

**NOTES:**

1. A Right of Way Use Agreement must be processed whenever non-Caltrans entities (except those under contract with Caltrans) want to enter the highway right of way to perform any activities.
  2. There are different types of right of way use agreement documents, such as Airspace Lease, JUMA, Encroachment Permit, Consent Letter, etc.
  3. Any non-transportation/non-public utility use of the highway right of way will require Fair Market Value (FMV) assessment.
  4. Unless delegated specifically, non-transportation related use of the interstate will require FHWA approval.
  5. Unless specifically requested, approval of non-transportation related use of non-interstate route will be considered as delegated to Caltrans by FHWA review and concurrence of Caltrans policies and procedures.
  6. Non-transportation encroachments for a duration of 30-days or less can be processed with EP as the RUA. If multiple iterations of such uses are needed, an Airspace Lease must be processed. FMV if needs to be assessed when managing with EP as RUA, shall be per EP cost matrix. (@ \$500 per month)
  7. FHWA California Division-Project Delivery Transportation Engineer (by District) will request the collaboration of the FHWA ROW Officer and FHWA Design Program Manager for the review of the encroachment permit (as listed below). Similarly, the FHWA ROW Officer will seek support of others in the office for the review of Airspace Lease.
  8. Points of Contact (POCs) are subject to change based on business needs or organizational changes.
  9. In November of 2021, EV Charging was removed from the matrix while Caltrans develops its broader policy.
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**RIGHT OF WAY USE AGREEMENT APPROVAL**

Type of Right of Way Use	Type of RUA Document	Interstate (Non-US and Non-State Routes)	Non-Interstate (US and State Routes)	FMV Requirement	FHWA POC	CALTRANS POC	Guiding Regulations
Highway Improvement Projects and/or Activities (Highway Improvements, curb, gutter, sidewalk, driveways, non-motorized paths, pedestrian overcrossing, bike racks, Geotech or other surveys, etc.)	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
New, Relocated, and Existing Public Utility Encroachments associated with a capital project	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
New, Relocated, and Existing Public Utility Encroachments not associated with a capital project	Encroachment Permit	Caltrans Approves (replacements, under/overcrossings, those that don't need access from freeway lanes/ramps after installation)	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
		FHWA Approves (only new installations that need access from freeway lanes/ramps)					
Small cell for serving public	Encroachment Permit	Caltrans Approves (replacements, under/overcrossings, those that don't need access from freeway lanes/ramps after installation)	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
		FHWA Approves (only new installations that needs access from freeway lanes/ramps)					
Broadband for serving public	Encroachment Permit	FHWA Approves (Requires FMV Exception)	Caltrans Approves (FMV Exception Document Required)	See Approval Column	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Wireless – Access-Controlled ROW	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
Wireless – Conventional Highway ROW	Encroachment Permit	N/A	Caltrans Approves	N/A	N/A	HQ ROW	
Any new break in access for non-capital projects (even temporary ones for construction)	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 USC 111</a> <a href="#">23 CFR 710</a>
Any new break in access for capital projects (only temporary ones for construction). Permanent breaks – Refer to PDPM CH 27	Varies	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Non-Utility Access Control Breaches – <b>AT GRADE</b> (e.g., Non-Motorized Paths for Public Use, Gateway Monument Maintenance, etc.)	Encroachment Permit	Prohibited without FHWA Approval	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
New or Modified Access Gate for Utility and/or Non-Utility	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Temporary Traffic Control	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ EP	<a href="#">23 CFR 710.405</a>
Parking in Airspace Parcels:							
· Garages	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Passenger vehicles lots	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Oversized vehicles/boats lots	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Commercial transportation lots	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>

**FHWA/CALTRANS APPROVAL MATRIX – RIGHT OF WAY USE AGREEMENT (Cont.)**

Type of Right of Way Use	Type of RUA Document	Interstate (Non-US and Non-State Routes)	Non-Interstate (US and State Routes)	FMV Requirement	FHWA POC	CALTRANS POC	Guiding Regulations
<b>Parks:</b>							
· Standalone Parks (Marler Johnson)	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Dog Parks	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Skate Park	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	
· Sports Park	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Parklets	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Pocket Parks (Behind soundwalls/retaining walls and R/W Fence)	Airspace Lease	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Community Garden(s)	Airspace Lease	FHWA Approves	Caltrans Approves	N/A	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
<b>Plottage to Adjacent Businesses:</b>							
· Storage	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Parking	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Landscaping	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
<b>Construction:</b>							
· Tiebacks	Airspace Lease	FHWA Approves	Caltrans Approves	Per Tierod	ROW Officer	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Tower Cranes	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Construction Staging (more than 30 days)	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Construction Staging (less than 30 days)	Encroachment Permit	FHWA Approves	Caltrans Approves	Fixed Fee	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
<b>Commercial Uses:</b>							
· Retail	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Office	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Motel	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Restaurants	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Seasonal (e.g., pumpkin/Christmas tree lots)	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Farmers' Market	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Antique Market	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Impound Lots	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Mini Storage/Self Storage	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Open Storage	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Oil and Gas wells	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Solar/Wind Power	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
<b>Public Agency/Non-Profit:</b>							
· Daycares	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Visitor Center	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Donation Trailers	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Homeless Temporary Shelter Programs/Feeding Programs	Airspace Lease	FHWA Approves	Caltrans Approves	State Statute	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· Homeless Encampment Social Services (few hours access)	Consent Letter	Caltrans Approves	Caltrans Approves	N/A	ROW Officer	HQ Maintenance	<a href="#">23 CFR 710.405</a>
· Emergency Shelters	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
· VA Outpatient Clinic	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
<b>Good Neighbor Uses (Not in Operational Highway R/W):</b>							
· Painting/Maintenance of Adjacent Buildings	R/W Permit to Enter	N/A	Caltrans Approves	N/A	N/A	N/A	<a href="#">23 CFR 710.405</a>

**FHWA/CALTRANS APPROVAL MATRIX – RIGHT OF WAY USE AGREEMENT (Cont.)**

Type of Right of Way Use	Type of RUA Document	Interstate (Non-US and Non-State Routes)	Non-Interstate (US and State Routes)	FMV Requirement	FHWA POC	CALTRANS POC	Guiding Regulations
<b>Utilities – Non-operational ROW:</b>							
· Sewer Pump Station	Airspace Lease	N/A	Caltrans Approves	Appraisal	ROW Officer	HQ ROW	<a href="#">23 CFR 710.405</a>
Temporary Monitoring Wells	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Filming Permits	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	DISTRICT 7 EP	<a href="#">23 CFR 710.405</a>
Chain installers	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Maintenance	<a href="#">23 CFR 710.405</a>
Adopt a Highway	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Maintenance	<a href="#">23 CFR 710.405</a>
Appurtenances Associated with Rail Systems	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ DOD-OPS	<a href="#">23 CFR 710.405</a>
<b>Discretionary Fixed Objects:</b>							
· Non-transportation related Data Collectors	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Law Enforcement Surveillance Devices/Cameras	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Energy Generation Components	Airspace Lease	FHWA Approves	Caltrans Approves	Appraisal	ROW Officer	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Historical Monuments, Plaques, Markers, or Placards, Blue Star Memorial Highways, and Roadside Memorials	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Gateway Monuments, Community ID	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Transportation Art	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Non-Caltrans Owned Sound Attenuation Devices	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
· Non-Caltrans Radio-Relay System Components	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Earthwork (placement/removal of material on SHS by others for off-highway improvements)	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Mail and Newspaper Delivery Boxes	Encroachment Permit	<b>PROHIBITED</b>	Caltrans Approves (Conventional Highways only)	N/A	N/A	N/A	Prohibited
Newspaper Vending Machines	Encroachment Permit	<b>PROHIBITED</b>	Caltrans Approves (Conventional Highways & SRRAs only)	N/A	N/A	N/A	Prohibited
Fences (Fence type modifications or replacements)	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>

**FHWA/CALTRANS APPROVAL MATRIX – RIGHT OF WAY USE AGREEMENT (Cont.)**

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Landscaping – New, replacement or maintenance	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Special Events	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ EP	<a href="#">23 CFR 710.405</a>
Banners and Decorations	Encroachment Permit	<b>PROHIBITED</b>	Caltrans Approves (Conventional Highways only)	N/A	N/A	N/A	Prohibited
On and Off Premise Advertising Displays	Encroachment Permit	<b>PROHIBITED</b>	<b>PROHIBITED</b>	N/A	N/A	N/A	Prohibited
Publicly-owned mass transit use [Public Transit Hubs/Stations, Rail Lines etc. (E.g., BART Stations, Metro Rail lines etc.)]	Joint Use and Maintenance Agreement (JUMA)	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ ROW	<a href="#">23 CFR 710.405</a>
Bus Passenger Waiting Shelters and Benches	Encroachment Permit	FHWA approves at grade on interstate.	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
		Caltrans approves in over/undercrossing.					
Tree Trimming for Visibility Improvement Request (VIR)	Encroachment Permit	Caltrans Approves	Caltrans Approves	N/A	N/A	N/A	<a href="#">23 CFR 750.304</a> <a href="#">23 CFR 750.705</a> <a href="#">23 USC 111</a>
Tunnel Under Road	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	
Litter, Vegetation, and Roadside Cleanup	Consent Letter	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Maintenance	<a href="#">23 CFR 710.405</a>
Salvage Operations	Consent Letter	Caltrans Approves	Caltrans Approves	N/A	N/A	HQ Maintenance	
Fire Hydrant Markers	Encroachment Permit	<b>PROHIBITED</b>	Caltrans Approves	N/A	N/A	N/A	Prohibited
Safe Telephones / Call Boxes (Telephones)	Encroachment Permit	FHWA Approves	Caltrans Approves	N/A	Project Delivery Transportation Engineer (by District)	HQ Design – OPS	<a href="#">23 CFR 710.405</a>
Charitable Solicitations	Encroachment Permit	<b>PROHIBITED</b>	Caltrans Approves (Conventional Highways only)	N/A	N/A	N/A	Prohibited
Arcades, Awnings, and Marquees	Encroachment Permit	<b>PROHIBITED</b>	Caltrans Approves	N/A	N/A	N/A	Prohibited