


APPENDIX A

Oregon Department of Transportation  Procedure	NUMBER ROW 10-01-01	SUPERSEDES NEW
	EFFECTIVE DATE 10-21-02	PAGE NUMBER 1 OF 17
	VALIDATION DATE	
	REFERENCE ORS 190, ORS 366, ORS 373, Delegation Orders	
SUBJECT ROADWAY JURISDICTIONAL TRANSFER PROCESS	APPROVED SIGNATURE	

PURPOSE:

This procedure outlines the necessary steps for transferring a segment of highway from the Oregon Department of Transportation (Department) to a local jurisdiction.

A. Jurisdictional Transfer Agreements.

To outline how to obtain approval from the Oregon Transportation Commission (OTC) and from other governmental agencies when planning to transfer a section of the state highway system pursuant to ORS 190, ORS 366 and ORS 373, and for retention of other sections of state highway within the existing system. To clarify the Department's requirements for agreements with other parties when planning to divest state's interest or exchange state's interest with other highway agencies. Prior to these procedures, these agreements were titled "Abandonment and Retention Agreements," abbreviated "A & R's."

B. Documents to Complete Terms of Jurisdictional Transfer Agreements.

To outline the processes required following successful attainment of an agreement with applicable terms and provisions for the jurisdictional transfer, which then leads to the final transfer document. To outline the process used to produce a Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan (OHP) for a jurisdictional transfer as a result of the Jurisdictional Transfer Agreement. To produce a Highway Designation Resolution, if a segment is proposed to be added to the state highway system. To produce a signed Jurisdictional Transfer Document that will be recorded in the county and complete the jurisdictional transfer process.

BACKGROUND: The state highway system is comprised of thousands of parcels of land, with the ownership interests ranging from fee to easement. These parcels came into state ownership at different times and under different circumstances. For the most part, the earliest parcels were once county roads given to the state for use as a state highway by the counties passing resolutions conveying these parcels to the state. More recently, the state has obtained property interests by acquiring fee or easement interests from private owners. These property interests are acquired by deed or other conveyance document or through the exercise of eminent domain power. The Right of Way (ROW) Section considers this history as part of the jurisdictional transfer process.

If some part or all of a highway section to be eliminated is needed for the service of persons living thereon, or for a community served thereby, then those parts must be maintained as some type of public roadway. The Department must work with the other public transportation agencies during the agreement process to determine who will have jurisdiction and maintain those portions. A reversionary clause usually must be included in any jurisdictional transfer to a local agency. This reversionary clause ensures that the property rights transferred revert back to the state if the roadway is not used for public purposes in the future. Such property rights then become Department assets managed by its ROW Property Management Unit.

This procedure deals with eliminating property interests previously acquired for state highway purposes and divesting the state's interest in a highway section to another governmental agency with an intent the highway will continue to be utilized for public road purposes. When the state divests itself of portions of its state highway system, the parcels are divested in a manner that conforms to state laws.

The state's interest in any section of the state highway system can be conveyed by documents that reflect and memorialize terms of the agreement approved between the OTC and another governmental agency or other parties. There are two primary steps in what is referred to as the jurisdictional transfer process. First, the agreement process (see Part A) and, secondly (see Part B), other needed documents to complete the jurisdictional transfer process (Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Highway Plan, Highway Designation Resolution, if needed, and the Jurisdictional Transfer Document).

If the interest originally acquired is not to be used as a public highway in the future, it is considered to be excess property and must be declared "surplus" to the Department's needs before it can be sold, leased, or exchanged (traded). ROW Property Management Unit manages excess and surplus property in a manner that provides the greatest return and benefit to the Department. Any sale proceeds are returned to the Highway Fund for future departmental uses.

The process of transferring a public highway for continued public use is usually initiated by personnel of the Department's Region offices, or by requests from other governmental agencies or private parties. First, an agreement is reached and approved by the OTC or designee and signed by all appropriate parties. Next, the Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan and the Highway Designation Resolution, if needed, are signed by the OTC or designee, once the terms of the agreement have been met. To complete the process, the Jurisdictional Transfer Document is signed by the OTC or designee and recorded at the county in conformance with the property laws and regulations of Oregon.

DEFINITIONS:

Abandon. To release or give up a less than fee property interest that the Department holds via a highway designation resolution by the OTC when the highway segment is to be eliminated from the state highway system because it no longer serves a statewide public highway purpose. Abandonment accomplishes two things: 1) it eliminates the segment from the state highway system; 2) it releases the Department's interests in the facility and the associated ROW upon which the facility is located. See ORS 366.300.

Abandonment-Retention (A&R) Agreement. This is the title used prior to renaming these agreements "*Jurisdictional Transfer Agreements.*"

Abandonment-Retention (A&R) Resolution. This is one type of transfer document previously used, but now "*Jurisdictional Transfer Document*" is used.

Conveyance Documents. A generic term that refers to real estate documents that are signed by the parties of interest and transfer the property interest held by the Department. Once signed, these documents are recorded at the county courthouse as a public record.

Highway Corridor and Survey Design Resolution. This resolution is required on all highway construction projects on the state highway system where the new centerline departs from the existing ROW for such a distance as to form two separate routes. This departure may be only a few hundred feet in length using new ROW purchased for the state project. It will be ROW Engineering's decision in each instance as to whether or not a resolution will be needed. The Project Team Leader will contact ROW Engineering to prepare this document after the Project Decision Document is approved and the new route is selected or after the location survey has been completed. ROW Engineering will submit the resolution to the OTC for approval, since the OTC has the statutory authority to add or eliminate sections of the highway from the state highway system. This information is included in this procedure since a segment of highway may be designated by the OTC under this resolution as part of the purchase of a new right-of-way for a project.

Highway Designation Resolution. The formal resolution by the Department when the Department acquires a section of city street or county road from a local jurisdiction to be used as part of the state transportation system. It is also used to add new segments to the system which were not parts of a city street or county road. This resolution formally designates these sections or segments as part of the state's highway system. Agreements with local jurisdictions typically state that "by resolution" the Department shall designate a certain section of roadway as part of the state highway system. This might also be included as one of the terms of a Jurisdictional Transfer Agreement. After the agreement is approved and any terms and conditions have been met, the Highway Designation Resolution is completed by the Region staff responsible for coordinating agreements. Through the Technical Services Resource Manager or other Region resources, the staff will request preparation of a map with the appropriate milepoints. Once the Highway Designation Resolution is prepared by the Region and the review for statewide consistency and legal conformance is completed through Construction Contracts, the Region will forward a copy to

the Highway Plan Manager, requesting that the manager initiate the process for amending the OHP (See Step 33). The Region will prepare a transmittal letter for the Highway Designation Resolution. The OTC chair or the Director, as delegated, will sign the Highway Designation Resolution on behalf of the OTC at the same time as the Minor Amendment to the Oregon Highway Plan.

Note: *If there is a state construction project for a state highway, a Highway Corridor and Survey Design Resolution may have been completed. See the definition for this resolution and check with ROW Engineering to see if this is the case. If so, in these instances a Highway Designation Resolution is not needed since either resolution officially adopts a new highway segment through the OTC.*

Jurisdictional Transfer Agreement. An agreement between the Department and other governmental parties outlining terms and conditions related to the Department removing a segment of highway from the state system and transferring jurisdiction of the road to another jurisdiction. The terms and conditions of the Jurisdictional Transfer Agreement may be included as part of other types of agreements (Construction Finance Agreements, Cooperative Improvement Agreements, etc.) as long as the terms and conditions are clearly included, sufficient "written consent" exists, the property is clearly identified, and the OTC or delegated authority approval is obtained. However, a stand-alone Jurisdictional Transfer Agreement is often preferable, since, unlike many other types of agreements, once the terms of the Jurisdictional Transfer Agreement are met and the Jurisdictional Transfer is completed, the obligations of that agreement are completed. It is also good practice to have separate Jurisdictional Transfer Agreements for each local jurisdiction involved in a transfer. Any of these agreements may include language regarding a highway designation (see definition above and separate procedures for processing Highway Designation Resolutions). Region Managers are responsible for initiating these or similar agreements and coordinating the approval with the OTC. All affected governmental parties and all officials within the Department with approval authority must eventually sign the agreement.

Jurisdictional Transfer Document. The formal conveyance document by the Department, which follows the approved agreement and conveys the state's interest in the highway segment to a local jurisdiction as long as needed for public road purposes, as per terms of the agreement. A reversionary clause is usually included in the conveyance document, so any interest conveyed reverts back to the Department once it is no longer needed for public road purposes. The Department signs the conveyance document because it conveys only the Department's interest. The local jurisdiction signs the acceptance of the transfer before the document can be recorded. The ROW Section, Salem Headquarters office, prepares the Jurisdictional Transfer Document and arranges for the needed signatures.

Region Agreements Coordinator. Job title differs from Region to Region. This term refers to the Region person who coordinates Region's agreement process. It is good practice for the Region to designate a "project lead" for each transfer. The "project lead" may negotiate the terms and conditions of the agreement with the local jurisdiction, and ensures that the entire jurisdictional transfer process is completed. The "project lead" may be a project team leader, District Maintenance Supervisor, an Area Manager, etc. Depending on the complexities of the agreement, it is often advisable to assemble a project team. The "project

lead" works with the Region Agreements Coordinator regarding the teams of the agreement and the process to follow.

Relinquishment Document. One form of conveyance document formerly used to convey a property interest that was acquired by the Department to a governmental unit for road purposes. Refer to Jurisdictional Transfer Document definition for current document used.

Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Highway Plan. This resolution accomplishes two things that are the responsibility of the OTC: 1) eliminates a section of highway from the state highway system, and 2) makes a minor amendment to the OHP. The 1999 Oregon Highway Plan is the highway element of the state transportation system plan required by the Transportation Equity Act for the 21st Century (TEA-21) and the state Transportation Planning Rule. It is a statement of state policy developed and adopted by the OTC and has legal status. The state highway system is part of the OHP. A jurisdictional transfer involves a change to the highway system, by either adding or eliminating a section from the state highway system. As a result, the OHP must be changed to reflect the current state highway system. The Highway Plan Manager is responsible for the process involved in this once the agreement has been completed. ODOT must give public notice of the proposed changes and provide the public an opportunity to review.

The OTC is responsible for approving this resolution and/or a Highway Designation Resolution, if applicable. ROW prepares this resolution for the OTC or delegated approval and coordinates needed information for this resolution with the Highway Plan Manager. If a highway segment is added, the Region prepares a Highway Designation Resolution for OTC or Director approval. The OTC has delegated authority to the Director to make minor corrections to the OHP similar to the authority the OTC has delegated for signing agreements. Minor corrections include changes to the highway system that the OTC has approved through the STIP process or in the biennial budget. (See Attachment C.)

After this procedure, the Highway Plan Manager posts the changes in the Registry of Amendments to the Oregon Highway Plan on the Department's Web site and maintains an official record of the action in the Department's General Files.

Retention. When the Department divests itself of a highway segment and the associated land interests within it, it is sometimes helpful for the sake of clarity to also identify the adjacent highway segments that are to be retained and will continue to be part of the state highway system.

Reversion. State highway interests transferred to a local jurisdiction for continued public highway use will contain a reversionary clause, which declares that any interest held by the Department can be used for public roadway use, but if it is not used for that purpose, whatever right, title and interest in the land originally conveyed will again revert to the Department. At that time, ROW Property Management will determine if the property is surplus to the Department's needs and how the Department holds interest in the property.

ROW Jurisdictional Transfer Coordinator. Refers to person in the ROW Section, Salem Headquarters office, who coordinates completion of the jurisdictional transfer documents after the agreement has been signed and the terms of the agreement have been met. These documents include a Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan and recorded Jurisdictional Transfer Document.

A. Jurisdictional Transfer Agreements

PROCEDURES FOR PROCESSING AGREEMENTS INVOLVING JURISDICTIONAL TRANSFER OF HIGHWAY SECTIONS THAT ARE TO BE ELIMINATED FROM THE STATE HIGHWAY SYSTEM:

<u>RESPONSIBILITY</u>	<u>STEP</u>	<u>ACTION</u>
Region Area/District Manager	1	<p><u>Initiate Transfer Concept.</u> Determines that a section of highway should be transferred to another governmental jurisdiction.</p>
	2	<p><u>Research.</u> Gathers pertinent information, including financial analysis, whether surplus property may be involved, etc, and makes contact with necessary parties within the Department to determine the feasibility of the transfer.</p> <p>These parties include:</p> <ul style="list-style-type: none"> • ROW • Preliminary Design • Bridge, if bridge is involved • Traffic Management • Financial Services • District Office • Region Planning • Roadway Engineering
Region Area/District Manager (continued)	3	<p><u>Negotiate Agreement Terms.</u> In the event that the section of highway will be transferred to a local jurisdiction, contacts that agency to negotiate the terms of agreement and clarify which highway segments to transfer and/or retain.</p> <p><i>Note:</i> <i>In cases where another jurisdiction will acquire the section of highway, statute requires that an agreement transferring responsibility for highway maintenance be executed prior to issuance of resolutions and conveyance documents to complete the process. ORS 366.300(1).</i></p>

RESPONSIBILITY

STEP ACTION

Note: Combining Agreements. *When sufficient “written consent” exists in a previous agreement between the state and county, a separate Jurisdictional Transfer Agreement is not needed. The terms and conditions of the transfer/retention may be included as part of various types of agreements, including Construction Finance Agreements, Cooperative Improvement Agreements etc., as long as the terms and conditions are clearly included, sufficient “written consent” exists, the property is clearly identified, and the OTC or delegated authority approval is obtained. However, a stand-alone Jurisdictional Transfer Agreement is often preferable, since, unlike many other types of agreements, once the terms of the Jurisdictional Transfer Agreement are met and the Jurisdictional Transfer is completed, the obligations of that agreement are completed. It is also good practice to have separate Jurisdictional Transfer Agreements for each local jurisdiction involved in a transfer (for example, both a county and a city could be involved in a jurisdictional transfer at an interchange). The title of the agreement should be “Jurisdictional Transfer Agreement” when the jurisdictional transfer provisions are included with these other types of agreements.*

Region Agreements
Coordinator

- 4 **Jurisdictional Transfer Number.** Obtains jurisdictional transfer number from ROW Jurisdictional Transfer Coordinator. This number will be used for all agreements with jurisdictional transfer provisions, plus the documents that follow the agreement (Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan and Jurisdictional Transfer Document).
- 5 **Agreement Preparation.** Prepares a draft agreement addressing jurisdictional and maintenance responsibilities of all parties. Works with the jurisdictional transfer "project lead" in the region regarding the terms and conditions needed for the agreement.

RESPONSIBILITY

STEP ACTION

Region Agreements
Coordinator (continued)

Map Preparation. Prepares a preliminary map, preferably electronic, and description identifying the sections to be transferred/retained (see Attachment A for guidelines to use for writing description and Attachment B for guidelines to use for creating exhibit maps).

Note: Mapping services can typically be obtained through a request to the Technical Services Resource Manager (Designers) or to the Region Planning Manager (GIS Staff).

Note: Refer to the attached delegated authority sheet marked Attachment C to determine whether OTC approval is needed or which delegated authorities to use on the agreement. If OTC approval is needed, it will add at least an additional two months to the timeframe for approval.

6 Forwards draft agreement and draft map, electronic if possible, to ROW Jurisdictional Transfer Coordinator, and to any other Department personnel that Region deems appropriate, for review while formal exhibit map is prepared (possibly including Region Manager, District Manager, ROW Region Supervisor, Area Manager, Region Traffic Manager, Transportation Development Division Manager, and Bridge, Pavement, Financial Services and Traffic Management Sections). Reviews agreement with local jurisdiction.

ROW Jurisdictional Transfer
Coordinator

7 Forwards draft agreement and draft map to ROW Engineering requesting a formal exhibit map be finalized depicting the area to be transferred/retained and a review of the language describing the unit(s) to be transferred/ retained. This map will be used in both the agreement and the resolutions and conveyance documents.

ROW Engineering

8 Prepares a final exhibit map depicting the area to be transferred and clearly defining areas to be retained by the State. Refers to map and description provided by Region, ROW maps, location maps,

RESPONSIBILITY

STEP ACTION

project plans, “as built” plans, title documents and road maps as necessary. Researches right-of-way file, deeds and maps to ensure access control issues have been addressed. Sends comments to Region about needed changes to the description.

ROW Jurisdictional Transfer Coordinator

9 Forwards the final exhibit map to the Region electronically, after completion by ROW Engineering.

Region Agreements Coordinator

10 Amends draft agreement as necessary.

Region Agreements Coordinator (continued)

11 Obtains Region Manager's concurrence.

12 Attaches final exhibit map to draft agreement and forwards to Construction Contracts and Agreements Section for the required formal review for legal conformance and statewide consistency.

Construction Contracts Agreements Coordinator

13 Reviews draft agreement and forwards to the following for formal legal conformance and statewide consistency.

- ROW Salem Headquarters
- Financial Services
- Transportation Data Section, Road Inventory and Classification Services
- Preliminary Design
- Bridge, if necessary
- Construction Section, Pavements Unit
- Traffic Management
- Attorney General's Office
- Others, if necessary

14 Compiles comments from reviewers and sends back to Region Agreements Coordinator.

Region Agreements Coordinator

15 Amends agreement based on comments and recommendations from Technical/Legal reviews. Prepares Final Draft for approval. If necessary, returns revised draft agreement to Construction Contracts and Agreements Section to verify changes and initiate any additional review. Reviews agreement with local jurisdiction.

RESPONSIBILITY

STEP ACTION

***Note:** If OTC has delegated the signature approval, proceed to Step 20. If OTC approval is necessary, go to Step 16.*

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|-------------------------------|----|--|
| | 16 | <u>OTC Approval.</u> Forwards final version of draft agreement and draft agenda letter to the Deputy Director for Highways for review prior to OTC approval. |
| OTC Secretary | 17 | Upon receipt from the Deputy Director for Highways, puts draft Jurisdictional Transfer Agreement on OTC agenda. Distributes copy of agenda letter and accompanying draft agreement and map to ROW Jurisdictional Transfer Coordinator, Construction Contracts Agreements Coordinator, Region Agreements Coordinator, and other Department personnel. |
| OTC | 18 | Approves draft Jurisdictional Transfer Agreement at OTC meeting. |
| OTC Secretary | 19 | Puts OTC meeting minutes online officially approving draft Jurisdictional Transfer Agreement, making it available to all interested personnel. |
| Region Agreements Coordinator | 20 | <u>Local Agency Signatures.</u> Submits four (4) original copies of final Jurisdictional Transfer Agreement to local agency for signatures.

<i>Note: Also sends electronic copy of final Jurisdictional Agreement to ROW Jurisdictional Transfer Coordinator for use in preparing the Jurisdictional Transfer Document.</i> |
| | 21 | When returned from local agency, forwards all four (4) original agreements to Region Manager for “recommended for approval” signature. |
| Region Manager | 22 | <u>Region Manager Signature.</u> Signs all copies of agreement and returns to Region Agreements Coordinator. |
| Region Agreements Coordinator | 23 | <u>Salem Signature Coordination.</u> Forwards all copies of agreement to Construction Contracts and |

RESPONSIBILITY

STEP ACTION

Construction Contracts
Agreements Coordinator

- 24 Agreements Section.
Ensures that no changes have been made since the latest review.
- 25 **Note:** *If ROW Manager will be signing on behalf of the Department under delegated authority, this step should be skipped, since the ROW Manager would then be signing in Step 28.*
- Forwards all four (4) copies of agreement to ROW Manager (via ROW Jurisdictional Coordinator) for “recommended for approval” signature.
- 26 Forwards all four (4) copies of agreement to appropriate Technical Services Sections for “recommended for approval” signatures as needed.
- 27 Forwards all four (4) copies of agreement to Legal Counsel for approval and signature.
- 28 Obtains signature of Deputy Director for Highways, Technical Services Manager/Chief Engineer, ROW Manager, or other delegated authority, as appropriate (See Attachment C).
- 29 **Signed Agreement Distribution,** Distributes one original of the executed agreement to General Files, one to the local agency involved, one to ROW Jurisdictional Transfer Coordinator, and one to the Region Agreements Coordinator with copies to other Department staff as appropriate.

Part B. Documents To Complete Terms of Jurisdictional Transfer Agreement

1) *Other Needed Resolutions: Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Highway Plan. Highway Designation Resolution.*

2) *Conveyance Document: Jurisdictional Transfer Document.*

<u>RESPONSIBILITY</u>	<u>STEP</u>	<u>ACTION</u>
Region Agreements Coordinator	30	Notifies ROW Jurisdictional Transfer Coordinator that all terms and conditions of the agreement have been met and the needed documents and/or resolutions can be prepared.
ROW Jurisdictional Transfer Coordinator	31	Prepares Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan in coordination with the Highway Plan Manager. If a highway segment is to be eliminated from the state highway system, Highway Plan Manager begins process for correcting the OHP.
Region Agreements Coordinator	32	<p><i>Note:</i> <i>If a highway segment is not to be added to the state highway system, this step should be skipped, since a Highway Designation Resolution is not needed.</i></p> <p>If a highway segment is to be added by transfer from another governmental agency, prepares and forwards a Highway Designation Resolution to the Highway Plan Manager, along with a transmittal letter, map and description. With this information, the Highway Plan Manager will begin the process for correcting the OHP for this addition to the system.</p> <p><i>Note:</i> <i>If there is a state construction project, a Highway Corridor and Survey Design Resolution may have been completed. See definition for more information.</i></p>
Highway Plan Manager	33	Prepares announcements to give public notice that transfer is underway. Prepares description of corrections to map and list of state highways. Notifies the ROW Jurisdictional Transfer

RESPONSIBILITY

STEP **ACTION**

Highway Plan
Manager (continued)

Agreements Coordinator when the Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan can be forwarded, with a cover letter to the Deputy Director for Highways, for review prior to approval by OTC or Director, as per delegated authority. If OTC approval required, a draft agenda letter will also be included.

***Note:** If there is only a Highway Designation Resolution involved, notifies the Region to forward this to the Deputy Director for Highways for OTC or Director approval, along with the Minor Amendment to the Oregon Highway Plan, prepared by the Region in conjunction with the Highway Plan Manager.*

OTC or Director

34

Approves the Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan and the Highway Designation Resolution, as applicable.

OTC or Director's Secretary

35

Returns approved and signed copies of the above resolutions to the parties listed in the cover letter (typically Region Agreements Coordinator and ROW Jurisdictional Transfer Coordinator). If OTC approval, the minutes of the meeting will be posted online.

ROW Jurisdictional Transfer
Coordinator

36

Drafts the Jurisdictional Transfer Document, formalizing the jurisdictional transfer process when a segment is eliminated from the state highway system. This document is generally an abbreviated version of the agreement, referencing the date the agreement was executed (date last party signed the agreement) and includes a copy of the exhibit map and description included in the agreement.

***Note:** The transfer of the highway segment/property is not formally completed until the Jurisdictional Transfer Document is signed.*

RESPONSIBILITY

STEP ACTION

- 37 Forwards the Jurisdictional Transfer Document to the ROW Manager for a notarized signature. Includes brief explanation of transaction. This document legally transfers the Department’s real property interests for a segment of highway eliminated from the state highway system by the OTC and is signed by the ROW Manager, on behalf of the Department.
- Note:** Region and District Managers are aware of the pending jurisdictional transfer. Their approval of the Jurisdictional Transfer may be assumed based on their earlier approval of the jurisdictional transfer agreement. It is not necessary to seek further review from either Region or Department of Justice prior to processing the final Jurisdictional Transfer Document transferring the real property right.*
- 38 Enters the approval date (date signed) on the document.
- 39 Sends original signed Jurisdictional Transfer to local agency (City/County Contact) for acceptance by obtaining local agency’s signature.
- ROW Jurisdictional Transfer Coordinator (continued) 40 Upon receipt of accepted Jurisdictional Transfer Document from City/County Contact, submits the original signed and accepted conveyance document to the county for recording.
- 41 Upon receipt of original recorded Jurisdictional Transfer Document, prepares transmittal letter, addressed to City/County Contact for distribution of conveyance document with copies of the transmittal letter and recorded Jurisdictional Transfer Document to the parties listed at the end of this process. Transmittal letter provides phone number of District Maintenance office so local agency can contact the Department to obtain permits, as-built plans, or other relevant information.

RESPONSIBILITY

STEP ACTION

42 Sends original recorded document to the Department's General Files/History Center.

List of recipients for distribution:

- City/County Contact (w/original transmittal letter)
- Region Manager
- District Manager
- Highway Plan Manager
- ROW Region Supervisor
- Region ODOT Contact (Region Agreements Coordinator)
- ROW Outdoor Advertising Program
- ROW Jurisdictional Transfer Coordinator
- ROW Engineering
- Traffic Management
- Road Inventory & Classification Services (Transportation Data)

Attachment A: Guidelines for Descriptions for Jurisdictional Transfer Agreements

Attachment B: Guidelines for Exhibit Maps for Jurisdictional Transfers

Attachment C: Summary of Delegated Authority for Jurisdictional Transfer Agreements and Highway Plan Amendments

Attachment A

Guidelines for Descriptions For Jurisdictional Transfer Agreements

The following guidelines are provided as a reference for Regions when writing the description for the Jurisdictional Transfer Agreements. Regions initiate the descriptions, as they are knowledgeable about the segment of the highway that is proposed for a jurisdictional transfer. As part of the overall process, ROW will be reviewing the descriptions, together with the exhibit map.

Guidelines

The description of the portion of the highway being transferred should follow the exhibit map.

The highway should be identified by state highway name, highway number, highway route number (if applicable) and city street name (if applicable).

The portion of the highway being transferred is to be bounded by the beginning and ending points. The direction of the run is to be general, i.e. northerly, southerly, southeasterly, northwesterly. A center line description such as is used in ROW acquisition documents is generally not necessary for the description of the transfer. Use the same hierarchy as the map exhibit guidelines for the beginning and ending points of the portion being transferred:

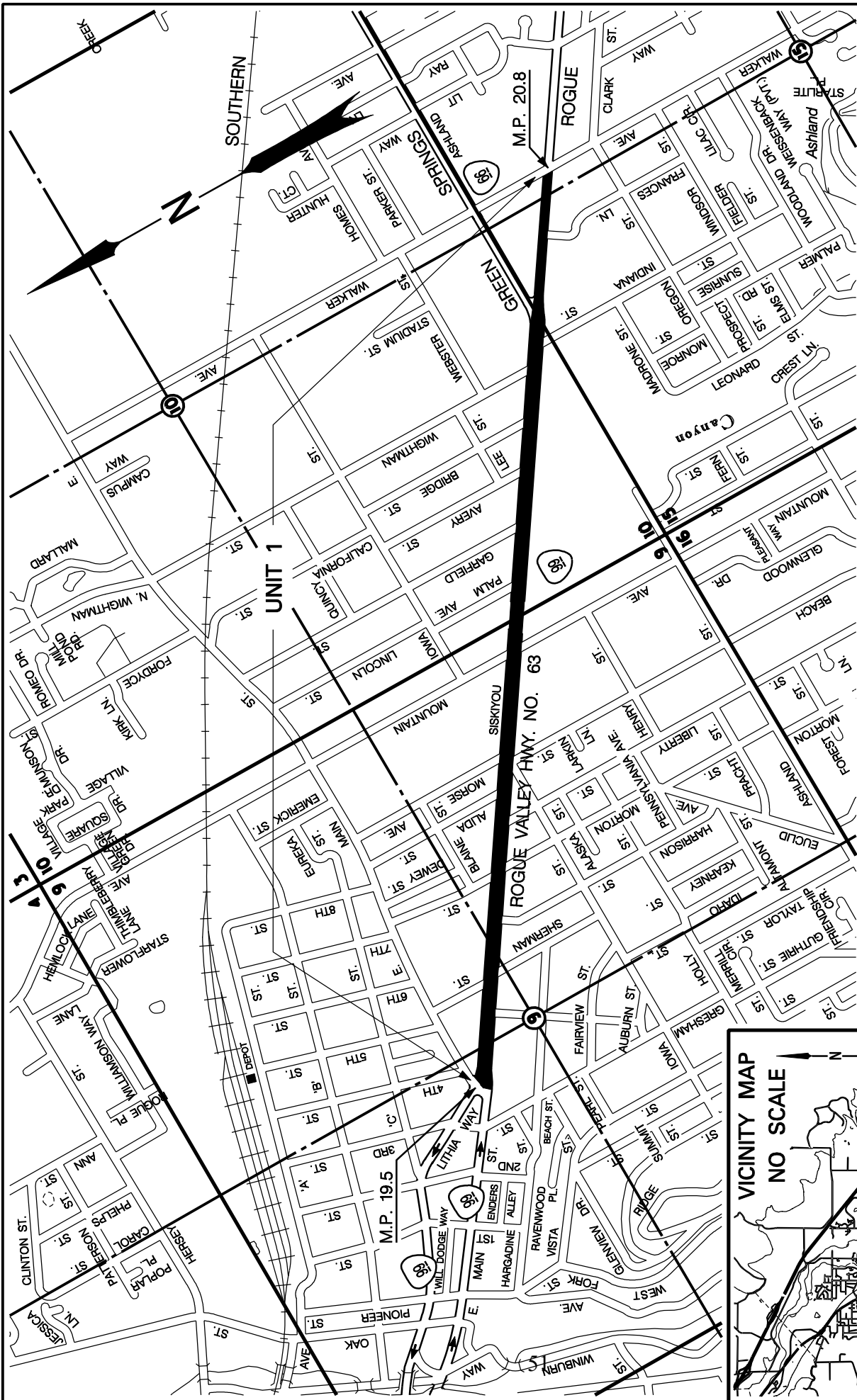
- Milepoints (MP)
- Engineering stationing when available
- Physical features (street intersections, curb lines, etc.)
- Political boundaries (city limits, county lines, etc.)

Cite the sections, township and range, city (if applicable) and county that the highway being transferred lies in.

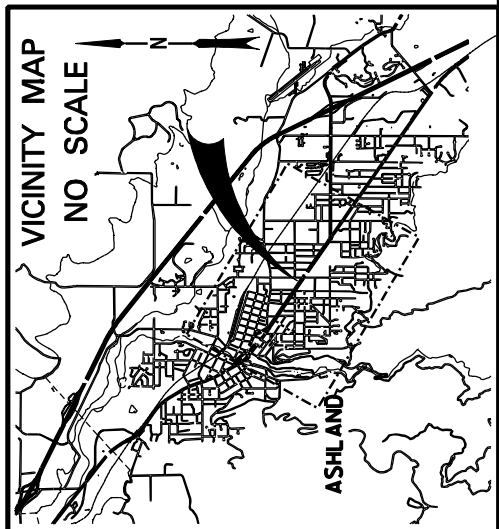
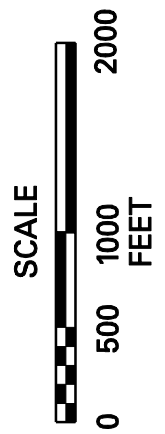
Sample Description: Fourth Street - Walker Avenue (Ashland)

All land within the right-of-way boundaries of the Rogue Valley Highway, State Highway No. 63, Route No. 99 (Siskiyou Boulevard) beginning at MP 19.5, said milepoint being the intersection of the highway with the Southeasterly line of East Main Street. Thence running Southeasterly to MP 20.8 said milepoint being the intersection of the highway with the Northwesterly line of Walker Avenue and lying in Sections 9, 10 and 15. Township 30 South, Range 1 East, W.M., City of Ashland, Jackson County, Oregon.

Additional sample exhibit maps and descriptions are available from ROW, upon request.



OREGON DEPARTMENT OF TRANSPORTATION
4TH. ST. - WALKER AVE. (ASHLAND)
 ROGUE VALLEY HIGHWAY NO. 63, ROUTE NO.99 (SISKIYOU BLVD.)
 JACKSON COUNTY SCALE: 1" = 1000'
 EXHIBIT A
 STATE OF OREGON AND CITY OF ASHLAND
 JURISDICTIONAL TRANSFER NO. 699



Attachment B

Guidelines for Exhibit Maps for Jurisdictional Transfers

It is the Region's responsibility to provide a preliminary map, electronic if possible, of the highway segment being transferred to a local jurisdiction. ROW Engineering will use that preliminary map to create a final exhibit map that will be used for the agreement and other needed documents in the jurisdictional transfer process. The completion of the final exhibit map will be expedited considerably if the preliminary map is an electronic one. However, if the Region personnel involved don't have the equipment and/or the expertise to produce an electronic map, a paper map will suffice. Regions must create the best map possible with whatever information and materials are available.

The following guidelines were developed to assist the Regions with preparing maps.

Exhibit drawings (maps) are attached to the Jurisdictional Transfer Agreement document and should clearly show the limits of the section of highway being transferred.

1. Exhibit drawings should be 8½ x 11 (letter). In certain cases 11 x 14 (legal) may be used. 11 x 17 (ledger) should never be used.
2. Drawings should be produced electronically, using MicroStation. Computer Aided Design (CAD) programs, such as AutoCAD or other graphics programs, may be used if MicroStation is not available. Copying, cutting and pasting or faxing is not desirable.
3. The exhibit drawing should have the following:
 - Title box or area with the section name, highway name, state highway number and state route number, county name, scale and Jurisdictional Transfer number (see example)
 - Scale bar
 - North arrow
 - Township, Section, Range
 - Large scale vicinity map
4. The starting and ending points of the transfer should be indicated on the drawing and should follow the description in the document. The end points of the section should be defined using the following hierarchy:
 - Milepoints
 - Engineering stationing when available
 - Physical features (street intersections, curb lines, etc.)
 - Political boundaries (city limits, county lines, etc.)

Sample exhibit maps are available from ROW, upon request.

1. City map or county map CAD design files available from Inventory and Mapping may be used for developing the exhibit drawing. If the jurisdictional transfer is a short section of highway or is a frontage road, then existing CAD files produced by ROW Engineering and/or Roadway Engineering for ROW maps or construction drawings may be used. For information on location of ROW CAD files, contact ROW Engineering.
2. The CAD files should be cleaned up as much as possible to eliminate unnecessary clutter on the exhibit and show just enough to be able to locate the highway to be transferred. The highway being transferred should be hatched or shaded on the drawing (see example), rather than colored to avoid confusion when black and white copies are made.

Attachment C

Summary of Delegated Authority for Jurisdictional Transfer Agreements and Highway Plan Amendments

Delegated Authority for Approving Jurisdictional Transfer Agreements:

This information is based on the Department's delegated authority letters in effect as of March 1, 2002 and is subject to change, based on any revisions. OTC action with a formal resolution will be required to add or eliminate sections of highway from the state highway system.

1. ROW Manager has delegated authority to approve and sign Jurisdictional Transfer Agreements if there is a straight transfer of property only with no money involved. The Region Manager and others, as appropriate, will sign under "approval recommended." Delegation 5, paragraph 6 is used, plus the January 28, 1999 Letter of Authority paragraph where the Technical Services Manager/Chief Engineer gave authority for the ROW Manager to sign.
2. Technical Services Manager/Chief Engineer has delegated authority to approve and sign for ODOT if there is money involved up to \$75,000* in the STIP or in a line item in the approved biennial budget. The ROW Manager and others, as appropriate, would sign under "approval recommended" on Jurisdictional Transfer Agreements.
3. Deputy Director for Highways has delegated authority to approve and sign agreements up to \$75,000 for projects not in the STIP or not included in a line item in the approved biennial budget. The Region Manager, ROW Manager, and others, as appropriate, would sign under "approval recommended" on Jurisdictional Transfer Agreements.
4. Deputy Director for Highways has delegated authority to approve and sign agreements over \$75,000* for projects in the STIP or in a line item in the approved biennial budget. The Region Manager, Technical Services Manager/Chief Engineer, ROW Manager, and others, as appropriate, would sign under "approval recommended" on Jurisdictional Transfer Agreements.
5. If there is money over \$75,000 that is not in the STIP and not in a line item in the approved biennial budget, it would need to be approved by the OTC.

***Note:** *Caution must be taken when money is exchanged, i.e., ODOT is sending money to the local jurisdiction in addition to transferring jurisdiction. The STIP has to specifically state that "x" amount of funds is being paid to the local jurisdiction for the maintenance, etc. or whatever amount is being given to the local jurisdiction. Usually the STIP will have an amount listed, but that covers the construction or improvement of the project; therefore, it must specifically have a*

footnote that outlines this payment for the jurisdictional exchange. The budget must have a specific line item that indicates "x" amount of funds allocated for the local jurisdiction for the jurisdictional transfer on this specific project. If this is not in place, either the Deputy Director for Highways or OTC approval will be needed whichever is appropriate.

Delegated Authority for Approving OHP Amendments:

This information is based on the OTC Delegation Order No. 2 in effect as of February 13, 2002, and is subject to change, based on any revisions.

The OTC delegates the following responsibilities to the Director:

1. The statutory duty of the OTC to make technical corrections to the OHP including, but not limited to, corrections to the highway designations and classifications.

These technical corrections are declared not to be amendments under the coordination procedures of OAR 731-015-0005 et seq. However, the Department shall provide notice of the proposed corrections and provide the public an opportunity to review. This involvement may take the form of press releases, mailings, meetings, or other means that the Department determines are appropriate for the circumstances.

After the Director signs the order that makes the technical corrections to the OHP, the Director shall post the technical corrections in the Registry of Amendments on the Department's Web site and maintain an official record of the action in the General Files Unit of the Department.

2. In accordance with the process for making technical corrections to the OHP, adopt resolutions making technical corrections to the OHP adding to or removing designated portions of highways from the state highway system if they
 - Are a part of projects in the STIP or in a line item in the approved biennial budget; or
 - Involve up to \$75,000 when the project is not in the STIP or not in a line item in the approved biennial budget; or
 - Involve highway segments that are a total of one-half (.5) mile or less in length.

The OTC retains all authority not specifically delegated and all authority for matters of policy and discretion not related to executing programs and the budget, e.g. statutory appointments, legislative transportation policies and plans, adopting or amending administrative rules, and highway selection.