

ADOPT-A-HIGHWAY PERMIT SPECIAL PROVISIONS

TR-0156 (Rev. 09/2009)

1. **AUTHORITY:** The Department's authority to issue encroachment permits is provided under Division 1, Chapter 3, Articles 1 - 3, Section 660 to 734 of the Streets and Highways Code.
2. **REVOCAION/CANCELLATION:** This permit may be revoked by the Department for noncompliance with permit provisions or for failure of the permittee, or their representative to adhere to direction given by a Departmental representative. These provisions are subject to modification or abrogation at any time. This permit may be temporarily suspended due to construction or other State operations at, or within, the vicinity of the site.

Permittee may cancel their permit at any time without consequence from the Department. Permittees using contractors are responsible for terminating those arrangements.
3. **ASSIGNMENT:** No parties other than the permittee, or permittee's authorized representative, are allowed to work under this permit.
4. **ACCEPTANCE OF PROVISIONS:** Permittee understands and agrees to accept these Adopt-A-Highway Permit Special Provisions and all attachments to this permit, for any work to be performed under this permit. It is understood and agreed by the permittee that performing work under this permit shall constitute acceptance.
5. **PERMITTEE RESPONSIBILITY:** No person shall enter the State's right of way to perform work until the Department's Maintenance Supervisor has given the permittee's group/crew leader a safety orientation, and, all participants have received safety training from the permittee's group/crew leader as described in items 20 and 24.

It is the responsibility of the permittee to notify the District Adopt-A-Highway Coordinator of any change of permittee's address, phone number, or contact person.
6. **PLAN CHANGES:** Changes to plans, specifications, and permit provisions are not allowed without prior approval from the Department.
7. **AGE OF PARTICIPANTS:** No minors under the age of 16 are permitted to participate in the program. Minors, 16 and 17 years of age, may participate; however, there must be one adult supervisor for every five minors present at the work site. The adult supervisor must be at least 21 years old and must walk along with the group. Volunteer group leaders must be adults who are at least 21 years old.
8. **BEGINNING OF WORK:** Work authorized by this permit shall begin **after a safety orientation has been completed and within 30 calendar days from the date of issuance**, regardless of whether or not the permittee's Adopt-A-Highway courtesy sign(s) and/or recognition panel(s) have been installed. Work shall not be discontinued if the permittee's courtesy sign is damaged or stolen.
9. **ADVANCE NOTICE OF WORK:** Permittee must notify the Department's Maintenance Supervisor listed on Attachment A (Adopt-A-Highway Special Provisions) of their plans to work at least five days, but no more than one month, before the event.
10. **WORK DAYS AND HOURS:** Work must be performed during daylight hours. If weather (or other adverse circumstance) causes decreased visibility or a public hazard, work shall immediately be discontinued. Work shall not be conducted on, or within twenty-four hours preceding, the following holidays or holiday weekends: New Year's Day, Martin Luther King, Jr.'s Birthday, Washington's Birthday, Cesar Chavez's Birthday, Easter, Memorial Day, Independence Day (July 4th), Labor Day, Veteran's Day, Thanksgiving and the day after, and Christmas. Unless specified, work is permitted the day following a legal holiday or holiday weekend.
11. **PARTICIPATION IN STATEWIDE EVENTS:** Weather permitting, volunteer litter removal groups shall schedule work during the "Great American Cleanup-California" (March-May) and "California Cleanup Day" (September) events in order to support Adopt-A-Highway's participation in national and international cleanup events.
12. **CONFLICTING ENCROACHMENTS:** Permittee shall yield start of work to ongoing, prior authorized, work adjacent to or within the limits of the project site.
13. **PERMIT AT WORK SITE:** Permittee shall keep the complete permit package (Adopt-A-Highway Encroachment Permit, Adopt-A-Highway Permit Special Provisions, and if applicable, plans and work schedule) or a copy thereof, at the work site and show it upon request to any Department representative or law enforcement officer. If the permit package is not kept and made available at the work site, the work shall be suspended. In addition, a copy of the encroachment permit must be displayed in the windshield of each vehicle parked on the right of way. Vehicles without permits may receive traffic citations.
14. **PARKING AT THE WORK SITE:** Participant's personal vehicles shall not interfere with the free flow of traffic or pedestrians. Vehicles used to transport participants or materials may legally park on the right of way provided that they are located completely *off of the pavement and a minimum of six feet from any traffic lane*. If this is not possible, participants must walk to and from the site or, if the site has a shoulder, participants can use a drop-off and pick-up arrangement.
15. **WORK PROCEDURES:** Work shall proceed in the direction facing traffic. A posted safety lookout shall be used when fellow participants are unable to watch oncoming traffic.

Work shall not be performed on or within six feet from any traffic lane or on median strips. Participants shall not walk or run across access-controlled highways (freeways), including on-ramps and off-ramps unless there are crosswalks. Participants shall not work on unstable or slippery ground, on slopes greater than approximately 40°, on bridges, in tunnels, or inside culverts. Unless excluded by the aforementioned conditions, or entered on Attachment A, Work Procedures, litter removal and vegetation control shall be performed behind soundwalls.
16. **PUBLIC TRAFFIC CONTROL:** All forms of traffic control, including shoulder, lane, and ramp closures, signs, cones, vehicles, or any other traffic control device are prohibited under this permit.
17. **SAFETY EQUIPMENT:** It is required that all participants wear hard hats, safety vests, gloves, and protective eye wear while on the State's right of way. The Department will provide these and, if needed, litter pickers to volunteers free of charge. In addition, participants are required to wear long pants and substantial leather shoes or boots with ankle support. Any State-furnished, personal protective equipment, unused materials, and tools shall be returned upon termination of the permit.
18. **LITTER BAGS:** Participants shall use white, Adopt-A-Highway bags provided by the Department. Securely tied, filled bags must be placed at least six feet from the edge of traffic lanes and off of paved shoulders. Bags must be placed in locations where they are not obstructing drainage and where Departmental maintenance forces can easily see them and safely retrieve them. Whenever possible, bags

should be stacked together and/or placed 100 feet from structures. It is important for participants to leave their filled bags at the site so that the Department can verify that work frequencies are being met. Also, the monthly count of white bags collected, enables the Department to quantify the value of the Adopt-A-Highway Program. (Participants may take bags of recyclables home.)

19. STORAGE OF EQUIPMENT AND MATERIALS: Unless specified in the Permittee's planting and/or work plans, storage of equipment and materials (other than filled, Adopt-A-Highway litter bags) on the State right of way is not authorized under this permit.

20. SAFETY PROCEDURES FOR VOLUNTEER GROUPS:

A. Designate group leaders. Each permittee shall designate a group leader and an alternate group leader to represent the group. Unless otherwise notified, the Department considers the group leader to be the individual whose name appears on the attached encroachment permit.

Unless otherwise notified, the Department considers the alternate group leader to be the individual named as the alternate contact on the Adopt-A-Highway Program Application.

B. Attend a Caltrans safety orientation. Both the group leader and the alternate group leader shall schedule and attend a safety orientation given by the Department's Maintenance Supervisor. The "Adopt-A-Highway Safety Orientation Checklist for Volunteers" will be reviewed, signed, and copies given to the group leaders.

C. Obtain safety equipment: Safety equipment and a copy of the Adopt-A-Highway safety video shall be issued during the Caltrans safety orientation. Participants who need them will also receive Adopt-A-Highway litter bags and litter pickers. Additional safety equipment and litter bags may be obtained as needed throughout the permit period from the Department's Maintenance Supervisor.

D. Provide safety training to all group members. The group leader or alternate group leader shall then provide safety training for all participants before they attend a work event. The encroachment permit and special provisions shall be explained and part two of the Adopt-A-Highway safety video must be viewed.

E. Conduct safety reviews before each work event. The group leader or alternate group leader shall conduct a brief, off-site safety review each time the group goes out to work. The "Safety Requirements for Participants" and the "Bag It, Move It, or Leave It?" handouts shall be reviewed. The group leader or alternate group leader shall ensure that all participants are equipped with safety gear and that minors will be adequately supervised. The group leader or alternate group leader must participate in the work event.

F. Provide annual safety training. The group leader or alternate group leader shall hold an annual safety training refresher for all participants. Once again, the encroachment permit and special provisions shall be explained and part two of the Adopt-A-Highway safety video viewed.

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

H. Report changes in contact information or leadership to the District Adopt-A-Highway Coordinator. New group leaders, appointed during the permit period, must make arrangements to attend a safety orientation given by the Department's Maintenance Supervisor, not the permittee's previous group leaders.

21. ADOPT-A-HIGHWAY SIGNS: The Department shall furnish, install, and maintain an Adopt-A-Highway courtesy sign(s) and standard recognition panel(s) at the adoption site in recognition of the Permittee's contribution. Standard recognition panels shall display the Permittee's name in black, block letters on a white background. Permittees may furnish a customized, recognition panel(s) at their own expense. Specifications for the recognition panel's wording, size, color, type style, placement, and any subsequent modifications shall be solely determined and approved by the Department. (Note: "Spot" Wildflower and Supplemental Litter Removal adoptions do not meet minimum requirements for a courtesy sign.) **Neither the Adopt-A-Highway Program nor its courtesy signs are intended to provide a forum for advertisement, solocitation, or public discourse.**

22. WHEN AN ADOPT-A-HIGHWAY CONTRACTOR IS UTILIZED: Individuals, organizations, and businesses may adopt segments of highway and have the required adoption work performed by a professional business through contract or agreement. Contractors must submit a separate Adopt-A-Highway Permit Application and will be issued a "double permit." Only contractors that have been pre-approved by the Department may be utilized. In order to receive Departmental approval, contractors must submit and maintain the following documents:

A. 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 (totaling \$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. All certificates of liability insurance shall name the State of California Department of Transportation as additional insured.

B. Vehicular insurance, in the minimum amount of one million dollars, is required of all contractors.

C. Worker's compensation insurance, in the minimum amount of one million dollars, is required for contractors who employ persons to perform work authorized under this permit.

D. Professional licensing as required by the California Contractors State License Board and/or the California Department of Pesticide Regulation to perform work authorized under this permit. **Subcontracting is not permitted under the Adopt-A-Highway Program.**

E. County and/or city business licenses as required by local governments to perform work authorized under this permit.

Contractors are required to provide a minimum notice of 30 days to the Department's District Adopt-A-Highway Coordinator or State-wide Adopt-A-Highway Coordinator before any reduction in coverage and/or cancellation of coverage becomes effective.

23. INSTALLATION OF RECOGNITION PANELS BY ADOPT-A-HIGHWAY CONTRACTORS: Adopt-A-Highway contractors may install recognition panels at specific locations if the work is authorized on page one of the attached Encroachment Permit (Adopt-A-Highway) and they have received an Adopt-A-Highway Service Contractor Recognition Panel Installation Order.

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

- A. Attend a Caltrans safety orientation.** Adopt-A-Highway contractors shall abide by safety requirements set forth by California Occupational Safety and Health Administration (Cal-OSHA). In addition, the contractor's crew leader must schedule and attend a safety orientation given by the Department's Maintenance Supervisor. The "Safety Orientation Checklist for Adopt-A-Highway Contractors" will be reviewed, signed, and a copy given to the crew leader.
- B. Report Injuries, Accidents, and Incidents.** The following occurrences shall be reported to the District Adopt-A-Highway Coordinator by the next business day. Injuries resulting in an individual seeking medical treatment, vehicular damage resulting in an insurance claim and/or police report, and incidents where the California Highway Patrol was contacted.
- C. Contractor's crew must carry an identification card.** The card must list the employee's name, the name of the Adopt-A-Highway contractor, and a phone number where the crew leader can be reached during working hours.

25. PERMITS FROM OTHER AGENCIES: This permit is invalid if the permittee has not obtained all permits necessary and required by law, from Cal-OSHA, the Public Utilities Commission of the State of California (PUC), the California Contractors State License Board, the California Department of Pesticide Regulation, or any other public agency having jurisdiction.

26. COST OF WORK: Unless stated in the permit, or a separate written agreement, the permittee shall bear all costs incurred for work within the State right of way and waives all claims for indemnification or contribution from the State.

27. LABOR CODE COMPLIANCE - PREVAILING WAGES: If the scope of work granted under this Adopt-A-Highway permit is performed under a contract between the permittee/adopter and a contractor, and falls within the parameters of the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, repair or maintenance, The permittee/adopter herein agrees to require its contractor to conform to the provisions of Labor Code sections 1720 through 1815, all applicable regulations and coverage determinations issued by the Department of Industrial Relations. Adopt-A-Highway adopters agree to include prevailing wage requirements in any service contract for public work. Work performed by Adopt-A-Highway adopter's own forces or persons working voluntarily without compensation are exempt from the Labor Code's prevailing wage requirements.

28. UNDERGROUND SERVICE ALERT (USA) NOTIFICATION: Any excavation requires compliance with the provisions of Government Code Section 4216 et. seq., including, but not limited to, notice to a regional notification center, such as Underground Service Alert (USA). The permittee shall provide notification at least 48 hours before performing any excavation work within the right of way.

29. ARCHAEOLOGICAL/HISTORICAL: If any archaeological or historical resources are revealed in the work vicinity, the permittee shall immediately stop work and notify the Department's Maintenance Supervisor.

30. DURATION OF PERMIT: Unless otherwise specified, this permit is valid for five calendar years from the date of issuance. Permittees may apply for additional five-year permits, provided that the permittee and/or the permittee's contractor have satisfactorily met

the terms of the existing permit and the site remains suitable for adoption. If the permittee wishes to reapply, a notice of such intent shall be submitted to the District Adopt-A-Highway Coordinator at least 30 days prior to the expiration date of this permit.

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

32. RESPONSIBILITY FOR DAMAGE: The State of California and all officers and employees thereof, including but not limited to the Director of Transportation and the Deputy Director, shall not be answerable or accountable in any manner for injury to or death of any person, including but not limited to the permittee, persons employed by the permittee, persons acting in behalf of the permittee, or for damage to property from any cause. The permittee shall be responsible for any liability imposed by law and for injuries to or death of any person, including but not limited to the permittee, persons employed by the permittee, persons acting in behalf of the permittee, or for damage to property arising out of work, or other activity permitted and done by the permittee under a permit, or arising out of the failure on the permittee's part to perform his obligations under any permit in respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work, or other activity or at any subsequent time, work or other activity is being performed under the obligations provided by and contemplated by the permit.

The permittee shall indemnify and save harmless the State of California, all officers, employees, and State's contractors, thereof, including but not limited to the Director of Transportation and the Deputy Director, from all claims, suits or actions of every name, kind and description brought for or on account of injuries to or death of any person, including but not limited to the permittee, persons employed by the permittee, persons acting in behalf of the permittee and the public, or damage to property resulting from the performance of work or other activity under the permit, or arising out of the failure on the permittee's part to perform his obligations under any permit in respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work, or other activity or at any subsequent time, work or other activity is being performed under the obligations provided by and contemplated by the permit, except as otherwise provided by statute.

The duty of the permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the Civil Code. The permittee waives any and all rights to any type of expressed or implied indemnity against the State, its officers, employees, and State contractors. It is the intent of the parties that the permittee will indemnify and hold harmless the State, its officers, employees, and State's contractors, from any and all claims, suits or actions as set forth above regardless of the existence or degree of fault or negligence, whether active or passive, primary or secondary, on the part of the State, the permittee, persons employed by the permittee, or acting on behalf of the permittee.

For the purpose of this section, "State's contractors" shall include contractors and their subcontractors under contract to the State of California performing work within the limits of this permit.