaluation
	Appendix – Map showing limits of Route Transfer



### **3.8 Initial Negotiations**

The initial negotiations should result in an agreement regarding the issues that will be discussed and eventually resolved and included in the Intergovernmental Agreement for the route transfer. Issues in the negotiation can vary depending on the specific road to be transferred, and are discussed in Chapter 4. Types of issues include:

- Ownership of Rights-of-Way
- Access Control
- Existing Permits, Encumbrances, and Agreements
- Roadway Condition and Maintenance
- Roadway Improvements and Design Standards
- Rail Crossings
- Route Signage
- Traffic Signals and Lighting
- Landscaping
- Transfer Time Frames
- Post Transfer Agency Responsibilities
- Financial Considerations

If no agreement is reached on the issues to be negotiated, the route transfer process ends at this point.

### **3.9 Public Involvement**

Public involvement activities should be left up to the participating agencies to determine on a case-by-case basis. Types of public involvement activities that can be conducted during the process include:

- Meeting individually with property owners on the route
- Public meetings / open houses
- State Transportation Board meetings
- Local government or tribal meetings
- Public hearings
- Press releases

### **3.10 Final Negotiations**

Final negotiations will set the basis for the development of the Intergovernmental Agreement, which is the legal document that is used to accomplish the route transfer. The final negotiations will result in the terms of agreement for state, local jurisdiction, and tribal obligations, and will resolve the issues discussed in the initial negotiations. More description of issues in the negotiations is provided in Chapter 4.





### **3.11 Development of Intergovernmental Agreement (IGA)**

The IGA will describe in detail the road to be transferred, and will include the road name, all route numbers, the mile points and descriptions (with the beginning and end points) and a location map. It will also include a detailed description of responsibilities for the right-of-way, appurtenances, easements, crossings, traffic monitoring sites, and other items or agreements related to the transferred road. A sample IGA is provided in **Appendix C**.

Details of issues for discussion and possible inclusion in the IGA are provided in **Chapter 4**.



## 4 Issues in the Negotiations

Every jurisdictional transfer, whether to or from ADOT, involves a unique set of issues that must be considered during the negotiation process. The purpose of this chapter is to identify and discuss some of the issues that may need to be considered. It should be kept in mind that a transfer might not involve transferring all jurisdictional responsibilities.

### 4.1 *Ownership of the Rights-of-Way*

The rights to ownership of the land that a road occupies can be complex. Sometimes the transportation agency owns the land outright through fee title and without encumbrances, but frequently that is not the case. There are situations where the road owner may not have any legal right or may have restricted rights to the property that the road occupies. Thorough research and understanding of the road land ownership are critical in the jurisdictional transfer process.

Road rights-of-way across state, federal, tribal, and even private lands, such as railroads, are often conveyed through easements or other instruments. The provisions of the rights-of-way conveyance instruments should be reviewed to determine the conditions, if any, under which the road owner can transfer road rights-of-way to another owner. Some instruments might even include a rights-of-way reversion clause to the underlying property owner for lack of compliance with any provisions in the original agreement. This could include restrictions on transferring ownership of the road.

Other rights-of-way related issues are discussed in the sections on Access Control and Existing Permits, Encumbrances and Agreements.

### 4.2 *Access Control*

Access control has significant implications for how a road functions and how adjacent properties are developed. Access control is a public asset that has value in the transfer negotiation process. Access control may be a purchased asset or it may be achieved through design criteria for roadway elements such as driveway spacing, raised medians, turn restrictions, or other similar control features.

Typically, roads with higher functional classification have higher levels of access control. Depending on the long-term operational intent for the road to be transferred, it may be in the best interest of the public for the transferring agency to retain responsibility for access control. For example, a road that is expected to continue to carry large traffic volumes at high speeds should retain a higher level of access control. Facilities that are expected to primarily provide property access and operate at lower speeds may require significantly less access control.

On the Interstate system, all access control changes require Federal Highway Administration (FHWA) approval (including all adjacent ramps and roadways where access control was purchased with federal funds). On non-interstate portions of the National Highway System (NHS), FHWA approval is also required when federal funds were used to acquire access control.



Responsibility for access control needs to be explicitly addressed in the route transfer agreements. The approach to access control will have some fundamental differences when the transfer is from State jurisdiction to local or tribal jurisdiction versus a transfer from local or tribal jurisdiction to the State.

For transfers from ADOT jurisdiction to local or tribal governments, ADOT should first determine if they are willing and able to relinquish responsibility for access control. If ADOT is willing and able to relinquish control, a value should be placed on this public asset and included in the financial considerations associated with the transfer agreement. If ADOT desires to retain responsibility for access control, adjacent property owners may have to purchase access rights from ADOT and obtain necessary access permits for any new points of access. Retention of access control could also be achieved by including language in the transfer agreement stating that the receiving jurisdiction cannot remove or in any way dilute existing access control provisions.

For transfers from local or tribal jurisdiction to ADOT, the transfer agreement should identify existing permitted and non-permitted access points. If current access controls are not sufficient to meet ADOT's anticipated operational and safety requirements, ADOT should consider requiring the development of an access management plan before the transfer takes place.

### **4.3 Existing Permits, Encumbrances, and Agreements**

Permits are often issued by the roadway owner to provide access to the roadway or roadway rights-of-way. Additionally, permits from resource agencies, such as the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) could put restrictions on how the road can be used or developed. Full disclosure of the permits associated with a road and the conditions specified in those permits should be elements in the transfer negotiation process.

Encumbrances on the rights-of-way, such as utility easements, might also be a negotiation issue for jurisdictional transfers. Accommodating utilities, particularly if they hold prior rights, could be costly and restrict the development of the road facility by a new road owner.

Any intergovernmental agreements impacting the development or use of the road should be disclosed and considered in negotiations for route transfer. In some cases, rights-of-way are purchased with funds from sources other than transportation, and there might be restrictions on how the land can be used.

### **4.4 Federal Interest**

Acquisition of rights-of-ways which were reimbursed with Federal-aid Highway Program Funds have a federal interest which must be accounted for in any transfer of the route to another governmental agency or disposal action. In the situation of transferring the route to another governmental agency the provisions of Title 23 Code of Federal Regulation (CFR) 710 Subpart D (disposal actions) and 23 CFR 620 (continued highway use) would still apply. This federal interest would be accounted for in the situation where a local agency desires to dispose of rights-of-way with a federal interest. This interest must be applied back to federally eligible Title 23 projects and not to their general fund. Once the property is disposed of and funds applied back to another federally eligible project, the previous federal interest ends at that point.



## **4.5 Roadway Condition and Maintenance**

The condition of the roadway and appurtenances has a direct relationship to the amount and cost of maintenance for the facility, which is obviously an important negotiating consideration in any jurisdictional transfer. The age of the roadway and structures are important, even if in good condition. Also critical is how well the facility works. For example, do the culverts work well—can they handle expected flows and are they self-cleaning? Sub-grade conditions, resistance of structure foundations to scour, condition of guardrail, and resistance of slopes to erosion are other examples of roadway conditions that should be considered in negotiating jurisdictional transfers.

An inspection of the facility by maintenance personnel should be made prior to a jurisdictional transfer, and a report of inspection findings made. It is recommended that an estimated annualized maintenance cost be included in the report.

## **4.6 Roadway Improvements and Design Standards**

Design standards are typically dictated by a road's functional classification, location, amount and character of traffic, and federal highway system designation. A determination of appropriate design standards and improvements and cost necessary to bring the road up to standards should be made in conjunction with the jurisdictional transfer process.

Traffic safety should be a major consideration in assessing road improvements to be made in conjunction with a jurisdictional transfer. A transfer of responsibilities should not leave the accepting jurisdiction in a position of significant liability. A review of motor vehicle crash records should be made and consideration should be given to making safety improvements at high crash or serious injury/fatal locations prior to transfer.

## **4.7 Rail Crossings**

Rail crossings, whether at-grade or separated, will generally involve agreements between the railroad and road owner. These agreements specify the rights of each party to the rights-of-way and responsibilities for and terms of construction and maintenance (C&M) work. Insurance will be required for any work within the railroad right-of-way, and the railroad will normally require advance notice and separate permits for work within its right-of-way, particularly if not covered in the C&M agreement. In addition to these construction and maintenance agreements, separate licenses for utility and other types of railroad right-of-way crossings are usually required.

The terms and transferability of existing railroad agreements and licenses should be a consideration for any jurisdiction considering accepting responsibilities for a road with railroad crossings. A meeting should be held with the railroad(s) and parties to the jurisdictional transfer to determine the conditions for transferring the agreements and licenses. If the existing agreements and licenses are not transferable, the owning jurisdiction might have to retain responsibility for the crossings, or the accepting jurisdiction should have some assurance from the railroad(s) regarding the terms of new agreements and licenses before accepting the transfer.



## **4.8 Route Signage**

Route signage and continuity is particularly important for motorists unfamiliar with an area. It is also important for mapping. Although mapping through GIS companies is updated on a frequent basis, hard copy map updating is less frequent.

Retaining existing route signage for some period of time should be a consideration in any jurisdictional transfer. For jurisdictional transfers from the State Highway System to local governments that would result in breaking state highway continuity, consideration should be given to retaining state highway signing for an extended period of time. The terms of a jurisdictional transfer should also address tort liability issues associated with retaining existing route signing after the transfer.

## **4.9 Traffic Signals and Lighting**

Maintenance and operational responsibilities for traffic signals, lighting, and pedestrian facilities vary among and even along specific state highways. Jurisdictional transfers might in some cases be limited to these facilities exclusively.

In situations where the transfer involves the roadway itself, expectations and decision making responsibilities regarding traffic signal, lighting, pedestrian facilities features, operation, and maintenance should be thoroughly discussed, agreed to, and documented. Agreement is important on these issues to resolve philosophical issues. For example, ADOT might favor traffic signal progression to efficiently move traffic along a corridor. Conversely, a local agency might oppose signal progression to reduce speed in order to increase safety or attract attention to adjacent development. Reaching agreement on administering these features prior to jurisdictional transfer could reduce the likelihood of disagreements arising after the transfer.

## **4.10 Landscaping**

Local jurisdictions and ADOT might have differences in opinion on roadway landscaping because of theme, cost of installation, maintenance costs, and safety considerations. For example, as a safety measure, ADOT does not want trees that will achieve a diameter in excess of four inches planted in the clear zone. These issues should be included in the jurisdictional transfer negotiations. A clear understanding should be achieved and documented on landscaping principles, responsibilities, and decision-making as part of the jurisdictional transfer agreement.

## **4.11 Transfer Time Frames**

Time frames for route transfers can vary greatly depending on the nature of the transfer, the extent of necessary research and data collection, complexity of transfer agreements, and investments that may be required in advance of executing the transfer. While there may be pressure to accelerate the transfer process, it should be kept in mind that route transfers are a relatively permanent transaction that need to be supported by all parties to the agreement and to be sustainable over the long term.

One of the most important considerations with respect to time frames is to establish realistic expectations early in the transfer process and clearly communicate these expectations to all parties to the transfer. Time frame goals with intermediate milestones should be identified in



the Memorandum of Intent to document expectations and provide an impetus for keeping the process moving forward. Some typical milestones and general time frame ranges could include the following:

- Draft and execute Memorandum of Intent – 2-3 months
- Collect data and prepare route transfer report – 3-6 months
- Negotiate cost responsibilities – 3-6 months
- Draft and execute agreements – 3-6 months
- Transfer funds or implement improvements – 3 – 12 months
- Execute final transfer – 1-2 months

#### **4.12 Post Transfer Agency Responsibilities**

After a route transfer is executed, it is important that all parties to the agreement continue to communicate with each other to ensure that the transfer is carried out as intended. There are likely to be significant changes in jurisdictional responsibilities and there may be some “learning curves” associated with these new responsibilities. Ideally, the transition will be seamless and invisible to the general public.

The most critical post-transfer responsibilities are those associated with safety, such as signal operations, signing, striping, lighting, emergency response, and law enforcement. Other post-transfer responsibilities will include items such as roadway and landscape maintenance, utility payments, capital improvements, access permitting, and completing the legal and administrative aspects of the transfer. These post transfer responsibilities should be clearly delineated in the transfer agreements and follow-up meetings should be conducted periodically with all participating agencies to assess performance and address any unanticipated consequences of the transfer.

#### **4.13 Financial Considerations**

Financial considerations are frequently the driving force in initiating route transfer discussions and negotiations. Typically, the transferring agency is looking for a way to reduce its current and future financial obligations while the accepting agency is looking for a way to generate or reallocate revenues that will be needed to finance their newly acquired responsibilities.

One of the basic financial analysis tools is the benefit/cost approach. This analysis requires quantification of the benefits and costs associated with the transfer. Benefits and costs may include such as:

- Right-of-way value
- Improvements / equipment value
- Access control value
- Revenue streams and anticipated grants
- Required capital investments
- Required maintenance and operating costs
- Law enforcement and liability costs



For those elements that can be quantified, benefits and costs should be estimated for a given time frame, typically 20 years, using assumed inflation and discount rates to calculate the present value of all benefits and costs. In an ideal transfer, the benefits to each party to the transfer would be greater than their respective costs.

In addition to these benefits and costs, there are also a number of considerations that are more intangible or difficult to quantify. For example, a local agency may realize benefits associated with local control of the roadway such as enhancing economic development potential for adjacent properties and generating additional property and sales taxes. In addition, local control may allow for temporary road closures for special events, enhanced aesthetic treatments, and/or higher levels of maintenance that all benefit the community.

Once the decision is made to proceed with a route transfer, it is incumbent on the accepting agency to budget adequate funds to maintain and operate the roadway in a safe and efficient manner. The motoring public should not experience a decline in service or performance levels.



## 5 Summary

The route transfer process can be a complex and time consuming effort, requiring a strong commitment from the participating agencies to keep the process moving forward. Each transfer will have its own unique characteristics and circumstances that will require tailoring the process to the specific transfer candidate. The end result should be a transfer that meets the goals and objectives of all parties to the transfer agreement and provides decision making regarding the road at the appropriate level of government.

Route transfer considerations and requirements may change over time and periodic updates to this handbook may be required. The most recent version of the handbook will be available on the ADOT website.





## APPENDIX A – Arizona Revised Statutes Relating to Route Transfers



## **Arizona Revised Statutes Excerpts**

The following are excerpts of Arizona Revised Statutes that are applicable to route transfer.

Within the statutes, “Director” denotes the ADOT Director and “Board” denotes the State Transportation Board.

### **A.1.1 State Highway and State Route Definition**

Definitions for state highways and state routes are provided in **ARS 28-101**:

#### **28-101. Definitions**

50. "State highway" means a state route or portion of a state route that is accepted and designated by the board as a state highway and that is maintained by the state.

51. "State route" means a right-of-way whether actually used as a highway or not that is designated by the board as a location for the construction of a state highway.

State routes can be designated on existing local roads where no construction has occurred, or they can be planning routes where no road currently exists. Both of these are often referred to as paper routes. A paper route can be rescinded if no longer needed. A paper route is not subject to the same transfer or abandonment procedures, as no funds were expended on route improvements, maintenance, or operations.

### **A.1.2 Responsibility of the State Transportation Board to Designate a State Highway**

Statute 28-304 section B defines the powers and duties of the board regarding establishing a State Highway System. A partial excerpt of this statute is provided as follows:

#### **28-304. Powers and duties of the board; transportation facilities**

B. With respect to highways, the board shall:

1. Establish a complete system of state highway routes.
2. Determine which state highway routes or portions of the routes are accepted into the State Highway System and which state highway routes to improve.
3. Establish, open, relocate or alter a portion of a state route or state highway.
4. Vacate or abandon a portion of a state route or state highway as prescribed in section 28-7209.

### **A.1.3 Intergovernmental Agreements (IGAs)**

#### **28-401. Intergovernmental agreements**

B. The director shall enter into agreements on behalf of this state with political subdivisions or Indian tribes for the improvement or maintenance of state routes or for the joint improvement or maintenance of state routes.



## A.1.4 State Highway Funds

### ***28-6993. State highway fund; authorized uses***

Except as provided in subsection B of this section and section 28-6538, the state highway fund shall be used for any of the following purposes in strict conformity with and subject to the budget as provided by this section and by sections 28-6997 through 28-7003:

3. To pay the cost of both:
  - (a) Engineering, construction, improvement, and maintenance of state highways and parts of highways forming state routes.
4. To pay land damages incurred by reason of establishing, opening, altering, relocating, widening, or abandoning portions of a state route or state highway.

## A.1.5 Statutes Relating to Route Transfers from the Local Government to the State

In considering route transfer from a local jurisdiction to the state, Statute 28-7041 includes the requirement that a road must be recommended to the State Transportation Board by the ADOT Director to be designated a state highway, and (in item B) a state highway must first be designated as a state route.

Bold and italics were added to highlight areas that refer to the process for designating a state highway and the requirements for a state highway in A.R.S. 28-7041.

### ***28-7041. State highways and routes defined***

A. The state highways, to be known as state routes, consist of the highways declared before August 12, 1927 to be state highways, under authority of law that the board, after receipt of a recommendation from the director, may add to, abandon, or change. If the board proceeds contrary to the recommendations of the director, it shall file a written report with the governor stating the reasons for the action.

B. The state highways consist of the parts of the state routes designated and accepted as state highways by the board. A highway that has not been designated as a state route shall not become a state highway and any portion of a state route shall not become a state highway until it has been specifically designated and accepted by the board as a state highway and ordered to be constructed and improved.

C. All highways, roads, or streets that have been constructed, laid out, opened, established, or maintained for 10 years or more by the state or an agency or political subdivision of the state before January 1, 1960 and that have been used continuously by the public as thoroughfares for free travel and passage for 10 years or more are declared public highways, regardless of an error, defect, or omission in the proceeding or failure to act to establish those highways, roads, or streets or in recording the proceedings.

## A.1.6 Process of Designating a State Highway

The process of converting a state route to a state highway is further defined in Statute 28-7043. Statute 28-7043 provides for noticing requirements for the affected county to participate in the board meeting and have their opinion heard regarding the conversion of a state route to a state



highway. The statute also states that a state route should not be designated as a state highway until monies for its improvement are provided in the budget of the department.

### ***28-7043. Designation of state route as state highway***

A. At least two weeks before the designation and acceptance by the transportation board of a state route or portion of a state route as a state highway, the transportation board shall give notice to the board of supervisors of the county in which the proposed highway is located of the intention of the transportation board to consider the designation.

B. The board of supervisors may:

1. Appear before the transportation board and be heard on the proposal.
2. Petition the transportation board to take over and designate a state route as a state highway.

C. Until designated and accepted as state highways, all state routes are county highways and shall be constructed, improved, and maintained as county highways, except as otherwise provided in this title.

D. A part of a state route shall not be taken over or designated as a state highway until monies for its improvement are provided in the budget of the department. If part of a state route is designated and accepted by the transportation board as a state highway, the department shall maintain the highway.

ARS 28-7046 states that the director must deliver a written report to the board to establish a state highway, and that the Superior Court may review the action of the board.

### ***28-7046. Opening, altering, or vacating highway; review of order***

A. If the director or the board desires to establish, open, relocate, alter, vacate, or abandon a state highway or a portion of a state highway, the director shall make and deliver a written report to the board describing the highway or portion of the highway to be affected. If the board decides that the public convenience will be served, it shall enter a resolution on its minutes approving the proposed action and authorizing the director to proceed and to acquire any property for the action by condemnation or otherwise.

B. The superior court may review by certiorari the action of the board establishing, opening, relocating, altering, vacating, or abandoning state highways.

A.R.S. 28-7049 states that segments of local streets may be designated as state highways if they establish connectivity to or between state routes.

### ***28-7049. Classification of streets that connect highways and routes***

A. If the streets of an incorporated city or town form necessary or convenient links for the connection of sections of state highways or state routes, or for carrying the state highways or state routes through the city or town, the director and the governing body of the city or town, in the case of state highways, or the board of supervisors and the governing body of the city or town, in the case of state routes, may agree that the streets are deemed state highways or county highways, respectively.



B. The agreement shall provide for maintenance of the streets classified pursuant to this section.

## A.1.6 Statutes Relating to Route Transfers from the State to a Local Government

A.R.S. 28-7207 and A.R.S. 28-7209 describe respectively, procedures and requirements when a state highway is transferred to a local government.

### ***28-7207. State roadway abandoned***

If a roadway is a state roadway, the governing body may resolve that this state's interest in the roadway or portion of the roadway be abandoned. On abandonment:

3. This state's interest in the part of the roadway that is located outside the boundaries of incorporated cities or towns vests in the county where the roadway is located.
4. This state's interest in the part of the roadway that is located within the boundaries of an incorporated city or town vests in that city or town.
5. The director shall promptly notify the city, town or county affected by the abandonment, and that county, city, or town may maintain the roadway as other county, city, or town roadways are maintained or dispose of it as provided in this article.

### ***28-7209. Vacated or abandoned highway; affected jurisdiction; procedure***

A. If the board vacates or abandons a portion of a state route or state highway pursuant to section 28-304, the board shall:

1. Vacate or abandon the portion of the route or highway in cooperation with an affected jurisdiction and in full recognition of the financial and administrative impacts of the changes on the affected jurisdiction.
2. Provide four years' advance notice to the affected jurisdiction, except as provided in paragraph 3 and except that, by mutual agreement, the board and the affected jurisdiction may waive this requirement for notification.
3. Provide at least 120 days' advance notice to the affected jurisdiction for the abandonment of new street improvements such as cul-de-sacs and reconnections of existing streets resulting from highway projects.

B. Before a paved highway is vacated or abandoned, the pavement before the vacating or abandonment shall be in such a condition that additional surface treatment and major maintenance of the highway are not required for at least five years, unless the board and the affected jurisdiction agree to waive the requirement of this subsection.

### ***28-7210. Reservation of easements***

Rights-of-way or easements for the following continue as they existed before the disposal or abandonment of the rights-of-way or easements:

1. Existing sewer, gas, water, or similar pipelines and appurtenances.
2. Canals, laterals, or ditches and appurtenances.



3. Electric, telephone, and similar lines and appurtenances.

**28-7213. Resolution; effective date**

A governing body's resolution that disposes of a roadway or a portion of a roadway or that applies the roadway to another public use shall:

1. Describe the roadway and its disposition or use.
2. Take effect when it is recorded in the office of the county recorder of the county in which the roadway is located.



## APPENDIX B – Sample Evaluation Spreadsheet

# SAMPLE EVALUATION FOR TRANSFER TO STATE JURISDICTION

Route: Sample Highway

Location: Sample City

Segment Limits: Sample MP 0 to Sample MP 10

Yellow = Neutral or Not Applicable

Criteria Category	Transfer Considerations	Criteria for Transfer to State Jurisdiction	
<b>Goal of the Transfer</b>			
Transfer objective	What is the main objective or goal that is anticipated through completion of the proposed transfer?	ADOT desires to gain or maintain control and/or financial responsibility.	TRUE
<b>Right-of-Way</b>			
	Does ADOT or the local or tribal agency have full title rights to the candidate roadway?	Route transfer evaluation and negotiations require that all roadway owners (e.g. federal, state, tribal, easement) are participants in the process.	TRUE
<b>Trip character</b>			
Trip purpose	Does the road or highway serve statewide, regional, or local travel needs?	Route primarily serves regional or statewide travel needs; vehicle trips are mostly regional or statewide in nature.	NEUTRAL
<b>Multimodal transportation</b>			
	Do alternate modes of travel (bicycles, pedestrians, crosswalks, local public transit, and school buses) that are primarily local in nature significantly or detrimentally impact the function of the roadway?	Local transit, bicycles, and pedestrians do not have a significant impact on the vehicular capacity of the route.	FALSE
	Is there a desire by the local or tribal agency for significant investment in locally-oriented multimodal facilities such as sidewalks, shared use paths, crosswalks/pedestrian signals?	There is not a desire or need for significant locally-oriented multimodal infrastructure.	FALSE
	Does the route connect to regional multimodal facilities such as airports or rail stations?	Route connects to regional multimodal transportation facilities such as airports	TRUE
<b>Highway Function</b>			
<b>Continuity and Connectivity</b>			
	Is the route needed for statewide or regional system connectivity?	Route is needed to maintain regional continuity.	TRUE
	Is this route a high capacity connecting route needed to form an efficient network?	Route is needed to maintain continuity in the state highway system.	TRUE
	Does this route form a convenient or necessary link for connecting sections of state highways or for carrying state highways or state routes through cities or towns?	Route forms a necessary link for carrying state highways through cities or towns.	TRUE
	Does the route or route segment connect two interstate freeways?	Route connects two interstates.	FALSE
	Does the route connect two state highways or a state highway to an interstate?	Route connects two or more state highways.	TRUE
	Does the highway interconnect with those of other states?	Route connects to state highways in another state.	FALSE
	Does the route serve as a by-pass for interstate, regional, or local routes?	Route serves as an alternative bypass to regional and interstate routes.	NEUTRAL
	Does this route connect Arizona's population centers?	The route is essential to connecting Arizona's population centers.	TRUE
	Is this route primarily designed to carry through traffic?	Route is designed primarily to support through traffic.	TRUE
<b>State highway system functionality</b>			
	Is the route important to the functionality of the statewide highway system?	Route is critical to the functionality of the state highway system.	TRUE
	Will the changes in maintenance, access management or other standards resulting from a transfer negatively impact the function of other nearby state facilities?		
	Does the transfer of a segment affect the functionality of the whole highway? For example, will significant delay be caused for through traffic?	Transfer of route segment to local entity would impair the functionality of the whole highway.	NEUTRAL
	Does this route provide statewide and regional movement of people and goods?	Route primarily provides for the statewide movement of people and goods.	TRUE
Frontage roads	Is the route a frontage road to a major state facility that is needed to complement the mainline facility?	Frontage road serves emergency purposes, accommodates wide loads, and relieves congestion.	NEUTRAL
Parallel routes	Is the route a parallel route to a state highway?	Route is or is not parallel to another state highway, but is essential to serve emergency purposes and to relieve congestion.	NEUTRAL
New or major reconstruction	Is the route affected by a new state highway that bypasses or duplicates the route	The route is not served by a new state highway facility; the route is needed as part of the state highway system.	TRUE
<b>Land Use</b>			
<b>Local land use plans</b>			
	Do local or regional plans treat the highway as a local road favoring accessibility, or as a statewide facility favoring mobility, as determined by highway classification and access management?	Local and regional plans treat the route as a statewide facility favoring mobility, as evidenced by roadway classification and access management	TRUE
	Recognizing that land use decisions are made by local and tribal governments, should consolidation of government decisions for land use and access management decisions provide greater efficiency, economic development potential, and community responsiveness?	Local and tribal agencies effectively collaborate with ADOT in making land use decisions which influence access management.	TRUE



Route: Sample Highway  
 Location: Sample City  
 Segment Limits: Sample MP 0 to Sample MP 10

Yellow = Neutral or Not Applicable

Criteria Category	Transfer Considerations	Criteria for Transfer to State Jurisdiction	
<b>Access Management</b>			
Driveways/access points	How does existing access management (number of driveways, access points, intersection geometrics, intersection spacing) affect mobility, capacity, and safety?	Access management is sufficient	FALSE
Access management features	Does the route include access management features (medians, right in / right out, islands)	Route is controlled or limited access, route includes significant access management	TRUE
Intersection/interchange access	Does the route cross an Interstate or state highway where state ownership of the highway is required to protect the access management of the interchange, off-ramp or highway?	Route segment crosses an interstate or state highway where ownership is required to protect access management.	TRUE
Frontage road	Is the frontage road being considered for transfer needed to support the limited access of an interstate, freeway, interchange, or potential freeway?	The route is a frontage road that is needed to support a limited access state highway.	NEUTRAL
<b>Future Needs</b>			
Plans	Does a Regional Plan or planning study say that the route will be needed on the state system to accommodate population growth or a change in the economy?	Route will be needed on the state highway system to accommodate future growth.	TRUE
<b>Jurisdictional Interest</b>			
Local or Tribal Jurisdiction Interest	Has a local or tribal agency expressed interested in assuming ownership of the route?	The state has expressed interest to maintain or assume control of the route	TRUE
Level of Service	Is there a desire by local government for a different level of service (e.g. permit accesses, maintenance, higher standards or service)?	State ownership is able to provide the level of service desired by local or tribal jurisdictions.	TRUE
<b>Other non-statewide routes</b>			
State and National points of interest	Does this route meet criteria for "non-statewide routes" serving points of state and national interest?	The route serves as a primary route to federal public lands and destinations.	NEUTRAL
Special designations	Does this route meet criteria for "other major facilities" including:	Route has special designations as listed.	FALSE
	• Rural routes with more than 5,000 ADT		
	• Connecting rural National Highway System (NHS) routes with more than 1,500 ADT		
	• Key freight routes (more than 1,000 articulated trucks per day)		
	• A regional evacuation route		
Scenic byway or Scenic Corridor			
Others as identified			
<b>Maintenance and Operations</b>			
State highway segmentation	Will the transfer result in a state highway being broken into segments owned by different jurisdictions?	Transfer will result in route being consolidated into segments owned and operated by the State.	TRUE
Maintenance resources	Does the receiving agency have the ability to maintain and operate the roadway?	Local or tribal agency does not have the resources to maintain and operate the roadway.	TRUE
Maintenance requirements	Are maintenance requirements, materials and/or equipment more appropriate or efficient at the local level (signal power and maintenance, plowing, sanding/de-icing, other maintenance work)	Route maintenance requirements are more efficiently provided by the state.	TRUE

# SAMPLE EVALUATION FOR TRANSFER TO LOCAL JURISDICTION

Route: Sample Highway

Location: Sample City

Segment Limits: Sample MP 0 to Sample MP 10

Yellow = Neutral or Not Applicable

Criteria Category	Transfer Considerations	Criteria for Transfer to Local Jurisdiction	
<b>Goal of the Transfer</b>			
Transfer objective	What is the main objective or goal that is anticipated through completion of the proposed transfer?	A local or tribal agency desires increased control of improvements, maintenance, access decisions, and financial responsibility.	TRUE
<b>Right-of-Way</b>			
	Does ADOT or the local or tribal agency have full title rights to the candidate roadway?	Route transfer evaluation and negotiations require that all roadway owners (e.g. federal, state, tribal, easement) are participants in the process.	TRUE
<b>Trip character</b>			
Trip purpose	Does the road or highway serve statewide, regional, or local travel needs?	Route primarily serves local travel needs. Vehicles trips are primarily local in nature, for shopping, local business, and recreation.	NEUTRAL
Multimodal transportation	Do alternate modes of travel (bicycles, pedestrians, crosswalks, local public transit, and school buses) significantly or detrimentally impact the function of the roadway?	Local transit, bicycles, and pedestrians do not have a significant impact on the vehicular capacity of the route.	TRUE
	Is there a desire by the local or tribal agency for significant investment in locally-oriented multimodal facilities such as sidewalks, shared use paths, crosswalks/pedestrian signals?	Significant locally-oriented multimodal infrastructure is needed to accommodate frequent users of the roadway, including bicyclists, pedestrians, and transit users.	TRUE
	Does the route connect to regional multimodal facilities such as airports or rail stations?	Route does not connect to regional multimodal facilities.	TRUE
<b>Highway Function</b>			
Continuity and Connectivity	Is the route needed for statewide or regional system connectivity?	Route is not needed to maintain regional continuity.	TRUE
	Is this route a high capacity connecting route needed to form an efficient network?	Route is not needed to maintain continuity in the state highway system.	TRUE
	Does this route form a convenient or necessary link for connecting sections of state highways or for carrying state highways or state routes through cities or towns?	Route does not form a necessary link for carrying state highways through cities or towns.	TRUE
	Does the route or route segment connect two interstate freeways?	Route does not connect two interstates.	TRUE
	Does the route connect to two state highways?	Route does not connect two state highways.	TRUE
	Does the highway interconnect with those of other states?	Route does not connect to state highways in another state.	TRUE
	Does the route serve as a by-pass for interstate, regional, or local routes?	Route serves as an alternative bypass to local routes	NEUTRAL
	Does this route connect Arizona's population centers?	The route is not essential to connecting Arizona's population centers.	TRUE
	Is this route primarily designed to carry through traffic?	Route is designed primarily to serve local land uses	FALSE
State highway system functionality	Is the route important to the functionality of the statewide highway system?	Route is not critical to the functionality of the state highway system.	TRUE
	Will the changes in maintenance, access management or other standards resulting from a transfer negatively impact the function of other nearby state facilities?		
	Does the transfer of a segment affect the functionality of the whole highway? For example, will significant delay be caused for through traffic?	Transfer of route segment to local entity would not impair the functionality of the whole highway.	TRUE
	Does this route provide statewide and regional movement of people and goods?	Route primarily provides for local land access; provides minimal support for regional or statewide movement of people or goods.	TRUE
Frontage roads	Is the route a frontage road to a major state facility that is needed to complement the mainline facility?	The frontage road primarily accommodates local access.	NEUTRAL
Parallel routes	Is the route a parallel route to a state highway?	Route parallels and duplicates the function and purpose of a parallel state highway facility.	TRUE
New or major reconstruction	Is the route affected by a new state highway that bypasses or duplicates the route	<ul style="list-style-type: none"> <li>The route is now served by a new state highway that bypasses the city or town; the route is no longer needed as part of the state system</li> </ul>	TRUE
		<ul style="list-style-type: none"> <li>The route changed as part of a highway realignment that left a portion of the old highway useful only for local access purposes.</li> </ul>	

Route: Sample Highway  
 Location: Sample City  
 Segment Limits: Sample MP 0 to Sample MP 10

Yellow = Neutral or Not Applicable

Criteria Category	Transfer Considerations	Criteria for Transfer to Local Jurisdiction	
<b>Land Use</b>			
Local land use plans	Do local or regional plans treat the highway as a local road favoring accessibility, or as a statewide facility favoring mobility, as determined by highway classification and access management?	Local and regional plans treat the route as a local road favoring accessibility.	TRUE
	Recognizing that land use decisions are made by local and tribal governments, should consolidation of government decisions for land use and access management decisions provide greater efficiency, economic development potential, and community responsiveness?	Consolidation of government decisions for land use and access management decisions would provide greater efficiency and community responsiveness.	TRUE
<b>Access Management</b>			
Driveways/access points	How does existing access management (number of driveways, access points, intersection geometrics, intersection spacing) affect mobility, capacity, and safety?	• Existing access points impact the integrity of the corridor	TRUE
		• Non-compliance for access (nor permitted or not in compliance to DOT standards / requirements) and local jurisdictions will not support actions to correct	
		• Past actions determined that the local agency and / or business community is not supportive of access management implementation	
Access management features	Does the route include access management features (medians, right in / right out, islands)	Route includes minimal or no access management features	FALSE
Intersection/interchange access	Does the route cross an Interstate or state highway where state ownership of the highway is required to protect the access management of the interchange, off-ramp or highway?	Route segment does not cross an interstate or state highway where ownership is required to protect access management.	FALSE
Frontage road	Is the frontage road being considered for transfer needed to support the limited access of an interstate, freeway, interchange, or potential freeway?	The route is a frontage road that is intended primarily for local access; route is not needed to support limited access	NEUTRAL
<b>Future Needs</b>			
Plans	Does a Regional Plan or planning study say that the route will be needed on the state system to accommodate population growth or a change in the economy?	Route will not be needed on the state highway system to accommodate future growth.	FALSE
<b>Jurisdictional Interest</b>			
Local or Tribal Jurisdiction Interest	Has a local or tribal agency expressed interested in assuming ownership of the route?	A local or tribal agency has expressed interest in assuming ownership of the route.	TRUE
Level of Service	Is there a desire by local government for a different level of service (e.g. permit accesses, maintenance, higher standards or service)?	There is a desire by a local or tribal agency for a different level of service, which state ownership is not prepared to provide.	TRUE
<b>Other non-statewide routes</b>			
State and National points of interest	Does this route meet criteria for "non-statewide routes" serving points of state and national interest?	The route does not serve as a primary route to federal public lands and destinations.	TRUE
Special designations	Does this route meet criteria for "other major facilities" including:	Route does not have special designations.	TRUE
	• Rural routes with more than 5,000 ADT		
	• Connecting rural National Highway System (NHS) routes with more than 1,500 ADT		
	• Key freight routes (more than 1,000 articulated trucks per day)		
	• A regional evacuation route		
	• Scenic Byway or Scenic Corridor		
• Others as identified			
<b>Maintenance and Operations</b>			
State highway segmentation	Will the transfer result in a state highway being broken into segments owned by different jurisdictions?	Transfer will not result in state highway being broken into segments owned and operated by different jurisdictions.	TRUE
Maintenance resources	Does the receiving agency have the ability to maintain and operate the roadway?	Local or tribal agency has the resources to maintain and operate the roadway.	TRUE
Maintenance requirements	Are maintenance requirements, materials and/or equipment more appropriate or efficient at the local level (signal power and maintenance, plowing, sanding/de-icing, other maintenance work)	Route maintenance requirements are more efficiently provided at the local or tribal level.	FALSE



## APPENDIX C – Sample Intergovernmental Agreement

A. G. Contract No. KR99 0117TRN  
ADOT ECS File No. JPA 99-03  
TRACS No. H5078 01C  
Section: SR-89A

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
YAVAPAI COUNTY, ARIZONA

THIS AGREEMENT is entered into 17 February, 2000,  
pursuant to Arizona Revised States, Sections 11-951 through 11-954, as amended, between the  
STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the  
"State") and YAVAPAI COUNTY, ARIZONA, acting by and through its BOARD OF  
SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statues Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the state.
2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.
3. The State and the County desire to improve SR89A as an access controlled highway from its new intersection with US89 at milepost 319.2 easterly 8 miles to the easterly point of the future Lone Mesa interchange that will connect to the new County Fain Road. The road improvement project will be constructed in three phases in accordance with the maps marked Exhibit A & B, which is attached hereto and made a part thereof, as follows :

=====

NO. 23840  
Filed with the Secretary of State  
Date Filed: 02/17/2000

Petrey Bayless  
Secretary of State

Dick J. Greenwald

A. PHASE 1 A new 3.5 mile controlled four lane section of SR89A, from US89 at approximately milepost 319.2 to approximately ¾ miles west of the intersection of Glassford Hill Road and SR89A. Transfer ownership and maintenance responsibility to the County of the old section of SR89A from the current intersection of US89 at milepost 319.2 and SR89A to Great Western Drive. The estimated cost of this phase is \$28,915,000. The State's share is 74.2%, or \$21,453,000, and the County's share is 25.8%, or \$7,462,000. The State and County have these amounts budgeted for and available in FY 1999/00.

B. PHASE 2 Realign and construct the next 1.5 mile section of SR89A through the Glassford Hill intersection as a four-lane section. The estimated cost of this phase is \$6,571,000. The State's share is 74.2%, or \$4,875,000, and the County's share is 25.8%, or \$1,696,000. The State and County shall have these amounts budgeted for and available in FY 2001/02.

C. PHASE 3 Realign and construct the next 3 mile section of SR89A as a four lane section through the future Robert Road T.I. and then to a two lane section to align with the new County Fain Road. The estimated cost of this phase is \$11,014,000. The State's share is 74.2%, or \$8,172,000, and the County's share is 25.8%, or \$2,842,000. The State and County shall have these amounts budgeted for and available in FY 2002/03.

4. The estimated total cost of all three phases of this project is \$46,500,000. The State's total share is 74.2%, or \$34,500,000, and the County's total share is 25.8%, or \$12,000,000. Any unused State or County funds from PHASE 1 or PHASE 2 may be used for PHASE 3 if necessary. Any shortage of funds will require a reevaluation of the design. There are no additional State funds available at this time. Change orders during construction will be charged 74.2% to the State and 25.8% to the County.

5. This project will include the construction of the Larry Caldwell T.I. overpass. All other intersections will be at-grade. The responsibility for funding future grade separate structures will be funded as follows: The State will fund Highway 89; Glassford Hill, Robert Road, and Lone Mesa T.I.'s. The County and other local sources will fund Side Road, Great Western, and Coyote T.I.'s, when warranted.

6. When the Fain Road/Lone Mesa T.I. is constructed, the State will relocate SR89A from its intersection with Coyote Road to a connection with Lone Mesa. The roadway of existing SR89A between Coyote Road and relocated SR89A will be abandoned by the State to the County for ownership and maintenance responsibility.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

1. The County will:
  - A. Be the lead agency for the scoping phase of the project (Phase 1,2,&3), and provide to the State standard design studies and environmental documents. Acquire all required right of way for the project (Phase 1,2 &3) including that needed for future T.I.'s with access prohibited except at identified T.I. locations. Right of way acquisition will start immediately after the design concept report is approved. The County will deed the right of way to the State. (Right of way costs will be split 74.2% to the State and 25.8% to the County. These costs are already estimated in the project costs.)
  - B. Be the lead agency for the PHASE 1 pre-construction phase (administration of the design). As lead agency provide to State standard design studies, plans, specifications and such other documents including all necessary permits, clearances, or approvals from any other impacted agencies, and services required for construction bidding and construction of PHASE 1 of the project.
  - C. Review the design documents and provide comments for Phase 2 and Phase 3 of the project. Through zoning, protect the corridor for the relocation of SR89A at the Fain Road/Lone Mesa connection until that relocation is constructed. Provide for any mitigation required in excess of that described in Phase 1. Incorporate or promptly resolve State review comments.
  - D. Be responsible for twenty-five and eight tenths percent (25.8%) of the costs of the entire project in an amount currently estimated at \$12,000,000.
  - E. During construction, reimburse the State for the County share of construction costs within 30 days after receipt of an invoice, and be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the County.
  - F. Upon completion of the project and upon approval and by resolution of the Board of Supervisors, accept jurisdiction and maintenance responsibility for the old section of SR89A between the intersection of the new SR89A and old SR89A, to the intersection with SR89. Provide interim maintenance to (old) SR-89A during construction of the (new) SR89A. Waive the four-year advance notification requirements of Arizona Revised Statute 28-7209.
  - G. Construct new Fain Road as a limited access two-lane highway that will align to the new Highway 89A alignment. Insure that Fain Road is completed on the same schedule as the Phase 3 89A project.

2. The State will:
- A. Be the lead agency for the pre-construction phase for Phase 2 and Phase 3 of the project and also for the construction phase (construction administration) of the project. Review the design documents and provide comments for Phase 1 of the project.
  - B. Direct the Project Manager for Phase 3 to be on the County's Fain Road management team. Insure that Phase 3 is completed on the same schedule as the Fain Road construction.
  - C. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor(s). Confer with the County on any project related contract modifications. Provide construction engineering for the project at no cost to the County. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.
  - D. Be responsible for seventy-four and two tenths percent (74.2%) of the entire cost of the project in an amount currently estimated at \$34,500,000.00. During construction, invoice the County for its share of the Project construction costs. ~~Take the cost of change orders, if any, from savings from other projects.~~ *WGA 2/7 for HGD*
  - E. Upon completion, approve and accept the Project as complete and designate the new controlled access roadway as SR89A. Be responsible for interim maintenance costs of (old) SR89A during construction of (new) SR89A. Upon approval by resolution of the State Transportation Board, abandon ownership jurisdiction and maintenance responsibility for the old section of SR89A between the intersection of the new SR89A and old SR89A.
  - F. When SR89A is relocated from its intersection with Coyote road to a connection with the Fain Road/Lone Mesa T.I., the State will abandon to the County for ownership and maintenance responsibility the roadway between Coyote Road and relocated SR89A.
  - G. ADOT's New SR89a maintenance responsibility will begin from the west right of way of US89, and include each intersection through to the Lone Mesa TI. At each of the intersections the responsibility extend to the curb returns.

### III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a project contract, upon thirty (30) days written notice to the other party



- 2. This agreement shall become effective upon filing with the Secretary of State.
- 3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
- 4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.
- 5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for Public Works contracts in Arizona Revised Statutes Section 12-1518.
- 6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
 Joint Project Administration  
 205 South 17<sup>th</sup> Avenue, Mail Drop 616E  
 Phoenix, AZ 85007

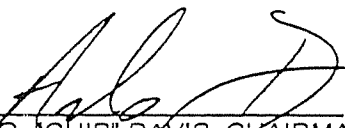
Yavapai County Administrator  
 1015 Fair Street  
 Prescott, AZ 86305

- 7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper for.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

YAVAPAI COUNTY, ARIZONA

STATE OF ARIZONA  
 Depart. of Transportation

By   
 A.G. "CHIP" DAVIS, CHAIRMAN  
 Board of Supervisors

By   
 WILLIAM J. HIGGINS  
 Deputy State Engineer

ATTEST

By   
 BEV STADDON  
 Clerk of the Board

# REGIONAL ROAD SYSTEM

SCALE: 1in = 6000ft

