

**DEPARTMENT OF TRANSPORTATION
1120 N Street
Sacramento, California 95814**

May 5, 2009

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirement of Government Code section 11346.8 (c) and Section 44 of Title 1 of the California Code of Regulations; the Department of Transportation is providing notice of changes made to proposed regulations in Chapter 23 of the California Code of Regulations, which was the subject of a regulatory hearing on February 23, 2009. These changes were made in response to comments received regarding the proposed regulations.

All rulemaking documents can be accessed through the Adopt-A-Highway website at: <http://adopt-a-highway.dot.ca.gov>. If you do not have Internet access, copies of the modified text may be requested from Terri Patterson at the address below.

If you have any comments regarding the proposed changes, the Department of Transportation will accept written comments between May 5, 2009 and May 19, 2009. All written comments must be submitted to the Department of Transportation no later than 5:00 p.m. on May 19, 2009 and addressed to:

California Department of Transportation
Adopt-A-Highway Program
Attn: Terri Patterson
1120 N Street, MS-31
Sacramento, CA 95814

Phone: (916) 654-2926
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All written comments received by May 19, 2009, which pertain to the indicated changes will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

TITLE 21. DEPARTMENT OF TRANSPORTATION

Text to Modified Regulations

The Department has illustrated changes to the original text in the following manner:

Regulation language originally proposed is underlined; deletions from the language originally proposed are shown in strikeout, and additions to the language originally proposed are highlighted.

§ 2635. Purpose

The Program Application initiates the adoption process. The adopter's intention to hire a contractor must be disclosed on the Program Application. Contractors may submit a Program Application on behalf of a sponsor group. Program Applications may be ~~sent~~ submitted to the district coordinator by mail, facsimile transmission, or electronically. ~~by email to the district coordinator.~~

TITLE 21. PUBLIC WORKS
DIVISION 2. DEPARTMENT OF TRANSPORTATION
Chapter 23. Adopt-A-Highway Program
Article 1. Introduction

§ 2620. Purpose

The California Department of Transportation (Caltrans) Adopt-A-Highway Program (Program) exists to provide the public with an avenue to donate services for maintenance activities on sections of roadside within California's State Highway System. Neither the Adopt-A-Highway Program nor its courtesy signs are intended to provide a forum for advertisement, solicitation or public discourse.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Section 91.5, 92, California Streets and Highways Code.

Article 2. Definitions

§ 2621. Definitions

All terms defined in this subchapter are applicable to terms used in Title 21, Chapter 23. These terms have the following meanings:

- (a) "AAH" means Adopt-A-Highway.
- (b) "Adopter" means the individual, organization, agency, or business approved by Caltrans to participate in the Adopt-A-Highway Program.
- (c) "Adoption Site" means the section of State highway right-of-way to be adopted.
- (d) "Adoption Task" means specific work authorized under a permit.
- (e) "Adoption Type" means a maintenance or beautification activity, including, but not limited to, litter removal, vegetation control, graffiti removal, tree and shrub planting, and wildflower planting.
- (f) "Applicant" means the individual, organization, agency, or business who has submitted an Adopt-A-Highway Program Application.
- (g) "Caltrans" means the California Department of Transportation.
- (h) "Caltrans Policy" means Caltrans Director's Policy DP-01-R6 *Equal Employment Opportunity*. (Ref. Attachment Appendix A)
- (i) "Contractor" means the maintenance service provider who has been hired to perform adoption tasks for a sponsored adoption.
- (j) "Contractor's Crew Leader" means the contractor's employee responsible for supervising work performed at the adoption site.
- (k) "Courtesy Sign" means the sign placed to recognize the adopter.
- (l) "Deputy District Director, Maintenance" means the senior officer for the Division of Maintenance in a Caltrans District office.

- (m) “District” means one of the twelve Caltrans districts. Each district consists of one or more California counties.
- (n) “District coordinator” means the District Adopt-A-Highway Coordinator or District Assistant Adopt-A-Highway Coordinator.
- (o) “District Permit Engineer” means an individual authorized to sign Adopt-A-Highway encroachment permits for a district’s Division of Traffic Operations.
- (p) “Group Leader” and/or “Alternate Group Leader” mean the members of a volunteer group who have been designated to serve as liaison with Caltrans, to provide safety training to group members, and to supervise work performed at the adoption site.
- (q) “Median” means a paved or planted strip that divides a highway into two directions of travel.
- (r) “Obscene” means the material must have all of the following three characteristics:
1. an average person, applying contemporary community standards, must find that the material as a whole, appeals to the prurient interest;
 2. the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
 3. the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.
- (s) “Organization” means associations, societies, clubs and informal groups of individuals joined by a common purpose. Organizations do not have to exist in a statutory sense in order to participate.
- (t) “Participant” means all individuals who will be performing adoption tasks.
- (u) “Permit” means the Adopt-A-Highway Encroachment Permit issued by Caltrans pursuant to Streets and Highways Code sections 670 and 671.5.
- (v) “Permit Application” means the Adopt-A-Highway Encroachment Permit Application.
- (w) “Permit Package” means all of the documentation issued by Caltrans in conjunction with a Permit, including an Adopt-A-Highway Encroachment Permit, an Attachment A (Adopt-A-Highway Special Provisions), and the Adopt-A-Highway Permit Special Provisions. Permit packages for adoptions that involve vegetation control and/or planting also contain plans and schedules. In its entirety, the permit package is the written agreement between the Caltrans and the adopter.
- (x) “Program” means the Adopt-A-Highway Program.
- (y) “Program Application” means the Adopt-A-Highway Program Application. Submission of a Program Application is the first step in the adoption process.
- (z) “Recognition Panel” means the white, rectangular portion of the courtesy sign where the participant’s name is displayed.
- (aa) “Sexually Explicit” means any reference to sexual intercourse, sexual abuse, the genitals or pubic area of a person.

- (bb) “Sponsor” means an Adopter who has hired a contractor to perform adoption tasks on his/her/its behalf.
- (cc) “Sponsored Adoption” means the Adopter has hired a contractor to perform adoption tasks on his/her/its behalf.
- (dd) “Successive Permit” means a new Permit issued upon expiration of an existing Permit to the same Adopter at the same site.
- (ee) “Statewide Coordinator” means the Statewide Adopt-A-Highway Coordinator or Statewide Assistant Adopt-A-Highway Coordinator
- (ff) “Volunteer Adoption” means the Adopter performs adoption tasks using their own forces.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Section 91.5, 92, California Streets and Highways Code.

Article 3. Eligibility

§ 2622. Adoption Eligibility

- 1) The adoption of a section of highway is a privilege that may be granted by Caltrans in consideration for donated services.
 - (a) Participation in the Adopt-A-Highway Program (Program) shall not be denied on the basis of race, sex, color, religion, national or ethnic origin, age, political affiliation, ancestry, marital status, sexual orientation, disability, or medical condition (except where the disability or medical condition would affect the individual’s or public’s safety).
 - (b) Program participants must be 16 years of age or older.
 - (c) The adopter’s primary and alternate group leaders must be 21 years or older. The primary contact for sororities, fraternities, and other student organizations must be a faculty member of the organization’s school.
 - (d) Caltrans may refuse to grant a request to adopt a section of highway if granting the request would create a hazard to the safety of Caltrans’ employees or the public, violate the Program’s purpose, violate law, or be contrary to Caltrans policy.
 - (e) Because extensive waiting lists for adoption sites exist, Caltrans reserves the right to limit the number of adoptions for a single group to ten permits per district.
 - i) Exceptions to the ten-permit maximum may be granted for remote sites. A site is considered remote if it is located in a rural area, has no waiting list, and has been difficult to adopt or keep adopted. If a waiting list should develop for a site once considered remote, adopters who have more than ten permits will not be allowed a successive permit at that site.

- 2) Applicants who do not meet eligibility requirements will be denied participation in the Program.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Section 91.5, 92, California Streets and Highways Code.

Article 4. Adoption Types

§ 2623. Adoption Types.

Names of adoption types reflect the primary maintenance activity to be performed. Caltrans may modify adoption type activities, add adoption types, or discontinue existing adoption types. Caltrans will provide safety gear, litter pickers, and litter bags to volunteers. Caltrans will provide litter bags to contractors. Caltrans-supplied items will be replenished throughout the permit period. Caltrans will collect filled litter bags from adoption sites. Instructions for preparing plans and schedules will be made available to vegetation control and planting adopters. Unless special arrangements are made with Caltrans, the adopter shall furnish all other equipment, labor, and materials needed to successfully perform adoption tasks. Maintenance activities suitable for work by adopters include:

- 1) Litter Removal: Removing litter several times per year as determined by Caltrans, based on the length of time it takes litter to accumulate at the site. The statewide minimum pickup frequency is six times per year, except in locations where extreme weather conditions (hot or cold) would prevent pickup for three or more consecutive months. In those locations, the minimum frequency is four times per year. Litter removal sites are approximately two miles long. Participants normally adopt both sides of conventional (two-lane) highways but may adopt one or both sides of freeways or wide expressways. Length of site may vary slightly where necessary to accommodate site conditions or adjacent projects.
 - (a) Participation in national cleanup events in the spring and the fall is required. Adopters must remove litter at their adoption site and return a Cleanup Summary for the event to Caltrans.
 - (b) If the pickup frequency specified on the adopter's permit is not adequate to keep an area clean, the pickup frequency will be increased. Thirty A Ninety days' notice of a change in frequency will be given to the adopter. Frequency may be increased only once during the adopter's permit period and that change must occur no earlier than two years from the permit's start date.
- 2) Supplemental Litter Removal: Litter removal to supplement existing litter removal adoptions. Work frequency is determined by Caltrans. No courtesy sign is erected to recognize the adopter.
- 3) Graffiti Removal: Painting over graffiti as needed on one or more highway structures. The size of the site will be determined to ensure that the work performed

by the adopter is comparable to the work performed by other adopters in the same area. Turn around time for graffiti removal is determined by Caltrans Deputy Directive DD-39, which states that graffiti must be removed within ten days. Graffiti of an obscene nature must be removed immediately and therefore will be removed by Caltrans forces.

(a) Paint color will be determined by Caltrans.

(b) Litter removal around the structure(s) at time of graffiti removal may be included as part of the adoption.

4) Vegetation Control: Controlling vegetation according to an approved plan. Sites must be approximately five acres net or two miles of highway roadside. Litter removal prior to vegetation control activities is required. Additional litter removal, separate from a vegetation control work event, may be required. Work frequencies are determined by Caltrans and are based on the length of time it takes for vegetation to grow and litter to accumulate at the site.

(a) Adopters must prepare a site plan, a work plan, and a work schedule and submit them to the district coordinator with the Permit Application for the site.

i. The site plan (or map) illustrates the location of the site within the highway right of way.

ii. The work plan identifies the type of vegetation to be controlled and the control operations to be performed. Work plan information may be included on the site plan.

iii. The work schedule must list anticipated work dates for the entire permit period.

5) Tree and Shrub Planting: Planting and establishing trees and/or shrubs according to an approved plan. Sites must be approximately three acres net. Irrigation, mulching, and year-round weed control are required. Litter removal prior to planting and weed control activities is required. Weed control frequency is determined by Caltrans and based on the length of time it takes for weeds to accumulate at the site.

(a) Adopters must prepare a planting plan, a work plan, and a work schedule and submit them to the district coordinator with the Permit Application for the site. If Caltrans irrigation facilities are to be used, they must be included on the planting plan or on a separate drawing. Installation (or modification) of irrigation systems by adopters is not permitted.

i. The planting plan (or map) illustrates the location of the site within the highway right of way. The plan must show where the trees or shrubs are to be planted and list their quantity and species.

- ii. The work plan identifies the initial site preparation, excavation, planting, and staking operations to be performed. It must also include site maintenance operations to be performed throughout the permit period.
 - iii. The work schedule must list anticipated work dates for all activities described in the planting plan and work plan.
- (b) Once all plants are established (they can survive without watering provided by the adopter), the adoption will be considered complete and a subsequent tree and shrub planting permit will not be issued. Adopters in good standing will be given the option to convert to a vegetation control adoption at that same location.
- 6) Wildflower Planting and “Spot” Wildflower Planting: Planting and establishing wildflowers according to an approved plan. Sites must be approximately three acres net. Year-round weed control is required. Soil preparation and reseeding each fall is required. Litter removal prior to planting and weed control activities is required. Weed control frequency is determined by Caltrans and based on the length of time it takes for weeds to accumulate at the site.
- (a) Spot Wildflower Planting adoptions have no minimum acreage or year-round weed control requirement. No courtesy sign is erected to recognize the adopter for Spot Wildflower Planting adoptions.
- (b) Adopters must prepare a planting plan, a work plan, and a work schedule and submit them to the district coordinator with the Permit Application for the site.
- i. The planting plan (or map) illustrates the location of the site within the highway right of way. The plan must show where the wildflowers are to be planted and list their quantity and species.
 - ii. The work plan identifies the initial site preparation, tilling or digging, and planting operations to be performed. It must also include site maintenance operations to be performed throughout the permit period.
 - iii. The work schedule must list anticipated work dates for all activities described in the planting plan and work plan.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Section 91.5, 91.6, 92, 92.2, California Streets and Highways Code.

Article 5. Adoption Sites

§ 2624. Purpose of Site Reviews

The safety of participants while on the highway right of way is a primary concern for Caltrans. The purpose of a site review is to classify an area in one of two ways, “Adoptable” or “Not Adoptable.” Information obtained during site reviews, such as safe

site access, appropriate work methods, and work frequency will be included in the permit package.

1) Site reviews are required:

- (a) When a new site is designated.
- (b) When an existing site is realigned.
- (c) Following construction at a site.
- (d) Prior to processing a permit application if the site review on file is older than two years.

2) Site reviews for available sites should be returned within 15 days.

3) Site reviews ordered as part of the permit renewal process should be returned within 30 days.

Authority cited: Section 91.5, Streets and Highways Code.

Reference: Sections 91.5, 92, Streets and Highways Code.

§ 2625. Criteria for “Adoptable” Sites

Factors taken into consideration when sites are reviewed are:

1) Worker Safety.

(a) Site Access:

- i. There must be safe access for participants to enter, exit, and work along the site.
- ii. If motorized equipment is to be used, there must be safe access for the equipment to enter, exit, and operate along the site.
- iii. If a stationary vehicle or other equipment is needed to accomplish an adoption task, there must be adequate parking space available off of paved shoulders and at least six feet from the traffic lane. Paved maintenance vehicle pullouts may be used.
- iv. Lane and shoulder closures are not permitted.

2) Location of Work.

- (a) The site must meet the minimum mileage/acreage requirements for each adoption type. (See Article 4 Sec. 2623 Adoption Types.)

- i. Unless otherwise stated in the adopter's Permit, sites located along a segment of highway include any interchanges/ramps within the segment.
 - ii. Districts may create interchange/ramps-only adoption sites. The work load of the interchange/ramps adoption must be comparable to the workload of the adjacent segment.
- (b) Activities performed within environmentally sensitive areas must be compliant with restrictions (e.g., no spraying, no mowing, etc.) set forth in each district's Vegetation Control Plan.
 - (c) Adoption activities are not permitted in medians.
 - (d) Adoption activities are not permitted from one-mile before to one-mile after any federal U.S. Customs and Border Control facility Checkpoint.
 - (e) Adoption activities are not permitted in areas under construction.
 - (f) Adoptions are not permitted if the site is under maintenance agreement with another agency.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2626. Site Classification

There is no obligation for Caltrans to establish an adoption site. Adoptions are intended to reduce, not add to, the Caltrans maintenance work load. Therefore, districts are under no obligation to establish adoption sites even if they meet all site review criteria.

- 1) Sites classified as "Not Adoptable" require a primary reason for the classification to be stated.
- 2) Change of Site Classification.
 - (a) Site classifications may be changed when conditions at the site change or when site review criteria changes.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

Article 6. Courtesy Signs

§ 2627. Purpose

Caltrans may recognize contributions made through the Program by installing a courtesy sign. Although there is advertising value inherent in the signs, they are not intended to be

an advertising medium. Their sole purpose is to identify the adopter, not to advertise what services the adopter provides, what products they sell, or where they are located. The Program and its courtesy signs are not a forum for advertisement, solicitation, or public discourse for participants.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2628. Installation, Location, and Cost of Courtesy Signs

- 1) One sign may be erected in each direction of the adoption. Courtesy signs are to be placed near the beginning of each adoption site on the right shoulder of the highway.
- 2) The size of the sign will be determined by its location.
- 3) The exact placement of courtesy signs will be determined by each district's Division of Traffic Operations.
- 4) Courtesy signs and recognition panels will be provided, installed, and maintained by Caltrans for each project at no cost to the adopter. However, adopters may incur some cost for the artwork to be displayed on their recognition panel.
- 5) Adopters are not guaranteed a courtesy sign. If a courtesy sign will not be authorized, this will be disclosed before the Permit Application is processed.
 - (a) Signs will not be installed to recognize Supplemental Litter Removal or "Spot" Wildflower Planting adoptions.
 - (b) Signs will not be installed or recognition panels placed, to recognize adopters if the placement of such signs would serve to intimidate members of the general public, create unreasonable conflict, or possibly incite violence, or would affect the privacy of nearby residents.

Authority cited: FHWA Policy Memorandum – Manual on Uniform Traffic Control Devices, Optional Use of Acknowledgment Signs on Highway Rights-of-Way. August 10, 2005.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2629. Recognition Panels

- 1) Courtesy signs shall conform to the Federal Highway Administration's *Manual of Uniform Traffic Control Devices*.
- 2) In all circumstances, the appearance and content of recognition panels is solely determined by Caltrans. Caltrans will post recognition panel design rules governing content, lettering, and logos on the Program Internet site or they may be referenced in Appendix B of these regulations. Appendix B, the *Adopt-A-Highway Recognition*

Panel Design Guidelines, contains a complete listing of all panel design rules and describes limited exceptions to the following general policy:

- (a) Recognition panels shall display:
 - i. The name of the individual (or multiple individuals) listed on the Permit Application.
 - ii. The name of an individual or family in whose memory the adoption is being made.
 - iii. The name and/or logo of the organization, agency, or business listed on the Permit Application.
- (b) Recognition panels shall not display:
 - i. Graphics or borders that are not part of a logo.
 - ii. Because Program signs are viewed by children, wording that implies or is obscene or sexually explicit.
 - iii. Adopter names or logos that violate the law or Caltrans' policy.
 - iv. Any form of advertising, including, but not limited to, street, email, and Internet addresses, directions, telephone numbers, dates, slogans, products, or services.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2630. Courtesy Sign Maintenance

- 1) If a sign and/or recognition panel is vandalized, Caltrans will replace or repair them-it as needed. However, maintenance, repair, and/or replacement of warning signs and regulatory signs have priority over repair and/or replacement of Program signs, twice during a permit period.
 - (a) If a custom panel must be replaced, adopters who have purchased custom panels will have the option to purchase provide another custom panel or to have Caltrans provide a standard panel at no cost.
 - (a) If the second replacement sign and/or recognition panel is vandalized, Caltrans will remove any remaining sign components and another sign will not be erected unless the adopter is willing to have all components replaced at his/her/its own cost.
- (b) Persons caught vandalizing courtesy signs will be prosecuted to the full extent of the law.

- 2) Signs placed at locations about to undergo construction must be removed and stored by Caltrans. After the construction is complete and a site review has determined that the site is still adoptable, Caltrans shall reinstall the sign.
- 3) Anytime a recognition panel is replaced, the new panel must be compliant with current panel rules.
- 4) Recognition panels altered or decorated by the adopter will be removed and the adopter's permit may be cancelled.
- 5) Caltrans will remove courtesy signs from vacant non-litter sites ~~or sites~~ if they are not being actively marketed.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

Article 7. Volunteer and Sponsor Participants

§ 2631. Options

Adopters have the option to perform adoption tasks themselves as volunteers, or to sponsor an adoption by hiring a contractor to perform all or a portion of the adoption tasks on their behalf. Volunteer groups may convert to a sponsorship at any time during the course of an adoption. Regardless of who performs the work, Caltrans will not charge a fee to participate in the Program or for failure to complete a permit period.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2632. Shared Adoptions

One or more parties may participate as co-adopters. When one party of a shared adoption no longer wishes to participate, the remaining adopter has 30 days to notify Caltrans and select one of the following options:

- 1) Take over responsibility for the entire site.
- 2) If the adoption site covers both directions of a highway, the remaining adopter may relinquish one direction and work (or sponsor) the remaining direction.
- 3) If no waiting list exists, the remaining adopter can try to recruit a new co-adopter.
- 4) If a waiting list exists, the first group on that list can be offered the opportunity to co-adopt with the remaining adopter, ~~or~~.
- 5) Relinquish the adoption.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2633. Relationship of Contractors, Sponsors, and Caltrans

Caltrans has no authority or involvement in the contracts established between sponsors and contractors. Sponsors are responsible for obtaining and discontinuing the services of contractors.

- 1) A sponsor may hire one or more contractors.
- 2) Each contractor must submit a separate permit application. Contractors may not subcontract.
- 3) If a contractor's permit is revoked, the sponsor will have 30 days to hire another contractor or to convert to a volunteer adoption.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2634. List of Contractors

- 1) The statewide coordinator will maintain a list of licensed and insured contractors for public distribution. Only listed contractors will be issued permits. The listing is for informational purposes only and does not constitute endorsement by Caltrans or any of its employees.
 - (a) In order to be added to the list, contractors must:
 - i. Provide proof of general liability, excess liability, workman's compensation, and vehicular insurance in the coverage amounts set by Caltrans. All certificates of liability insurance shall name the State of California Department of Transportation as an additional insured. (Ref. Appendix C.)
 - ii. Provide proof of professional licensing by the California State Contractors Licensing Board (CSLB) and/or the California Department of Pesticide Regulations (DPR) if required for services to be provided. (Ref. Appendix C.)
 - iii. Attend a meeting with the district coordinator for each district in which they want to offer services. The statewide coordinator may also attend these meetings.
 - (b) Failure of a contractor to meet any of the following requirements shall result in the contractor's name being removed from the list and cancellation of all affected permits:

- i. Provide proof of continuous insurance coverage and professional licensing to Caltrans. Copies of renewed policies and licenses must be received prior to the expiration of those previously submitted.
 - ii. Provide 30 days notice to Caltrans of any plans to reduce and/or cancel coverage(s) or professional licenses.
 - iii. Conform to all laws and regulations concerning business and professional licensing, worker's compensation insurance, and fair employment practices.
 - iv. Conform to all provisions listed in the contractor's encroachment permit package.
- (c) Contractors must not falsify a sponsor's signature, business license, or other document submitted to Caltrans on behalf of the sponsor.
- i. If the falsification occurs at the Program Application stage, the Program Application will be denied.
 - ii. If the falsification occurs at the Permit Application stage, the Permit Application will be denied.
 - iii. In either case, a denial letter explaining the offense and the consequence will be written to the sponsor and copies sent to the contractor. In addition, the contractor will receive a formal warning letter.
 - iv. If the sponsor still wishes to participate in the Program, they must go through the adoption process again starting with the submission of a new Program Application.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

Article 8. Program Application

§ 2635. Purpose

The Program Application initiates the adoption process. The adopter's intention to hire a contractor must be disclosed on the Program Application. Contractors may submit a Program Application on behalf of a sponsor group. Program Applications may be sent submitted to the district coordinator by mail, facsimile transmission, or electronically. by email to the district coordinator.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2636. Process

To begin the adoption process, all applicants must submit a Program Application. This form can be printed from the Program website: <http://adopt-a-highway.dot.ca.gov/>, the contractor's database, or requested from the district coordinator. If two or more applicants plan to share an adoption, each must submit a separate application.

- 1) The application must be filled out completely.
 - (a) Business applicants must provide proof of legal business name when a Program Application is submitted. The following documents can be used to verify a business name:
 - i. Business license.
 - ii. City or county tax certificate.
 - iii. Articles of incorporation.
 - iv. Screen print from the Secretary of State's business portal showing an active status for domestic (in California) or foreign (out of state or country) corporation, LP, or LLP: <http://kepler.sos.ca.gov/list.html>.
 - v. Certificate of Registration (issued by the Secretary of State) is acceptable verification for out-of-state web entities.
 - vi. Subsidiaries and franchises may not be able to provide any of the documents listed above for name verification. In this case, one of the documents listed above must be submitted for the parent company along with a Fictitious Business Name Statement showing the parent company "doing business as" the subsidiary or franchise.
- 2) When a Program Application is received, the district coordinator:
 - (a) Date stamps and initials the front of the application.
 - (b) Verifies that the application is complete.
 - i. If the application is not filled out properly, or is incomplete, the district coordinator will contact the applicant to obtain the missing information.
 - ii. The date that the missing or incomplete information is received will be noted on the front of the application.
 - (c) Applications will be collected by the district coordinator each week. On the following Monday (or the first work day thereafter), the application will be forwarded to the office of the Deputy District Director, Maintenance. The Deputy

District Director, Maintenance will have one week to approve or disapprove the applicant's eligibility.

i. ~~If two or more applicants plan to share an adoption, each applicant must submit his/her/its own application.~~

i. If the group applicant is not eligible for participation, the district coordinator will send an explanatory letter to the applicant or the contractor who submitted the application within 30 days of receipt of the completed application. If a sponsor's application was submitted by a contractor, a copy of the denial letter will be sent to the contractor.

ii. ~~There is no appeal process for denied Program Applications.~~

(d) Appeal process.

i. Applicants appealing a denial must submit a written appeal to the District Director within 30 days of the denial letter's issue date.

ii. The appeal must provide proof that the eligibility criteria in question has been met.

iii. The District Director must respond, in writing, with a decision to either confirm or reverse the denial within 30 days of receipt of the appeal.

iv. The district coordinator must notify the statewide coordinator when a group has been denied.

3) Once the applicant's eligibility has been approved, the district coordinator will order site reviews for any sites requested that are immediately available for adoption, if the site review on file is more than two years old.

4) The district coordinator will sends an Application Status Letter within 30 days of receipt of the completed application to the group or contractor who submitted the application, indicating the action to be taken for each of the requested site(s).

(a) If a requested site is already adopted, does not have a current site review, or is under construction, the group will be placed on a waiting list.

(b) If a requested site is classified as "Not Adoptable," no further action will be taken.

(c) If a requested site is available, the following items will be enclosed:

i. A list of documents required before a Permit can be issued with a clearly-stated deadline for their return.

ii. Permit Applications for each available site.

iii. If needed, instructions for preparation of plans and schedules.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

Article 9. Waiting List

§ 2637. Establishment of Waiting Lists

Districts shall establish waiting lists for sites desired by more than one applicant. Only parties who have submitted a Program Application and whose eligibility has been approved can be placed on a waiting list. Applicants are responsible for notifying Caltrans of any change in his/her/its contact information.

Authority cited: Section 91.5, Streets and Highways Code.
Reference: Sections 91.5, 92, Streets and Highways Code.

§ 2638. Process

- 1) Waiting list applicants will be ranked according to the date that a completed Program Application was received by the district coordinator.
- 2) Displaced Adopters.
 - (a) Revoked Permits: Adopters in good standing who have had his/her/its permits cancelled due to a change in site classification will be given a “displaced adopter” status. Displaced adopters are allowed to choose one of the following options:
 - i. Allow the permit to be revoked with no further action.
 - ii. Be placed first on the waiting list for sites within ten miles in either direction of the lost site (on the same highway):
 - A) If more than one adopter is displaced, they will be ranked according to the numbers of years they had an active permit issued for the lost site.
 - B) A displaced adopter will only be given one offer to adopt a site. If they refuse the offer, they will lose their displaced adopter status. Waiting list entries created as a result of their displaced adopter status will be deleted.
 - C) Once a displaced adopter accepts an alternate site, the remaining waiting list entries created as a result of their displaced adopter status will be deleted.
 - (b) Suspended Permits: If an adopter’s permit is suspended because the site is under construction, adopters in good standing may choose to either:
 - i. Give up the site and be placed on the waiting list with the displaced adopter status.

- ii. Decline the option to be placed on the displaced adopter wait list and wait until construction is completed.
 - A) When construction is completed, a new site review will be performed.
 - B) If the site ~~is~~ remains adoptable, the permit's suspension will be lifted. If the permit expired during construction, they will be given a new Permit Application to apply for a successive permit.
 - C) If the site is no longer adoptable, the suspended permit will be revoked and the adopter will be notified.
- 3) Available Site: When a site with a waiting list becomes available, a site review is ordered if the site review on file is more than two years old.
 - (a) If the site is not adoptable, the site's waiting list will be discontinued and all applicants waiting for the site will be notified.
 - (b) If the site is adoptable:
 - i. The district coordinator will contact the first applicant, or the contractor who submitted the Program Application on their behalf, to see if they are still interested in the site. If no longer interested, or if they cannot be reached because their contact information is invalid, the district coordinator will move on to the next applicant until an interested party is contacted.
 - ii. The waiting list applicant will be sent:
 - A) A Permit Application.
 - B) A list of documents required before a permit can be issued with a clearly-stated deadline for their return.
 - C) If needed, instructions for preparation of plans and schedules.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

Article 10. Permit Application

§ 2639. Purpose

A Permit Application is used to apply for an encroachment permit for a specific, available site.

- 1) There is no fee charged for Program Permits.

- 2) Permit provisions are subject to modification or abrogation by Caltrans at any time.
- 3) Adopters may cancel their Permit at any time without consequence from Caltrans.
 - (a) If a sponsor's Permit is canceled, the contractor's permit is no longer valid and must also be canceled.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2640. Process

- 1) Hard-copy Permit Applications must be originated by Caltrans district coordinators.
 - (a) If a newly vacated site has a waiting list, the district coordinator has a maximum of ninety days to issue a Permit Application for the site. District coordinators will not be held to the 90 day maximum if:
 - i. The site is no longer adoptable.
 - ii. The first waiting list applicant is no longer interested in participating.
 - iii. The first waiting list applicant does not return a Program Application by the deadline given.
 - iv. The first waiting list applicant's eligibility is not approved.
- 2) Contractors and sponsors must sign and return separate Permit Applications. A contractor may prepare and mail required documents on behalf of a sponsor, but the sponsor must personally sign the Permit Application.
- 3) Permit Applications may not be returned to Caltrans by facsimile transmission.
- 4) Once the on-line Permit Application process has been implemented, applicants will have the option to either submit a hard-copy Permit Application or to submit a Permit Application via the Caltrans Internet site.
- 5) Upon receipt of the Permit Application, the district coordinator:
 - (a) Verifies that the hard-copy application is a Caltrans-generated form and that it is properly completed and signed.
 - (b) Verifies that all other requested documentation has been submitted and if necessary:
 - i) Forwards submitted plans and work schedule to a District Landscape Specialist for approval.
 - ii) Approves submitted recognition panel design.

- 6) Once the Permit Application, the recognition panel design, and any required plans and schedules have been approved, the Permit Application is deemed “complete.”
 - (a) The district coordinator will write the date completed on the face of the Permit Application and enter the date completed in the district database.
 - (b) The Permit Application and all documents to be included in the permit package are then forwarded to the office of the District Permit Engineer for processing within five days.
- 7) The District Permit Engineer must confirm that all documents are “complete,” after which Caltrans has 55 days to issue the permit.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Sections 91.5, 92, California Streets and Highways Code.

Reference: Sections 671.5, California Streets and Highways Code.

§ 2641. Successive Permits

An adopter may apply for a successive permit an unlimited number of times provided they and/or their contractor have satisfactorily met the terms of their existing permit and the site remains suitable for adoption. The issuance of a first permit does not set precedence. Caltrans is under no obligation to grant successive permits.

- 1) Request for a successive permit.
 - (a) If the adopter wishes to reapply, a notice of such intent shall be submitted to the district coordinator at least 30 days prior to the expiration date of the permit.
 - (b) As a courtesy, district coordinators may initiate the successive permit process by contacting the adopter or their contractor.
- 2) A new site review is performed near the end of each permit period.
 - (a) If the site remains adoptable, any resulting changes in work frequency or in work procedures must be communicated to the adopter when they reapply.
 - (b) If the site is no longer adoptable, the existing permit will be immediately revoked. If the site is scheduled to undergo construction in the near future, a new permit will not be issued. In either case, groups or contractors who have satisfactorily met the terms of their existing permit the group will be offered the same waiting list options as would be available had these conditions happened during the permit period (See Article 9, Section 2638. 2).
- 3) Review of the group’s/contractor’s performance.
 - (a) Volunteer groups who have not satisfactorily met permit requirements will not be issued a successive permit.

- (b) Sponsors, whose contractor has not satisfactorily met permit requirements, must obtain the services of a different contractor in order to reapply.
- 4) Transfer of permit. Permits shall not be transferred to another party.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

Article 11. Safety Orientation

§ 2642. Purpose

A safety orientation is provided by Caltrans to ensure that the group leader or the contractor's crew leader has received notice of the requirements set forth in their permit package. Since site-specific information is discussed, a separate safety orientation form must be signed for each adoption site.

- 1) Volunteer adopters will be issued safety training materials, safety gear, and if needed, litter pickers and litter bags at the conclusion of the safety orientation.
- 2) Contractors are to make arrangements with districts regarding distribution of litter bags.
- 3) Contractors, who have received authorization to install or replace the site's recognition panel, will receive a Recognition Panel Installation Order at the conclusion of the safety orientation.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2643. Who Must Attend

It is the responsibility of the volunteer group leader or the contractor to schedule the safety orientation.

- 1) Volunteers: Unless other arrangements are made with Caltrans, the primary contact listed on the Permit Application is the presumed group leader and is mandated by their permit to attend a safety orientation. The alternate contact and/or other member of the adopter's group may also attend.
- 2) Contractors: The person who will be supervising the crew while they are performing adoption tasks is mandated by the contractor's permit to attend a safety orientation.

Authority cited: Section 91.5, California Streets and Highways Code.
Reference: Sections 91.5, 92, California Streets and Highways Code.

§ 2644. When a Safety Orientation is Required

- 1) New permits: After a new permit is issued, but before work can begin, a documented Safety Orientation must occur.
- 2) Change of leader during a permit period: If a new group leader or contractor's crew leader is designated during the permit period, he/she must be given a safety orientation by Caltrans, not by the previous leader.
- 3) Change of leader at the beginning of a successive permit period: Successive permits: Safety orientations are not required if the Safety Orientation form on file from the previous permit is signed by the same group leader or contractor's crew leader named on designated for the new permit period. However, if the group leader or crew leader is new, a new safety orientation is required.
- 4) After construction resulting in a permit's suspension: If conditions at the site have changed, a new safety orientation is required before the permit's suspension will be lifted.
- 5) At the request of a Caltrans maintenance supervisor: The maintenance supervisor responsible for the site may request a corrective safety orientation at any time during the permit period if the adopter or crew contractor is found to be in violation of their permit.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Section 91.5, 92, California Streets and Highways Code.

Article 12. Performance Monitoring

§ 2645. Purpose

Performing work under a permit constitutes acceptance by the adopter of all requirements listed in their encroachment permit package. Adopter's performance is monitored by the maintenance supervisor (or his/her designee) responsible for the site. Performance reviews for work quality must take place within 24 hours of the actual work performed. If a permit violation or Caltrans policy violation occurs, the district shall take one of the following actions:

- 1) Informal Warning.
 - (a) Informal warnings are instructive in nature and are intended to correct work performance problems and encourage safe participation. The district coordinator or maintenance supervisor (or his/her designee) responsible for the site will make verbal contact with the group leader or the contractor's primary contact to point out the permit violations(s).

(b) A description of the violation(s) and any corrective action required will be clearly communicated to the adopter and documented for future reference.

2) Formal Warning.

(a) Formal warnings are admonitory in nature and inform the adopter that their permit will be revoked if the violation(s) continue. The maintenance supervisor (or his/her designee) responsible for the site shall inform the district coordinator of the violation. The district coordinator shall send a warning letter to the adopter stating the violation(s) which occurred and if necessary, set a deadline by which the violation(s) must be corrected.

i. Volunteers: Formal warning letters are sent to the volunteer group leader.

ii. Contractors: Formal warning letters are sent to the sponsor's primary contact. Copies are sent to the sponsor's contractor.

3) Revoking a Permit.

(a) A permit will be revoked if a third formal warning is issued. The formal warnings need not be for the same violation.

(b) Caltrans will immediately revoke the permit of an adopter whose workers act with a deliberate disregard for their own safety, the safety of Caltrans employees, or the safety of the traveling public.

(c) Caltrans may immediately revoke the permit of an adopter or contractor whose workers violate Caltrans Policy. This policy ensures Caltrans employees a work environment free from all forms of discrimination and harassment. Retaliation against Caltrans employees who are engaged in the implementation of the policy would constitute a violation of this policy.

(d) If a contractor's permit is revoked, the sponsor will have 30 days to hire another contractor or to convert to a volunteer adoption.

4) Future Disqualification from Participation

(a) Volunteers: Volunteer adopters whose permits have been revoked for permit violations cannot apply for another volunteer adoption. However, they may apply for a sponsored adoption.

(b) Contractors: Depending on the violation(s), a contractor may have more than one permit revoked.

i. If the violation is site-specific, only the permit for that site will be revoked. The contractor will not be issued another permit for that location, regardless of the sponsor group.

- ii. If a contractor has more than three permits revoked in a single district, all of the contractor's permits in that district will be revoked and the contractor will be disqualified from any future participation in that district. The contractor's name will be removed from the contractor's list for that district only.

- iii. If a contractor is disqualified from a second district, the contractor will be permanently removed from the contractor's list for all districts. The contractor's existing permits in other districts will not be revoked if the contractor is meeting permit provisions. However, no new or successive permits will be issued to that contractor in any district.

Authority cited: Section 91.5, California Streets and Highways Code.

Reference: Section 91.5, 92, California Streets and Highways Code.

Director's Policy

Number: DP-01-R6

Effective Date: July 2006

Supersedes: DP-01-R5 (01/06/2005)

TITLE Equal Employment Opportunity

POLICY

The California Department of Transportation (Department) uses merit and excellence of qualifications as the basic principles guiding the Department's Equal Employment Opportunity (EEO) efforts, in regards to employee recruitment, hiring, retention, training, transfers, promotions, and related public and private sector business activities.

The Department supports a "Zero Tolerance" policy of discrimination and harassment in providing EEO to all applicants, employees, clients, and customers, without regard to race, sex, color, religion, national or ethnic origin, age, political affiliation, ancestry, marital status, sexual orientation, disability, or medical condition. Retaliation against Department employees, applicants, vendors, contractors, special service employees, or an employee of another state department or agency, who are engaged in the implementation of the EEO policy, would constitute a violation.

INTENDED RESULTS

The Department's EEO policy has been developed to ensure a work environment free from all forms of discrimination and harassment for its diversified work force. The principles of EEO are utilized in all employment decisions and business practices, unless such practices violate state and federal laws and statutes, court orders, or result in a loss of federal funds.

RESPONSIBILITIES

Deputy Directors, District Directors, Chief and Deputy District Directors, Division Chiefs, Managers, and Supervisors:

- Ensure the work environment is free from discrimination and harassment by ensuring that program objectives, standards, and practices are in compliance with equal employment opportunity guidelines, to the extent allowed by law.

Deputy Director, Office of Civil Rights:

- Ensures the Department's EEO program and plan are fully implemented and enforced in all departmental programs and business activities.

Deputy Director, Administration:

- Ensures that employment recruitment, hiring, retention, training, transfers, promotions, and business activities are in compliance with EEO guidelines.
- Ensures active recruitment efforts of qualified applicants are broad and inclusive of all segments of the relevant work force.

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- Ensures implementation of the Department's Reasonable Accommodation Program.

Chief, Office of Equal Opportunity:

- Prepares the Department's annual EEO Plan, including Workforce Analysis, Upward Mobility, and Persons with Disabilities Plan.
- Provides EEO technical assistance to managers and supervisors, and ensures departmental employees receive comprehensive EEO awareness training.
- Provides oversight for the Department's informal and formal discrimination complaint processes.

Manager, Equal Employment Opportunity Program:

- Ensures comprehensive, neutral, and timely investigations of formal discrimination complaints and uniform complaint intake processes in a manner consistent with the Department's EEO Investigations Procedural Manual.

District and Headquarters EEO Managers, Officers, and Coordinators:

- Ensure the implementation and monitoring of District programs and business activities to ensure compliance with EEO guidelines and Office of Equal Opportunity directives and maintain a work environment free from discrimination and harassment.

Employees, Applicants, and Business Partners:

- Ensure fellow employees, business partners, and the general public are treated with dignity and respect in a work environment free from discrimination and harassment.

APPLICABILITY

All departmental employees, applicants, and business partners.

Original Signed By

WILL KEMPTON
Director

Date Signed

"Caltrans improves mobility across California"



ADOPT-A-HIGHWAY

Recognition Panel Design Guidelines

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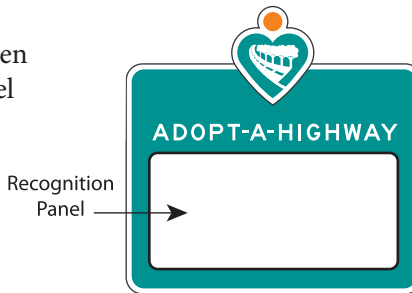


PURPOSE OF SIGNS

Although there is advertising value inherent in Adopt-A-Highway (AAH) signs, they are not intended to be an advertising medium. Their sole purpose is to identify the adopter, not to advertise what services the adopter provides, what products they sell, or where they are located. The appearance and content of recognition panels is solely determined by Caltrans.

RECOGNITION PANEL DOCUMENTATION

Although applicants should discuss their panel's design with their District AAH Coordinator when they submit an AAH Program Application, panel documentation is not needed until a requested site becomes available. At that time, the District AAH Coordinator will send an AAH Permit Application and a list of any needed documentation to the applicant. Permits will not be issued until all required documentation has been received and approved by the District AAH Coordinator.



WHAT CAN BE DISPLAYED ON RECOGNITION PANELS?

Usually, the name entered on the AAH Program Application will be displayed on the recognition panel. However, panel rules for individuals, organizations, agencies, and businesses allow a few exceptions.

Individuals

Individual adopters may display their first and last name or only their first name. A middle name or initial may be displayed along with a first name or a first and last name.

- **Additional Text is Not Permitted:** Salutations or titles, including abbreviations of academic degrees, are not permitted. Graphics are not permitted.



Acceptable



Acceptable



Acceptable

Organizations

Organizations have the option to display their name, their logo along with their name, or to display only their logo. Informal groups of individuals, established for the purpose of participating in the AAH Program, are subject to panel rules for organizations.

- **Additional Text is Permitted Under the Following Circumstances:** If necessary to identify an organization as different from another same-named organization, the panel may display a community name or organization number. Same-named student organizations, may display the name or abbreviation of their campus.





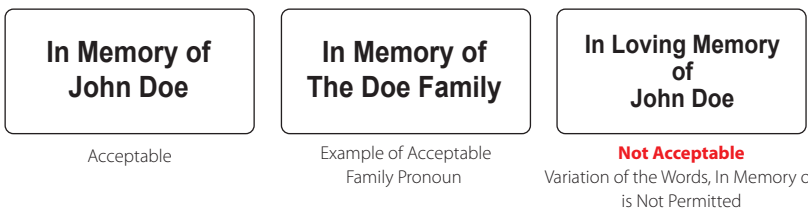
- Chapters of national or international organizations may display the parent organization's logo.



Memorials

Only the words, “In Memory of,” plus the deceased person’s name(s) can be displayed on the recognition panel. The AAH Program Application must exactly reflect the words to be displayed on the recognition panel. The deceased person’s first name(s) may be used without displaying the last name. A middle name or initial may be displayed along with a first name or a first and last name. If several family members are to be memorialized on a panel, use of family pronouns will be considered by Headquarters AAH Coordinators on a case-by-case basis.

- Additional Text is Not Permitted:** Variations of the words, “In Memory of,” will not be approved.



Caltrans will not place a new memorial panel, or will remove an existing memorial panel, if there is written opposition from an immediate family member of the deceased. An immediate family member is a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, grandmother, father, stepfather, or grandfather.

Note: Victims of DUI accidents may qualify for the Victims Memorial Sign Program offered by Caltrans Traffic Operations. For more information, refer to: <http://www.dot.ca.gov/hq/traffops/signtech/signdel/victims.htm>

Shared Adoptions

Adoptions that are shared by two or more parties receive a single courtesy sign and a single recognition panel. Panel rules are applied separately for each adopter. For example, if an individual and an organization were sharing an adoption, the individual would need to abide by the panel rules for individuals and the organization would need to abide by the panel rules for organizations. Up to four adopter’s names may fit on an single panel.



Businesses and Agencies

Government agencies are subject to panel rules for businesses. Businesses have the option to display their logo along with their name or to display only their logo. Businesses can choose to display or omit corporate indicators, such as Inc., Co., etc.



Acceptable *If* This is a Business Name

- **Businesses Named After Individuals:** A person's name and title may be displayed only if that is the legal name of their business.
- **Names that Include Products or Services:** Names such as "Doe's Burgers" or "Doe's Plumbing" are acceptable if that is the legal name of their business.
- **Names that Include Street or Community Names:** Names such as "Second Street Pharmacy" or "Granite Bay Surf Shop" are acceptable if that is the legal name of their business.
- **Additional Text is Permitted Under the Following Circumstances:**
 - **Same-Named Businesses:** If necessary to identify a business as different from another same-named business, the panel may display a community name. If two same-named businesses are in the same community, then the street name (not the address) may be displayed instead of a community name.



Acceptable
There is More Than One
Doe's Restaurant



Acceptable
There is More Than One
Doe's Restaurant in Barstow



Not Acceptable
Adopter May Add Only
One Identifier

- **Brokers, Agents, and Automobile Dealerships:** Commodities brokers, real estate agents, authorized automobile dealerships, and insurance agents may display the logo of the corporation they represent. The panel can recognize an individual agent or the business, but not both. (The application and subsequent permit must show the agent's name or the business' name, but not both.)

In the first example below, the name of the business is Doe's Insurance. The agent's name is Jane Doe.



Acceptable
Agent's Name and Agency Logo



Not Acceptable
Cannot Include Both
Agent's Name and Agency Name



Acceptable
Agency Name and Agency Logo



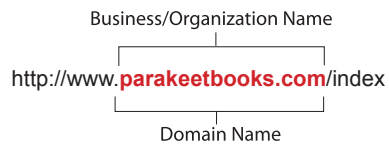
In the next example, “Cal-State Cars” is the name of an automobile manufacturer. “Doe’s Cal-State Cars” is the name of an authorized Cal-State Cars dealership; “Your Car Lot” is not an authorized dealership.



- **Displaying Logos of Multiple Franchises:** Increasing numbers of business owners are combining two or more franchise operations at the same location. For example, Jane Doe has a business license under the name of “Jane’s Gas Stop.” Jane also owns franchises for “Tank Up” gasoline and “Doe’s Burgers” restaurants and operates both franchises at Jane’s Gas Stop. Jane can display both the Tank Up and Doe’s Burgers logos on her panel along with the words, Jane’s Gas Stop.

Web-Based Organizations or Businesses

Entities that operate exclusively on the Internet and whose legal name is the same as appears in their web address’ domain name, may be permitted to display their name on their recognition panel.



District AAH Coordinators will examine web sites to ensure that applicants operate exclusively on the Internet. If the site lists the address of a meeting location or a location where customers can obtain goods or services, then the organization would be disqualified. Parakeetbooks.com would qualify because:

- Parakeetbooks.com is an Internet-based business. (There are no physical, Parakeetbooks stores.)
- Parakeetbooks.com is the domain name of their home page.
- Parakeetbooks.com has submitted proof that their business name is the same as their domain name.

Very few businesses or organizations can meet these requirements.

Web-based entities have the option of displaying their logo along with their name or displaying only their logo. Domain names that are acronyms of a business name are permitted. For example, SDGR.com would be permitted for an Internet business named StatewideDirectoryOfGourmetRestaurants.com.

Businesses Whose Names are Telephone Numbers

Entities that operate exclusively over the telephone and whose legal business name is the same as their phone number, may be permitted to display their phone number



on their recognition panel. Such entities will be examined on a case-by-case basis and will be subject to the same rules and restrictions as web-based entities.

COST OF SIGNS

AAH courtesy signs will be provided, installed, and maintained by Caltrans for each adoption at no cost to the adopter. Recognition panel “overlays” are attached to the courtesy signs when a site is adopted. Depending on the recognition panel style chosen, adopters may incur some cost for their recognition panel(s).

RECOGNITION PANEL STYLES

Standard Panel (Name Only)

Caltrans will provide standard recognition panels at no cost to the adopter. Standard panels display the group’s name in black, standard highway font (similar to Arial or Helvetica).



Standard Panel with Logo

Logos for organizations or businesses can be added to a standard panel. (Logos are not permitted for individuals.) Logos must have adhesive backing. The adopter must purchase the logo and then deliver it to Caltrans. There is no fee charged to place a logo onto a standard panel.



Note: Words in a logo may not be combined with part of a name to create the full name.



Not Acceptable

Custom Panel (Name Only, Logo Only, or Name and Logo)

If all panel elements are purchased by the adopter, the panel is called a “custom” panel. Elements can be delivered to Caltrans for application onto a blank panel, or, a completed panel can be delivered. Caltrans will supply blank recognition panels at no cost to participants who choose the latter option. If the logo and/or lettering is silk screened onto the panel, the entire panel must have graffiti protection. Adopters can obtain a list of approved protective sheeting and coatings from their District AAH Coordinator. There is no fee charged for installation of completed panels. If the adopter chooses to deliver panel elements to Caltrans, they must have adhesive backing. There is no fee charged for placing panel elements onto a panel.

Reducing a panel design to one-half inch in height will help to determine how a panel will appear to passing motorists.

A standard panel will often provide better recognition than a custom panel as shown in the examples at right.



Adopter Supplied
Name-Only Panel



Caltrans Supplied
Standard Panel



Adopter Supplied
Logo-Only Panel

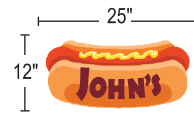


RECOGNITION PANEL DOCUMENTATION REQUIREMENTS

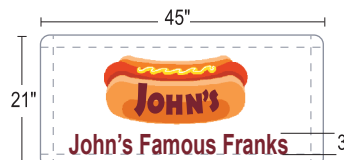
Design Proof

A design proof is required for any panel item to be provided by the adopter.

- If there will be colored items on the panel, the design proof must be in color.
- Scaling must be proportional. Elements must not be pulled, stretched, squeezed, condensed, or otherwise altered or embellished to fit a particular space.
- Logos with lettering and graphics must be scaled as a unit so that all parts are re-sized proportionately.



Scaled Design Proof of Logo to be Placed on Standard Panel



Scaled Design Proof of Entire Panel to be Supplied by Adopter

Logo Verification

A logo may contain a graphic only, text only, or both. For example, these are all acceptable versions of the Caltrans logo.



- **Individuals:** Individuals may not display logos on their panels.
- **Businesses, Agencies, and Organizations:** Businesses, agencies, and organizations must provide a colored example of the proposed logo being used in a corporate document. The following documents can be used to verify a logo:
 - Business card
 - Letterhead
 - Photo of store signage
 - Web site heading
 - Corporate identity document
 - Other corporate document

NOTE: Advertisements may not be used for logo verification.

Logos Containing Advertising Elements

Logos containing the following items are not permitted unless they are a part of a verified business name:

- Slogans
- Services provided
- Products and product descriptions



-
- Telephone numbers, addresses (e-mail, Internet, street, etc.), directions, or exit ramps
 - **Any other form of advertisement**

Exceptions will not be granted even if the prohibited item is part of a trademarked logo. If a business or organization cannot provide an example of a commonly used logo that meets AAH panel design criteria, they must use a name-only panel.

Name Verification

- **Individuals:** No name verification is required.
- **Organizations:** No name verification is required unless the proposed panel design contains an item listed on the previous page in “Logos Containing Advertising Elements.” In addition to the documents listed for business name verification, organizational bylaws may be used to verify an organization’s name.
- **Businesses:** Business applicants must provide proof of legal business name when an AAH Program Application is submitted. The following documents can be used to verify a business name:
 - Business license
 - City or county tax certificate
 - Articles of incorporation
 - Screen print from the Secretary of State’s business portal, <http://kepler.sos.ca.gov/list.html>, showing an active status for domestic (in California) or foreign (out of state or country) corporation, LP, or LLP
 - Certificate of Registration (issued by the Secretary of State) is acceptable verification for out-of-state web entities
 - **Subsidiaries and Franchises:** Subsidiaries and franchises may not be able to provide any of the documents listed above for name verification. In this case, one of the documents listed above must be submitted for the parent company along with a fictitious business name statement showing the parent company “doing business as” the subsidiary or franchise.

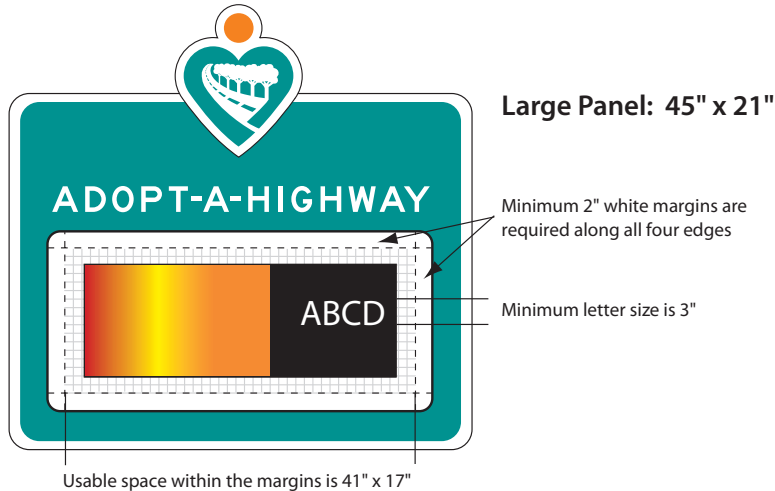
For example, Jane’s Cookie Shop, a subsidiary of Doe’s Foods, Inc., wants to adopt a section of highway but they do not have any of the documents listed above. In order to proceed with the adoption, an AAH Program Application must be submitted using both their name and the name of their parent company. Then a business license for Doe’s Foods, Inc. and a fictitious business name statement showing that Doe’s Foods, Inc. is doing business as Jane’s Cookie Shop can be provided to satisfy the name verification requirement. The recognition panel can display the Jane’s Cookie Shop name or logo or both.

APPLICANT INFORMATION (*Businesses must submit a*
INDIVIDUAL, ORGANIZATION, OR BUSINESS NAME
Doe’s Foods, Inc./Jane’s Cookie Shop

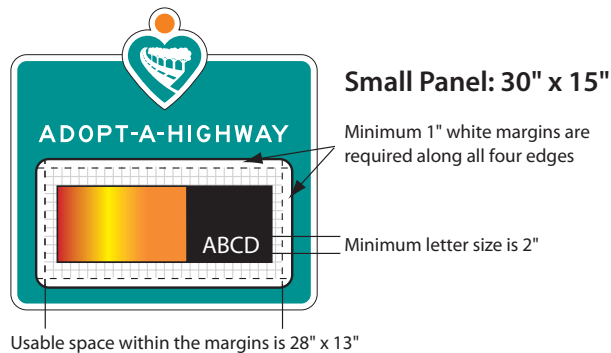


COLOR AND COVERAGE

- **Margins:** White margins along the perimeter of a small panel must be a minimum of one inch. White margins along the perimeter of a large panel must be a minimum of two inches.
- **Reflective White Background:** At least 50 percent of the recognition panel's reflective white background must remain uncovered. White margins are counted toward the 50 percent requirement, however, lettering or graphics cut out of a vinyl image (and therefore white and reflective), may not be counted toward the 50 percent requirement.
- **Use of Color:** Fluorescent, metallic, or reflective colors are prohibited. However, use of transparent ink (ink that allows the reflective white panel to show through the image) is permissible.
- **Bright Colors:** The use of red, orange, or yellow (or any combination thereof) for logos and lettering shall not exceed 30 percent of the entire panel area.



The large panel example contains a solid rectangle covering 50 percent (472.5 sq. in.) of the panel. The rectangle is x 36.5" x 13". The white margins are 4" on the top and bottom and 4.25" on the right and left. The bright colored portion covers 30% (283.5 sq. in.) of the panel and is approximately 22.5" x 13".



The small panel example contains a solid rectangle covering 50 percent (225 sq. in.) of the panel. The rectangle is x 25" x 9". The white margins are 3" on the top and bottom and 2.5" on the right and left. The bright colored portion covers 30 percent (135 sq. in.) of the panel and is approximately 20" x 9".



LETTERING REQUIREMENTS FOR NAMES AND MEMORIALS

Lettering for adopter's names and memorials must be the same font, the same case, a single color, and a single size. These rules do not apply to text in logos.

- **Font:** All lettering must be Standard Highway Signs alphabet series or similar sans-serif font (i.e., Arial, Helvetica, etc.).



Not Acceptable
Not Standard Highway Font



Acceptable

- **Case:** All capital letters may be used. Initial capitals and lower case letters may be used. Combining large and small capitals or displaying some words in all capitals and some in upper and lower case is not permitted.



Acceptable
Initial Capitals and Lower Case



Acceptable
All Capitals

- **Color:** Adopter names must be a single color. Standard panels, manufactured by Caltrans, will have black lettering. The color rules on page 9 apply to custom panels.



Not Acceptable
Two Different Case Combinations



Not Acceptable
Large and Small Capitals



Acceptable
Name is Single Color



Not Acceptable
Name is Mixed Colors



Not Acceptable
Name is Mixed Colors

- **Size:** Adopter names must be a single size. Words in names may be stacked.

Lettering on the small panel must be a minimum of 2 inches high. Lettering on the large panel must be a minimum of 3 inches high. Larger lettering is highly recommended.

If the lettering is upper and lower case, the capital letter(s) must meet the minimum height.

There is no maximum lettering size, however, the coverage rules on page 9 apply.



Acceptable



Acceptable



Acceptable
Stacking is Permissible



Not Acceptable
Margin Requirement Not Met



Not Acceptable
Business Name is Mixed Size



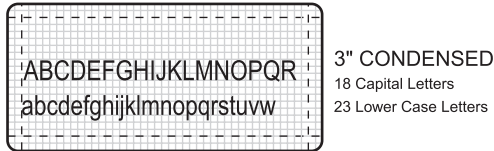
LETTERING REQUIREMENTS FOR ADDED TEXT

Added text must be black. Lettering style and size requirements for added text are the same as for adopter's names, with one exception. The added text can be smaller than the adopter's name as long as it meets minimum lettering height.

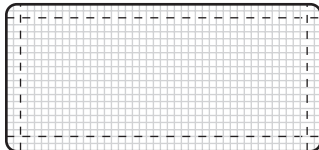
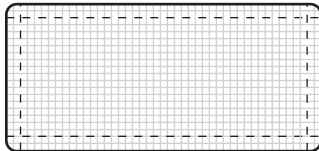


LETTERING SIZE GUIDE

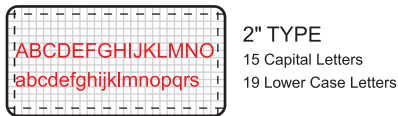
LARGE SIGNS (Freeways)



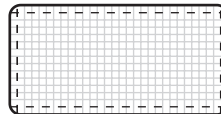
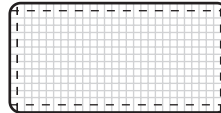
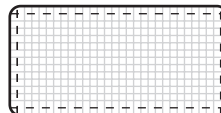
Try Out Your Ideas!



SMALL SIGNS (Conventional Highways)



Try Out Your Ideas!



LOGO REQUIREMENTS

Words in a logo may not be combined with part of a name to create the full name. Graphics or borders that are not part of a verified logo are not permitted.

- **Font and Case:** There are no font or case restrictions for logos.
- **Size:** Recommended minimum height for logos on **small panels** is 8 inches. Recommended minimum height for logos on **large panels** is 12 inches. There is no maximum logo size, however, the coverage rules on page 9 apply.
- **Color:** The color rules on page 9 apply. Large logos that consist of light-colored lettering on solid, dark-colored backgrounds are permitted. However, adopters must be warned that such logos **will not be visible at night**.



Acceptable, But
Not Visible at Night.



Not Acceptable
Even Though Margin Requirements
Are Met, More Than 50% of
the Panel is Solid Color



Not Acceptable
Even Though Panel is 50% White,
Bright Colors Exceed 30%
of the Panel.

SAFETY-RELATED PANEL RESTRICTIONS

- Messages, lights, symbols, and trademarks that resemble any official traffic control device are prohibited.
- Light-emitting diodes, luminous tubing, fiber optics, luminescent panels or flashing, moving, or animated features are prohibited.

RECOGNITION PANEL DISQUALIFICATION

Adopters are not guaranteed a courtesy sign. If a courtesy sign will not be authorized, this will be disclosed before the AAH Permit Application is processed.

- Signs will not be installed or recognition panels placed to recognize Supplemental Litter Removal or "Spot" Wildflower Planting adoptions.
- Because AAH signs are viewed by children, recognition panels shall not display adopter names or logos that imply or are obscene or sexually explicit.
- Recognition panels shall not display adopter names or logos that violate Caltrans' policy.*

* Caltrans Director's Policy DP-01-R6 Equal Employment Opportunity.





ADOPT-A-HIGHWAY

Working With Contractors

Individuals, organizations, agencies, and businesses may adopt segments of highway and have the required adoption work performed by a professional business through contract or agreement. Adopt-A-Highway (AAH) Program literature refers to businesses hired by adopters as “contractors” and adopters using contractors as “sponsors.” A contractor can be hired to perform all or only a portion of the adoption tasks. Adopters may hire more than one contractor but, due to the additional paper work required, this is not recommended. The California Department of Transportation (Caltrans) has no authority or involvement in the contracts established between sponsors and contractors. Sponsors are responsible for obtaining and discontinuing the services of contractors.

District AAH Coordinators can provide applicants with a list of authorized AAH service contractors. In order to be named on the list, the contractor must provide proof of insurance and licensing. Requirements vary and are detailed on the following pages. Failure of the contractor to keep insurance policies and licenses current, or to abide by the AAH Encroachment Permit Special Provisions, shall invalidate the contractor’s permit, but not the sponsor’s permit.

The AAH Program Application contains a check box to indicate that the applicant plans to hire a contractor to perform adoption work. A specific contractor need not be selected when an AAH Program Application is submitted. However, when a requested site becomes available for adoption, both the sponsor and their contractor will need to sign and return AAH Permit Applications. An established adopter can choose to hire a contractor at any time during their adoption period.

Insurance Requirements

Liability insurance: Contractors with employees shall maintain \$1,000,000 of general liability insurance for each occurrence, plus \$2,000,000 of excess liability insurance (totalling \$3,000,000).

Contractors who do not utilize paid employees shall maintain \$1,000,000 in general liability insurance for each occurrence. No excess liability insurance is required for contractors without employees.

All certificates of liability insurance shall name the State of California Department of Transportation as additional insured.

Vehicular insurance: Contractors shall carry \$1,000,000 in vehicular liability insurance.

Workers compensation insurance: Contractors that utilize paid employees shall carry \$1,000,000 in workers compensation insurance.

AAH service contractors may be insured by “Non-Admitted” carriers (brokers not licensed by California).

Business License Requirements

Contractors must maintain business license(s) as required by each county and city where work is to be performed.

Contractors State License Board Requirements

Contractors State License Board (CSLB) requirements for adoptions vary by activity and are detailed below. CSLB licenses must be held by an **owner** of the business who's name appears on the AAH Encroachment Permit.

The AAH Program does not permit subcontracting.

LITTER REMOVAL

Hand collection of litter: *No CSLB license is required.*

GRAFFITI REMOVAL

Painting over graffiti:

B: General Building Contractor *or* C-33: Painting and Decorating Contractor

WILDFLOWER OR SEEDLING TREE AND SHRUB PLANTING

Soil preparation prior to planting (tilling, digging, and/or soil amendment):

A: General Engineering Contractor *or* C-27: Landscape Contractor

Manual planting of seedling trees, shrubs, or wildflowers:

A: General Engineering Contractor *or* C-27: Landscape Contractor

Hydroseeding or drill-seeding of wildflowers:

A: General Engineering Contractor *or* C-27: Landscape Contractor
or C-61/D-59: Limited Specialty/Hydroseed Spraying (*hydroseeding only*)

Truck watering: *No CSLB license is required.*

VEGETATION CONTROL

Hand removal of weeds: *No CSLB license is required.*

Mowing or weed-whipping: *No CSLB license is required.*

Pruning of shrubs or trees less than 15 feet in height: *No CSLB license is required.*
(*Pruning of taller trees or shrubs is not permitted under the AAH Program.*)

Mulching:

A: General Engineering Contractor *or* C-27: Landscape Contractor

Herbicide Application: *No CSLB license is required.*

NOTE: Any person who engages in pest control for hire is required to be licensed by the Department of Pesticide Regulation.

Department of Pesticide Regulation Requirements

Contractors hired by adopters to perform herbicide application on the State's right-of-way must be licensed by the California Department of Pesticide Regulation (DPR). DPR's licensing requirements vary with the type of business hired and the location of the herbicide application. DPR licenses must be held by an **owner** of the business whose name appears on the AAH Encroachment Permit.

The AAH Program does not permit subcontracting.

HERBICIDE APPLICATION ON HIGHWAY ROADSIDES

Contractor must have a Pest Control Business License **and** have at least one person in a supervisory position that holds a Qualified Applicator's License (QAL) **with** the "C. Right-of-Way" pest control category.

HERBICIDE APPLICATION AT PARK AND RIDES

Contractor must have a Pest Control Business License **and** have at least one person in a supervisory position that holds a QAL **with** the "C. Right-of-Way" pest control category.

or

Contractor must have a Pest Control Business License **and** have at least one person in a supervisory position that holds a QAL **with** the "B. Landscape Maintenance" pest control category.

or

Contractor must have a Maintenance Gardener Pest Control Business License **and** have at least one person in a supervisory position that holds a QAL or a QAC **with** the "B. Landscape Maintenance" pest control category.

PEST CONTROL RECOMMENDATION

A Pest Control Recommendation is required by law.

An adopter's plans and schedules must indicate that herbicides will be used, but the Pest Control Recommendation (detailing the type of herbicide and its application rate) is not due until shortly before the herbicides are applied.

Prior to each application, the adopter must submit a Pest Control Recommendation to the District AAH Coordinator. The District AAH Coordinator will have the Pest Control Recommendation approved by a District Landscape Specialist. Once approved, a copy will be kept in the adopter's file, a copy will be sent to the Maintenance Supervisor, and the original returned to the adopter. After application, a "Pesticide Usage Report" must be submitted to the Maintenance Supervisor listed on the adopter's AAH Encroachment Permit.

Only Caltrans-approved herbicides can be applied within the State's right-of-way. Caltrans districts will provide a list of approved herbicides to adopters. Caltrans' employees will not write Pest Control Recommendations for adopters or their contractors. Adopters must have this service provided by a DPR-licensed, Agricultural Pest Control Adviser.