

Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: July 14, 2020

File: Division of Construction
CPD 20-17



From: RACHEL FALSETTI, Chief
Division of Construction

Subject: **UNSHELTERED ENCAMPMENTS – COVID-19 PROJECT EFFECTS**

This directive provides guidance on unsheltered encampments in work areas on the state right-of-way during the COVID-19 pandemic and potential project effects. On March 4, 2020, California Gov. Gavin Newsom proclaimed a state of emergency that includes provisions for implementing measures to inhibit the spread of COVID-19. Pursuant to the state of emergency, state and local public health entities have issued orders that adopt Centers for Disease Control and Prevention (CDC) interim guidance concerning unsheltered encampments during the COVID-19 pandemic. The following are key elements of the CDC guidance:

- To maintain public health and safety, allow people who are living unsheltered in encampments to remain where they are, unless the people living in those locations are provided with (a) real-time access to individual rooms or housing units for households, with appropriate accommodations including for disabilities, and (b) a clear plan to safely transport those households.
- Do not cite, clear, or relocate encampments during community spread of COVID-19. Do not remove property from people experiencing homelessness, which includes their shelter, hygiene equipment, food supplies, water, and personal items. Items that people who are living unsheltered designate as trash and request to be removed can be disposed of.
- Exceptions to this guidance are those encampments that pose an imminent and significant public safety hazard.

During the COVID-19 pandemic and in conformance with the attached Maintenance Policy Directive (MPD) 20-02R3, unsheltered encampment relocation and cleanup operations are only allowed if there is an immediate safety concern or if a local partner has identified safer spaces for unsheltered individuals to move indoors. Any proposed unsheltered encampment removal and cleanup must be first approved by the

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headquarters deputy director of maintenance operations. Encampment relocation and cleanup operations will only be performed by the California Department of Transportation through a separate service contract.

If unsheltered encampments are encountered on your project, first assess whether they inhibit the contractor's performance of the work and if so, whether work-around solutions are practical. Work with the contractor to develop associated estimates of cost and time impacts for each work-around alternative for evaluation before processing any change order. Where conflicts exist and no practical work-around solution is evident, elevate the issue to your district construction management. The deputy district director of construction, in consultation with district maintenance and traffic operations, will determine whether to seek an exception approval from the HQ deputy director of maintenance operations for unsheltered encampment removal and cleanup.

When unsheltered encampments affect the project's controlling operation as described under the working day definition of Section 1-1.07B, "Glossary," of the *Standard Specifications*, nonworking days are recorded and reported on Form CEM-2701, "Weekly Statement of Working Days," denoting the epidemic and quarantine restrictions provisions. No additional time-related overhead compensation is made.

If work areas are cleared of unsheltered encampments, it is the contractor's responsibility to maintain these areas for their work in conformance with Sections 5-1.36, "Property and Facility Preservation," and 5-1.37, "Maintenance and Protection," of the *Standard Specifications*. Additional impacts and California Department of Transportation expenses for subsequent relocation and cleanup will be borne by the contractor.

If you have questions or comments regarding this directive, contact Ken Darby, Division of Construction, at Ken.Darby@dot.ca.gov or (916) 653-2032.

Attachment:

1. Maintenance Policy Directive 20-02R3