

CHAPTER 24 – Freeway Agreements

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CHAPTER 24 – Freeway Agreements

ARTICLE 1 Introduction and Definitions

Reference Information

Some of the references found in this chapter have hyperlinks that connect to Caltrans intranet pages which are not displayable to the general public. Until such time that the specific reference becomes available on the internet, the user will have to contact their district liaison, Caltrans project manager, or the appropriate Headquarters division to inquire about the availability of the reference.

Introduction

A freeway or controlled access highway agreement documents the understanding between Caltrans and the local agency regarding the planned traffic circulation features of the proposed freeway or controlled access highway, including;

- Which streets may be closed or connected to the facility
- Which streets and roads may be separated from the facility
- Locations of frontage roads
- How streets may be relocated, extended or otherwise modified
- Locations of railroad, pedestrian and bikeway structures

A freeway agreement does not commit the State to a schedule or sequence for construction. A freeway agreement is typically executed many years before construction is anticipated and forms the basis for future planning, not only by Caltrans but also by public and private interests in the community. The word “expressway” as used in this manual has the same definition as “controlled access highway.”

Freeway/Controlled Access Highway

The discussions found in this chapter that use the term “freeway agreement” also apply to “controlled access highway agreement.” The term “freeway” is

defined in the *California Streets and Highways Code*, Section 23.5. A “controlled access highway” is also referred to for processing expressway route adoptions, denominating freeways as controlled access highways at sensitive locations, and processing California Transportation Commission (CTC) approval of new public road connections to expressways. Section 23.5 also indicates that in all other respects, the “controlled access highway” is subject to all provisions of the *California Streets and Highways Code* pertaining to freeways. See [Chapter 23](#) – Route Adoptions, for specific discussions about “controlled access highways.”

The term “expressway” is used in the [Highway Design Manual](#) for highway design purposes and is defined in *California Streets and Highways Code*, Section 257 for use in the California Freeway and Expressway System. On expressways, the term “controlled access highway” is substituted for “freeway” in agreements with local agencies.

Definitions

Access control – the full or partial restriction of access to owners or occupants of abutting lands to or from a highway. Also see Topic 104 – Control of Access of the [Highway Design Manual](#).

Adopted route – a route authorized by law that the CTC has selected, adopted, and determined to be the location of the State highway.

Controlled access highway – an arterial highway with at least partial control of access, which may or may not be divided or have grade separations.

Delegated authority – the control or authority of a duty given to another person to make decisions on the originator’s behalf.

Denomination – changing the designation of a route from freeway to controlled access highway. Denomination is recommended when construction of a full freeway is not anticipated in the 20-year design period for a route initially adopted as a freeway.

Design feature – a characteristic or attribute of the proposed project for the highway facility.

Expressway – an arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections (*California Streets and Highways Code*, Section 257).

Freeway – a divided arterial highway for through traffic with full control of access and with grade separations at intersections (*California Streets and Highways Code*, Section 257).

Geometric map – a type of freeway agreement exhibit map that displays all geometric features of the connections to the freeway.

Local agency – city or county ultimately responsible for operations, maintenance, and tort liability of the public road connection to a freeway or controlled access highway.

Original freeway agreement – the initial freeway agreement that covers a freeway on a new alignment or the conversion of a conventional highway to a freeway.

Public hearing – a session for the public or the community to be informed and be able to voice their opinion on government proposals.

Relinquishment – the conveyance of all rights, title, interests, liability, and maintenance responsibilities of a State highway, or portion thereof, to another government entity.

Resolution of change – a city or county resolution (an official decision document) recommending minor changes to an already approved freeway agreement.

Special clause – a clause used for a particular case that is not in the freeway agreement template.

Superseding freeway agreement – replaces an original freeway agreement for the subject section of the facility. It is required when a project proposes major changes to the existing facility.

Symbol map – the preferred type of freeway agreement exhibit map that uses symbols depicting interchanges and grade separations along the facility.

ARTICLE 2 Laws

The following *California Streets and Highways Code* Sections provide key laws giving Caltrans the authority to enter into agreements with local agencies and define applicable terms to interpret these laws. In particular, Sections 100.2, 100.21, 100.22 and 100.25 provide the statutory direction for execution of freeway or controlled access highway agreements when planned traffic circulation at or near a freeway or expressway will be modified, including modification to city streets or county roads.

The laws presented in this article represent the current version available on the internet at the time of publishing. It is the user's responsibility to verify the correctness and applicability of specific laws.

California Statutes

California Streets and Highways Code, Section 23.5

Section 23.5 states:

“Freeway” means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. If, in the judgment of the commission or the director, the public interest would be advanced thereby, a freeway, as defined herein, may be denominated a “controlled access highway”. In all other respects, the “controlled access highway” shall be subject to all provisions of this code pertaining to freeways.

California Streets and Highways Code, Section 100.1

Section 100.1 states:

The department is authorized to do any and all things necessary to lay out, acquire and construct any section or portion of a State highway as a freeway or to make any existing State highway a freeway.

California Streets and Highways Code, Section 100.2

Section 100.2 states:

The department is authorized to enter into an agreement with the city council or board of supervisors having jurisdiction over the street or

highway and, as may be provided in such agreement, to close any city street or county highway at or near the point of its interception with any freeway or to make provision for carrying such city street or county highway over or under or to a connection with the freeway and may do any and all work on such city street or county highway as is necessary therefor. No city street or county highway shall be closed, either directly or indirectly, by the construction of a freeway except pursuant to such an agreement or while temporarily necessary during construction operations. No city street, county road, or other public highway of any kind shall be opened into or connected with any freeway unless and until the commission adopts a resolution consenting thereto and fixing the terms and conditions on which such connection shall be made and the commission may give or withhold its consent or fix such terms and conditions as, in its opinion, will best subserve the public interest.

California Streets and Highways Code, Section 100.21

Section 100.21 states:

(a) Whenever a street or highway closing agreement is required by Section 100.2, the department shall not acquire, except by gift, and except in hardship or protective cases as determined by the department or the commission, any real property for a freeway through a city until an agreement is first executed with the city council, or for a freeway through unincorporated territory in a county until an agreement is first executed with the board of supervisors. The department shall give notice to the city council or the board of supervisors, as the case may be, of any acquisition of real property prior to the execution of an agreement.

(b) Notwithstanding subdivision (a), a city council, or a county board of supervisors may, by resolution, authorize the purchase of rights-of-way prior to approval of an agreement if the purchase is limited to the mainline corridor of the proposed freeway and the alignment of the freeway is not at issue.

California Streets and Highways Code, Section 100.22

Section 100.22 states:

The city council or board of supervisors shall, prior to entering into the agreement contemplated by Section 100.2, conduct a public hearing on the subject.

California Streets and Highways Code, Section 100.25

Section 100.25 states:

In addition to the other matters that may be covered by the agreements authorized under Section 100.2, provisions for improvements, revisions or extensions of city streets or county highways leading to or from a freeway, deemed by the department to be necessary in accommodating the freeway traffic in making proper connections between the existing system of city streets or county roads and the freeway, may be included in such agreements and the department may perform such work as a part of the freeway construction.

California Streets and Highways Code, Section 100.3

Section 100.3 states:

From and after the adoption of a resolution by the commission declaring any section of state highway to be a freeway, the highway described in such resolution shall have the status of a freeway for all purposes of Section 100.2.

Such declaration shall not affect private property rights of access, and any such rights taken or damaged within the meaning of Section 19 of Article I of the California Constitution for such freeway shall be acquired in a manner provided by law.

No state highway shall be converted into a freeway except with the consent of the owners of abutting lands or the purchase or condemnation of their right of access thereto.

California Streets and Highways Code, Section 257

Section 257 states:

For the purpose of this article only, and to distinguish between the terms “freeway” and “expressway,” the word “freeway” shall mean a divided arterial highway for through traffic with full control of access and with grade separations at intersections, while the word “expressway” shall mean an arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections.

ARTICLE 3 Policies

General

Freeway agreements are required by California statutes, not by federal laws. The *California Streets and Highways Code*, Section 100.2 disallows any city street or county highway to be closed by the construction of a freeway or

expressway without an executed freeway agreement between the State and the local jurisdiction authorizing such a closure.

The legislative intent for requiring a freeway agreement is to gain the support of the local agency for local road closures and other changes to the local circulation system, and to protect property rights and community access. Access control is necessary on freeways and expressways so that current and future traffic safety and operations are not compromised.

Lawful acquisition of the right of access from each property owner includes reasonable provision for access to local roads

The proposed access control facility covered by a freeway agreement should be evaluated for conformance with [Highway Design Manual](#) Topic 104 – Control of Access, Index 205.1 – Access Openings on Expressways and Index 501.3 – Spacing.

Public Hearing

The local agency must have a public hearing before executing a freeway agreement with the State.

Freeway Agreements Required for All Freeway Projects

As long as no streets are closed, a strict interpretation of *California Streets and Highways Code*, Section 100.2 would make it theoretically possible to build a freeway without a freeway agreement. Caltrans, however, follows a practice that no freeway will be built without agreement of the local government except as otherwise provided for in California statutes. Freeway agreements are therefore processed for all freeways and for all freeway projects that require changes to existing freeway agreements. Except for temporary closings during construction, no city street or county highway may be closed by the freeway without an agreement.

Access Control Modification for Freeways or Expressways

A city street, local road, or other public highway must not be connected to a freeway or expressway without consent of the CTC. A new interchange or a new public road connection to a freeway or expressway must be approved by

the CTC before a freeway agreement can be executed with the local agency. For more information about connections to freeways and expressways, see [Chapter 27](#) – Access Control Modification.

Conditions for Freeway Separation Structures or Interchanges

A freeway separation structure or new interchange with an unconstructed public road is included on a freeway agreement exhibit map only if it has been studied and evaluated in the project environmental document, will be constructed as part of the freeway project, and when one or more of the following conditions are met:

- Construction of a usable length of the local road has been budgeted by the local agency.
- The board of supervisors or city council has issued a written resolution committing to construct a usable length of the local road before or during construction of the freeway.
- The facility is needed to provide access to adjacent property, and analysis shows that the separation structure or interchange is more economical than other means of providing access during the interim period before the local road is to be constructed.
- The board of supervisors or city council has issued a written resolution committing to identify and program funds and start construction of the interchange within five years of CTC approval of the new public road connection.

If the project proposes construction of a new interchange, the access control modification (new public road connection) must be requested and approved by the CTC before final execution of the freeway agreement.

A future interchange may be shown in the freeway agreement exhibit map if it has been studied and evaluated in the project environmental document and is shown following the instructions in Article 7 “Freeway Agreement Exhibit Maps.”

Federal Highway Administration Approval of Access Control Modification on the Interstate System

The Determination of Engineering and Operational Acceptability for new or modified Interstate access must be completed before the freeway agreement can be executed by Caltrans. The Federal Highway Administration (FHWA)

must grant final approval of any proposed access control modification on the Interstate system. See [Chapter 27](#) – Access Control Modification for more information.

Freeway Agreement Required Before Purchase of Right-of-Way or Start of Construction

California Streets and Highways Code, Section 100.21 prohibits right-of-way acquisition by Caltrans (except for hardship and protection) before execution of a required freeway agreement; however, a city council or county board of supervisors may, by resolution, authorize the purchase of right-of-way before approval of a freeway agreement if purchase is limited to the mainline corridor of the proposed freeway and the alignment of the freeway is not at issue. Caltrans policy requires all proposed freeway and controlled access highway projects to be covered by an accurate freeway agreement before the start of a construction project.

Freeway Agreement Template

Project engineers must use the standard freeway agreement templates prepared by Headquarters Division of Legal (see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement). The standard clauses in the templates;

- serve the intended purpose of agreeing on which local streets and roads will be closed, and which will be carried over or under or connected to the freeway (see *California Streets and Highways Code*, Section 100.2).
- deter use for agreement on other matters.
- promote unbiased statewide consistency among local agencies.

It is recommended to avoid making any changes to the templates. Any deviation from the freeway agreement templates must be reviewed and approved by Headquarters Division of Legal. See Article 6 “Freeway Agreement Format” for more information.

Freeway Agreement and Financial Participation

The freeway agreement does not include details of financial participation. Funding and financial obligations are covered in cooperative agreements pursuant to the *California Streets and Highways Code*, Section 114 and Section 130. Therefore, in freeway agreements, the obligations are described in general terms such as “will always be dealt with in separate cooperative

agreements between the parties, and any amendments thereto or encroachment permits.”

The freeway project may involve work that is to be financed by the local agency. If requested by the local agency, the financial obligation may be shown on the exhibit map by adding a note. This may be appropriate for new connections, new crossings or pedestrian separations.

Separate Freeway Agreement for Each Route

Do not execute a freeway agreement with a local agency for more than one State route. It is preferred to have a single freeway agreement for the entire section of each State route within the jurisdiction of a local agency. For more information, see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement.

Separate Freeway Agreement with Each Local Agency

If traffic circulation is affected by an interchange project in or near two cities, two counties, or a city and a county, a nearby interchange project in an adjacent local agency, or a corridor project through multiple local agencies, a separate freeway agreement must be executed with each local agency for each affected freeway or expressway. For more information, see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement.

Certified Copy of Resolution with Authorizing Signature

A freeway agreement executed by a local agency must be accompanied by a certified copy of a resolution, minute order, or other decree adopted by the governing body that approves the freeway agreement and delegates authority for execution of the freeway agreement by agency officials. The freeway agreement must be executed by the party authorized to do so.

Caltrans Delegation

The Headquarters Division of Design has delegated authority for approval of certain design decisions to the District Directors. District-specific delegated responsibilities may be determined from the delegation agreements located at the [Design Stewardship Delegation](#) website. The design delegation agreements define further delegations within each district and the delegated

authority for each of the specific approval responsibilities. The approval responsibilities for the policies in this chapter have been delegated to all districts.

ARTICLE 4 General

Maintenance Agreements

Freeway agreements serve as the basis for establishing maintenance agreements with local agencies; however, they are not the actual maintenance agreements. Detailed information about maintenance agreements can be found in the [Maintenance Agreements Manual](#).

Relinquishment of Local Roads

Highways or local roads under Caltrans jurisdiction that do not serve interregional or statewide transportation needs should be relinquished to the appropriate local agency. Freeway agreements provide for the relinquishment of local roads constructed as part of the freeway project and are often the basis for the relinquishment action by the CTC. District staff that generate the relinquishment request will work with district project management, district right-of-way engineering, and district environmental to initiate and obtain all required documents for the relinquishment process. Requests for a CTC relinquishment action must be forwarded to Chief, Office of Land Surveys, Headquarters Division of Right of Way and Land Surveys. Additional information about relinquishments is located in [Chapter 25](#) – Relinquishments and the [Right of Way Manual](#), Chapter 6 “Right of Way Engineering.”

Keep Freeway Agreements Current

Because of its wide use, the freeway agreement is an extremely important document and care must be exercised in its preparation to ensure accuracy. During the design and construction phases of a project, sometimes it is necessary to make minor revisions that are not in conformance with the current freeway agreement. If minor changes to freeway agreements are needed, the resolution of change procedure can be used; see Article 8 “Resolutions of Change,” for more information.

California Environmental Quality Act and National Environmental Policy Act Coordination

It is normal practice to have the environmental and design approvals before submitting a freeway agreement to a local agency for execution, however, it is permissible to advance the submittal to coincide with completion of the California Environmental Quality Act (CEQA) environmental document or determination in those cases where the local agency procedural and review process is lengthy. Caltrans withholds execution until completion of the National Environmental Policy Act (NEPA) environmental document or determination. The transmittal letter to submit a freeway agreement to a local agency for execution should note this condition (see Article 5 for more information about the transmittal letter to the local agency).

A project is approved by Caltrans when the project report (PR) and the final environmental document are approved and the notice of determination (NOD) is filed with the State Clearinghouse in the Governor's Office of Planning and Research. On projects categorically exempt under the provisions of CEQA, Caltrans' approval of the PR signifies approval of the project. FHWA gives location and design feature approval for access control modification on the Interstate System when Caltrans, under NEPA Assignment, issues a finding of no significant impact (FONSI) or record of decision (ROD) after approval of the final environmental impact statement (FEIS).

Declaration as Controlled Access Highway

If a controlled access highway agreement is desired on a route that was initially adopted as a freeway, the project engineer may submit a draft agreement with a request memorandum to the delegated approval authority for denomination of the freeway as a "controlled access highway." The request memorandum should justify and detail the reasons for the proposed denomination to a lesser facility. See [Chapter 23](#) – Route Adoptions for more information. If the request for denomination is approved by the delegated approval authority, the project engineer may proceed with the development of a controlled access highway agreement.

Conformance to Adopted Route

All deviations from the adopted route in a draft freeway agreement submittal must be approved by the appropriate approval authority. If re-adoption of the route by the CTC is not required, the district must submit adequate justification to the district delegated approval authority or Headquarters Project Delivery Coordinator, depending on who has the approval authority for the route. The appropriate approval authority may concur on any alignment shift due to engineering reasons, not for political or other reasons. See [Chapter 23](#) – Route Adoptions for more information.

Avoidance of Other Commitments in Freeway Agreements

Do not make commitments in freeway agreements that Caltrans cannot deliver. For example, a freeway agreement should not specify the year any improvement will be implemented, since this would commit a future CTC action to a specific expenditure. The CTC is unable to act on this type of prior commitment, as each project must stand a test of priorities at the appropriate time of consideration.

Another common example is a local agency request to specify that certain project details be submitted to the local agency for approval. The authority of Caltrans to approve project plans should never be compromised, although Caltrans will work with the agency to develop mutually acceptable plans.

ARTICLE 5 Procedures and Sequence of Events for Executing a Freeway Agreement

The first and most difficult step to prepare a freeway agreement is to determine the limits of the agreement. The limits of a superseding freeway agreement may include area beyond the limits of the project or area beyond what is covered by the environmental document of the project where there are no changes to traffic circulation shown in the existing freeway agreement. The limits of a superseding freeway agreement must not include any area without an existing freeway agreement and environmental document that shows the traffic circulation. For guidelines on how to determine the limits of freeway agreement, see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement.

Once a determination has been made that a new or superseding freeway agreement is required, a defined review and approval process is followed. The numbered sequence of events for the review and approval process is shown on the flow-diagram in Figure 24-1, and the corresponding numbered event descriptions are listed in the following paragraphs. In addition, refer to [Chapter 11](#) – Public Hearing, and to [Chapter 27](#) – Access Control Modification, for requirements concerning new connections to the freeway or expressway.

As part of the review process, the district must prepare a freeway agreement review sheet which is signed by the district reviewers before sending the freeway agreement to the local agency for execution. A template for the freeway agreement review sheet is available at the Headquarters Division of Design [Route Matters and Freeway Agreements](#) website. Headquarters Division of Legal confirms that the freeway agreement review sheet is completed before signing the final freeway agreement.

1. Prepare Draft Freeway Agreement - For details on preparation of freeway agreements and exhibit maps, see Article 6 “Freeway Agreement Format,” Article 7 “Freeway Agreement Exhibit Maps,” [Appendix CC](#) – Preparation Guidelines for Freeway Agreement, and the [Plans Preparation Manual](#). Contact the local agency to get input on the draft freeway agreement exhibit map.
2. Transmit Draft Freeway Agreement to District Design Liaison - The project engineer or freeway agreement unit transmits the draft freeway agreement to the district design liaison for review with the freeway agreement review sheet. The transmittal communication should state the purpose of the freeway agreement; some examples are:

“...depicts a new plan of development.”

or

“...revises a portion of the executed freeway agreement, and the changes are _____.”

or

“...is a cleanup freeway agreement after construction and incorporates the following changes _____.”

Unusual items must be identified and fully justified, such as minor engineering deviations from the adopted route, work outside of normal limits on local roads, or exceptions to policy, etcetera.

For original freeway agreements, the draft freeway agreement is sent with copies of the route adoption maps, when necessary. For superseding freeway agreements, the draft freeway agreement is sent with copies of the existing freeway agreements. For both types of submittals, include electronic copies of the draft project report (DPR) or PR when ready.

3. Review of Technical Issues and Design Features by District Design Liaison - The district design liaison confirms that the draft freeway agreement conforms to the adopted route, correctly refers to existing freeway agreements, and conforms to drafting standards for exhibit maps. The review also includes verification of conformance to the project report and any other applicable prior approvals. Items requiring revisions are returned to the project engineer or freeway agreement unit. If draft freeway agreement text is different from the standard freeway agreement template (see [Appendix CC](#) – Preparation Guidelines for Freeway Agreement), the draft is sent to the Headquarters Division of Design, Office of Project Support to obtain a legal review of the changes. When the documents are ready, the district design liaison signs the freeway agreement review sheet to proceed to the next step.
4. Review of Design Features by Delegated Approval Authority - The delegated approval authority reviews the transportation development plan for conformance to statewide practices, previous approvals, acceptable geometrics, and applicable provisions of the project development process.

Items that require revision are returned to the project engineer or freeway agreement unit. When the documents are ready, the delegated approval authority signs the freeway agreement review sheet to proceed to the next step.

5. Prepare Final Freeway Agreement - Once the Project Approval and Environmental Document (PA&ED) phase has been completed and all the required reviews and revisions to the freeway agreement have been made, the project engineer or freeway agreement unit will prepare the final freeway agreement (in duplicate) for submittal to the local agency for execution. Since formal submittal of the freeway agreement to the local agency generally commits the State to a specific plan of development, the submittal must not be made before receiving the freeway agreement review sheet with the signature from the delegated approval authority.
6. Transmit Freeway Agreement to Local Agency - The local agency always executes the freeway agreement before Caltrans. A transmittal letter should accompany the freeway agreement (in duplicate) that is sent to the local agency for execution. A template for the transmittal

letter is available at the Headquarters Division of Design [Route Matters and Freeway Agreements](#) website.

The letter should alert the local agency to the public hearing provisions in Section 100.22 of the *California Streets and Highways Code* for all original freeway agreements. It is not necessary to notify the local agency of this provision with superseding freeway agreements; nevertheless, they should be encouraged to include a statement in their resolution authorizing an official to sign the freeway agreement confirming the provisions of Section 100.22 have been met. Since the exposure to an action to enforce the law lies with the local agency, each local agency should make its own determination of what adequately meets the requirements of Section 100.22.

If the freeway agreement covers an area where CTC approval of a new connection will be necessary, the transmittal letter should inform the local agency that execution of the freeway agreement by the State must follow CTC approval of the new connection.

7. Execution of Freeway Agreement by Local Agency - The local agency executes the freeway agreement in duplicate and returns them with copies of the minute order or resolution authorizing its officer to sign the freeway agreement. If the local agency executes the freeway agreement as it was sent to them with no changes, the official date of execution is the day the city council or county board of supervisors acts on the resolution or the minute order.
8. Final Review by District - The project engineer, freeway agreement unit or the district design liaison confirms that the local agency did not make changes to the freeway agreement.

The State is not obligated to execute a freeway agreement if the local agency has revised the conditions under which the agreement was presented to the local agency.

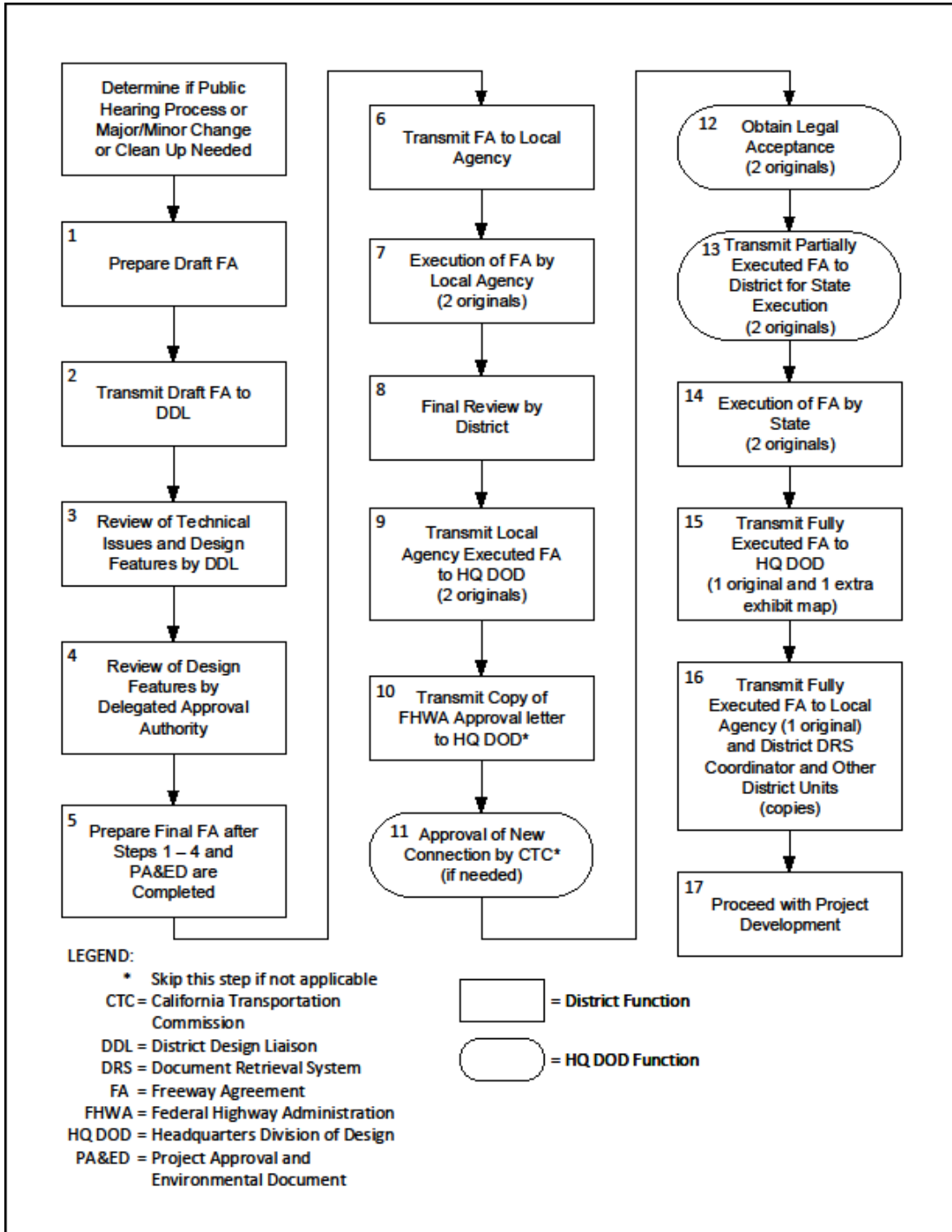
9. Transmit Local Agency Executed Freeway Agreement to Headquarters Division of Design - After execution in duplicate by the local agency, the complete freeway agreement, an additional print of the exhibit map, the completed freeway agreement review sheet, and the local agency's authorizing documents must be sent to Headquarters Division of Design, Office of Project Support.

The transmittal communication must (1) specifically state that the freeway agreement conforms to the approved draft or (2) detail any changes made and the reasons therefore. These statements eliminate the need for further comprehensive review by Headquarters Division of Design.

10. Transmit Copy of Federal Highway Administration Approval Letter to Headquarters Division of Design - For projects with new or modified Interstate access, the district must send copies of the request letter that was sent to FHWA, the Determination of Engineering and Operational Acceptability approval letter received from FHWA, and related correspondence, to Headquarters Division of Design, Office of Project Support. See [Chapter 9](#) – Project Initiation for more information.
11. Approval of New Connection by California Transportation Commission - If the freeway agreement includes a new public road connection, Headquarters Division of Design, with coordination from district design, sends the new public road connection request to the CTC for approval. The State does not execute the freeway agreement before CTC approval. See [Chapter 27](#) – Access Control Modification.
12. Obtain Legal Acceptance - Headquarters Division of Design submits the duplicate freeway agreement and resolution executed by the local agency along with the completed freeway agreement review sheet to Headquarters Division of Legal to obtain legal acceptance and signature for “Approved as to Form:.”
13. Transmit Partially Executed Freeway Agreement to District for State Execution - Headquarters Division of Design returns the duplicate freeway agreement signed by Division of Legal and the local agency authorizing documents to the delegated approval authority for signature.
14. Execution of Freeway Agreement by State - The delegated approval authority signs the freeway agreement in duplicate, constituting execution by the State.
15. Transmit Fully Executed Freeway Agreement to Headquarters Division of Design - District design sends one fully executed original freeway agreement and one additional print of the exhibit map to Headquarters Division of Design, Office of Project Support. The fully executed original freeway agreement will be scanned for electronic filing and placed in the backup files. A copy of the fully executed original freeway agreement and the additional print of the exhibit map will be filed in the Headquarters Division of Design freeway agreement exhibit files.
16. Transmit Fully Executed Freeway Agreement to Local Agency - District design sends one fully executed original freeway agreement to the local agency. Copies of the fully executed original documents should be made for the project history file, district freeway agreements file, and district coordinator for the Document Retrieval System. Electronic copies should be sent to district stakeholder units, such as planning, traffic, and maintenance.

17. Proceed with Project Development - Proceed with design, right-of-way acquisition, etcetera, as appropriate. The district is responsible for ensuring that the freeway agreement conforms to as-built construction plans. In the case of a cleanup freeway agreement after construction, there is no further action.

Figure 24-1 Sequence of Events for Freeway Agreements and Controlled Access Highway Agreements



ARTICLE 6 Freeway Agreement Format

Types of Freeway Agreements

A freeway agreement is comprised of two parts, the text derived from the appropriate template (prepared by Headquarters Division of Legal) and an exhibit map. There are two types of freeway agreements, an original freeway agreement and a superseding freeway agreement. There are two templates for each type of freeway agreement based on the funding: one for projects funded/sponsored by Caltrans and one for projects funded or partially funded/sponsored by a local agency.

Original Freeway Agreement

An original freeway agreement is required for the initial development of a freeway on a new alignment or the conversion of a conventional highway to a freeway.

Superseding Freeway Agreement

A superseding freeway agreement can replace part or all of an existing freeway agreement, or multiple existing freeway agreements. Superseding freeway agreement text must be revised to follow the latest templates and superseding freeway agreement limits will likely need to be adjusted. For more information on determining the limits of a freeway agreement, see Article 5 “Essential Procedures.”

A superseding freeway agreement can be used when there is a need to change the agreement limits, such as for an area that has been annexed or incorporated into a city. It is only necessary to make the appropriate references to the existing freeway agreement with the county, since the obligations of the county are automatically assumed by the city.

A superseding freeway agreement is required when a proposed project will change the traffic circulation shown in the existing freeway agreement or when there is a need to make a change to the exhibit map in the existing freeway agreement. A change to the exhibit map includes changing from a geometric type map to a symbolic type map or implementation of minor changes (see Article 8 “Resolutions of Change”).

Use of the Templates

Districts must use the templates prepared by Headquarters Division of Legal, since they cover the essential items needed in a freeway agreement. If special clauses are added, the draft must be sent to the Headquarters Division of Legal for review and approval. This extra step may require additional time for review and approval of the freeway agreement by Headquarters Division of Legal. See [Appendix CC](#) – Preparation Guidelines for Freeway Agreement, for sample template formats.

Non-Mandatory Clauses

The section “Other Sample Freeway Agreement Clauses (Not Mandatory)” in [Appendix CC](#) – Preparation Guidelines for Freeway Agreement, includes other clauses that are approved for use in the templates. These clauses are for use in cases where a city or county limit was revised by either the incorporation of a new city or annexation by a city.

Special Clauses

Circumstances unique to a project or local agency may require the use of special clauses. Special clauses recommended by a local agency may be acceptable; however, their use should be kept to a minimum since they are not required for a freeway agreement. Sometimes a local agency requests to add a special clause after the freeway agreement is submitted for their execution. In this case, the revised freeway agreement and supporting documentation from the local agency will be sent to Division of Legal for review and approval before execution by the district (see Article 5).

ARTICLE 7 Freeway Agreement Exhibit Maps

Content of Exhibit Map

Every freeway agreement includes an exhibit map that displays the ultimate freeway plan, including all locations where work is proposed on local streets. The map area should extend far enough on both sides of the freeway to show the traffic circulation on the local road system within the freeway corridor. Within this area all publicly used roads and alleys must be shown, but private

roads are usually not shown. If there is a need to show a private road, it must be specifically identified as private on the exhibit map.

For the purpose of freeway agreements, a public road or alley is defined as one which is traversable and has a public right-of-way of record. This includes prescriptive right-of-way. Thus, in a rural area, a dirt trail may have public road status as identified on county maps. A field review of roads and alleys may be necessary for preparation of an exhibit map. A detailed right-of-way review must be done to determine which roads and alleys have a public right-of-way of record. However, a county road or city street that exists only on paper as part of an approved subdivision map or as part of a master plan is, for the purposes of *California Streets and Highways Code* Section 100.2, considered to be nonexistent. These streets or roads are not shown on the freeway agreement, nor are they considered for CTC approval of a new public road connection. See [Chapter 27](#) – Access Control Modification, for more information on public versus private road determination.

Types of Exhibit Maps

The “symbol” and the “geometric” are the two types of exhibit maps in general use. The symbol map depicts interchanges and grade separations with symbols, except railroad separations and pedestrian separations are only shown geometrically. It does not show on-ramps or off-ramps at interchanges. The geometric map displays all geometric features of these items. All other features, such as hook ramps, pedestrian overcrossings, and bike trails, are shown on both types of maps. Combining symbol and geometric features in the same exhibit map is not allowed, except for a State route-to-State route interchange (interchange with no local roads), which must be depicted with geometric features.

Exhibit Map Recommended

The symbol map is recommended for use whenever possible. The symbol map is typically adequate to fulfill the core purpose of the freeway agreement, which is to document the agreement as to where the local system will connect to the freeway system. The use of the symbol map allows geometric changes to be made without revising the freeway agreement.

A geometric map should be used only to depict complex interactions between the local system and freeway system that cannot be adequately displayed using a symbol map. Although the geometric map is sometimes preferred by local agencies that feel they must approve actual designs, the freeway agreement is not the appropriate vehicle for local input regarding eventual project design. Because the executed exhibit map is a part of the freeway agreement and the facility layout changes as it is refined during the design process, there is always the possibility that a court could conclude that failure to construct in accordance with the exhibit map is a violation of the freeway agreement. Also, the use of a geometric map will require that the freeway agreement to be updated each time the geometrics of the connections change.

Exhibit Map Guidelines

Exhibit maps should follow the examples in Figure 24-2 and Figure 24-3. See [Appendix CC](#) – Preparation Guidelines for Freeway Agreement and the [Plans Preparation Manual](#) for sample exhibit maps and detailed direction on preparing both symbolic and geometric type freeway agreement exhibit maps. A template for the exhibit is located at the Headquarters Division of Design [Route Matters and Freeway Agreements](#) website.

Figure 24-3 Freeway Agreement Exhibit Map - Geometric

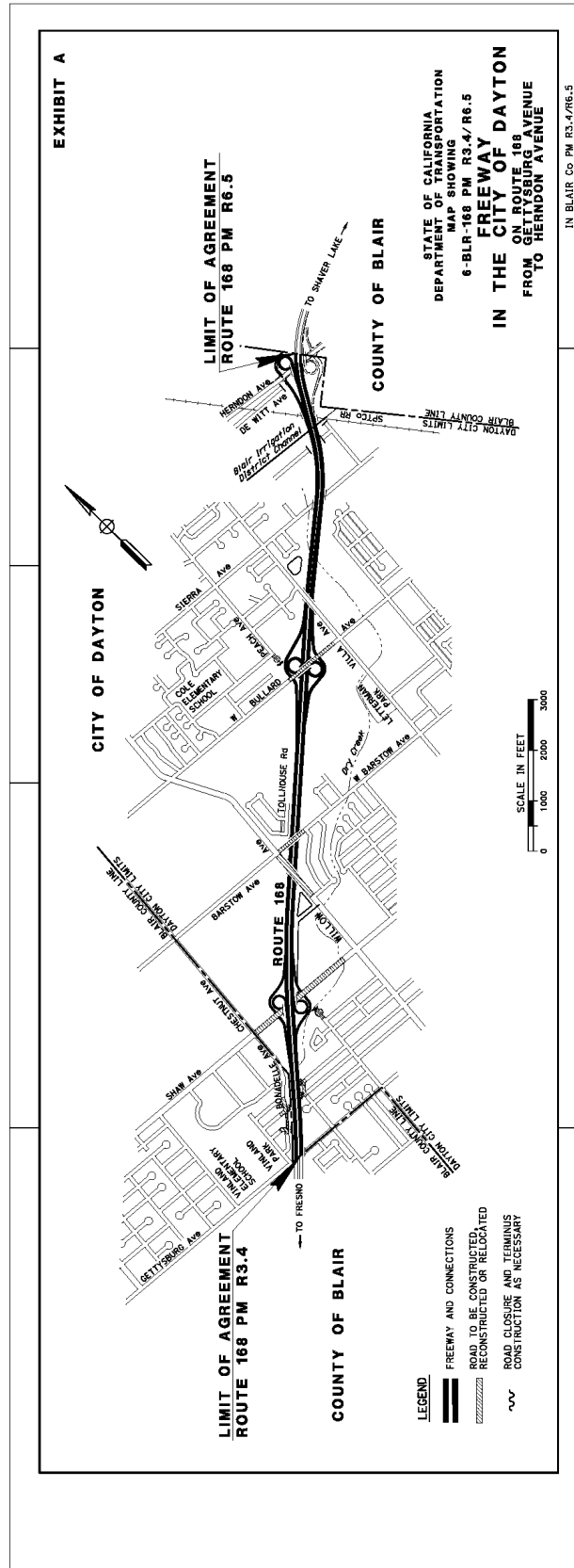
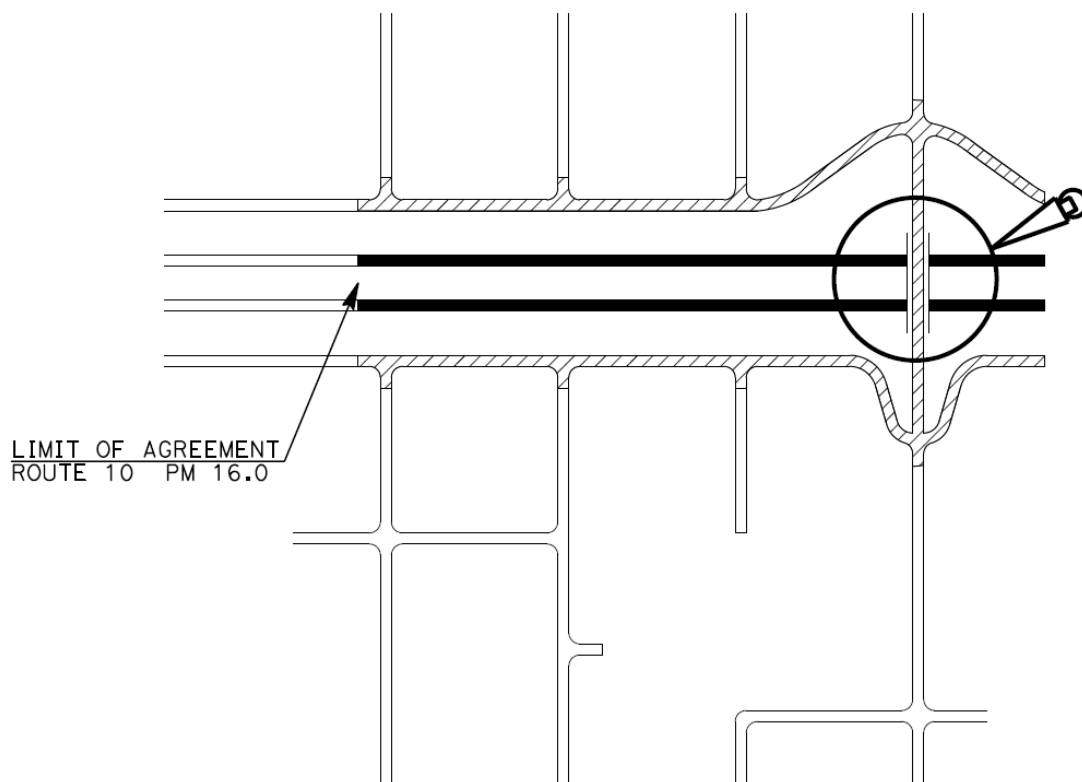


Exhibit Map Notes and Symbols

The mainline of the freeway and interchange connections for those portions of work within the freeway agreement limits should be darkened, that is, filled-in within the lines. Roadways outside the freeway agreement limits should show as open lines (see Figure 24-4, Freeway Agreement Notes and Symbols Example 1).

Figure 24-4 Freeway Agreement Notes and Symbols Example 1



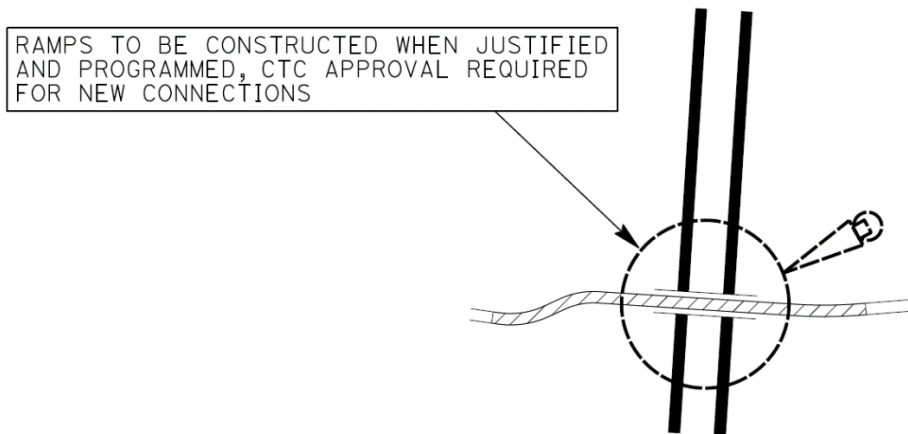
Future Interchanges

A future interchange is one that has not yet been approved for access control modification by the CTC and depiction of a future interchange on an original or superseding freeway agreement does not constitute CTC approval of a new connection. Future interchanges may be included on an original or superseding freeway agreement exhibit map only if the interchange has been studied and evaluated in the environmental document for the project.

The exhibit map for a freeway agreement depicts the ultimate improvement plan as approved in the project report. However, since a freeway agreement

does not commit the State to a schedule or sequence for construction, occasionally it may be necessary to indicate some form of initial construction on the exhibit map for mutual understanding or at the insistence of the local agency. One example is when only the separation portion of an interchange will be constructed with no connections to the freeway. In this case a note should be placed on the exhibit map stating “Ramps to Be Constructed When Justified and Programmed. CTC approval is required for new connections.” On a symbolic map, a future interchange is shown as a dashed interchange symbol with the note as shown in Figure 24-5, Freeway Agreement Notes and Symbols Example 2. On a geometric map, the ramps can be shown as dashed lines with the note. Another example is when initial construction will be an expressway. In this case, the initial expressway condition at the intersections can be indicated by a note or with graphic insets on the exhibit map.

Figure 24-5 Freeway Agreement Notes and Symbols Example 2



ARTICLE 8 Resolutions of Change

Purpose

A freeway agreement may be changed at any time by mutual consent and with the approval of a new or updated project engineering and environmental study. The resolution of change procedure is used to document minor changes to the State highway or to the local roads within the limits of a current freeway agreement that may be taken as an intermediate step before superseding the current freeway agreement. Construction of a new pedestrian overcrossing or a realignment of a frontage road are examples of minor changes.

Resolution Details

The local agency issues a resolution to request or agree with revisions to the existing freeway agreement to be incorporated into a superseding freeway agreement at some future date. The resolution references the existing freeway agreement, identifies the proposed changes, and includes their justifications. An exhibit map is attached for clarification. The exhibit map should be a portion of the current freeway agreement exhibit map, modified to show the changes. The resolution and the exhibit map should be 8.5 x 11-inches in size.

Major Changes by Superseding Freeway Agreement

Resolutions of change are not used for major changes to the traffic circulation shown in freeway agreements. Major changes must be covered by a superseding freeway agreement before beginning design, right-of-way acquisition, or construction. Major changes are usually subject to the project development and environmental documentation process.

Examples of Major Changes

Examples of major changes are: added local road closures, reconnection of previously closed local roads, new interchanges, new grade separations, significant lengths of new frontage roads, or making any major revisions thereto. Major changes cannot be addressed by a resolution of change because they are required by law to be covered under a freeway agreement or because they have a significant effect on the local agency and residents.

Minor Changes - Deferred Freeway Agreement

Changes such as minor variations of design on frontage roads, interchanges, and grade separations, etcetera, must also be covered by a superseding freeway agreement—but this may be deferred until after construction. The resolutions are reviewed in the district for geometrics and scope. Minor changes are usually categorically exempt under CEQA and categorically excluded under NEPA.

Resolutions for Minor Changes

Local agency resolutions for minor changes may be accumulated for inclusion in one freeway agreement, but each resolution must be transmitted individually

to Headquarters Division of Design, Attention: Office of Project Support, as soon as they are executed by the local agency. Two copies are required, and the transmittal memorandum should detail the changes and provide necessary justification. Headquarters Division of Design files the resolutions with the current freeway agreement.

