

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT (ADOPT-A-HIGHWAY)
DOT TR-0121 (REV 05/2023)

PERMIT NUMBER
04-25-N-AH-1502

In compliance with

DIST/CO/RTE/PM
04/ALA/24/PM R2.92-R2.9

☒ Your application of June 02, 2025

APPROVAL DATE
June 03, 2025

TO: Sidewalks Trees & Gardens
545 43rd Street
Oakland, CA 94609
Email: info@treesngardens.org
Phone: (510)904-9687

, PERMITTEE

and subject to the following, PERMISSION IS HEREBY GRANTED to:

Perform the following activities on 04 / ALA / 24 / PM R2.92-R2.9 / West Bound
DISTRICT/COUNTY/ROUTE/POSTMILE RANGE/DIRECTION(S)

- | | |
|---|---|
| ☐ Litter Removal. | ☒ Seedling Tree and Shrub Planting. |
| ☐ Graffiti Removal. | ☐ Wildflower Planting and Vegetation Control. |
| ☐ Vegetation Control. | ☐ "Spot" Wildflower Planting. |
| ☐ Recognition Panel Replacement. (By Contractors only. Panels must be approved by the Department.) | |
| ☐ Other, describe: _____ | |

**NO ONE UNDER 16 YEARS OF AGE IS ALLOWED TO PARTICIPATE ON STATE RIGHT-OF-WAY.
THIS PERMIT IS NOT A PROPERTY RIGHT AND DOES NOT TRANSFER WITH THE PROPERTY TO A NEW OWNER.**

The following attachments are also included as part of this permit (*Check applicable*):

- | | |
|--|---|
| ☒ Adopt-A-Highway Permit Special Provisions. | ☐ Planting Plan, Work Plan, and Work Schedule. |
| ☒ Attachment A (Adopt-A-Highway Special Provisions). | ☐ Vegetation Control Plan, Work Plan, and Work Schedule. |
| ☐ Other, describe: <u>Safety requirements for participant.</u> | |

ADVANCED NOTIFICATION OF WORK: Before each work occasion, the Permittee shall notify the Department's Maintenance Field Representative at least five working days, but no more than one month, prior to start of any work to ensure coordination with other activities.

Kevin Vaughn	kevin.vaughn@dot.ca.gov	(510) 601-1070
DEPARTMENT'S MAINTENANCE FIELD REPRESENTATIVE	EMAIL	PHONE NUMBER

Permittee's work shall be subordinated to State operations and shall not interfere with State forces or State's contractors.

☐ Yes ☒ No The information in the environmental documentation has been reviewed and considered prior to approval of this permit.

This permit expires on June 02, 2030

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized.

No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

CC:
#1: MICHAEL A JEVICKY
#2: DAVID L DESPAIN
#3: KEVIN VAUGHN
#4: Mesfin Agegnehu

APPROVED

Dina El-Tawansy, District Director

BY

Mohammad Dastmalchian
Mohammad Dastmalchian (Jun 3, 2025 14:21 PDT)

Mohammad Dastmalchian, District Permit Engineer

ATTACHMENT A (ADOPT-A-HIGHWAY SPECIAL PROVISIONS)

MTCE-09 (REV 7/2009)

1. DEPARTMENTAL CONTACTS:

District Adopt-A-Highway Coordinator (Processes applications, answers questions regarding program policy, maintains program data, receives contact information changes.)

Name: Michael Jevicky

Phone: (510) 715-8338

Address: 111 Grand Avenue, P.O. Box 23660, Oakland, CA 94623-0660

Maintenance Supervisor or Designee (Receives five-day advance notice of work, provides additional supplies and equipment throughout the permit period, arranges for collection of filled litter bags, hazardous materials, and large items.)

Name: Kevin Vaughn or Landscape (Acting) Area Supervisor

Phone: 510-601-1070

Address: Telegraph Maintenance Station, 3605 Telegraph Ave., Oakland, CA 94609

Representative Providing Safety Orientation (Answers safety-related questions, provides initial supply of safety equipment.)

Name: Kevin Vaughn or Landscape (Acting) Area Supervisor

Phone: 510-601-1070

Address: Telegraph Maintenance Station, 3605 Telegraph Ave., Oakland, CA 94609

2. WORK FREQUENCY: (Check all that apply)

- ☐ Litter shall be removed a minimum of ____ times per year.
- ☐ Graffiti shall be removed within ____ calendar days of notification.
- ☐ Vegetation shall be controlled a minimum of ____ times per year.
- ☒ Planting, vegetation control, and other activities shall be performed per permittee's attached plans and schedules.

3. WORK DAYS AND HOURS

Work shall not be scheduled by any permittee during the holiday periods listed in Special Provisions 10. In addition, work shall not be scheduled:

No additional restrictions.

Volunteer litter removal groups shall schedule work during the national cleanup events listed in Special Provisions 11 (weather permitting). In addition, volunteer litter removal groups shall schedule work:

No additions.

4. SITE ACCESS – Direction 1:

Walk-on entry and exit points? ☐ Yes ☐ No

Shoulders for drop-off and pick-up? ☐ Yes ☐ No

Space to park off of shoulders? ☐ Yes ☐ No

Comments/Recommendations:**Site Access – Direction 2: Westbound**

Walk-on entry and exit points? ☒ Yes ☐ No

Shoulders for drop-off and pick-up? ☒ Yes ☐ No

Space to park off of shoulders? ☒ Yes ☐ No

Comments/Recommendations:

None

5. WORK AREA DESCRIPTION – Direction 1:**Begin:****End:****WORK AREA DESCRIPTION – Direction 2:****Begin:****End:****6. WORK PROCEDURES:****Direction 1:**

Planting and weed control shall be performed per approved planting plan and work plan.

Direction 2:

Planting and weed control shall be performed per approved planting plan and work plan.

GROUP NAME/CONTRACTOR NAME

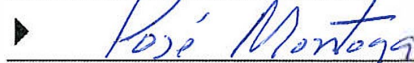
Sidewalks Trees & Gardens

(Volunteers 18+)

ADOPTION TYPE AND LOCATION

WB TP 24 ALA R2.92 - R2.9 Street

ADOPT-A-HIGHWAY COORDINATOR SIGNATURE



DATE PREPARED

5/30/2025

84'-3"

100'-0"

SHATTUCK AVENUE

54th Street Habitat Garden

A once-neglected vacant lot partially beneath a freeway, previously a site for vehicle parking, dumping and other unwanted activities, is being transformed into a wildlife habitat for pollinators and birds. Existing redwood trees are preserved, while low-water, low-maintenance native plantings which include flowering shrubs, small trees, and pollinator-friendly species to provide food and shelter for birds, butterflies, and beneficial insects. Gravel paths offer pedestrian access, and strategically placed boulders block vehicle entry while doubling as informal seating. Logs and birdhouses further enrich the habitat. Over time, moss and lichen may develop on rocks and logs, enhancing the site's natural character and offering a quiet place for residents to rest and connect with nature.

Existing Trees – Mostly Redwood, preserved as a defining feature, providing habitat and a sense of place.

Flowering Shrubs & Small Trees – Adds seasonal interest, shelter for birds, and nectar sources for pollinators. Native Pollinator Species support bees, butterflies, and other beneficial insects with year-round blooms. Placed in the most sunny area.

Gavel Walking Paths - Decomposed granite, permeable, low maintenance

Sculpture area – created from cut from reclaimed log stumps cut to various heights.

Open Sightlines & Strategic Planting – Enhances visibility for safety while maintaining a natural look with low boulders and low, shade-friendly plants.

Boulder Placement (ranging from 1.5'-5' and 2.5' or less above grade for boulders under freeway, buried 1/3 of height underground).

Pollinator Nesting Features – Sand or small rock areas for native ground-nesting bees.

Logs & Decomposing Wood – Provides insect and fungal habitat, supporting the ecosystem.

ALL PLANTS TO BE LOW WATER USE/DROUGHT-TOLERANT, LOW MAINTENANCE, NATIVE SPECIES - SEE PLANT LIST ON SHEET 2

10'-0" 20'-0"

SCALE

5/12/2025

54TH STREET

FREEWAY OVERPASS

FREEWAY COLUMN

PLANTING PLAN

- 10'-0" 20'-0" 5/12/2025
SCALE

PLANT
LIST

FLOWERING & SCREENING TREES						
BOTANICAL NAME	COMMON NAME	WATER USE	WATER USE SOURCE	CA NATIVE	QUANT	SIZE
<i>Ceanothus 'Ray Hartman'</i>	Ray Hartman California Lilac	LOW	WUCOLS	YES	2	15 GAL
<i>Cercis occidentalis</i>	Western Redbud	LOW	WUCOLS	YES	2	15 GAL
SHRUBS & GROUNDCOVER						
BOTANICAL NAME	COMMON NAME	WATER USE	WATER USE SOURCE	CA NATIVE	QUANT	SIZE
<i>Achillea millefolium</i>	Common Yarrow	LOW	WUCOLS	YES	6	1 GAL
<i>Achillea millefolium 'Sonoma Coast'</i>	Sonoma Coast Yarrow	LOW	WUCOLS	YES	5	5 GAL
<i>Baccharis pilularis</i>	Dwarf Coyote Bush	LOW	WUCOLS	YES	3	5 GAL
<i>Carpenteria californica</i>	Bush Anemone	LOW	WUCOLS	YES	3	5 GAL
<i>Ceanothus 'Dark Star'</i>	Dark Star Ceanothus	LOW	WUCOLS	YES	4	5 GAL
<i>Ceanothus hearstiorum</i>	Hearst's Ceanothus	LOW	WUCOLS	YES	6	1 GAL
<i>Clinopodium douglasii</i>	Yerba Buena	LOW	WUCOLS	YES	8	1 GAL
<i>Epilobium canum</i>	California Fuchsia	LOW	WUCOLS	YES	6	5 GAL
<i>Eriogonum grande v. rubescens</i>	San Miguel Island Buckwheat	LOW	WUCOLS	YES	5	1 GAL
<i>Eschscholzia californica</i>	California Poppy	LOW	WUCOLS	YES	12	1 GAL
<i>Fragaria chiloensis</i>	Coastal Strawberry	LOW	WUCOLS	YES	12	1 GAL
<i>Heuchera maxima</i>	Island Alum Root	LOW	WUCOLS	YES	8	1 GAL
<i>Lepechinia fragrans</i>	Pitcher Sage	LOW	WUCOLS	YES	2	5 GAL
<i>Lessingia filaginifolia</i>	California Aster	LOW	WUCOLS	YES	9	5 GAL
<i>Monardella villosa</i>	Coyote Mint	LOW	WUCOLS	YES	5	5 GAL
<i>Penstemon heterophyllus</i>	Foothill Penstemon	LOW	WUCOLS	YES	6	5 GAL
<i>Polystichum munitum</i>	Western Sword Fern	MODERATE	WUCOLS	YES	11	5 GAL
<i>Ribes malvaceum</i>	Chaparral Currant	LOW	WUCOLS	YES	4	5 GAL
<i>Ribes sanguineum 'Spring Shower'</i>	Pink Drops Currant	LOW	WUCOLS	YES	3	5 GAL
<i>Salvia clevelandii</i>	Cleveland Blue Sage	LOW	WUCOLS	YES	3	5 GAL
<i>Salvia spathacea</i>	Hummingbird Sage	LOW	WUCOLS	YES	1	5 GAL



ADOPT-A-HIGHWAY

Safety Requirements for Participants: "C R E W P L A N S"

Contact Caltrans. Notify your Maintenance field representative of your plans to work at least five days, but no more than one month, before the event. If State construction or maintenance activities have been scheduled at your adoption site on that same day, you will not be permitted to work.

Review safety procedures. Review these "Safety Requirements for Participants" and the "Bag It, Move It, or Leave It?" instructions with all participants at an off-site location prior to each work event.

Evaluate weather conditions. Work must be performed during daylight hours. Do not work, or discontinue working, if weather (or other adverse circumstance) decreases visibility or causes a public hazard.

Wear your safety gear. It is required that participants wear safety vests, hard hats, gloves, protective eye wear, long pants, and substantial leather shoes or boots with ankle support. Light-colored clothing and long-sleeved shirts are recommended. Put on your safety gear before travelling to your site and do not take it off on until you have left the roadside.

Park in a safe place. Please carpool. Vehicles must park completely off of paved areas and be at least six feet from any traffic lane. If this is not possible and your site has a shoulder, then use a drop-off and pick-up arrangement instead. Or, enter and exit your site on foot from locations that allow you to face oncoming traffic. If in doubt about the safest way to access your site, please contact your Maintenance field representative for advice.

Look out for danger and look out for each other. Always work facing oncoming traffic. Use a safety lookout when fellow workers are unable to see oncoming traffic. Watch your footing and be alert for snakes, stinging insects, and poisonous plants. If your encroachment permit authorizes minors to participate, you must have at least one adult supervisor over the age of 21 at the site for every five minors present. Do not work alone.

Alert the California Highway Patrol (call 911) if you find an extremely hazardous item. Identify all objects before touching them and handle found items according to the procedures outlined in the "Bag It, Move It, or Leave It" instructions.

Never risk injury. Work shall not be performed on median strips. Stay completely off of paved areas and always remain at least six feet from any traffic lane; this includes crossing freeway on-ramps and off-ramps. Use extreme caution when crossing conventional, two-lane highways; plan to use crosswalks and signals where available. Do not work on unstable or slippery ground, on bridges, in tunnels, or in drainage facilities. Avoid behaviors that will distract motorists; this includes working in groups of more the three or four persons. Drink plenty of water. Use tools to help prevent over exertion. For example, litter removal groups should use litter pickers instead of bending to pickup litter and graffiti removal groups should use rollers instead of brushes to paint large areas.

Stack your bags. Do not overload or compact litter bags and be sure to tie them securely closed. Whenever possible, stack several filled bags together. Place bags completely off of paved areas and at least six feet from any traffic lane. Make sure that the bags are located where Caltrans maintenance crews can easily see them and safely retrieve them.

ADDITIONAL REQUIREMENTS: 1) No person shall enter the State's right of way to perform work until a Caltrans representative has given the permittee's safety leader a safety orientation, and, all participants have received safety training from that safety leader. 2) A complete encroachment permit "package" (encroachment permit, special provisions, and any plans and schedules) must be present at the site. In addition, a copy of the encroachment permit must be displayed on the dashboard of each vehicle parked on the State's right of way. 3) Work shall not be conducted on, or within twenty-four hours preceding, holidays or holiday weekends. Refer to your Encroachment Permit Special Provisions for a listing of holidays and possible additional work restrictions specific to your adoption site.

ADOPT-A-HIGHWAY PERMIT SPECIAL PROVISIONS

TR-0156 (Rev. 07/2023)

1. **AUTHORITY:** The California Department of Transportation ("Department") has authority to issue encroachment permits under Division 1, Chapter 3, Article 1, Sections 660 through 734 of the Streets and Highways Code.
2. **REVOCATION/CANCELLATION:** Encroachment permits are revocable on five (5) business days' notice unless otherwise stated on the permit or otherwise provided by law, and except as provided by law for public corporations, franchise holders, and utilities. Notwithstanding the foregoing, in an emergency situation as determined by the Department, an encroachment permit may be revoked immediately. These Adopt-A-Highway Permit Special Provisions and all attachments to this permit are subject to modification or abrogation by the Department at any time. Permittees' joint use agreements, franchise rights, reserved rights or any other agreements for operating purposes in State of California ("State") highway right-of-way may be exceptions to this revocation.
3. **PERMITTEE AUTHORIZATION FOR OTHERS TO PERFORM WORK:** This encroachment permit allows only the Permittee and/or Permittee's authorized contractor or agent to work within or encroach upon the State highway right-of-way, and the Permittee may not assign or transfer this encroachment permit. Any attempt to assign or transfer this encroachment permit shall be null and void. Permittee shall provide to the Department a list of Permittee's authorized contractors/agents, in the "Encroachment Permit Applicant: Contractor(s) Authorization Form" (form DOT TR-0429) and at the time specified by the Department but if no time is specified then no later than the safety orientation. Permittee shall keep the list current and shall provide updates to the Department immediately upon any change to the list of authorized contractors/agents, including but not limited to the addition, removal, or substitution of an authorized contractor/agent, or a new address or contact information for an existing authorized contractor/agent. Permittee is responsible for the acts and/or omissions of any person or entity acting on behalf of the Permittee, even if such person or entity is not included on Permittee's list of authorized contractors and/or agents.
4. **ACCEPTANCE OF PROVISIONS:** Permittee and the Permittee's authorized contractors and/or agents understand and agree to accept and comply with these Adopt-A-Highway Permit Special Provisions, any and all terms and/or conditions contained in or incorporated into the encroachment permit, and all attachments to the encroachment permit (collectively "the Permit Conditions"), for any encroachment, work, and/or activity to be performed under this encroachment permit and/or under color of authority of this encroachment permit. Permittee understands and agrees the Permit Conditions are applicable to and enforceable against Permittee as long as the encroachment remains in, under, or over any part of the State highway right-of-way. The Permittee's authorized contractors and/or agents are also bound by the Permit Conditions. Non-compliance with the Permit Conditions by the Permittee's authorized contractor and/or agent, or by any volunteer or employee or other person acting under this Permit, will be deemed non-compliance by the Permittee.
5. **PERMITTEE RESPONSIBILITY:** No person shall enter the State highway right-of-way to perform work until the Department's Maintenance Supervisor or designee has given the Permittee's group/crew leaders or contractor's group/crew leaders a safety orientation, and all participants have received safety training from the Permittee's or contractor's group/crew leaders as described in Special Provisions numbers 20 and 24. It is the responsibility of the Permittee to notify the Department's District Adopt-A-Highway Coordinator of any change of Permittee's contact information such as mailing address, e-mail address, phone number, or contact person.
6. **PLAN CHANGES:** Deviations from plans, specifications, and/or the Permit Conditions are not allowed without prior approval from the Department's representative and the Federal Highway Administration ("FHWA") representative if applicable.
7. **AGE OF PARTICIPANTS:** Persons under the age of 16 shall not participate in the program. Persons, sixteen (16) and seventeen (17) years of age, may participate; however, there must be at least one adult supervisor for every five (5) minors present at the work site. The adult supervisor must be at least twenty-one (21) years old and must walk along with the group. Group leaders, alternate group leaders, and crew leaders must be adults who are at least twenty-one (21) years old.
8. **BEGINNING OF WORK:** Work authorized by this permit shall begin only **after a safety orientation has been completed (see Special Provisions numbers 20 and 24) and within thirty (30) calendar days from the date of permit issuance**, regardless of whether or not the Permittee's Adopt-A-Highway courtesy sign(s) and/or recognition panel(s) have been installed. Work shall not be discontinued if the Permittee's courtesy sign is damaged or stolen.
9. **ADVANCE NOTICE OF WORK:** Permittee must notify the Department's Maintenance Supervisor or designee, listed on "Attachment A (Adopt-A-Highway Special Provisions)" (form MTCE-09) of their plans to work at least five (5) business days, but no more than one (1) month, before the event.

ENCROACHMENT PERMIT SPECIAL PROVISIONS

10. **WORK DAYS AND HOURS:** Work must be performed during daylight hours. If weather (or other adverse circumstance) causes decreased visibility or a public hazard, work shall immediately be discontinued. Work shall not be conducted on, or within twenty-four (24) hours preceding an official State holiday. Unless specified otherwise, work may be conducted the day following an official State holiday or holiday weekend.
11. **PARTICIPATION IN STATEWIDE EVENTS:** Weather permitting, volunteer litter removal groups shall schedule work during Spring and Fall Litter Cleanup events in order to support Adopt-A-Highway's participation in statewide, national and international events.
12. **CONFLICTING ENCROACHMENTS:** Permittee shall yield to ongoing, prior authorized, work adjacent to or within the limits of the project site.
13. **PERMIT AT WORK SITE:** Permittee and Permittee's authorized contractors/agents shall keep copies of the complete permit package (Adopt-A-Highway Encroachment Permit, Adopt-A-Highway Permit Special Provisions, and if applicable, plans and work schedule), and current list of authorized contractors/agents, at the work site and show such documents upon request to any Department representative or law enforcement officer. If copies of the permit package and current list of authorized contractors/agents are not kept and made available at the work site, the work shall be suspended. In addition, a copy of the encroachment permit must be openly displayed in the windshield of each vehicle parked on the right of way. Vehicles without openly displayed permits may receive traffic citations.
14. **PARKING AT THE WORK SITE:** Personal vehicles shall not interfere with the free flow of traffic, bicycles, or pedestrians. Vehicles used to transport participants or materials may park on the highway right-of-way provided that they are located completely off of the pavement and a minimum of six (6) feet from any traffic lane. If this is not possible, participants must walk to and from the site or, if the site has a shoulder, participants can use a drop-off and pick-up arrangement.
15. **WORK PROCEDURES:** Work shall proceed in the direction facing traffic. A posted safety lookout shall be used when fellow participants are unable to watch oncoming traffic.

Work shall not be performed on or within six (6) feet from any traffic lane or anywhere within a median. Participants shall not cross access-controlled highways (freeways or expressways), on-ramps, and/or off-ramps, except at marked crosswalks. Participants shall not work on unstable or slippery ground, on slopes greater than approximately forty (40) degrees, on bridges, in tunnels, or inside culverts. Unless excluded by the aforementioned conditions, or entered on Attachment A, "Work Procedures," litter removal and vegetation control shall be performed behind soundwalls.
16. **PUBLIC TRAFFIC CONTROL:** All forms of traffic control, including shoulder, lane, and ramp closures, signs, cones, vehicles, or any other traffic control device are prohibited under this permit.
17. **PERSONAL PROTECTIVE EQUIPMENT:** All participants shall wear hard hats, retroreflective vests, gloves, and protective eye wear while on the State's highway right-of-way. The Department will provide these and litter pickers, if needed, to non-contractor participants free of charge. In addition, all participants shall wear long pants and substantial leather shoes or boots with ankle support. All Department-furnished personal protective equipment, unused materials, and tools shall be returned to the Department upon termination of the permit.
18. **LITTER BAGS:** Participants shall use the white Adopt-A-Highway bags provided by the Department. Securely tied, filled bags must be placed at least six (6) feet from the edge of traffic lanes and off of paved shoulders. Bags must be placed in locations where they are not obstructing drainage and where Departmental maintenance forces can easily see them and safely retrieve them. Whenever possible, bags should be stacked together and/or placed one hundred (100) feet from structures. It is important for participants to leave their filled bags at the site so that the Department can verify that work frequencies are being met. Also, the monthly count of white bags collected, enables the Department to quantify the value of the Adopt-A-Highway Program. (Participants may take bags of recyclables home.)
19. **STORAGE OF EQUIPMENT AND MATERIALS:** Unless specified in the Permittee's planting and/or work plans, storage of equipment and materials (other than filled, Adopt-A-Highway litter bags) on the State highway right-of-way is not authorized under this permit.
20. **SAFETY PROCEDURES FOR VOLUNTEER GROUPS:**
 - A. **Designate group leaders.** Permittee shall designate a group leader and an alternate group leader to represent the group. If no group leader is designated, the Department will assume the group leader is the individual whose name appears on the permit application as the "primary contact" or on the permit as the "Attn:".

If no alternate group leader is designated, the Department will assume the alternate group leader is the individual whose name appears on the permit application as the "alternate contact."
 - B. **Attend a Caltrans safety orientation.** Both the group leader and the alternate group leader shall schedule and attend a safety orientation given by the Department's Maintenance Supervisor or designee. The "Adopt-A-Highway Safety Orientation Checklist for Volunteers" will be reviewed, signed, and copies given to the group leaders.
 - C. **Obtain personal protective equipment:** Personal protective equipment and a copy of the Adopt-A-

ENCROACHMENT PERMIT SPECIAL PROVISIONS

Highway safety video may be issued during the Caltrans safety orientation. Participants who need them will also receive Adopt-A-Highway litter bags and litter pickers. Additional equipment and litter bags may be obtained as needed throughout the permit period from the Department's Maintenance Supervisor or designee.

- D. **Provide safety training to all group members.** The group leader or alternate group leader shall then provide safety training for all participants before they attend a work event. During the training, the encroachment permit and special provisions shall be explained and part two of the Adopt-A-Highway safety video must be viewed.
 - E. **Conduct safety reviews before each work event.** The group leader or alternate group leader shall conduct a brief off-site safety review with participants each time a participant goes out to work, before beginning work. The "Safety Requirements for Participants" and the "Bag It, Move It, or Leave It?" handouts shall be reviewed. The group leader or alternate group leader shall ensure that all participants are equipped with personal protective equipment and that minors will be adequately supervised. The group leader or alternate group leader must participate in the work event.
 - F. **Provide annual safety training.** The group leader or alternate group leader shall hold an annual safety training refresher for all participants. During the annual safety training refresher, the encroachment permit and special provisions shall be explained and part two of the Adopt-A-Highway safety video viewed.
 - G. **Report injuries, traffic collisions, and incidents.** The following occurrences shall be reported to the Department's District Adopt-A-Highway Coordinator by the next business day: injuries resulting in an individual seeking medical treatment, vehicular damage resulting in an insurance claim and/or police report, and incidents where the California Highway Patrol was contacted.
 - H. **Report changes in contact information or leadership to the Department's District Adopt-A-Highway Coordinator.** New group leaders or alternate group leaders appointed during the permit period must schedule and attend a safety orientation given by the Department's Maintenance Supervisor or designee, the safety orientation may not be given by the Permittee's previous group leaders.
21. **ADOPT-A-HIGHWAY SIGNS:** The Department shall furnish, install, and maintain an Adopt-A-Highway courtesy sign(s) and standard recognition panel(s) at the adoption site in recognition of the Permittee's contribution. Standard recognition panels shall display the Permittee's name in black, block letters on a white background. Permittees may furnish a customized, recognition panel(s) at their own expense. Specifications for the recognition panel's wording, size, color, type style, placement, and any subsequent modifications shall be solely determined and approved by the Department. (Note: "Spot" Wildflower and Supplemental Litter Removal adoptions do not meet minimum requirements for a courtesy sign.) **Neither the Adopt-A-Highway Program nor its courtesy signs are intended to provide a forum for advertisement, solicitation, or public discourse.**
22. **WHEN AN ADOPT-A-HIGHWAY CONTRACTOR IS UTILIZED:** Individuals, organizations, and businesses may adopt segments of highway and have the required adoption work performed by a professional business (contractor) through contract or agreement. Only contractors that have been pre-approved by the Department may be utilized. Contractors must submit to the Department and maintain the following documents:
- A. **Liability Insurance:** Contractors with employees shall maintain at least \$1,000,000 of general liability insurance for each occurrence, plus \$2,000,000 of excess liability insurance (totaling at least \$3,000,000). Contractors who do not utilize paid employees shall maintain at least \$1,000,000 in general liability insurance for each occurrence; no excess liability insurance is required. All certificates of liability insurance shall name the State of California, California Department of Transportation, the directors, officers, employees, and/or agents of the State of California and/or of the California Department of Transportation as additional insured.
 - B. **Automobile insurance,** in the minimum amount of \$1,000,000, is required of all contractors.
 - C. **Worker's compensation insurance,** in the minimum amount of \$1,000,000, is required for contractors who employ persons to perform work authorized under this permit.
 - D. **Professional licensing** as required by the California Contractors State License Board and/or the California Department of Pesticide Regulation to perform work authorized under this permit.
 - E. **County and/or city business licenses** as required by local governments to perform work authorized under this permit.
 - F. **Subcontracting** is not allowed under the Adopt-A-Highway Program.
- Contractors are required to provide a minimum notice of thirty (30) calendar days to the Department's District Adopt-A-Highway Coordinator or Statewide Adopt-A-Highway Coordinator before any reduction in coverage and/or cancellation of coverage becomes effective.
23. **INSTALLATION OF RECOGNITION PANELS BY ADOPT-A-HIGHWAY CONTRACTORS:** Adopt-A-Highway contractors may install recognition panels at specific locations if the work is authorized on page one of the attached Encroachment Permit (Adopt-A-Highway)

ENCROACHMENT PERMIT SPECIAL PROVISIONS

and they have received an Adopt-A-Highway Service Contractor Recognition Panel Installation Order.

24. SAFETY PROCEDURES FOR ADOPT-A-HIGHWAY CONTRACTORS:

A. Attend a Caltrans safety orientation. Adopt-A-Highway contractors shall abide by safety requirements set forth by the California Occupational Safety and Health Administration (Cal/OSHA). In addition, the contractor's crew leaders must schedule and attend a safety orientation given by the Department's Maintenance Supervisor or designee. The "Safety Orientation Checklist for Adopt-A-Highway Contractors" will be reviewed, signed, and a copy given to the crew leaders.

B. Report injuries, traffic collisions, and incidents. The following occurrences shall be reported to the Department's District Adopt-A-Highway Coordinator by the next business day. Injuries resulting in an individual seeking medical treatment, vehicular damage resulting in an insurance claim and/or police report, and incidents where the California Highway Patrol was contacted.

C. Contractor's ID Cards. Contractor's crew must carry identification cards. The cards must list the employee's name, the name of the Adopt-A-Highway contractor, and a phone number where the crew leader can be reached during working hours.

25. PERMITS FROM OTHER AGENCIES: This encroachment permit is invalidated if the Permittee has not obtained all permits and approvals necessary and required by law, including but not limited to permits from the California Public Utilities Commission (CPUC), Cal/OSHA, and any other public agency and/or entity having jurisdiction. Permittee warrants all such permits and approvals have been obtained before beginning work under this encroachment permit. The Department may, at the Department's discretion, require the Permittee to demonstrate that Permittee has obtained all such permits/approvals, and Permittee shall demonstrate this at the time and in the manner specified by the Department.

26. COST OF WORK: Unless stated otherwise in the encroachment permit or a separate written agreement with the Department, the Permittee must bear all costs incurred for work within the State highway right-of-way and waives all claims for indemnification or contribution from the United States, the State, the Department, and from the Directors, officers, and employees of the State and/or the Department. Removal of Permittee's personal property and improvements shall be at no cost to the United States, the State, and the Department.

27. PREVAILING WAGES: Work performed by or under an encroachment permit may require Permittee's contractors and subcontractors to pay appropriate prevailing wages as set by the California Department of Industrial Relations. Inquiries or requests for interpretations relative to

enforcement of prevailing wage requirements must be directed to the California Department of Industrial Relations.

28. UNDERGROUND SERVICE ALERT (USA)

NOTIFICATION: Any excavation requires compliance with the provisions of Government Code section 4216 et seq., including but not limited to notice to a regional notification center, such as Underground Service Alert (USA). The Permittee must provide notification to the Department representative at least five (5) business days before, and the regional notification center at least forty-eight (48) hours before, performing any excavation work within the State highway right-of-way.

29. ENVIRONMENTAL:

A) ARCHAEOLOGICAL/HISTORICAL: If any archaeological or historical resources are identified or encountered in the work vicinity, the Permittee must immediately stop work and notify the Department's District Adopt-A-Highway Coordinator.

B) HAZARDOUS MATERIALS: If any hazardous waste or materials (such as underground storage tanks, asbestos pipes, contaminated soil, etc.) are identified or encountered in the work vicinity, the Permittee must immediately stop work and notify the Department's District Adopt-A-Highway Coordinator. Attention is directed to the potential presence of aerially deposited lead (ADL) in unpaved areas along highways. It is the Permittee's responsibility to take all appropriate measures to protect workers in conformance with California Code of Regulations Title 8, Section 1532.1, "Lead," and with Cal-OSHA Construction Safety Orders, and to ensure roadway soil management is in compliance with California Department of Toxic Substances Control (DTSC) requirements.

C) BIOLOGICAL: If any regional, state, or federally listed biological resource is identified or encountered in the work vicinity, the Permittee must immediately stop work and notify the Department's District Adopt-A-Highway Coordinator.

30. DURATION OF PERMIT: Unless otherwise specified, this permit is valid for five (5) years from the date of issuance. Permittees may apply for additional five (5)-year permits, provided that the Permittee and/or the Permittee's contractor have satisfactorily met the terms of the existing permit and the site remains suitable for adoption. If the Permittee wishes to reapply, a notice of such intent shall be submitted to the Department's District Adopt-A-Highway Coordinator at least thirty (30) calendar days prior to the expiration date of this permit.

31. NO PRECEDENT ESTABLISHED: This permit is issued with the understanding that it does not establish a precedent.

32. LIABILITY, DEFENSE, AND INDEMNITY: The Permittee agrees to indemnify and save harmless the United States, the State, the Department, and the Directors, officers,

ENCROACHMENT PERMIT SPECIAL PROVISIONS

employees, agents and/or contractors of the State and/or of the Department, including but not limited to the Director and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind, and description, including but not limited to those brought for or on account of property damage, invasion of privacy, violation or deprivation of a right under a state or federal law, environmental damage or penalty, or injury to or death of any person including but not limited to members of the public, the Permittee, persons employed by the Permittee, and/or persons acting on behalf of the Permittee, arising out of or in connection with: (a) the issuance and/or use of this encroachment permit; and/or (b) the encroachment, work, and/or activity conducted pursuant to this encroachment permit, or under color of authority of this encroachment permit but not in full compliance with the Permit Conditions; and/or (c) the installation, placement, design, existence, operation, and/or maintenance of the encroachment, work, and/or activity; and/or (d) the failure by the Permittee or anyone acting on behalf of the Permittee to perform the Permittee's obligations under any part of the Permit Conditions in respect to maintenance or any other obligation; and/or (e) any change to the Department's property or adjacent property, including but not limited to the features or conditions of either of them, made by the Permittee or anyone acting on behalf of the Permittee; and/or (f) a defect or obstruction related to or caused by the encroachment, work, and/or activity whether conducted in compliance with the Permit Conditions or from any cause whatsoever. The duty of the Permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the California Civil Code.

It is the intent of the Department and the Permittee that except as prohibited by law, the Permittee will defend, indemnify, and hold harmless as set forth in this Provision regardless of the existence or degree of fault or negligence, whether active or passive, primary or secondary, on the part of: the United States, the State; the Department; the Directors, officers, employees, agents and/or contractors of the State and/or of the Department, including but not limited to the Director and the Deputy Directors; the Permittee; persons employed by the Permittee; and/or persons acting on behalf of the Permittee.

The Permittee waives any and all rights to any type of expressed or implied indemnity from or against the United States, the State, the Department, and the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director and the Deputy Directors.

The Permittee understands and agrees to comply with the obligations of Titles II and III of the Americans with Disabilities Act in the conduct of the encroachment, work, and/or activity whether conducted pursuant to this encroachment permit or constituting Unauthorized Work or Activity, and further agrees to defend, indemnify, and

save harmless the United States, the State, the Department, and the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director and the Deputy Directors, from any and all claims, demands, damages, costs, penalties, liability, suits, or actions of every name, kind, and description arising out of or by virtue of the Americans with Disabilities Act.

The Permittee understands and agrees the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director and the Deputy Directors, are not personally responsible for any liability arising from or by virtue of this encroachment permit.

For the purpose of this Special Provision and all paragraphs herein, "contractors of the State and/or of the Department" includes contractors, and their subcontractors, under contract to the State and/or the Department.

This Special Provision and all paragraphs herein take effect immediately upon issuance of this encroachment permit, and apply before, during, and after the encroachment, work, and/or activity contemplated under this encroachment permit, regardless of whether such work is or is not in compliance with the Permit Conditions, except as otherwise provided by California law. The Permittee's obligations to defend, indemnify, and save harmless under this Special Provision take effect immediately upon issuance of this encroachment permit and have no expiration date, including but not limited to situations in which this encroachment permit expires or is revoked, the work or activity performed under this encroachment permit is accepted or not accepted by the Department, the encroachment, work, and/or activity is conducted in compliance with the Permit Conditions as defined in or constitutes Unauthorized Work or Activity, and/or no work or activity is undertaken by the Permittee or by others on the Permittee's behalf.

If the United States or an agency, department, or board of the United States is the Permittee, the first two paragraphs of this Special Provision (beginning "The Permittee agrees to indemnify..." and "It is the intent of the parties...") are replaced by the following paragraph:

Claims for personal injury, death, or property damage allegedly caused by the negligent or wrongful act or omission of any employee of the United States acting within the scope of their official duties are subject to the Federal Tort Claims Act, as amended, 28 U.S.C. § 1346 and § 2671 et seq. (Chapter 171).

33. FEDERAL CIVIL RIGHTS REQUIREMENTS FOR PUBLIC ACCOMMODATION:

A) As part of the consideration for being issued this encroachment permit, the Permittee, on behalf of Permittee and on behalf of Permittee's personal representatives, successors in interest, and assigns, does hereby covenant and agree that:

ENCROACHMENT PERMIT SPECIAL PROVISIONS

- i) No person on the grounds of race, color, or national origin may be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- ii) In connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination must be practiced in the selection and retention of first-tier subcontractors in the selection of second-tier subcontractors.
- iii) Such discrimination must not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation), and operation on, over, or under the space of the State highway right-of-way.
- iv) The Permittee must use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A. Office of the Secretary of Commerce, Part 8 (15 C.F.R. Part 8) and as said Regulations may be amended.

B) In the event of breach of any of the above nondiscrimination covenants, the State and the Department have the right to terminate this encroachment permit and to re-enter and repossess said land and the facilities thereon and hold the same as if said permit had never been made or issued.

34. **COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA):** All work within the State highway right-of-way to construct and/or maintain any public facility must be designed, maintained, and constructed strictly in accordance with all applicable Federal Access laws and regulations (including but not limited to Section 504 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794), California Access laws and regulations relating to ADA, along with its implementing regulations, Title 28 of the Code of Federal Regulations Parts 35 and 36 (28 C.F.R., Ch. I, Part 35, § 35.101 et seq., and Part 36, § 36.101 et seq.), Title 36 of the Code of Federal Regulations Part 1191 (36 C.F.R., Ch. XI, Part 1191, § 1119.1 et seq.), Title 49 of the Code of Federal Regulations Part 37 (49 C.F.R., Ch. A, Part 37, § 37.1 et seq.), the United States Department of Justice Title II and Title III for the ADA, and California Government Code section 4450 et seq., which require public facilities be made accessible to persons with disabilities.

Notwithstanding the requirements of the previous paragraph, all construction, design, and maintenance of public facilities must also comply with the Department's Design Information Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects" and Standard Plans & Specifications on "Temporary Pedestrian Access Routes."