

State Highway Route Turnback

Greg Byres

**Deputy Director of Transportation - State
Engineer**

September 20, 2024

Transfers from the State Highway System to Local or Tribal Roads

ADOT

What are some the reasons for transferring from the State Highway System to Local or Tribal Roads?

- The road serves primarily local interests.
- The roadway carries vehicle trips that are mostly local in nature
- The roadway function has changed and no longer provides higher-capacity continuity in the State Highway System
- A new state highway bypasses a city, and the route through the city is no longer needed as part of the State Highway System
- Highway realignment leaves a remnant portion of a state highway that is useful primarily for local access purposes
- The highway no longer provides interstate, intrastate, or regional system connectivity



Figure 1 – State Highway System

Relevant State Statutes Regarding Route Transfer from the State to Locals

Statute or Policy	Summary
Arizona Revised Statute (A.R.S)	
28-101, (Definitions)	Provides definitions.
28-304, Powers and duties of the board; transportation facilities	Describes powers and duties of the board, including abandonment of state highways.
28-401, Intergovernmental agreements (I.G.A)	Authorizes the ADOT Director to enter into agreements with cities, tribes, and counties for improvements to state routes.
28-8993, State highway fund; authorized uses	Authorizes state highway funds to be expended on land damages associated with abandoning portions of a state highway.
28-7041, State highways and routes defined	Defines the powers and duties of the State Transportation Board regarding establishing a State Highway System.
28-7207, State roadway abandoned	Abandonment of state highways outside of incorporated limits vests to counties.
28-7209, Vacated or abandoned highway; affected jurisdiction; procedure	In conjunction with state highway abandonment, the State Transportation Board will: - Recognize financial and administrative impacts of abandonment on local jurisdictions. - Provide four years advance notice to local jurisdiction, except by mutual agreement. - Provide 120 days' notice to local jurisdiction for the abandonment of new street improvements such as cul-de-sacs and reconnections of existing streets resulting from highway projects. - Improve abandoned highway such that surface treatment is not required for at least five years, except by mutual agreement.
28-7210, Reservation of easements	Rights-of-way or easements continue as they existed before the disposal or abandonment of the rights-of-way or easements.
28-7213, Resolution; effective date	Resolutions vesting a roadway to another jurisdiction must describe the roadway and its use, and take effect when it is recorded in the office of the county recorder.
28-7043, Designation of state route as state highway	- County Board of Supervisors may petition the transportation board to take over and designate a state route as a state highway. - Until designated as a state highway, state routes are constructed and maintained as county highways. - State routes will not be designated as a state highway until funding is programmed for improvement. - ADOT maintains state routes that are designated and accepted by the State Transportation Board as state highways.
28-7049, Classification of streets that connect highways and routes	If the streets of a city or town form necessary connection of sections of state highways or state routes, governing bodies may mutually agree that the streets are deemed state highways or county highways, respectively.



A.R.S 28-7209. Vacated or abandoned highway; affected jurisdiction; procedure

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

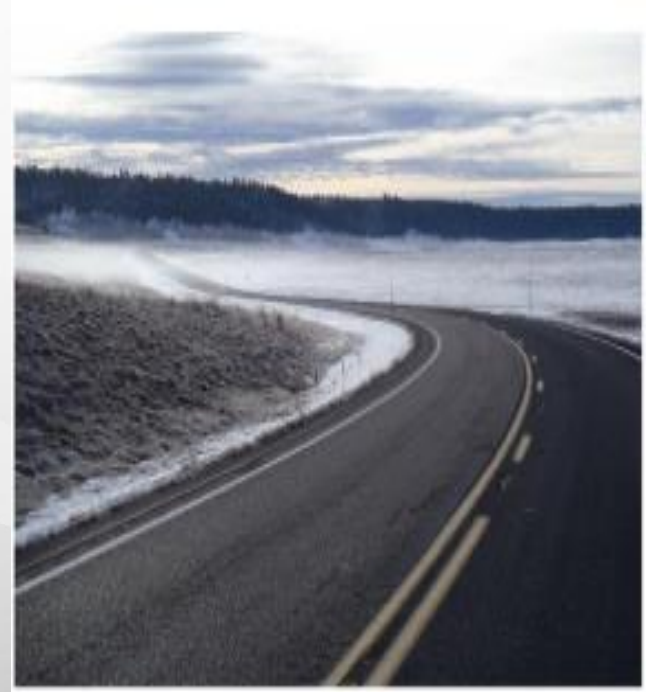
- 1. Vacate or abandon the portion of the route or highway in cooperation with an affected jurisdiction and in **full recognition of the financial and administrative impacts** of the changes on the affected jurisdiction.
- 2. **Provide four years'** advance notice to the affected jurisdiction, except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

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

A.R.S 28-7046. Opening, altering or vacating highway; review of Order

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

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



State Transportation Board Policies

State Transportation Board Policies

November 15, 2019

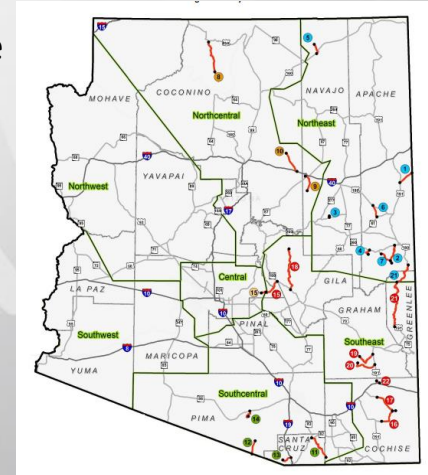
16. Transfer of State Routes Policy

1. It is the policy of Board that the State Highway System consist primarily of routes necessary to provide a statewide network to serve the ever-changing environment with regard to the interstate, statewide and regional movement of people and freight.
2. In recognition that population and employment growth in Arizona and adjacent states will, over time, create demands for new transportation facilities and later the function of some existing transportation facilities, ADOT will develop and maintain a process for transferring certain state highways to local and tribal jurisdictions and conversely, transferring certain non-state highways to the State Highway System. Routes primarily providing land access and local movement of people and goods should be the responsibility of local governments.
3. The transfer of state highways will be carried out in accordance with the applicable transfer statutes A.R.S. §28-7046 and §28-7209.

Low volume routes with potential of transfer to another agency

February 2017 a study was conducted and a final report was published under “Low Volume State Routes Study” the study evaluated a total of **22 low volume state routes**. Some of these facilities do not warrant the State Highway designation because they do not serve a state or national purpose in the transportation system. The analysis in this Study identifies some facilities where a transfer of the roadway to an underlying jurisdiction or agency would be appropriate.

- **10 segments were recommended for transfer completely to another entity.**
- 5 segments with moderate potential to transfer only a portion of the route is recommended for route transfer.
- 7 segments are considered least likely candidates for removal from the state system.





Summary

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

