

STATE HIGHWAY TRANSFER POLICIES AND PROCEDURES MANUAL





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SECTION 100

THE GUIDELINES AND PROCESS MANUAL FOR THE TRANSFER OF STATE HIGHWAYS TO LOCAL GOVERNMENT OWNERSHIP

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FOREWORD

The Pennsylvania Department of Transportation has prepared this policies and procedures manual to provide an overview of the process necessary to transfer state highways to local government ownership per Act 1981-32, Act 1983-32 and Act 2006-70. These legislative actions authorize the funding that is to be used for the rehabilitation and transfer of functionally-local state highways to the municipalities in which they are located, accompanied by an annual maintenance payment of \$4,000 per linear mile.

This manual shall serve as a source document for any employee responsible for administering to or any municipality participating in the State Highway Transfer (Turnback) Program.

Revisions will be periodically made to this publication as they become necessary. Any questions or requests for information should be directed to the District and Central Office Turnback Coordinator. Refer to Pennsylvania Consolidated Statutes - Title 75, Chapter 92, Transfer of State Highways and Chapter 95, Taxes for Highway Maintenance and Construction, Section 9511.

The publications and forms referenced in this Publication can either be found at www.penndot.gov, Forms and Publications or obtained by contacting your District Municipal Services Representative.

BACKGROUND

From 1945 until 1981 numerous study groups, such as the Automotive Safety Foundation and the Transportation Advisory Committee produced documents giving in-depth coverage of the topic of highway transfers, down to the point of identifying more than 12,000 miles of state highway that are functionally classified as local roads. These roads are generally narrow, fragmented, have low traffic volume and essentially serve only local purposes.

1945 – Initial legislation for the reduction of state highway mileage was enacted in 1945 under Act 428, “the State Highway Law”. This legislation established guidelines for legislative review and approval for each and every abandonment, vacation or road transfer to a local municipality. However, everyone involved in this process found it to be very time consuming, burdensome and often resulting in considerable misunderstandings and missed time frames.

1980 – The Commonwealth owned and maintained more than 45,000 miles of roadway, making it the fourth largest transportation system in the nation. In comparison, California maintains about 14,600 miles and New York 12,500.

1981 – Another state highway reduction mechanism was realized in Act 1981-81, State Highway Law, Section 222. It stated: “The Secretary of Transportation may abandon any highway route on the state highway system, or part thereof, if the municipality wherein it is located by ordinance or resolution approves the action and agrees to assume expense of maintenance and improvement of the same.” “The authority given the Pennsylvania Department of Transportation under Act 1981-81 was the result of earlier studies which determined that certain highways could be better maintained at the local level. Act 1981-81, however, did not authorize any funding for a transfer program. As a result, project rehabilitation costs came directly from the PennDOT County Maintenance budget and the only payment that accompanied a transferred road was an increase in the municipality’s liquid fuels allocation; which is based in part on the size of the municipality’s transportation system.

1983 – Act 1983-32 established the Highway Transfer “Turnback” Program by providing guidance for highway transfers and dedicated funding to be allocated to municipalities for maintenance purposes at the rate of \$2,500 per mile of Turnback roadway. Secondly, funding was provided for the rehabilitation of candidate roadways into a satisfactory condition for transfer. This legislation, coupled with top management commitment to the program, has successfully provided for the rehabilitation, transfer and maintenance of over 4,700 miles of roadway.

2006 – Act 70 authorized an increase in the annual maintenance payment for all Turnback projects from \$2,500 per mile to \$4,000 per mile of roadway – the first rate increase in the history of the program.

**ACT 1981-81:
AN ACT SB 153 SESSION of 1981**

Amending the act of June 1, 1945 (P.L. 1242, No 428), entitled, - "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," providing for removal by the secretary of routes on the State Highway system.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 1, 1945 (P.L. 1242, No. 428), known as the – "State Highway Law," is amended by adding a section to read:

Section 222. Abandonment of Routes on State Highway System. – The Secretary may abandon any highway route on the State highway system, or part thereof, if the municipality wherein it is located by ordinance or resolution approves the action and agrees to assume expense of maintenance and improvement of the same. The procedure authorized by this section shall not be used by the department as a means or method for the mass turn back of State highway routes to municipalities.

Section 2. This act shall take effect in 60 days.

APPROVED – The 10th day of July, A.D. 1981

DICK THORNBURGH

Highway Transfer Program - § 9511 of Title 75

State Highway Transfer Restoration Restricted Account is expanded to include local bridges. The amount increased to 3 mills. For fiscal year 2017-2018 and each year thereafter 1 ½ mills is to be deposited into the account for highway transfer payments. For fiscal year 2017-2018 and each year thereafter 1 ½ mills is to be deposited into the account for local bridges. The annual maintenance payments remain at \$4,000/mile.

TURNBACKS

The primary objective of the Highway Transfer (Turnback) Program is to provide for the rehabilitation, maintenance, and transfer of highways identified as functionally local state highways to the municipalities in which the roads are located. Acts 1981-32, 1983-32, and 2006-70 authorize the release of funds to accomplish these objectives. The turnback of a roadway is done on a cooperative and voluntary basis.

Turnbacks also offer the municipality the opportunity to improve their local transportation system, further develop their community, and provide a positive impact on the economic development of their community.

Consideration of roadways in the Highway Transfer Program will be based on priorities which include:

- Primary local traffic generators.
- Local traffic generators that provide a short distance of travel to recreational facilities, hospitals, schools, shopping malls, local industries.
- Fragmented segments of roadways that would best fit the local municipality but are currently owned by the state.
- Dirt and gravel roads on the state highway system.
- Local highways that are designated as part of the Federal-aid System.

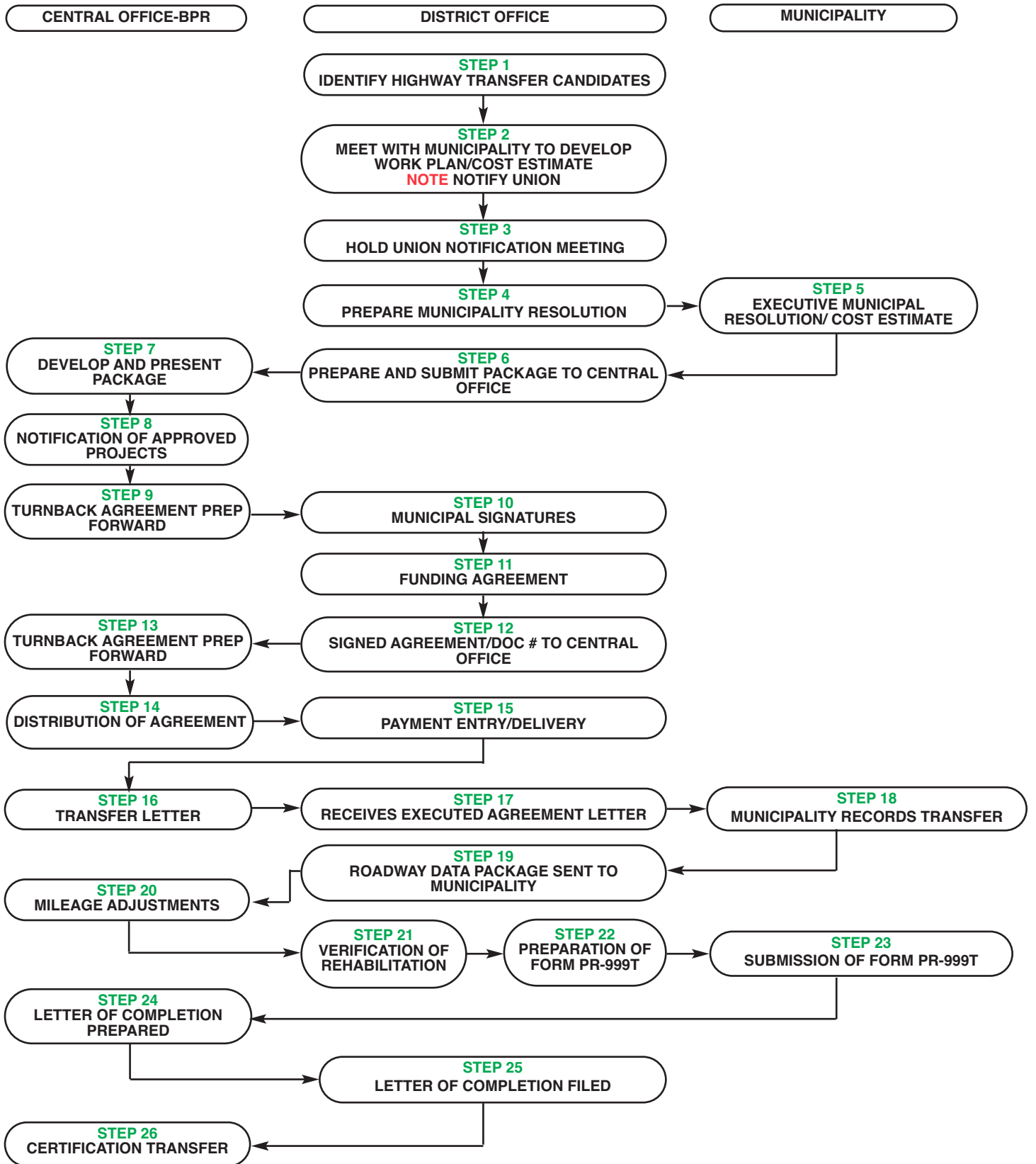
When a roadway has been approved for a turnback the municipality may choose from one of the following options for rehabilitating the roadway before officially transferring the roadway:

- PennDOT, using Department forces or a Department contractor, will provide the necessary rehabilitation and charge the work against the Highway Transfer Program funds or maintenance as appropriate.
- PennDOT will provide funding to the municipality to have the necessary rehabilitation completed under a Highway Transfer Agreement.
- PennDOT will provide funding to the municipality so that the necessary rehabilitation can be completed by municipal forces.
- Necessary rehabilitation can be provided by any combination of the above three options.

The turnback statute, 75 Pa. C.S. Chapter 92, does not prescribe any minimum standards that a state highway must meet for transfer to local jurisdiction. Instead, the parties determine what is needed to place the road in "satisfactory condition".

The next section outlines and describes the Highway Transfer Program and the person(s) responsible for completing the process.

TURNBACK PROJECT PROCESS



ROLES AND RESPONSIBILITIES

Several functional areas have responsibilities in the transfer of state highways to local jurisdiction. Those functional areas include:

- Central Office Turnback Coordinator
- District Executive
- District Turnback Coordinator
- District Municipal Services Staff
- District Posting and Bonding Coordinator
- Senior Management/Program Management Committee (PMC)

The roles and responsibilities are included in this manual as a guide and mention other Department personnel who may be involved in this program. Each District may interpret the steps in the process to accommodate a successful transfer program, but by following the process included in this manual, the program can be a success.

CENTRAL OFFICE TURNBACK PROGRAM RESPONSIBILITIES

The following duties are the responsibility of the Central Office Statewide Highway Turnback Coordinator and staff:

- Periodically provides the eleven Engineering Districts with their respective counties State Highway Transfer Restoration Restricted Account expenditures.
- Maintains highway transfer mileage inventory.
- Maintains the database inventory of local highways being transferred in a given calendar year. This information is utilized to calculate the annual \$4,000 per mile maintenance payment, as of the first business day of January. **NOTE:** The distribution of the annual maintenance payment will occur annually on the first business day in March following the year after the year of transfer. Example: If a Highway Transfer is completed between January 1, 2014 and December 31, 2014, the \$4,000 maintenance payment will occur annually beginning March 1, 2016.
- Presents all Highway Turnback candidate projects to the Program Management Committee (PMC), or designee. **NOTE:** All Highway Transfer Program expenditures must have the Secretary of Transportation's approval, or their designee.
- Provides listings of all Highway Turnbacks, Abandonment's, Legislative Deletions, Vacations, and Adoptions since 1981, in accordance with Act 1983-32, to each County's Recorder of Deeds.
- § 9203 of Title 75 certifies transferred highway information to the Pennsylvania Bulletin staff for publishing.
- Provides inventory and cartographic information to the Central Office Cartographic Unit.
- Prepares all State Highway Transfer Agreements.
- Audits municipalities' Highway Transfer Accounts including review of the project completion reports and restoration project completion reports.
- Develops, updates, and monitors the Department's Highway Transfer Program policies, procedures, and guidelines as required by changes in the program.
- Provides program guidance to the Districts and field view projects as required.

DISTRICT TURNBACK PROGRAM RESPONSIBILITIES

The Department has established the following general criteria to benefit each District's Turnback Program:

The District Executive (DE) must:

1. Clearly define key district personnel who have the authority and responsibilities of those involved in the Turnback Program such as the following:
 - District Turnback Coordinator
 - Municipal Services Supervisor
 - Assistant District Executive for Maintenance
 - County Maintenance Manager
 - District Road Management Coordinator
 - Assistant District Executive for Design
 - District Fiscal Officer
 - District Bridge Engineer
 - District Permit Engineer
 - District Utility Unit Supervisor
 - District Right-of-Way Supervisor
 - District Plans Engineer
 - District Traffic Engineer
 - District Posting and Bonding Coordinator

The district staff must:

2. Continue to encourage district staff to foster efforts toward direct payments to municipalities for restoration in lieu of Department force work or contracting out the services. Approximately 95% of successful transfers to date have been through the direct payment method. Cash grant transfer agreements have a safeguard in that they include restoration deadlines and a breach/recourse provision in each transfer agreement.

Note: when direct payments are to be made to municipalities for restoration, they may become eligible for annual maintenance payment based on the date of transfer and

not upon completion of restoration work by the Department, which could, depending upon on the size of the project, take up to one or two additional years.

3. Encourage package turnback deals, i.e., larger projects which include increased miles, bridges or other structures that can be interfaced with other district restoration projects thereby reducing the average cost per mile over the entire package transfer.
4. Consider carefully when issuing district winter maintenance agreements on maintenance functional classification (MFC) D or E roads. These agreements may cause a negative incentive in the district for turnbacks.
5. Consider carefully the transfer of bridges. Before a bridge may be transferred, the Pennsylvania Historic and Museum Commission (PHMC) should be notified of the transfer and given the opportunity to comment on the historic nature of the bridge. Transfer of the bridge to local government does not relieve the municipality from PHMC's oversight and/or approval.
6. Consider mutual recommendations from the County Maintenance Manager, District Highway Turnback Coordinator, District Municipal Services Supervisor, and when appropriate, the District Bridge Engineer for selection of potential district turnback candidates.
7. Consider the following suggested criteria when selecting the best candidate for road and bridge projects:
 - A municipality has expressed an interest in owning;
 - A municipality has the ability to maintain;
 - Are a part of the local road network, serve the local community and do not serve in a statewide or regional capacity;
 - Have low average daily traffic (ADT);
 - Are MFC Class D or E or dirt and gravel roadways;
 - Are already programmed for betterment or restoration;
 - Require maintenance, materials, and/or equipment that could be better maintained on a local level;
 - Are identified by County Maintenance Managers as roads better suited to be maintained by a municipality;
 - Establish a sound foundation, goodwill, and a good track record for future turnback negotiations;
 - Bridges on the state highway system that were not transferred with previous turnbacks

DISTRICT HIGHWAY TURNBACK COORDINATORS RESPONSIBILITIES

The District Highway Turnback Coordinator will ensure that the District Transfer Program is being performed in accordance with Act 1983-32 and this policies and procedures manual. In addition, the District Highway Turnback Coordinator is also responsible for the following program areas and/or assignments:

- During negotiations with local government officials, it would be advisable to utilize the District Municipal Services Supervisors and/or the District Municipal Services Specialists in the actual development of the project rehabilitation cost(s). It is also advisable for the District Municipal Services staff to continue to be involved on all subsequent and ongoing contacts with municipal officials.
- The coordinator is responsible for submitting, throughout the year, candidate projects via the Highway Transfer Project Submission Form (PR-996), Highway Transfer Program Municipal Resolution Form (PR-997), and a Type 5 Map of the project area that show the cost of the project, the roadway segments and lengths, signed by the District Executive, District RMS Coordinator, District Bridge Engineer, and others designated by the District. New projects will be considered if budget capacity is available.

DISTRICT MUNICIPAL SERVICES STAFF RESPONSIBILITIES

District Municipal Services staff members normally make the initial contact with the municipality to inform them of the Department's readiness to have the state highway(s) located within their boundary transferred to them.

In addition to attending the Turnback meetings, the District Municipal Services staff should provide or assist the District personnel who may also be included in discussions by performing the following activities or duties:

- Work with the District Highway Turnback Coordinator to develop one local and one county map showing the exact location of the State Route and Legislative Route of the candidate project(s).
- Assist the municipality in executing their portion of the Highway Transfer Program Municipal Resolution Form (PR-997) and Highway Transfer Agreement.

Once the rehabilitation project starts, the District Municipal Services staff members will perform spot inspections as well as final inspections of the project in their respective areas. This includes checking traffic control items and documentation that all work is being performed in accordance with the Department of Transportation's specifications, policies, and procedures which can be found in Pub 213 -Temporary Traffic Control Guidelines - Supplementing Federal Highway Administration's Manual on Uniform Traffic Control Devices. This will ensure maximum effort is being given to this phase. The inspections ensure each and every item of funded rehabilitation work listed on the PR-996 Highway Transfer Project, which should be attached as Exhibit A – to the PR-997-Highway Transfer Program Agreement, are completed and documented on the PR-999T-Turnback Project Completion Report form and PR-999TRC – Turnback Record of Check form.

Upon completion of rehabilitative work, if the municipality has a restoration balance of funds of more than fifteen (15%) percent of the initial project cost estimation, additional documentation should be attached to PR-999T-Turnback Project Completion Report to explain or justify the percentage of unexpended funds. Changes to the project's scope of work, items necessary to complete the project, project timeline, or other factors affecting project completion or delay, should be clearly documented within the justification attached to the PR-999T form and PR-999TRC form when submitted. Documentation should also include the method used to estimate initial project cost per item. This information will assist the Central Office-BPR staff in closing out the transfer project agreement. Example of additional justification could be as follows: Municipality utilized pipe and aggregates from municipal stockpile that were purchased prior to negotiating and/or receiving turnback funds; labor equipment was not charged to the project; the actual material cost was lower than originally estimated.

The PR-999T form and the PR-999TRC form must be submitted annually by December 31st for all open restoration projects. Open restoration projects include all restoration projects for which a final Turnback Project Completion Report (forms PR-999T and PR-999TRC) has not been submitted. All restoration project account activity is to be reported including, but not limited to: interest accrual, expenditures, and transfers from the point of receipt of rehabilitation funds to the date of form submission. Municipalities with open restoration projects

that do not submit PR-999T and PR-999TRC forms on project account activity will not be eligible for payment of the Turnback Program Annual Maintenance Payment, unless it is part of a Pennsylvania Infrastructure Bank (PIB) Loan.

Another key area of responsibility assigned to the District Municipal Services staff is the completion of form PR-990 Municipal Road Data Processing Report. Subsequent to the municipality providing proof of recording the Highway Transfer Agreement in the County Recorder of Deeds Office, this form should be submitted, minus any excluded bridge footage and noting any included bridge footage, and the transfer date to the Central Office Mileage Coordinator for verification and incorporation into Act 1983-32 annual maintenance payment records. The PR-990 form should be submitted within three months of the agreement execution date or no later than one year after the effective turnback date.

STEP 1 – CENTRAL OFFICE/DISTRICT/MUNICIPALITY

Identify Highway Transfer Candidates:

Chapter 92, Section 9203 of the PA Vehicle Code requires that the Department annually list and describe the proposed local highways to be transferred, categorized by municipality, including a map showing location, length, and type of roadway and right-of-way. District Turnback coordinators are to compile this list and submit to the Central Office Turnback Coordinator.

Chapter 92, Section 9204 of the PA Vehicle Code requires that the Department notify each municipality on the list of candidate roadways of the Department's readiness to transfer to it all local highways located within the municipality. This notice shall include a copy of the Department's highway description and map.

The Central Office Turnback Coordinator will review the submitted candidate information and authorize negotiations to initialize a formal Highway Transfer Agreement for the candidate roadway/structure.

Upon approval of candidate projects, Central Office-BPR will notify the District Turnback Coordinators of approval to proceed with negotiations for the submitted projects. District Turnback Coordinators are to proceed with the following steps to prepare and submit a project submission package to Central Office-BPR for the initiation of a Highway Transfer Agreement.

In addition to this candidate list of roads functionally classified as local, other turnback candidates may be developed through municipal contact initiated through:

- Municipalities
- Elected Officials
- County Management
- Citizens
- District Municipal Services Unit
- MPOs and RPOs

STEP 2 – District/Municipality/Central Office

Meet with Municipality to Develop the Proposed Scope of Work/Cost Estimate:

The District Turnback Coordinator along with additional Department personnel as required will meet with municipal representatives to discuss specific turnback candidates. The purpose of this meeting is to determine the feasibility of candidates and proposed scope of work to bring the candidate road into satisfactory condition for transfer.

****NOTE:** If Department forces are to be committed to the rehabilitation effort, the County Manager or designee should be included in this meeting. The County Manager should be advised that they have the option of using Highway Transfer Program funding, as approved by the Program Management Committee (PMC), instead of using Department Maintenance funding to complete Department Force work.

The District Turnback Coordinator in conjunction with other appropriate District Staff and the municipality will develop cost estimates for the Turnback candidate.

This cost estimate will include general information specific to the turnback candidate such as length in feet and miles and to and from (segments, offsets, and stations). Actual field measurement verification needs to be completed and all lengths on the PR-996 – Highway Transfer Project Submission Form and PR-997 – Highway Transfer Program Municipal Resolution Form must be populated.

All roadway information on the cost estimate (PR-997) must be reviewed and signed off on the estimate by the District RMS Coordinator.

****NOTE:** It is highly recommended to provide the length in feet and miles (RMS standard, 3 decimal places) and to and from (segments, offsets, and stations) to Central Office-BPR for review and concurrence before completing the PR-996-Highway Transfer Project Submission Form and PR-997-Highway Transfer Program Municipal Resolution Form. The lengths must match. If the lengths do not match, the request will be returned and not processed until the values match. If field measurements show differences in segment(s) and/or offset(s) the District (MSR) must notify the District RMS coordinator of the potential changes prior to submitting the forms. Due to station information being outdated and no longer updated, use the segment and offset information to provide an accurate location.

Highway Transfer Project cost estimates of funding requested for the rehabilitation of candidate roadways and/or structures are to be based on and/or comparable to local municipal contract pricing.

If using a PennDOT system to develop the costs, the information must be reviewed with the District Maintenance Program Engineer prior to developing the turnback package.

Department Force prices shall only be used if the County Maintenance organization will be performing the items of work and must be reviewed and approved by the District and County Manager.

Both the municipality (representative authorized in the municipal resolution) and respective District Executive must sign the cost estimate.

STEP 3 – DISTRICT

Hold Union Notification Meeting:

Because the turnback program removes portions of the state's roadway inventory, which is used in calculation for County Maintenance Office Resources, discussions with the Union are necessary to explain the reason for turning back the candidate roadways. Rarely does the mileage transferred impact the calculations but providing the justification for the road transfer supports the relationship between the Union, Management, and the Municipal Community.

STEP 4 – DISTRICT

Prepare Municipal Resolution:

The Highway Transfer Program Municipal Resolution, Form PR-997, is the municipality's authority to enter into an agreement with the Department to transfer a specified roadway or portion thereof. The resolution is to be completed by the District Turnback Coordinator and signed by the municipality. This resolution must include any relevant structure information. Structure information must include the Bridge Management System Identification Number

(BMSID), span length, and identify which structure(s) will and will not be included in the turnback.

****NOTE:** As stated in Step 2, it is highly recommended to provide the length in feet and miles (RMS standard, 3 decimal places) and to and from (segments, offsets, and stations) to Central Office-BPR for review and concurrence before completing the PR-996-Highway Transfer Project Submission Form and PR-997-Highway Transfer Program Municipal Resolution Form. The lengths must match. If the lengths do not match, the request will be returned and not processed until the values match. If field measurements show differences in segment(s) and/or offset(s) the District (MSR) must notify the District RMS coordinator of the potential changes prior to submitting the forms. Due to station information being outdated and no longer updated, use the segment and offset information to provide an accurate location.

STEP 5 – DISTRICT/MUNICIPALITY

Execute the Municipal Resolution/Cost Estimate:

The District Turnback Coordinator presents the municipality with the cost estimate and resolution to be signed by the responsible parties.

****NOTE:** Signatures must be dated within six (6) months or the Municipal Resolution will be returned for new signatures and not processed.

STEP 6 – DISTRICT

Preparation and Submission of Project Approval Package to Central Office:

A complete turnback candidate package will be prepared, signed, and submitted to Central Office-BPR by the District Turnback Coordinator and must include:

- PR-996 – Highway Transfer Project Submission Form
- PR-997 – Highway Transfer Program Municipal Resolution Form
- PDF map of the project's location and limits
- Copy of the Union approval letter (optional)

****NOTE:** The District Turnback Coordinator will make one copy of this package to keep on file at the District Office as a tickle file.

STEP 7 – CENTRAL OFFICE-BPR

Develop and Present Turnback Candidate Presentation for Approval:

Upon receipt of the complete package from the District Turnback Coordinator, Central Office-BPR will:

- a. For previously approved projects (without major project differences), proceed to Step 8.
- b. For newly proposed projects, forward the map and RMS data from the District to Central Office RMS unit for validation prior to developing the PMC presentation for review to the Program Development & Management for submission to the Secretary for approval.

STEP 8 – CENTRAL OFFICE-BPR

Notification of Approved Projects:

Upon approval of the turnback candidate project, Central Office-BPR will notify the District Turnback Coordinator of the action taken.

STEP 9 – CENTRAL OFFICE-BPR

Turnback Agreement Preparation and Forwarding:

Central Office-BPR prepares the turnback agreement package based on the type of agreement (i.e. cash grant, Department force, no cost turnback). The cost estimate becomes Exhibit A and the municipal resolution then becomes Exhibit D and both are attached and made a part of the transfer agreement.

A complete Highway Transfer Agreement Package will include the following:

- Form PR-999T-Turnback Project Completion Report
- Form PR-999TRC-Record of Checks Turnback Fund Account
- Highway Transfer Agreement, 4 copies
- Highway Transfer Cost Estimate
- Nondiscrimination/Sexual Harassment Clause
- Contractor Integrity Provisions
- Municipal Resolution
- Provisions Concerning the Americans with Disabilities Act
- Contractor Responsibility Provisions attached as an exhibit
- Copy of the map showing the turnback

While a workable standard Agreement form is currently used for the different types of turnbacks, additional clauses and terms are often necessary. The fact that each turnback project is unique makes this inevitable.

All items of work performed by the municipality under the Transfer Agreement must be done in conformance with PUB 408 – Maintenance Manual Production Performance Standards and will be subject to spot inspection during the period of rehabilitation.

If a Supplemental Agreement is being requested in order to change the terms or conditions of the original agreement, for example: work completion date, funding, scope of work, additional unplanned work, it can be processed only if a copy of the original agreement and any previous supplemental agreements are attached for comparative review. Also, supplemental agreements must be signed by an authorized municipal representative. If the original authorized representative is unavailable, a new resolution must be drafted and executed and submitted with a request for a supplemental agreement.

Upon completing the Highway Transfer Agreement Package, Central Office-BPR forwards it to the District Turnback Coordinator for local execution.

STEP 10 – DISTRICT/MUNICIPALITY

Municipal Signatures:

The completed agreement package is received by the District Turnback Coordinator to forward to the municipality to have 4 original agreements signed by the designated authority as shown on the attached resolution.

Within 10 days the municipality must establish a separate interest-bearing turnback rehabilitation account.

STEP 11 – DISTRICT

Funding the Agreement:

District Turnback Coordinators are to work in conjunction with their respective District Fiscal Officer to accurately complete the SAP-7 –SAP Funds Commitment/Reservation Form (FMZ1/FMX1), - earmark or – commit the funds and supply the required document number for payment of rehabilitation funding.

STEP 12 – DISTRICT

Signed Agreement to Central Office-BPR:

The four original signed agreements shall be forwarded to Central Office-BPR for execution and payment. This agreement package should include the following:

- SAP-7 Form with SAP Document Number
- OS-528C-CRP Form (for agreements with cash grant payments over \$10,000)
- 4 original signed agreements

STEP 13 – CENTRAL OFFICE

Central Office Routing:

Central Office Turnback Coordinator forwards two signed agreements through the Central Office execution process as follows:

1. The designated bureau director reviews the agreement and grants approval. The agreement document number is logged into the Legal Approval Tracking System (LATS). The Central Office Turnback Coordinator hand delivers the agreement to the Office of Chief Counsel.
2. The Office of Chief Counsel assigns an attorney and the agreement is given a preliminary review. The Office of Chief Counsel then forwards the agreements to the Comptroller's Office.
3. The Comptroller's Office Reviews the agreement for compliance. The Comptroller's Office then forwards the agreements to the Bureau of Fiscal Management.
4. The Bureau of Fiscal Management reviews and validates the fiscal documents. The Bureau of Fiscal Management then contacts the Central Office Turnback Coordinator to forward the agreements to the Office of Chief Counsel.
5. The Office of Chief Counsel performs a final review and forwards approved and dated agreements back to the Central Office Turnback Coordinator.

STEP 14 – CENTRAL OFFICE-BPR

Distribution of Executed Agreement:

Upon full Central Office execution of the agreement, the Central Office Turnback Coordinator makes 6 copies of the agreement and distributes the 6 copies of the signed agreement as follows:

- 1 Original to the Municipality via the Central Office Turnback Coordinator
- 1 Copy to the District Turnback Coordinator
- 2 Electronic copies to the Comptroller's Office
- 1 Copy to the Department of the Treasury, Treasury Audits
- 1 Copy to the Bureau of Fiscal Management

STEP 15 – CENTRAL OFFICE-BPR/DISTRICT/MUNICIPALITY

Payment Entry/Delivery:

The Central Office Turnback Coordinator then processes the agreement document number through the FB60 transaction of SAP to initiate payment of agreement rehabilitation funds. The document number generated by this transaction must be recorded in the top right corner of Central Office's original copy of the agreement.

The Central Office Turnback Coordinator will contact the District Turnback Coordinator to notify the municipality of the delivery of payment.

****NOTE:** Payment will be issued to the municipality via direct deposit 30 days from the date of full execution.

All expenditures and interest accrual from this account must be tracked and reported on the PR-999T – Turnback Project Completion Report and PR-999TRC-Turnback Fund Account Record of Checks.

The Department recommends and the Highway Transfer Agreement requires that a political subdivision entering into a cash grant type of transfer agreement maintain a very clear auditing trail of the funds delivered by establishing and maintaining a separate local highway turnback account for these funds and utilizing the PR-999TRC-Turnback Account Record of Checks until all items of work listed within the agreement are satisfactorily completed. Annually, by December 31st (until the rehabilitation project is complete) and upon rehabilitation project completion, the municipal officials should also promptly complete their copy of PR-999T-Turnback Completion Report and submit the form to the District Turnback Coordinator. PR-999T and PR-999TRC forms must be submitted annually by December 31st for all open restoration projects. Open restoration projects include all restoration projects for which a final Turnback Project Completion report (forms PR-999T and PR-999TRC) has not been submitted. All restoration project account activity is to be reported including, but not limited to: interest accrual, expenditures, transfers from the point of receipt of rehabilitation funds to the date of form submission. Municipalities with open restoration projects that do not submit PR-999T and PR-999TRC forms on project account activity will not be eligible for payment of the Turnback Program Annual Maintenance Payment. It would also be to the municipality's advantage to have the Department perform a final inspection and mileage verification as soon as the project is completed.

STEP 16 – CENTRAL OFFICE-BPR

Official Transfer Letter:

Upon payment of rehabilitation funding, Central Office prepares an official transfer letter for the Secretary or their designee's signature. This transfer letter will designate the highway transferred and detail the beginning and ending (segments, offsets, and stations) for the transferred roadway. This letter also will contain the official transfer date for the specified highway.

****NOTE:** Pursuant to the decision of the Pennsylvania Supreme Court in the case of Mullin vs. the Department of Transportation, Supreme Court of Pennsylvania, Nos. 158 and 159 MAP 2002, Decided March 29, 2005 – the date on which the municipality assumes jurisdiction and liability will be the date on which payment occurs, as opposed to earlier agreement execution date. By contrast, when PennDOT performs the rehabilitative work, either with its own forces or through an outside contractor hired by PennDOT, the transfer of jurisdiction is postponed until the work is completed, as Section 9207(a) of the Vehicle Code expressly provides.

STEP 17a – DISTRICT

District Office Received Executed Agreement:

Upon receipt of the executed agreement, the District Turnback Coordinator files the executed agreement in the project file. A routing memo is sent through the District Office to prepare the roadway data package for the municipality. The complete roadway package will include:

- Straight Line Diagram
- Right-of-Way Information
- Bridge and Roadway Weight Limit Postings and Restrictions and Studies (if appropriate)
- Traffic Engineering Documentation
- Active Highway Permits
- Utility Information
- Railroad Crossing Information
- P.U.C. Orders
- Construction Plans

STEP 17b – MUNICIPALITY

Municipality Received Executed Agreement:

The District Turnback Coordinator forwards an original executed agreement to the municipality for the municipality to file accordingly.

STEP 18 – MUNICIPALITY

Municipality Records Transfer:

Upon receipt of the executed Highway Transfer Agreement, it is the responsibility of the municipality to have the transfer recorded by the respective County Recorder's Office.

After the transfer is recorded, the municipality will notify the District Turnback Coordinator with proof of the transfer recording. The proof is maintained at the District Office in the Turnback files.

STEP 19 – DISTRICT

Roadway Data Package Forwarded to the Municipality:

The Roadway Data Package items defined in Step 16a are forwarded to the municipality.

STEP 20 – DISTRICT

Mileage Adjustment:

Upon being provided proof of the recording of the transfer, the PR-990-Municipal Road Data Processing Report form is prepared based upon the executed Highway Transfer Agreement and submitted to Central Office. The adjusted mileage is then used to determine the municipality's annual maintenance payment.

****NOTE:** The PR-990 form must provide the length in miles (2 decimal places) when submitting the form to the Central Office-BPR Mileage Coordinator.

STEP 21 – DISTRICT

Verification of Rehabilitation Work:

The District Office, through spot and final field inspections verifies that the rehabilitation work, as defined in the Transfer Agreement, has been completed.

STEP 22 – MUNICIPALITY/DISTRICT

Preparation of Form PR-999T:

Throughout the project and upon completion of the rehabilitation work, the District Turnback Coordinator prepares PR-999T- Turnback Project Completion Report and PR-999TRC – Turnback Account Record of Checks to forward to the District Office.

PR-999T and PR-999TRC forms must be submitted annually by December 31st for all open restoration projects. Open restoration projects include all restoration projects for which a final Turnback Project Completion Report (forms PR-999T and PR-999TRC) has not been submitted. All restoration project account activity is to be reported including, but not limited to: interest accrual, expenditures, transfers from the point of receipt of rehabilitation funds to the date of form submission. Municipalities with open restoration projects that do not submit PR-999T and PR-999TRC forms on project account activity annually or to close the project may not be eligible for payment of the Turnback Program Annual Maintenance Payment.

Upon submittal of final PR-999T form the municipality shall transfer any leftover funds to the liquid fuels account.

STEP 23 – DISTRICT/MUNICIPALITY

Submission of Form PR-999T:

When the PR-999T form is received at the District Office, a copy is made and filed in the turnback project file. The original is sent to the Central Office Turnback Coordinator.

STEP 24 – CENTRAL OFFICE-BPR

Letter of Completion Prepared:

Upon receipt of the final, PR-999T and PR-999TRC from the District Office indicating that all elements of the Transfer Agreement have been satisfied, the Central Office Turnback Coordinator will review for compliance and prepare a Letter of Completion signed by the Director of the Bureau of Planning and Research which is then forwarded to the municipality with a copy forwarded to the District Office.

STEP 25 – DISTRICT

Letter of Completion Filed:

The Completion Letter issued by Central Office-BPR is filed within the turnback file at the District Office.

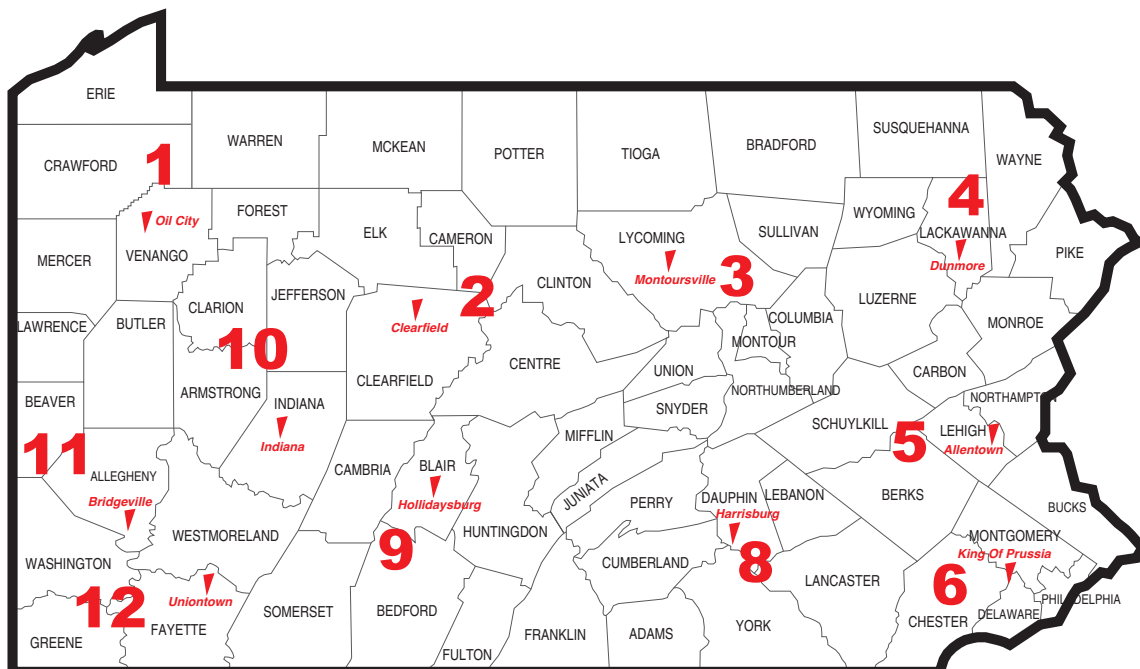
STEP 26 – CENTRAL OFFICE-BPR

Certification of Transfers:

Act 1983-32 requires that the Bureau of Planning and Research certify a list of completed Highway Transfers to the Pennsylvania Bulletin and respective County Recorder's office periodically.

If you are interested in the Turnback of a roadway or bridge in your municipality, contact your local District Turnback Coordinator.

Engineering District	Turnback Coordinator	Engineering District Unit	Telephone	Fax
1-0	Josh Montgomery joshmontgo@pa.gov	Municipal Services Unit	(814) 678-7142	(814) 678-7040
2-0	Randy Albert galbert@pa.gov	Maintenance Unit	(814) 765-0408	(814) 765-0487
3-0	Gregory Dibble grdibble@pa.gov	Municipal Services Unit	(570) 368-4239	(570) 368-4343
4-0	Christian Goetz cgoetz@pa.gov	Municipal Services Unit	(570) 963-4117	(570) 963-4949
5-0	John Davis johndavis@pa.gov	Municipal Services Unit	(610) 871-4151	(610) 871-4614
6-0	Louis Calvanese louicalvan@pa.gov	Municipal Services Unit	(610) 205-6541	(610) 205-6910
8-0	Scott Lehman slelman@pa.gov	Municipal Services Unit	(717) 787-4839	(717) 772-0975
9-0	John Pecze jpecze@pa.gov	Municipal Services Unit	(814) 696-7221	(814) 696-7121
10-0	James Schepis jschepis@pa.gov	Municipal Services Unit	(724) 422-1118	(724) 357-1904
11-0	Dan Woodall dwoodall@pa.gov	Maintenance Unit	(412) 429-4809	(412) 429-3784
12-0	Rick Skovensky rskovensky@pa.gov	Municipal Services Unit	(724) 415-3528	(724) 437-5713
Central Office	Zac Kopinetz zkopinetz@pa.gov	Central Office	(717) 705-0687	(717) 783-9152



SECTION 200

THE GUIDELINES AND PROCESS MANUAL FOR THE ABANDONMENT OF STATE HIGHWAYS

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FOREWORD

The Pennsylvania Department of Transportation has prepared the following guidance manual for the abandonment of state highway control to local government per the State Highway Law of 1945, 36 P.S. Section 670-210 and 670-214 which authorize the Secretary of Transportation to abandon relocated segments of state highway to local government per the alteration of any state highway or intersecting route to correct danger or inconvenience to the motoring public or lessen the cost to the Commonwealth of maintaining, constructing, or reconstructing our roadways.

This manual shall serve as a source document for any employee responsible for administering to or any municipality participating in the abandonment of state highways to local governments.

Revisions will be periodically made to this manual as they become necessary. Any questions or requests for information should be directed to the District Municipal Services Representative.

The publications and forms referenced in the Publication can either be found at www.penndot.gov, Forms and Publications or obtained by contacting your District Municipal Services Representative.

State Highway Law of 1945, 36 P.S.

670-210. Relocation, etc; abandonment as state highway, vacation

The Secretary is hereby empowered to change, alter, or establish the width, lines, location or grades of any state highway or any intersecting road in any township, borough, or incorporated town, in such manner as, in their discretion, may seem best, in order to correct danger or inconvenience to the travelling public, or lessen the cost to the Commonwealth in the construction, reconstruction, or maintenance thereof. After the relocation has been opened to traffic, the Secretary, by notice to local authorities, shall abandon as a state highway route or vacate the section of highway between the termini of the relocation. Where the new route, in the judgment of the Secretary, supplies and takes the place of any part of the old highway, and such part is of a length of not more than two miles, the Secretary, being of the opinion that such part is unnecessary for public use and travel, or burdensome or dangerous, and having due regard for the convenience of access to the new highway by the owners of property abutting on such part, may, at any time, by written order declare such part to be vacated. Thereafter, the part so vacated shall be closed to public use and travel, and shall no longer be a public road. Before any change or order of vacation is made, the Secretary shall first submit a plan of the proposed change or any proposed order of vacation duly acknowledged to the Governor; and the same shall be approved by and him, and filed as a public record in the office of the Department and copy thereof shall be recorded in the office for the recording of deeds in the proper county at the expense of the Department in a plan book or books provided by the county for that purpose. The approval of such plan or plans by the Governor shall be considered to be the condemnation of an easement for highway purposes from all property within the lines marked as required for right-of-way and the condemnation of an easement of support or protection from all property within the lines marked as required for slopes. All plans or orders so approved, filed, and recorded, shall indicate the names of the owners or reputed owner of the land affected by taking or vacation and of lands abutting the same. It shall be the duty of the recorder of deeds of each county to provide a plan book or books for the recording of such plans and orders, and to maintain an adequate locality index for the same.

670-214. Maintenance of parts of roads abandoned as state highways; vacation when not of full width

Where any section of a state highway route shall be, or has been relocated, the portion of the public road or highway, thus abandoned as a state highway route, shall be maintained by, and at the expense of, the township, borough, incorporated town or city wherein it is located, but the Department shall in each case, before abandoning such portion of public road or highway, improve and repair the same so that it shall be in first class condition when it is taken over by the township, borough, incorporated town or city.

Where the width, lines or location of a state highway shall be or have been changed, altered, or established, according to law, in a manner which does not create an entirely new highway, the section or sections, or portion of the right-of-way of the highway, as previously established, which are not included within the changed, altered, or established widths shall be considered vacated, if such portion or sections are not full width of the highway, as previously established.

State Highway Abandonment: A General Overview

Abandonment of a state highway is the transfer by the Department of the jurisdiction and maintenance of an existing state highway to a municipality.

Whether a roadway should be abandoned, vacated, or “turned-back” is dependent on many factors, including safety, convenience of access to property owners (Sections 210 and 214 of the 1945 State Highway Law, 36, P.S. 670-210 and 670-214), and possible damage claims under Section 715 of the Eminent Domain Code.

Please note that abandonment’s are different from “turnbacks”. As long as legal requirements are met, a road may be abandoned to a municipality without its consent. Turnbacks, on the other hand, are purely voluntary agreements between the Department and the municipality transferring jurisdiction of a road segment back to the local government.

Abandonment decisions are made by the District Executive in consultation with the Department’s Right-of-Way Administration and the District Municipal Services Office.

Highway segments held in fee or as easements may be abandoned to local government.

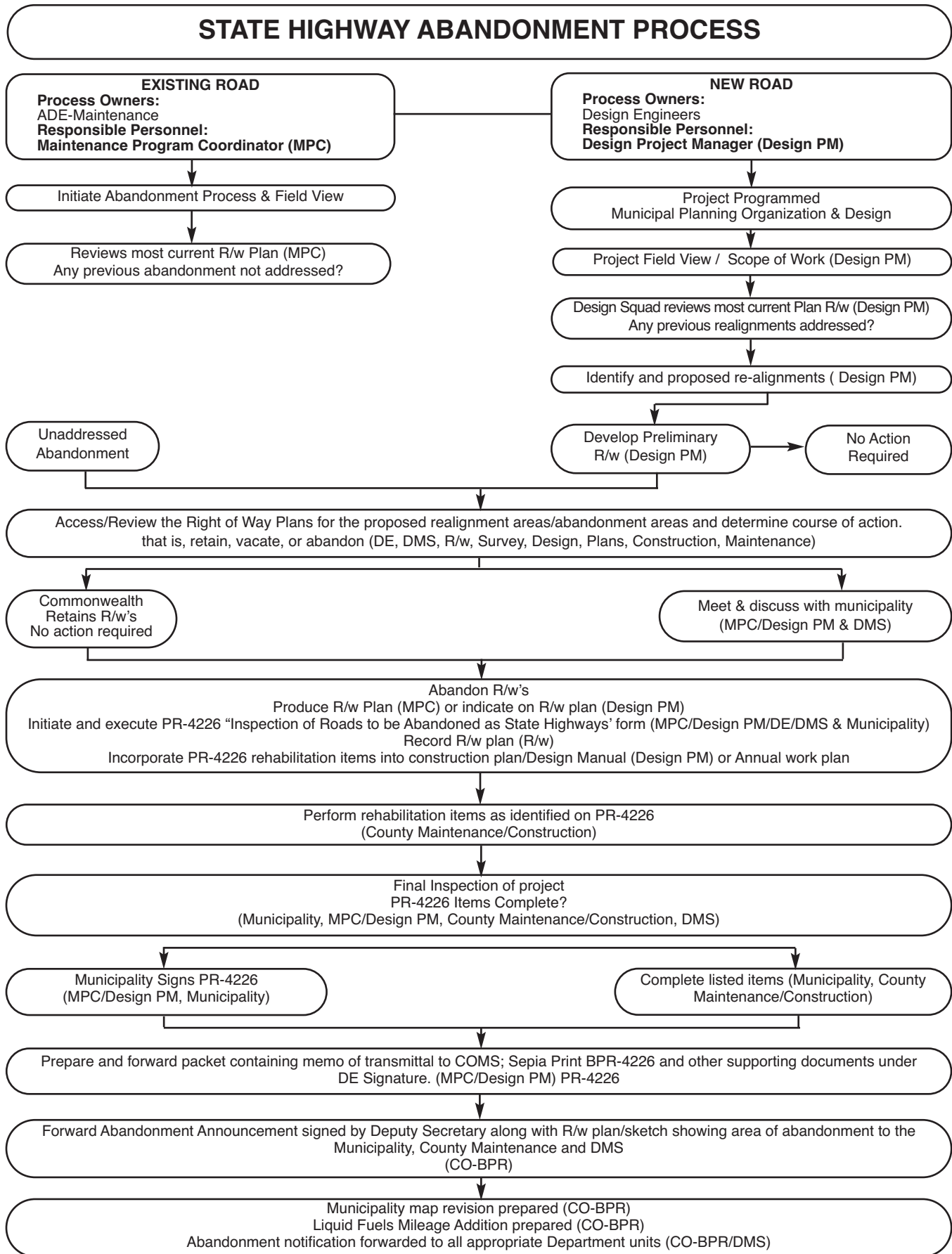
Abandonment’s are typically started by showing the appropriate areas as “to be abandoned” on a right-of-way acquisition plan (plan presentation and certain policies relating to the abandonment of Department right-of-way are set forth in PUB 14M Design Manual Part 3, Chapter 3). Abandonment’s as shown on this plan are effective only after the road has been opened to traffic and proper written notice has been given to the local authorities.

Inclusion of an abandonment on a plan approved by, or on behalf of, the Governor is the first step in affecting abandonment. When properly completed, the local government must maintain the road segment as a local road. Roads are abandoned because they are no longer necessary as part of the state highway system, but are still necessary as part of the public highway system.

The road segment must be in first class condition prior to being abandoned to the local municipality. Form PR-4226-State Highway Abandonment Form, should be used to document that the local municipality agrees that the road is in first class condition prior to the transfer of jurisdiction. Although not legally required, this signatory agreement to the condition of the roadway avoids issues in the future and is good policy.

Abandonment is not effective until written notice is provided to the local municipality following the construction of the project. A copy of the letter providing this notice must be maintained by the District and Central Office in the event that the local municipality denies responsibility for the road segment in the future.

Coordination with Central Office is required to ensure that the abandoned road segment is added to the local government roadway inventory for liquid fuels allocation calculation.



SECTION 300

THE GUIDELINES AND PROCESS MANUAL FOR THE VACATION OF STATE HIGHWAYS

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FOREWORD

The Pennsylvania Department of Transportation has prepared the following guidance manual for the vacation of portions of state highways control to the abutting property owners per the State Highway Law of 1945, 36 P.S. Section 670-210 and 670-214 which authorizes the Secretary of Transportation to vacate relocated segments of state highway and attached land parcels to the abutting property owners per the alteration of any state highway or intersecting route to correct danger or inconvenience to the motoring public or lessen the cost to the Commonwealth of maintaining, constructing, or reconstructing our roadways.

This manual shall serve as a source document for any employee responsible for administering to or any person or entity participating in the vacation of a state highway. Revisions will be periodically made to this manual as they become necessary. Any questions or request for information should be directed to the District Municipal Services Representative.

The publications and forms referenced in this Publication can either be found at www.penndot.gov, Forms and Publications, or obtained by contacting your District Municipal Services Representative.

State Highway Law of 1945, 36 P.S.

670-210. Relocation, etc; abandonment as state highway, vacation

The Secretary is hereby empowered to change, alter, or establish the width, lines, location or grades of any state highway or any intersecting road in any township, borough, or incorporated town, in such manner as, in their discretion, may seem best, in order to correct danger or inconvenience to the travelling public, or lessen the cost to the Commonwealth in the construction, reconstruction, or maintenance thereof. After the relocation has been opened to traffic, the Secretary, by notice to local authorities, shall abandon as a state highway route or vacate the section of highway between the termini of the relocation. Where the new route, in the judgment of the Secretary, supplies and takes the place of any part of the old highway, and such part is of a length of not more than two miles, the Secretary, being of the opinion that such part is unnecessary for public use and travel, or burdensome or dangerous, and having due regard for the convenience of access to the new highway by the owners of property abutting on such part, may, at any time, by written order declare such part to be vacated.

Thereafter, the part so vacated shall be closed to public use and travel, and shall no longer be a public road. Before any change or order of vacation is made, the Secretary shall first submit a plan of the proposed change or any proposed order of vacation duly acknowledged to the Governor; and the same shall be approved by and him, and filed as a public record in the office of the Department and copy thereof shall be recorded in the office for the recording of deeds in the proper county at the expense of the Department in a plan book or books provided by the county for that purpose. The approval of such plan or plans by the Governor shall be considered to be the condemnation of an easement for highway purposes from all property within the lines marked as required for right-of-way and the condemnation of an easement of support or protection from all property within the lines marked as required for slopes. All plans or orders so approved, filed, and recorded, shall indicate the names of the owners or reputed owner of the land affected by taking or vacation and of lands abutting the same. It shall be the duty of the recorder of deeds of each county to provide a plan book or books for the recording of such plans and orders, and to maintain an adequate locality index for the same.

670-214. Maintenance of parts of roads abandoned as state highways; vacation when not of full width

Where any section of a state highway route shall be, or has been relocated, the portion of the public road or highway, thus abandoned as a state highway route, shall be maintained by, and at the expense of, the township, borough, incorporated town or city wherein it is located, but the Department shall in each case, before abandoning such portion of public road or highway, improve and repair the same so that it shall be in first class condition when it is taken over by the township, borough, incorporated town or city.

Where the width, lines or location of a state highway shall be or have been changed, altered, or established, according to law, in a manner which does not create an entirely new highway, the section or sections, or portion of the right-of-way of the highway, as previously established, which are not included within the changed, altered, or established widths shall be considered vacated, if such portion or sections are not full width of the highway, as previously established.

State Highway Vacation: A General Overview

Vacation is the return of a portion of any existing state highway to the private property owner whose abutting property originally contained that portion of state highway vacated.

Whether a roadway should be abandoned, vacated, or “turned-back” is dependent on many factors including safety, convenience of access to property owners (Sections 210 and 214 of the 1945 State Highway Law, 36, P.S. 670-210 and 670-214), and possible damage claims under Section 715 of the Eminent Domain Code.

Vacation decisions are made by the District Executive in consultation with the Department’s Right-of-Way Administrator and the District Municipal Services Office.

Please note that only easements can be vacated. Land owned by the Department in fee must be sold in accordance with the provisions of 71 P.S. 513 (e)(7).

Vacations are typically started by showing the appropriate areas as “to be vacated” on a right-of-way acquisition plan (plan presentation and certain policies relating to the vacation of Department right-of-way are set forth in PUB 14M Design Manual Part 3, Chapter 3). Vacations as shown on this plan are effective only after an order of vacation has been executed by the Department is filed in the appropriate county courthouse.

Inclusion of a vacation on a plan approved by, or on behalf of, the Governor is the first step in vacation process. When properly completed, there is no public ownership in the area vacated: the owner of the fee underlying the highway easement vacated owns the land unburdened by the highway easement. Road segments are vacated because they are no longer necessary as part of the state highway system or to provide public access to abutting properties.

Widening or shifting right-of-way lines can cause vacations. Where the width, lines or location of a state highway shall be or has been changed, altered, or established, according to law, in a manner which does not create an entirely new highway, the section, sections or portions of the right-of-way of the highway, as previously established, which are not included within the changed, altered or established widths shall be considered vacated, if such portions or sections are not the full width of the highway, as previously established. The portion of state highway to be vacated is shown on the plan as existing legal right-of-way, and should be marked as “to be vacated.”

Individual parcels can also be vacated by the Department. This is typically applicable when parcels have been acquired for a project, but the project is not constructed.

When an easement is vacated, the underlying fee owner’s title is released from the burden of the public easement. A section of the General Road Law (36 P.S. 2131) provides that the adjoining owner or owners are authorized to reclaim the highway or street to the center thereof, unless the ground was originally taken in unequal portions from the then owners thereof, in which case the adjoining owners shall reclaim in the proportion contributed by such owners or their predecessors in title. This is consistent with case law establishing a presumption that the adjoining owner has title to the middle of the abutting highway or street. This presumption can be overcome with evidence that the underlying fee owner is some other party.

RW-376, entitled, “Settlement Agreement (Vacation)”, should be executed by each landowner to whom land will be vacated. Although not legally required, this release avoids issues in the

future and is good policy. It prevents the abutting owner from making a claim for interference with access due to vacation of the right-of-way. The best practice is to record these releases respectively, even though they do not transfer title.

Vacation is not effective until an order of vacation is executed by, or on behalf of, the Secretary of Transportation. Requests for orders of vacation are made to Central Office-BPR. The submission should indicate the section of highway or parcels being vacated and include a sketch showing the areas vacated and the names of underlying fee owners. These submissions are often made by the District Municipal Services Unit, but may be made by the District Right-of-Way Unit.

When received by the District, the order of vacation with attached sketch should be filed with the recorder of deeds or other office as directed by the court. Thereafter, the part of the highway so vacated shall be closed to public use and travel, and shall no longer be a public road.

Vacations cannot be made subject to the rights of existing public utility facilities to remain unadjusted within the area vacated if the utilities occupy the right-of-way by permit only. The Department cannot unilaterally reserve easements for other parties as against the land owner when it vacates public right-of-way.

A vacation and confirmation of disposition plan should be created following the disposition of right-of-ways owned in easement and fee simple. Such a plan for a highway section is the preferred method to affect formal vacations of highway easements and confirm the sale of fee-owned parcels that have been the subject of quit claim deeds in the disposition process. The less preferred method to document dispositions is to merely revise the right-of-way lines on the existing right-of-way acquisition plan.

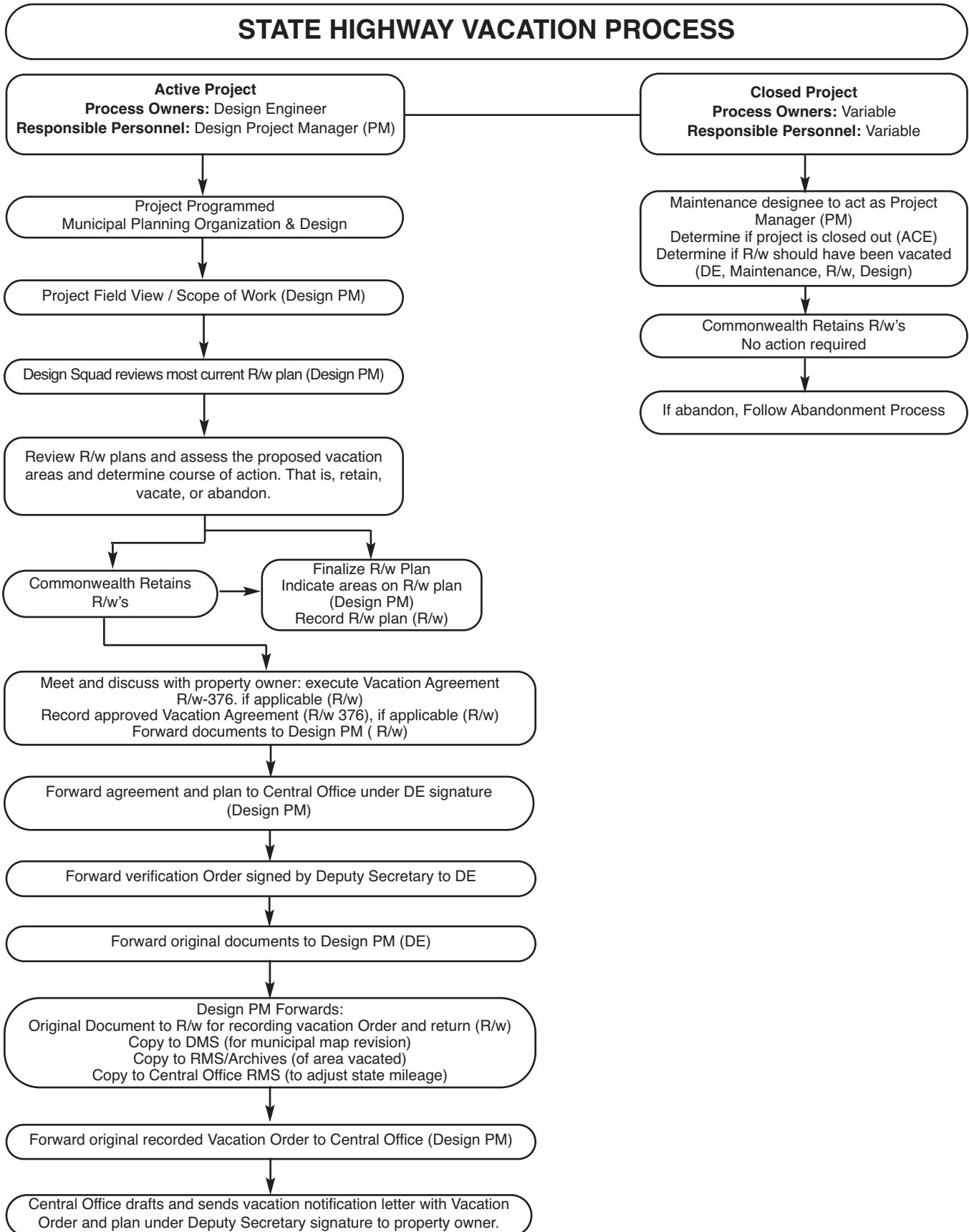
A general note specifying that the vacation is made subject to the rights of existing public utility facilities to remain unadjusted within the area vacated is not appropriate if the utilities occupy the right-of-way by permit only. The Department cannot reserve an easement for a utility when it vacates public right-of-way. The method of doing so in the disposition process is to require the buyer to grant an easement to the utility as a condition of the agreement of sale.

When a plan is filed to vacate a right-of-way and confirm the disposition of right-of-way after the disposition process, the following general note is included:

THIS PLAN SHALL CONSTITUTE A WRITTEN ORDER AND DECLARATION UNDER SECTION 210 OF THE STATE HIGHWAY LAW, 36 P.S SECTION 670-210, THAT THE RIGHT-OF-WAY SHOWN AS VACATED IS VACATED IMMEDIATELY UPON THE RECORDING OF THE PLAN.

The easement areas on such plans are not designated as areas “to be vacated”, but rather as areas “vacated”.

This type of plan is only appropriate after disposition of right-of-way under Pub 378 - Right-of-Way Manual procedures. The typical procedure for vacating road segments (i.e. execution and filing of a plan designating the segment as “to be vacated”, followed by execution and filing of an order of vacation) is not altered by the availability of this procedure which is applicable only to situations where the right-of-way disposition process has been used. The procedure is appropriate in this limited situation because quit claim deeds are provided to the landowner during the disposition process.



Form RW-376, entitled, "Settlement Agreement (Vacation)", should be executed by each landowner to whom land will be vacated. Although not legally required, this release avoids issues in the future and is good policy. It prevents the abutting owner from making a claim for interference with access due to vacation of the right-of-way. The best practice is to record these releases respectively, even though they do not transfer title. Please refer to the Department's Pub 378 Right-of-Way Manual for more detailed information and for a copy of form RW-376.

Section 400

THE GUIDELINES AND PROCESS MANUAL FOR THE ADOPTION OF STATE HIGHWAYS

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State Highway Adoption Process Chart	<u>39</u>

FOREWORD

The Pennsylvania Department of Transportation has prepared the following guidance manual for the adoption of state highways from local government per the State Highway Law of 1945, 36 P.S Section 670-217, 670-218, and 670-602 which authorizes the Secretary of Transportation to adopt segments of locally owned highway to Commonwealth ownership and control per the need to connect, lengthen or shorten a state route or connect a state route to a State park or military property.

This manual shall serve as a source document for any employee responsible for administering to or any municipality participating in the adoption of state highways to Commonwealth ownership and control.

Revisions will be periodically made to this manual as they become necessary. Any questions or requests for information should be directed to Central Office.

State Highway Law of 1945, 36 P.S.

670-217. Connecting roads between state highways

The Secretary is hereby authorized to join two or more state highway routes in cities of the second class, second class A and third class, boroughs, incorporated towns, or townships, or in any two or more of such political subdivisions, by taking over or building a connecting road, not more than one mile in length, whenever such connecting road would lessen the distance between two points on separate routes, or provide a better alignment or grade. Such road, when constructed or taken over, shall become a State highway and subject to the laws relating to such highways.

Any damage occasioned by the taking of land for the construction of any such connecting road shall be determined and paid as provided by Article III of this act.

670-218. Lengthening or shortening intersecting routes to conform to relocations

Where any section of any state highway route which contains the terminus of an intersecting state highway route does not fall within the limits of the relocated route, the Secretary may lengthen or shorten such intersecting route so that its terminus falls within the limits of the relocated state highway route. If the intersecting route is shortened, and the portion thereof abandoned as a state highway by reason thereof is, in the opinion of the Secretary, unnecessary for public use and travel, the Secretary may vacate said abandoned section. When any state highway route is lengthened under the provisions of this section and property is taken thereby, the damages shall be ascertained and paid as provided by Article III of this act.

670-602. Roads to State property used as parks or for military purposes

The Secretary is hereby authorized to take over for construction, re-construction, improvement, and maintenance, and thereafter to construct, reconstruct, improve, and maintain at the expense of the Commonwealth, as a part of its system of state highways, any road leading from a state highway to any State property maintained as a park or used for military purposes. The Secretary shall first submit a plan of such road to the Governor, and the same shall be approved by him. After being approved, the plan shall be filed as a public record in the office of the Department.

Before the Secretary shall take over any such road for construction, reconstruction, improvement, or maintenance, they shall give notice, in writing, to the proper officers of the county or township in which said road shall lie of their intention to take over the same as a part of the system of state highways, as of the date when the Department will assume the care and maintenance thereof.

State Highway Adoption: A General Overview

Adoption is the Department's assumption of jurisdiction or ownership for a locally-owned roadway as a result of lengthening, shortening or relocating routes to connect to State routes or connect State routes to state parks or military properties.

Under current applicable State Highway Law, the Department may adopt routes up to 1 mile in length. Adoptions of larger highway segments are accomplished via specific legislation crafted for the purpose of transferring jurisdiction of the route to the Department.

The decision to adopt a roadway as a state highway is first approved by the respective District Executive, followed by the Deputy Secretary for Highway Administration. All adoptions require the final signature approval of the Secretary of Transportation.

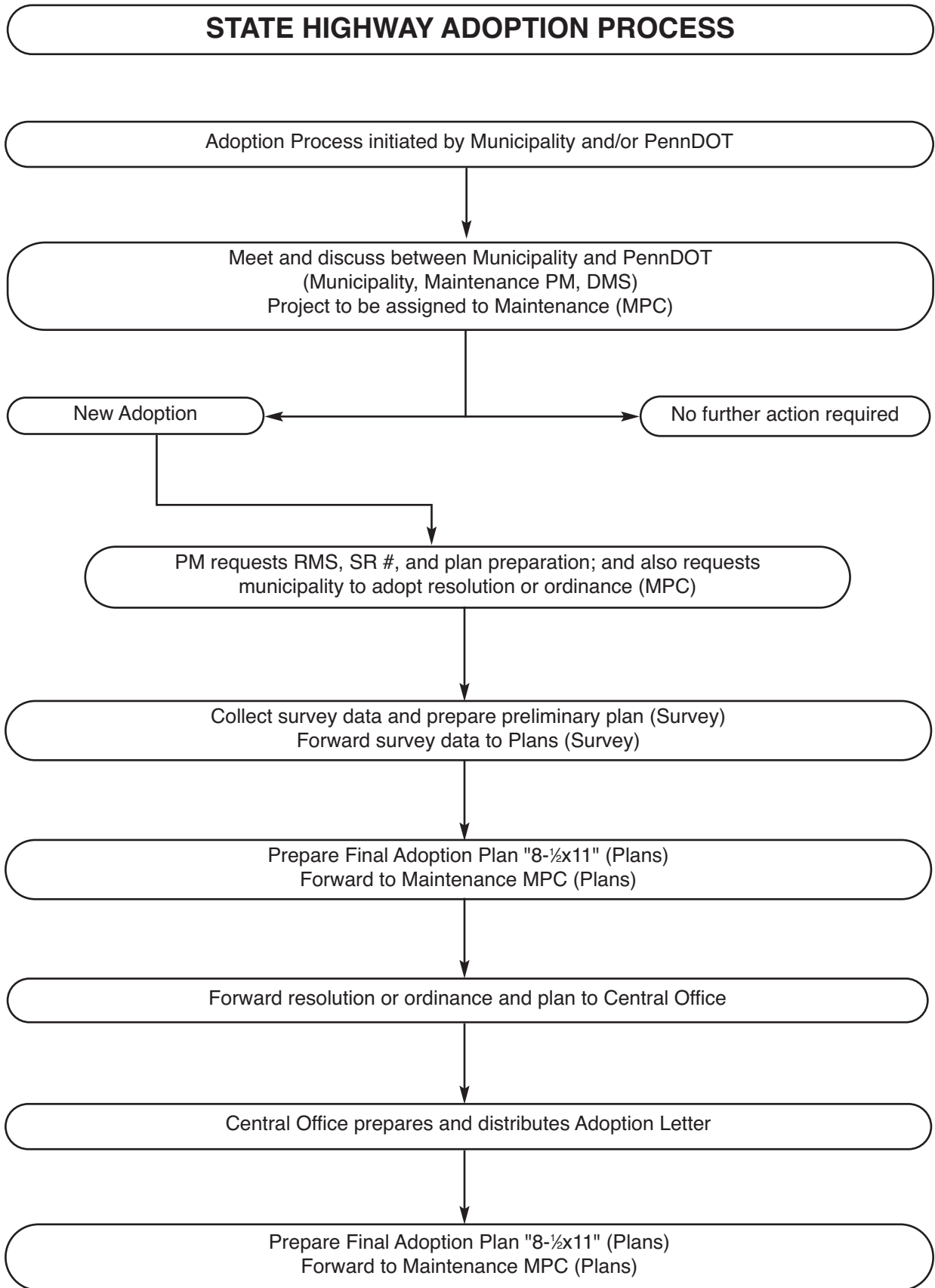
Adoptions are initiated through communication between the Department and the municipality in which the proposed adoption will take place. If both parties agree to the adoption of the roadway by the Department, a sketch of the proposed roadway adoption is developed.

The adoption plan/sketch of the proposed state roadway must include an area for the signatory approval of the adoption by the Secretary, Deputy Secretary for Highway Administration, and District Executive. The sketch must also include space for the sketch to be notarized and recorded by the respective County Recorder's Office.

Although State Highway Law does not require it, it is strongly recommended that the municipality adopt a resolution/ordinance regarding the adoption of the proposed roadway by the Department.

The transfer point for jurisdiction of proposed adoptions is provided within the notification to municipality that the adoption has occurred. The date of transfer listed is determined by the respective project manager as approved by the District Executive.

Adopted road mileage is immediately subtracted from the respective municipalities Liquid Fuels Roadway Inventory and added to the state highway inventory within the Department's Roadway Management System (RMS).




Appendix Forms

PR-990 Municipal Road Data Processing Report	<u>43</u>
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PR-990 - Municipal Road Data Processing Report (Page 1)

Completed by Municipal Services District representatives to summarize Liquid Fuels mileage and/or Turnback mileage changes.

PR-990 (12-15)



MUNICIPAL ROAD DATA PROCESSING REPORT

Date: _____ County: _____ Project No. _____ Certification No. _____

	MUNICIPAL CODE		MUNICIPALITY	UNIMPROVED 20	GRAVEL 40	SEAL COAT 51	BITUM. SURFACE 50 - 60	BRICK-BLOCK 80	CONCRETE 70	TOTAL MILES	POPULATION
	CO.	MUN.									
PR.											
CH.											
CH.											
TOTAL											

REMARKS:

Submitted by: _____

Approved by: _____
DISTRICT SUPERVISOR

DATE ENTERED: _____

NAME: _____

DATE VERIFIED: _____

NAME: _____

Line 1: Designated as PR for previous summary mileage
 Line 2: Designated as CH for changes to summary mileage (+ or -)
 Line 3: Designated as CH for changes to summary mileage (+ or -)
 Line 4: Designated as TOTAL for revised summary mileage

PR-990 - Municipal Road Data Processing Report (Page 2)

Completed by Municipal Services representatives listing details of streets affected by mileage adjustments.

PR-990 (12-15)



Certification No. _____
 Date: _____
 County: _____
 Municipality: _____ Code: _____
 Sheet ____ of ____


	A	B	C	D	E		F		G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z		
	STREET NAME	ROAD TYPE	ROUTE NO.	SEGMENT NUMBER	BEGINNING TERMINUS	ROAD TYPE	ROUTE NO.	ENDING TERMINUS	ROAD TYPE	ROUTE NO.	SEGMENT LENGTH	UNIMPROVED	GRAVEL	SEAL COAT	BITUMINOUS	BRICK	CONCRETE	AVG. DAILY TRAFFIC	% TRUCKS	FRONT OF WAY	CARTWAY	TYPICAL AREA	PPWS AREA CODE	ROAD DIRECTION	FEDERAL AID CODE	FEDERAL AID ROUTE NO.	FUNCTIONAL CLASS	RAILROAD CROSSING	RAILROAD MILEAGE	TRAFFIC PATTERN
1.																														
2.																														
3.																														
4.																														
5.																														
6.																														
7.																														
8.																														
9.																														
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12.																														
13.																														
14.																														
15.																														
16.																														
17.																														
18.																														
19.																														
								PAGE TOTALS																						

Road Data Information Supplied By: _____ Field Checked By: _____

PR-990 - Municipal Road Data Processing Report (Page 3)

Attachment to PR-990 This form gives instructions and road types/codes to assist Municipal Services Representatives in completing the Municipal Road Data Processing Report.

PR-990 (12-15)



REMARKS OR CONDITIONS	RESOLUTION / ORDINANCE NO.	DATE ADOPTED BY MUNICIPALITY	ROAD / COURT DOCKET NO.	DATE FILED AT COURTHOUSE	INSTRUCTIONS	ROAD TYPES / CODES			
						TYPE	CODE	TYPE	CODE
1.					*A. Identify Name of Street Example: Main	ALLEY	AL	RAILROAD	RR
2.					*B. Identify Road Type (See Road Types/Codes List) Example: ST	AVENUE	AV	TOWNSHIP ROUTE	RT
3.					*C. Identify Route Number (Required for Townships of Second Class) Example: 300	BOULEVARD	BL	SPUR	SP
4.					*D. Identify Segment Number using increments of 10 Example: 0010, 0020, 0030, 0040	BYPASS	BP	SQUARE	SQ
5.					*E. Identify Beginning Terminus Name, Road Type, Route Number Examples: Main ST 300, Municipal Line ML, Cul-De-Sac TC	BRIDGE	BR	STREET	ST
6.					*F. Identify Ending Terminus Name, Road Type, Route Number Examples: Broad ST 400, Municipal Line ML, Cul-De-Sac TC	CIRCLE	CR	DEADEND	TC
7.					*G. Identify Total Length of Segment (In Miles-Nearest Tenth)	CLOSE	CL	CUL-DE-SAC	TC
8.					**H. Identify Length of Unimproved Surface (In Miles-Nearest Hundredth)	CROSSING	CS	A POINT	TC
9.					**I. Identify Length of Gravel Surface (In Miles-Nearest Hundredth)	COURT	CT	TURN-AROUND	TC
10.					**J. Identify Length of Seal Coat Surface (In Miles-Nearest Hundredth)	DRIVE	DR	TERRACE	TE
11.					**K. Identify Length of Bituminous Surface (In Miles-Nearest Hundredth)	EXTENSION	ET	TUNNEL	TN
12.					**L. Identify Length of Brick or Block Surface (In Miles-Nearest Hundredth)	EXPRESSWAY	EX	TURNPIKE	TP
13.					**M. Identify Length of Concrete Surface (In Miles-Nearest Hundredth)	HIGHWAY	HW	TRAIL	TR
14.					N. Identify Average Daily Traffic (Actual or Estimate)	LANE	LN	TURN	TU
15.					O. Identify Percentage of Trucks in Average Daily Traffic Example: 05%	LOOP	LP	THRUWAY	TW
16.					P. Identify Right-of-Way Width (in feet)	LOT	LT	VIA	VI
17.					Q. Identify Cartway Width (in feet)	MUNICIPAL LINE	ML	WAY	WY
18.					*R. Identify Type of Area (1) Rural (2) Small Urban (3) Small Urbanized (4) Urbanized (5) Larger Urbanized	OVERLOOK	OV	WYE	YE
19.					S. Identify FIPS Area Code Required if Type of Area = 2, 3, 4, or 5. Example: Pittsburgh Area 00009	PATH	PA	STATE ROUTE	SR
20.					*T. Identify Road/Street Direction (1) South to North (2) West to East	PUBLIC INSTITUTE	PI		
21.					*U. Identify Federal Aid Road Code (0) Non-Federal Aid (1) Federal Aid	PIKE	PK		
22.					V. Identify Federal Aid Route Number Required if Federal Aid Road Code = 1	PLACE	PL		
23.					*W. Identify Functional Class Code ... (03) Principal Arterial (04) Minor Arterial (05) Major Collector (06) Minor Collector (07) Local	PASS	PS		
24.					X. Number of Municipal Owned Bridges on Segment	PLOT	PT		
25.					Y. Number of At-Grade Railroad Crossings on Segment	PARKWAY	PY		
26.					*Z. Traffic Pattern (1) One Way (2) Two-Way	PLAZA	PZ		
27.					*Required Field	ROAD	RD		
28.					**Surface Type Length(s) must agree with total Length of Segment if missing at the bottom of page.	RUN	RN		
29.						ROW	RO		

PR-996 - Highway Transfer Project Submission Form

Identifies the work necessary to rehabilitate the roadway along with the cost for the rehabilitation.


PR-996 (6-17)  pennsylvania DEPARTMENT OF TRANSPORTATION www.penndot.gov	<h2 style="margin: 0;">HIGHWAY TRANSFER PROJECT</h2>
GENERAL PROJECT INFORMATION DATE: _____	
COUNTY: _____ AGREEMENT NUMBER: _____	
MUNICIPALITY: _____	
DISTRICT: _____ MUNICIPAL CODE: _____ FEDERAL ID #: _____ CVMU #: _____	
<hr/> STATE ROUTE #: _____ FROM SEGMENT/OFFSET: _____ TO SEGMENT/OFFSET: _____ LR #: _____ FROM STATION: _____ TO STATION: _____ LR #: _____ FROM STATION: _____ TO STATION: _____	
A distance of _____ miles or _____ feet.	
Signature: _____ Date: _____ <i>(District RMS Coordinator)</i>	
Is this road a local traffic generator? <input type="checkbox"/> YES <input type="checkbox"/> NO PROVIDES PROPERTY ACCESS TO: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> AGRICULTURAL <input type="checkbox"/> INDUSTRIAL	
Union Notification: <input type="checkbox"/> YES <input type="checkbox"/> NO Meet and Discuss Date: _____	
SURFACE WIDTH: _____ feet YEAR BUILT: _____ LEGISLATIVE DISTRICT: _____ R/WAY WIDTH: _____ feet LAST YEAR RESURFACED: _____ SENATORIAL DISTRICT: _____	
MFC CODE: _____ FED AID: _____ ADT: _____ VERIFIED IN RMS? <input type="checkbox"/> YES <input type="checkbox"/> NO	
JUSTIFICATION FOR TRANSFER:	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
IT IS AGREED THAT THE COMPLETION OF THE WORK LISTED WILL PLACE THIS ROAD/STRUCTURE IN SATISFACTORY CONDITION:	
_____ <i>(DISTRICT EXECUTIVE)</i> _____ <i>(DATE)</i>	_____ <i>(MUNICIPAL OFFICIAL)</i> _____ <i>(DATE)</i>
_____ <i>(TURNBACK COORDINATOR)</i> _____ <i>(DATE)</i>	_____ <i>(MUNICIPAL OFFICIAL)</i> _____ <i>(DATE)</i>

EXHIBIT "A"

PR-997 - Highway Transfer Program Agreement Form

Municipalities authority to enter into an agreement with the Department to transfer a specified roadway or portion of roadway. The resolution is completed by District Turnback Coordinator and signed by the municipality.

PR-997 (6-17)



HIGHWAY TRANSFER PROGRAM MUNICIPAL RESOLUTION

COUNTY: _____ MUNICIPALITY: _____

RESOLUTION NO: _____

WHEREAS, the Department of Transportation and this Municipality have agreed to transfer from state to municipal control the portion of:

STATE ROUTE #: _____ FROM SEGMENT/OFFSET: _____ TO SEGMENT/OFFSET: _____

LR #: _____ FROM STATION: _____ TO STATION: _____

A distance of _____ miles, in accordance with 75 Pa C.S., chapter 92 and the attached agreement

and;

STATE ROUTE #: _____ FROM SEGMENT/OFFSET: _____ TO SEGMENT/OFFSET: _____

LR #: _____ FROM STATION: _____ TO STATION: _____

A distance of _____ miles, in accordance with 75 Pa C.S., chapter 92 and the attached agreement

Actual field measured footage: _____ (in feet) Actual field measured in mileage: _____ (in miles)

REMARKS: List the excluded and/or included bridges and railroad crossings.

NOW THEREFORE, it is resolved by the _____ that _____ is authorized to execute this agreement, and any subsequent amendments, on behalf of the municipality.

ATTEST:

BY:

(Signature) *(Date)*

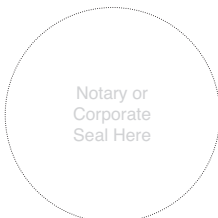
(Signature) *(Date)*

Print Name

Print Name

(Title)

(Title)



I certify that the foregoing is a true and correct copy of the Resolution adopted at a meeting of the Legislative Body held on the ____ day of _____, 20____.

(Signature of the Municipal Secretary/Clerk)

PR-999T - Turnback Project Completion Report Form

All expenditures and interest accrual from the Turnback Project account must be tracked and reported on the PR-999T and PR-999TRC forms.

PR-999T (12-15)



TURNBACK PROJECT COMPLETION REPORT

MUST BE SUBMITTED ALONG WITH PR-999TRC FORM

REPORT TYPE: PARTIAL FINAL
 COUNTY: _____
 MUNICIPALITY: _____
 AGREEMENT #: _____

TURNBACK FUNDS
 SETTLEMENT: _____
 INTEREST: _____
 TOTAL: _____

LOCATION

SR/SEG: _____
 LENGTH: _____ MILES
 WIDTH: _____ FEET
 DEPTH: _____ INCHES

CONTRACTOR INFORMATION

NAME: _____
 ADDRESS: _____

LIST ALL WORK ITEMS BELOW AS SHOWN ON EXHIBIT "A" OF THE HIGHWAY TRANSFER AGREEMENT

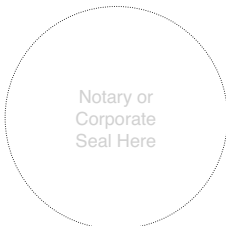
ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	BID UNIT PRICE	ACTUAL QUANTITY USED	ACTUAL UNIT PRICE	COST	
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
SUBTOTAL								

DISTRIBUTION OF COSTS TO DATE				
	STATE FUNDS	TURNBACK FUNDS	OTHER FUNDS	TOTALS
CONTRACT INFO:				
ALL OTHER COSTS:				
TOTALS:				

REMARKS:

AMOUNT OF FUNDING TRANSFER: _____ DATE: _____

I hereby certify the work has been done in strict accordance with the Plans and Specifications approved by the Department of Transportation and that the contract has fully complied with the conditions of the contract.



Signed: _____ (Secretary) Work Started: _____
 Address: _____ Work Completed: _____

This report need not be notarized if a corporate seal is used. Sworn and subscribed to me this _____ day _____ of _____, _____ Fiscal and Field Inspection by: _____
 _____ (Municipal Service Representative)

PR-999TRC - Turnback Record of Check Form

PR-999TRC (12-15)



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RECORD OF CHECKS - TURNBACK FUND ACCOUNT
MUST BE SUBMITTED ALONG WITH PR-999T FORM

If more than one page is needed indicate here: **Page** _____ **of** _____

COUNTY: _____

MUNICIPALITY: _____ DATE PROJECT STARTED: _____

AGREEMENT NUMBER: _____ DATE PROJECT COMPLETED: _____

List only checks paid with Turnback Funds

	Payee	Net Amount of Check	Check Number	Distribution		
				Date (mm/dd/yy)	Item # (PR-999T)	Amount Distributed
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
Page Totals						

Grand Total All Pages (show on last sheet only)	Grand Total of Net Amount of Check:	Grand Total of Amount Distributed:
--	--	---

PR-4226 - State Highway Abandonment Form

Roadway information and work required to place the road in acceptable condition for transfer.

PR-4226 (11-15)



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STATE HIGHWAY ABANDONMENT FORM (INSPECTION OF ROAD TO BE ABANDONED)

DATE: _____

COUNTY: _____

MUNICIPALITY: _____

STATE ROUTE #: _____ FROM SEGMENT/OFFSET: _____ TO SEGMENT/OFFSET: _____

LR #: _____ FROM STATION: _____ TO STATION: _____

A distance of _____ miles

PAVEMENT TYPE: _____ WIDTH OF GRADED SECTION: _____ SURFACE: _____

SHOULDERS: _____ DRAINAGE: _____ BRIDGES: _____

MISCELLANEOUS: _____

OF DEPARTMENT OWNED SIGNS TO BE REMOVED: _____

WORK REQUIRED TO PLACE ROAD IN SATISFACTORY CONDITION:

IT IS AGREED THAT THE COMPLETION OF THE WORK LISTED WILL PLACE THIS ROAD/STRUCTURE IN SATISFACTORY CONDITION:

_____ <small>DISTRICT EXECUTIVE</small>	_____ <small>MUNICIPAL OFFICIAL</small>
_____ <small>DATE</small>	_____ <small>DATE</small>

THE WORK ABOVE HAS BEEN COMPLETED AND IS IN SATISFACTORY CONDITION:

_____ <small>DISTRICT EXECUTIVE</small>	_____ <small>MUNICIPAL OFFICIAL</small>
_____ <small>DATE</small>	_____ <small>DATE</small>