

SPECIAL PROVISIONS FOR TEMPORARY USE OF SIDEWALKS AND CURBSIDE PARKING AREAS ON STATE HIGHWAY SYSTEM FOR COVID-19 RELATED NON TRANSPORTATION USE (PUBLIC SEATING)

Special Provisions to be Included in the Permit:

All work permitted herein must comply with the:

- 2018 Caltrans Standard Specifications and Standard Plans (available at <https://dot.ca.gov/programs/design/ccs-standard-plans-and-standard-specifications>),
- attached "Encroachment Permit General Provisions" (TR-0045) (available at <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/ep-general-provisions-a11y.pdf>),
- "Stormwater Special Provisions for Minimal or No Impact" (TR-0400) (available at <https://dot.ca.gov/programs/traffic-operations/ep/ep-manual/>), and,
- following provisions:
 1. The Permittee by accepting this permit accepts full and sole responsibility for all installations and, associated claims and damages. The permittee is solely responsible for all activities/actions by its agents/contractors associated with any authorized activity on the State Highway System.
 2. This temporary permit is to address the unique circumstances created due the March 13, 2020, COVID-19 State of Emergency declaration by the United States federal government and the California Governor on March 4, 2020, proclamation of a State of Emergency regarding the threat of COVID-19.
 3. This permit is non-transferable. Only the Permittee to whom this permit was issued is to perform the services authorized herein and shall always have this permit in their possession when performing said services. This permit must be presented for inspection upon demand by any State Representative, or Law Enforcement Official.
 4. To help serve the public interest, Caltrans is only authorizing installations to facilitate physical distancing and other safety measures to prevent the spread of COVID-19 during the current State of Emergency.
 5. Use of State Highway System right-of-way for private use/gain is prohibited by Streets and Highways Code 731 and California Vehicle Code 22520.5. By accepting this permit, the permittee is accepting the responsibility to ensure no such activities occur on State Highway System right-of-way, including but not limited to vending, business services, purchases, sales transactions, seating customers in the public seating area, or other uses of the State Highway System for private use/gain.
 6. Advertising in any form is prohibited on State Highway System right-of-way by Code of Federal Regulations Title 23, Part 750 and California Business & Professions Code 5403. This includes sandwich boards, posters or any other form of advertising.

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7. **This permit will expire on the date listed on the first page of this permit or at the end of the declared State of Emergency regarding COVID-19, whichever occurs first.**
8. This permit authorizes:
 - a. Label 6 feet spacing on the sidewalk to enable physical distancing while entering restaurants or other business along State Highway:
 - i. Route XXXX between Street AAA (PM ____) and Street BBBB (PM ____)
 - ii. Route XXXX between Street AAA (PM ____) and Street BBBB (PM ____)
 - iii. Route XXXX between Street AAA (PM ____) and Street BBBB (PM ____)
 - b. Post "No Parking" signs prohibiting curb side parking in existing curb side parking spaces. Necessary signs or other temporary traffic control devices in accordance with CA-MUTCD can be placed to enable curbside pickup for business along the highways and within limits listed above. The permittee is responsible for ensuring the curbside pickup activities do not impact the safety or operations on the State Highway System. No temporary or fixed objects (Tables etc.) can be placed on sidewalk along parking spaces designated to assist or serve curbside pickup activities.
9. Temporary canopies can be installed to provide shade over sidewalk. They must comply with the requirements established for "Arcades" established in Section 501.3b of Encroachment Permit Manual and all of these conditions:
 - a. Conforms to local building code.
 - b. Structurally adequate.
 - c. Overhang may not extend closer than 24 inches horizontally from the curb face. Exceptions are in historical districts where overhangs are permissible to the curb face.
 - d. Preferred minimum vertical clearance from the sidewalk is 12 feet. A minimum 8 feet clearance is acceptable when local codes are satisfied.
 - e. Must not interfere with or hide any traffic control devices (traffic signals, traffic signs, etc.).
10. Public seating area must be open for use by the general public and support the needs of local communities. Public seating area must include signage designating the area for use by the general public and not reserved for any patrons of the adjacent businesses or specific business.
 - a. Vending, sales, transactions, table service, and similar activities in the public seating area are strictly prohibited. No portion of a transaction may take place within the State Highway System right-of-way. For example, the public may purchase takeout/ "to-go" food at a business and use the public seating area to consume the food, but the business may not conduct the sale of the food or accept payment for the food while in the public seating area.

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- b. Public seating area may include temporary benches, tables, chairs or other seating, bike racks, and planting areas, but must not include any fixed object. Temporary tables and seating must be distinct from those of nearby businesses and must not include the same or similar color scheme, marking, logo, symbol, or any other identifier of any particular business.
 - c. All installations must be heavy enough, or other measures be implemented, to ensure they do not move onto the travel lanes, highway users, or business properties, or obstruct the minimum required accessible path of travel on the sidewalk.
 - d. Public seating area must be installed to conform with the Americans with Disabilities Act Accessibility Guidelines (available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>).
 - e. Public seating area may include a sign identifying the local public entity permittee. All forms of advertising are prohibited in the public seating area and in the curbside pickup area.
 - f. The permittee must ensure that no fee is being charged for the use of the public seating area or the curbside pickup area.
 - g. Public seating area must be properly maintained and kept free of trash or nuisance.
 - h. Following sign, large and legible enough to read easily by users, must be posted at the public seating areas: "**Consumption of Alcohol is Prohibited**".
11. Markings on sidewalk (s) for physical distancing:
- a. Only non-permanent removable tape may be used to mark the 6-foot social distancing spacing on the sidewalk.
 - b. Size of the markings must be no larger than 12 inches by 12 inches.
 - c. Permanent markings using paint or other means are prohibited.
 - d. Markings must not be a tripping or slipping hazard.
 - e. When the markings are no longer required or when the State of Emergency ends, the markings must be removed.
 - f. Markings must not interfere with traffic control devices. Markings must not resemble any traffic control devices.
 - g. Markings must be of plain solid color and must not include any messages, advertising, symbols etc.
12. Closure of travel lanes or full sidewalk is prohibited.
13. The permittee is solely responsible for compliance with the Americans with Disabilities Act (ADA). Adequate clearance in accordance with Caltrans Design Information Bulletin 82 (DIB 82) must be maintained through the sidewalk to serve pedestrians. DIB 82 can be accessed at <https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib82-06-a11y.pdf>.
14. The encroachments on State Highway System right-of-way shall not negatively impact the safety of highway users, including but not limited to motorists,

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- bicyclists, and pedestrians, and any person legally using the State Highway System right-of-way. The encroachments shall not negatively impact highway operations or maintenance of State Highway System right-of-way.
15. The permittee must ensure all objects placed in connection with the authorized activities do not create a tripping hazard or other hazard to any person or property.
 16. The permittee shall not construct nor place on the State Highway System right-of-way any improvement which would impair Caltrans' ability to maintain, operate, use, repair, or improve any part of the transportation facility in State Highway System right-of-way. The permittee is responsible for promptly removing, at its sole cost and expense, any improvement which Caltrans identifies as a hazard to or impairment of a transportation facility.
 17. The permittee shall treat all businesses equally and any measures implemented by or on behalf of the permittee on State Highway System must be fair and serve all businesses equally. The permittee must handle and resolve any and all complaints. Permittee may not attach anything to the travel way or highway facilities/structures (signs, sidewalk etc.) by bolt, screw or any other invasive connection type.
 18. No signs are allowed to be posted on any State-owned warning guide or regulatory sign posts. Permittee is responsible for removing all location signs posted within the State right of way.
 19. Caltrans may revoke the permit at any time, for any or no reason, Common reason for revocation would be violation of the terms of this permit, operational needs, or safety issues.
 20. The permittee must not hook-up or connect into any Caltrans owned utilities. The permittee is expected to independently procure needed utility services and infrastructure like necessary temporary lighting fixtures, etc.
 21. Permitted lighting fixtures, mirrors, reflectors, and supports must not present a glare or other safety hazard.
 22. The permittee shall assign a liaison to coordinate and oversee the authorized activities under this permit. The liaison shall always be available to address any and all issues/requests associated with the permit.
 23. The permittee is solely responsible for the objects (i.e., canopies, tables, chairs, benches etc.) and securing all object installations.
 24. The permittee and its agents, employees, representatives, and contractors shall be solely responsible for installing, operating, and maintaining the temporary installations authorized by the permit. The permittee and its agents, employees, representatives, and contractors shall ensure that the objects placed within State Highway System right-of-way are properly serviced, maintained, and repaired.
 25. Any traffic control required shall receive prior approval from the Caltrans representative. If Caltrans standard traffic control plans are not adaptable for the required traffic control needs, site-specific traffic control plans stamped and signed by a California Licensed Engineer shall be submitted along with a rider permit request, for review and approval prior to using such site-specific traffic control plans. Standard plans may be referenced and are available at

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<https://dot.ca.gov/programs/design/ccs-standard-plans-and-standard-specifications>.

26. All traffic control devices (signs, flagging, flags, PCMSs and other devices) shall conform to the requirements set forth in the latest California Manual on Uniform Traffic Control Devices (CA-MUTCD) and Caltrans Standard Plans and Specifications.
27. The permittee shall monitor and maintain all traffic control devices for the entire duration of this permit. At least one person shall be assigned by the permittee to provide full-time maintenance of traffic control devices.
28. No excavation or ground disturbance is allowed. All installations allowed must be above ground installations only.
29. The permittee shall not attach nor temporarily affix any item on Caltrans facilities or infrastructure, unless otherwise expressly allowed in this permit.
30. The permittee is responsible for ensuring the sidewalk and curbside pickup areas on State Highway System is free of trash, within the limits and locations authorized under this permit.
31. The permittee shall restore the State Highway System right-of-way to pre-existing condition, which includes the pickup, removal, and disposal of all litter, materials, and other items related to the permittee's activities to Caltrans' satisfaction.
32. Upon completion of authorized activities under this permit, the permittee shall provide the Caltrans representative with a completed "Notice of Completion" (TR-0128) (available at <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/tr0128.pdf>).