

Memorandum

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

Date: February 10, 2021

File: Division of Construction
CPD 21-1



From: RAMON HOPKINS, Chief
Division of Construction

Subject: **UNSHELTERED ENCAMPMENTS WITHIN CONSTRUCTION PROJECTS—UPDATE**

This directive supersedes CPD 20-17, “Unsheltered Encampments – COVID 19 Project Effects,” and provides guidance on unsheltered encampments within construction work areas on the state right-of-way.

On March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency that included provisions for implementing measures to inhibit the spread of COVID-19. Following the state of emergency declaration, state and local public health entities issued orders that adopted Centers for Disease Control and Prevention interim guidance concerning unsheltered encampments during the COVID-19 pandemic.

The California Department of Transportation (Caltrans), through the Division of Maintenance has issued maintenance policy directives to address encampment removal procedures during the COVID-19 pandemic. The attached maintenance policy directive 20-02R7 describes procedures for unsheltered encampment removals.

Caltrans has issued *Interim Guidance on Encampments* that includes priority levels for encampment removals during the COVID-19 pandemic. Active construction contracts with unsheltered encampments will generally be classified as level 2 (high) priority unless there is an immediate safety concern or imminent threat to critical infrastructure that would justify a level 1 (critical) priority. The *Interim Guidance on Encampments* may be accessed at:

maintenance.onramp.dot.ca.gov/downloads/maintenance/files/emergency_mgmt/Interim%20Guidance%20on%20Encampment.pdf

Resident engineers administering construction contracts with unsheltered encampments must work with their district’s task force lead on homelessness and maintenance superintendent or delegated representative to assure that the appropriate removal justifications and procedures are followed. For level 2 priority encampment removals anticipate a 14-day time period to complete the process. For construction contracts that

include the attached Section 7-1.09, “Unsheltered Individuals Encampments,” of the *Standard Specifications*, the encampment removal process is to be accelerated to accommodate the contractual 10-day notice provided by the contractor. Construction projects that have ready-to-list dates after October 16, 2020, should include the attached specification. While the 10-day advance notice is provided by the contractor, resident engineers should work with their district’s task force lead on homelessness and maintenance superintendent to provide advance notice of encampment removal needs where anticipated. The advance notice is intended to allow local continuum of care service providers additional opportunity to find housing options for unsheltered encampment individuals.

Local continuum of care service providers may need access to the right-of-way to assess unsheltered encampments. Service providers must either be accompanied by Caltrans personnel or have a consent letter on record between the Caltrans district and local county or city that oversees the service providers. On active construction contracts, resident engineers must assist in the coordination of scheduled site visits by service providers to make sure providers have awareness of site-specific, construction-related safety concerns.

Encampment removal cleanup will be performed by on-call service contractors who specialize in and are licensed to remove hazardous and biological waste. The contract managers for these service contracts are generally within district maintenance; however, organization may differ from district to district. Cost of the cleanup work will be paid through the maintenance service contract. Resident engineers must help coordinate cleanup operations with the contractor’s need for the work areas. Efforts should be taken to minimize potential for reoccupation of the areas by making sure construction activities are coordinated. While it is the contractor’s contractual responsibility to maintain areas once cleared in accordance with Sections 5-1.36, “Property and Facility Preservation,” and 5-1.37, “Maintenance and Protection,” of the *Standard Specifications*, consider participating in the cost of preventive measures such as temporary fencing in areas where there is a high likelihood of reoccupation.

For projects without the attached specification, where unsheltered encampments affect the project’s controlling operation as described under the working day definition in 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 restriction provisions. No additional time-related overhead compensation is made. For projects with the attached specification, where the Department takes longer than the 10-day period for encampment relocation and results in critical delay, provide a commensurate time extension and additional time-related overhead compensation by change order.

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If you have questions or comments regarding this directive, contact Ken Darby, Division of Construction, at Ken.Darby@dot.ca.gov or (916) 764-6929.

Attachment:

1. Maintenance Policy Directive 20-02R7
2. Section 7-1.09, "Unsheltered Individuals Encampments," of the Revised *Standard Specifications*