

## TITLE 21. DEPARTMENT OF TRANSPORTATION

### Text to Modified Regulations Second 15-Day Notice

During the first 15-day notice period, the Department 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 ~~single-strikeout~~; and additions to the language originally proposed are **highlighted**.

Changes to the regulations proposed during this second 15-day notice period are illustrated as follows:

Deletions from the regulation text previously proposed during the first 15-day notice period are shown in ~~double-line-strikeout~~. Additions to the regulation text previously proposed during the first 15-day notice period are shown with double underline.

**Reorganization:** The regulation text has been reorganized in some areas in an effort to improve the organization and clarity of the regulations, with some regulatory provisions being moved within and between regulations. Where regulation text has been moved from one location in the body of regulations to another location, explanatory notes have generally been added to the regulations to help clearly indicate the organizational changes being made. These notes are in parentheses and italics. Examples of these notes would be: “*(text transferred from Section 2627(a))*” and “*(text moved to Section 2641(b))*.” Other miscellaneous explanatory notes regarding the regulation text changes have also been set forth in parentheses and italics. All notes in parentheses and italics are explanatory only and are not proposed to be part of the permanent regulation text.

The numbering of some regulation sections has changed due to the reorganization of the regulations, including the creation of several new regulation sections. References to regulation section numbers in brackets are references to the former section numbers before these current second 15-day notice changes, reflecting the former section numbering and subsection hierarchy. Examples of these references to former section numbers would be “[Section 2630.1]” and “[Section 2625. 1(a)(i)].” All bracketed references to prior section numbers are explanatory only and are not proposed to be part of the permanent regulation text.

**Change of Lettering and Numbering Hierarchy:** Please note that the subsection lettering and numbering hierarchy within each individual regulation section has been modified to be consistent with the subsection lettering and numbering hierarchy suggested by California’s Office of Administrative Law for regulations to be published in the California Code of Regulations. These nonsubstantial changes to subsection lettering and numbering have not been shown in double line strikeout and double underline like other regulation text changes. However, we provide this note to explain the subsection lettering and numbering changes since the regulations were last noticed.

**TITLE 21. PUBLIC WORKS  
DIVISION 2. DEPARTMENT OF TRANSPORTATION**

**Chapter 23. Adopt-A-Highway Program**

**Article 1. Introduction**

**§ 2620. Purpose Scope of the Adopt-A-Highway Program**

- (a) [§ 2620.] The California Department of Transportation (Caltrans) Adopt-A-Highway Program (Program) exists to provide the public with an avenue to donate services for maintenance and beautification activities on sections of roadside within California’s State Highway System.
- (1) [§ 2620.] Neither the ~~Adopt-A-Highway~~ Program nor its courtesy signs are intended to provide a forum for advertisement, solicitation, or public discourse.
- (2) (text transferred from § 2627 (a) [§ 2626.]) Adoptions are intended to reduce, not add to, the Caltrans maintenance work load.
- (3) Adoption types include litter removal, supplemental litter removal, graffiti removal, vegetation control, tree and shrub planting, wildflower planting, and spot wildflower planting.

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

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

**Article 2. Definitions**

**§ 2621. Definitions**

All terms defined in this article ~~subchapter~~ are applicable to terms used in Title 21, Division 2, Chapter 23. These terms have the following meanings:

- ~~(a) “AAH” means Adopt-A-Highway.~~
- (a) “Adopter” means the an individual, organization, agency, or business approved by Caltrans to participate in the Adopt-A-Highway Program that has been issued a Permit.
- (b) “Adoption Site” means the section of State highway right-of-way to be adopted. An adoption site can include one or both directions of a highway roadside. “Adoption site” and “site” are used interchangeably throughout the Regulations text.
- (c) “Adoption Task” means a specific ~~work~~ beautification or maintenance activity authorized under a Permit.

- (d) “Adoption Type” means one of several standardized participation opportunities described in Section 2623 (b). For example, litter removal is an adoption type. ~~a maintenance or beautification activity, including, but not limited to, litter removal, vegetation control, graffiti removal, tree and shrub planting, and wildflower planting.~~
- (e) “Applicant” means ~~the~~ an individual, organization, agency, or business who has submitted an ~~Adopt-A-Highway~~ Program Application.
- (f) “Attachment A” means the Form MTCE-09, Attachment A (Adopt-A-Highway Special Provisions) (Rev. 07/09) which is incorporated by reference. This form is included in the adopter’s Permit package and contains information obtained during a site review such as safe site access, appropriate work methods, and work frequency. Attachment A also lists Caltrans contact information.
- (g) “Caltrans” means the California Department of Transportation.
- (h) “Caltrans Policy” means Caltrans Director’s Policy DP-01-R6, Equal Employment Opportunity (Rev. 07/06) which is incorporated by reference. ~~(Ref. Attachment Appendix A).~~ *(the following text is transferred from § 2649 (b)(3)(A)3. [§ 2645. 3 (c)])* 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.
- (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~~ person responsible for supervising work performed by the contractor’s crew 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) “Displaced Adopter Status” means a preferential waiting list placement status. This status is given to adopters who are forced to give up their adoption site because of construction or other circumstance. Displaced adopter status is discussed in Section 2640.
- (n) “District” means one of the twelve Caltrans districts. Each district consists of one or more California counties.
- (o) “District Coordinator” means the Caltrans District Adopt-A-Highway Coordinator or the Caltrans Assistant District ~~Assistant~~ Adopt-A-Highway Coordinator.
- (p) “District Permit Engineer” means an individual authorized to sign ~~Adopt-A-Highway encroachment~~ Permits for a district’s Division of Traffic Operations.
- (q) “Group Leader” ~~and/or~~ “Alternate Group Leader” means 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.

- (r) “Instructions for Preparing Plans and Schedules” means one or more of the instructional handouts given to applicants for vegetation control and planting adoptions. Each handout lists items which must be included in the applicant’s plan(s) and work schedule. The following handouts are incorporated by reference:
- (1) Preparing a Vegetation Control Site Plan and Work Schedule (Rev. 07/09).
  - (2) Preparing Tree and Shrub Planting Plans and Work Schedule (Rev. 07/09).
  - (3) Preparing Wildflower Planting Plans and Work Schedule (Rev. 07/09).
  - (4) Instructions for Using Mulch (Rev. 09/09).
  - (5) Caltrans Licensing Requirements for Adopt-A-Highway Volunteers Using Herbicides (Rev. 02/06).
- (s) “Maintenance Supervisor” means the Caltrans Maintenance Supervisor who is responsible for the area where an adoption site is located. The maintenance supervisor (or his/her designee) is the person who performs site reviews, conducts safety orientations, and monitors adopter’s performance.
- (t) “Median” means a paved or planted strip that divides a highway into two directions of travel.
- (u) “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.
- (v) “Organization” means an associations, a societies, a clubs, and or a informal groups of individuals joined by a common purpose. Organizations do not have to exist in a statutory sense need to have a charter, bylaws, or other governing instrument in order to participate.
- (w) “Participant” means all any individuals who will be performing adoption tasks.
- (x) “Permit” means the Form TR-0121, ~~Adopt-A-Highway Encroachment Permit~~ (Adopt-A-Highway) (Rev. 02/08) which is incorporated by reference ~~issued by Caltrans pursuant to Streets and Highways Code sections 670 and 671.5.~~ This form is included in the adopter’s Permit package and authorizes the adopter to perform specific tasks on Caltrans right-of-way.
- (y) “Permit Application” means the Form TR-0103, ~~Adopt-A-Highway Encroachment Permit Application~~ (Rev. 09/09) which is incorporated by reference. A Permit Application is used to apply for a Permit for a specific site.

- (z) “Permit Package” means all of the documentation issued by Caltrans and sent to the adopter once an adoption has been approved. ~~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.~~ (text is reworded as follows) In its entirety, the Permit package is the written agreement between ~~the~~ Caltrans and the adopter.
- (1) All Permit packages include a Permit, an Attachment A, ~~(Adopt-A-Highway Special Provisions)~~ and ~~the Adopt-A-Highway Permit Special Provisions.~~
  - (2) Permit packages for adoptions that involve vegetation control and/or planting also contain approved plans and schedules.
- (aa) “Permit Provisions” means the participation rules and conditions set forth in the Permit package.
- (bb) “Plans and Schedules” means a site plan or planting plan, a work plan, and a work schedule. These documents are prepared and submitted by vegetation control and planting adoption applicants during the Permit Application process. Submitted plans and schedules must be approved by Caltrans before a Permit can be issued.
- (cc) “Planting Plan” means a plan (or map) that illustrates the location of a planting site within the highway right-of-way. The plan must show where plants or seeds are to be planted and list their quantity and species.
- (dd) “Program” means the Adopt-A-Highway Program. The Program is administered by the Caltrans Division of Maintenance, Office of Roadside Maintenance.
- (ee) “Program Application” means the Form MTCE-018, Adopt-A-Highway Program Application (Rev. 07/09) which is incorporated by reference. Submission of a Program Application is the first step in the adoption process.
- (ff) “Program Internet Site” means the Program’s public web site where forms, handouts, and other publications can be obtained. The site’s address is: <http://adopt-a-highway.dot.ca.gov>.
- (gg) “Recognition Panel” means the white, rectangular portion of the courtesy sign where the ~~participant’s~~ adopter’s name is displayed.
- (hh) “Safety Orientation” means a safety training session given by Caltrans for adopters.
- (ii) “Sexually Explicit” means any reference to sexual intercourse, sexual abuse, the genitals or pubic area of a person.
- (jj) “Site Plan” means a plan (or map) that illustrates the location of a vegetation control site within the highway right-of-way.
- (kk) “Special Provisions” means the Form TR-0156, Adopt-A-Highway Permit Special Provisions (Rev. 09/09) which is incorporated by reference. This three-page document is included in the adopter’s Permit package and lists standardized Program rules.

- (ll) “Sponsor” means an adopter who has hired a contractor to perform adoption tasks on his/her/its behalf.
- (mm) “Sponsored Adoption” means an adoption where the adopter has hired a contractor to perform adoption tasks on his/her/its behalf.
- (nn) “Successive Permit” means a new Permit issued upon expiration of an existing Permit to the same adopter at the same site.
- (oo) “Statewide Coordinator” means the Caltrans Statewide Adopt-A-Highway Coordinator or Caltrans Statewide Assistant Statewide Adopt-A-Highway Coordinator.
- (pp) “Turnaround Time” means the number of days a graffiti removal adopter has to paint over graffiti after being notified of the graffiti’s existence on an adopted structure.
- (qq) “Vegetation Control Plan” means a plan that lists permissible methods for controlling different kinds of vegetation at various locations in a district. Vegetation control plans are updated on an annual basis by each district. During a site review, a maintenance supervisor refers to the vegetation control plan to ensure that methods authorized for use by adopters are compliant with methods listed in the plan.
- (rr) “Volunteer Adoption” means an adoption where the adopter performs adoption tasks using their own forces.
- (ss) “Work Plan” means a plan that identifies tasks to be accomplished and methods used to accomplish them. These include site preparation, initial planting, vegetation and/or weed control, and maintenance operations to be performed throughout the Permit period.
- (tt) “Work Schedule” means a list of dates for performing activities described in a planting plan or work plan.

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

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

### Article 3. Eligibility

#### § 2622. Adoption Eligibility Requirements

~~[§ 2622. 1] The adoption of a section of highway is a privilege that may be granted by Caltrans in consideration for donated services.~~

(a) Individuals, businesses, agencies, or organizations may participate.

(1) [§ 2622. 1)(a)] ~~Participation in the Adopt-A-Highway Program (Program)~~ Eligibility 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 unless the disability or medical condition would affect the participant’s individual’s or public’s safety).

- (2) [~~§ 2622. 1)(b)~~] Program participants must be 16 years of age or older.
- (3) [~~§ 2622. 1)(c)~~] The adopter's primary and alternate contacts ~~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.
- (b) [~~§ 2622. 1)(d)~~] Caltrans may refuse to grant a request to adopt a section of highway if granting the request would: (text reworded as follows) Caltrans may deny eligibility if the applicant's participation in the Program would result in one or more of the following:
- (1) [~~§ 2622. 1)(d)~~] Create a hazard to the safety of Caltrans' employees or the public.  
~~[§ 2622. 1)(d)] violate the Program's purpose;~~
- (2) [~~§ 2622. 1)(d)~~] Violate the law.~~or~~
- (3) [~~§ 2622. 1)(d)~~] Be contrary to Caltrans policy, as defined in Section 2621 (h).
- (c) [~~§ 2622. 1)(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.  
 (text moved to § 2641 (b))
- (1) [~~§ 2622. 1)(e) 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. (text moved to § 2641 (b)(1))
- (d) [~~§ 2622. 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: Sections 91.5 and 92, California Streets and Highways Code.

## Article 4. Adoption Types

### § 2623. Adoption Types

- (a) [~~§ 2623.~~] The names of an adoption types reflects the primary maintenance or beautification activity to be performed. Caltrans may modify an adoption type activities, add an adoption types, or discontinue an existing adoption types. Caltrans will provide safety gear, litter pickers, and litter bags to volunteers. (text moved to § 2624 (b)(1)) Caltrans will provide litter bags to contractors. (text moved to § 2624 (b)(2)) Caltrans supplied items will be replenished throughout the permit period. (text moved to § 2624 (b)(3)) Caltrans will collect filled litter bags from adoption sites. (text moved to § 2624 (c)) Instructions for preparing plans and schedules will be made available to vegetation control and planting adopters. (text moved to § 2624 (a)) Unless special arrangements are made with Caltrans, the adopter shall furnish all other equipment, labor,

~~and materials needed to successfully perform adoption tasks. (text moved to § 2624 (d))~~  
~~Maintenance activities suitable for work by adopters include:~~

(b) Adoption types include:

(1) [§ 2623. 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. (text moved to § 2626 (a)(4)(A))

(A)[§ 2623. 1)] A litter removal adoption sites are is 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. (text reworded as follows) If the site is located on a conventional highway (a highway with cross streets), both sides of the highway are adopted. If the site is located on a freeway or expressway, one or both sides of the freeway or expressway may be adopted. Length of site may vary slightly where necessary to accommodate site conditions or adjacent projects.

*(text moved to § 2626 (a)(2)(A) 2.)*

1. ~~[§ 2623. 1)(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.~~

2. ~~[§ 2623. 1)(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.~~

*(text moved to § 2647 (b)(1))*

(2) [§ 2623. 2)] Supplemental Litter Removal: Litter removal to supplement an existing litter removal adoptions where the cleaning frequency cannot be raised, or, litter removal in a small unadopted area where litter gathers (i.e., along a fence line or near an onramp).

(A)[§ 2623. 2)] ~~Work~~ Supplemental litter removal frequency is determined by Caltrans.

(B)[§ 2623. 2)] ~~No A~~ courtesy sign is not erected for supplemental litter removal adoptions. to recognize the adopter.

(3) [§ 2623. 3)] Graffiti Removal: Painting over graffiti as needed on one or more highway structures.

(A)[§ 2623. 3)] ~~The size of the site will be~~ number of structures adopted is determined to ensure that the work performed by the graffiti removal adopter is comparable to the work performed by other adopters in the same area.

- (B) [§ 2623. 3)] Turnaround 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.~~ (text is moved to § 2626 (a)(4)(C))
- (C) [§ 2623. 3)(a)] Paint color ~~will be~~ is determined by Caltrans.
- (D) [§ 2623. 3)(b)] Litter removal around the adopted structure(s) at time of graffiti removal may be required. ~~included as part of the adoption.~~
- (4) [§ 2623. 4)] Vegetation Control: Controlling vegetation according to an Caltrans' approved plan. Vegetation control can be accomplished by hand pulling, hoeing, pruning, mowing, weed-whipping, applying herbicides, applying weed barrier, and/or applying mulch. (text reorganized as follows)
- (A) [§ 2623. 4)] A vegetation control adoption sites ~~must be~~ is approximately five acres net or two miles long of highway roadside.
- (B) [§ 2623. 4)] Vegetation control work frequency~~ies are~~ is determined by Caltrans, and are based on the length of time it takes for vegetation to grow and litter to accumulate at the site. (text moved to § 2626 (a)(4)(D))
- (C) Additional vegetation control activities:
1. [§ 2623. 4)] Litter removal prior to vegetation control activity~~ies~~ is required.
  2. [§ 2623. 4)] ~~Additional~~ Litter removal, separate from a vegetation control activity work event, may be required.
  3. [§ 2623. 4)(a)] ~~Adopters~~ A vegetation control applicant 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.
    - ~~[§ 2623. 4)(a) i.] The site plan (or map) illustrates the location of the site within the highway right of way.~~ (site plan defined in § 2621 (jj))
    - ~~[§ 2623. 4)(a) 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.~~ (work plan defined in § 2621 (ss))
    - ~~[§ 2623. 4)(a) iii.] The work schedule must list anticipated work dates for the entire permit period.~~ (work schedule defined in § 2621 (tt))
- (5) [§ 2623. 5)] Tree and Shrub Planting: Planting and establishing trees and/or shrubs according to an Caltrans' approved plan. (text reorganized as follows)
- (A) [§ 2623. 5)] A tree and shrub planting adoption sites ~~must be~~ is approximately three acres net. The initial planting must be a minimum of twenty trees and/or shrubs per acre.
- (B) Additional tree and shrub planting activities:

1. Excavation, soil preparation, and staking are required.
2. Irrigation is required.
3. Initial application and periodic reapplication of mulch is required.
4. [~~§ 2623. 5)] Irrigation, mulching, and Year-round weed control are 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. (text moved to § 2626 (a)(4)(E))~~
5. [~~§ 2623. 5)] Litter removal prior to planting and weed control activities is required.~~
6. Replacement of dead and diseased plants is required.
7. Initial application and periodic reapplication of fertilizer may be required.
8. Installation of weed barrier may be required.
9. [~~§ 2623. 5)(a)] Adopters A tree and shrub planting applicant 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.
  - a. [~~§ 2623. 5)(a)] If Caltrans irrigation facilities are to be used, they must be included on the planting plan or on a separate drawing.~~
  - b. [~~§ 2623. 5)(a)] Installation, ~~(or modification),~~ or maintenance of irrigation systems by an adopters is not permitted.~~~~

~~[§ 2623. 5)(a) 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.~~

*(planting plan defined in § 2621 (cc))*

~~[§ 2623. 5)(a) 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.~~

*(work plan defined in § 2621 (ss))*

~~[§ 2623. 5)(a) iii.] The work schedule must list anticipated work dates for all activities described in the planting plan and work plan.~~

*(work schedule defined § 2621 (tt))*

(C) [~~§ 2623. 5)(b)] Once all plants are established (they can survive without watering provided by the adopter), the adoption will be is considered complete and a subsequent tree and shrub planting Permit will is not be issued. An adopters in good standing will be given the option to convert the tree and shrub planting adoption to a vegetation control adoption at that same location.~~

(6) [~~§ 2623. 6)] Wildflower Planting and “Spot” Wildflower Planting: Planting and establishing wildflowers according to an Caltrans’ approved plan. An adopter may plant approved~~

wildflowers, meadow mixtures, grasses, annuals, perennials, bulbs, or any combination of these. Planting of California native species is encouraged. (text reorganized as follows)

(A) § 2623. 6) A wildflower planting adoption sites ~~must be~~ is approximately three acres net.

(B) Additional wildflower planting activities:

1. Soil preparation prior to planting or seeding is required.
2. § 2623. 6) Soil preparation and replanting or reseeding each fall is required.
3. § 2623. 6) Year-round weed control 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. (text moved to § 2626 (a)(4)(E))

§ 2623. 6(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.~~  
(text moved to § 2623 (a)(7)(A) and (a)(7)(A)(B))

4. § 2623. 6) Litter removal prior to planting and weed control activities is required.
5. § 2623. 6(b) A wildflower planting applicant ~~adopts~~ 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.~~

~~(6) (b) 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. (planting plan defined in § 2621 (cc))~~

~~(6) (b) 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. (work plan defined in § 2621 (ss))~~

~~(6) (b) iii.] The work schedule must list anticipated work dates for all activities described in the planting plan and work plan. (work schedule defined § 2621 (tt))~~

(7) Spot Wildflower Planting: Except for the following provisions, a spot wildflower planting adoption is identical to a wildflower planting adoption:

(A) § 2623. 6(a) A spot wildflower planting adoptions site ~~has~~ no minimum acreage or year-round weed control requirement.

(B) § 2623. 6(a) ~~No~~ A courtesy sign is not erected to recognize the adopter for spot wildflower planting adoptions.

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

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

## § 2624. Materials and Equipment

- (a) *(text transferred from § 2623 (a) [§ 2623.]* Instructions for preparing plans and schedules, as defined in Section 2621 (r), are ~~will be~~ made available to vegetation control and planting adopters during the Permit Application process. In order to be approved by a district landscape specialist, an applicant’s plan(s) and work schedule must contain items described in the instructional handouts.
- (b) Supplies are distributed, or arrangements made for their distribution, at the adopter’s safety orientation.
- (1) *(text transferred from § 2623 (a) [§ 2623.]* Caltrans ~~will~~ provides safety gear, litter pickers, and litter bags to the volunteers group leader.
- (2) *(text transferred from § 2623 (a) [§ 2623.]* Caltrans ~~will~~ provides litter bags to the contractors.
- (3) *(text transferred from § 2623 (a) [§ 2623.]* ~~Caltrans supplied items~~ Safety gear, litter pickers, and litter bags are ~~will be~~ replenished throughout the Permit period.
- (c) *(text transferred from § 2623 (a) [§ 2623.]* Caltrans ~~will~~ collects filled litter bags from adoption sites.
- (1) An adopter may keep recyclable items found at their adoption site.
- (d) *(text transferred from § 2623 (a) [§ 2623.]* Unless special arrangements are made with Caltrans, the adopter shall furnish all other equipment, labor, and materials needed to successfully perform adoption tasks.

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

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

## Article 5. Establishing Adoption Sites

### § 2625. [§ 2624.] Purpose of Site Reviews

- (a) [§ 2624.] ~~The safety of participants while on the highway right of way is a primary concern for Caltrans.~~ *(text moved to § 2625 (b))* The purpose of a site review is to classify an area ~~in one of two ways,~~ as “adoptable” or “not adoptable.” If the site is classified as adoptable, information obtained during the site reviews, such as safe site access, location of work, appropriate work methods, and work frequency ~~will be~~ are included in the adopter’s Permit package.

~~1) Site reviews are required.~~

(b) § 2624.] The safety of participants while on the highway right-of-way is a of primary concern for to Caltrans therefore, sites are reviewed on an ongoing basis. Site reviews may be conducted any time a question arises regarding the site's safety, however, site reviews are required:

(1) § 2624. 1)(a)] When a new site is designated.

(2) § 2624. 1)(b)] When an existing site is realigned.

(3) § 2624. 1)(c)] Following construction at a site.

(4) § 2624. 1)(d)] Prior to processing a Permit Application if the site review on file is older than two years.

(c) Site reviews are ordered by the district coordinator and conducted by the maintenance supervisor.

(1) § 2624. 2)] Site reviews for available sites should be are returned within 15 calendar days.

(2) § 2624. 3)] Site reviews ordered as part of the permit renewal process should be are returned within 30 calendar days.

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

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

### § 2626. [§ 2625.] Site Review Criteria for "Adoptable" Sites

(a) § 2625.] Factors taken into consideration when sites are reviewed include are:

(A) [2625. 1)] Worker Safety.

(1) § 2625. 1)(a)] Site access.

(A) § 2625. 1)(a) i.] There must be safe access for a participants to enter, exit, and work along the site.

(B) § 2625. 1)(a) ii.] If motorized equipment is to be used, there must be safe access for the equipment to enter, exit, and operate along the site.

(C) § 2625. 1)(a) iii.] Except for city streets, 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.

(D) § 2625. 1)(a) iv.] Lane and shoulder closures are not permitted.

(2) § 2625. 2)] Location of work.

(A) The adoption site's beginning and ending points are established.

1. [§ 2625. 2)(a)] The site must meet the minimum mileage/acreage requirements for each adoption type as specified in Section 2623 (b). ~~See Article 4 Sec. 2623 Adoption Types.~~
2. *(text transferred from § 2623 (b)(1)(A) [§ 2623. 1])* The length of a site may vary slightly ~~where~~ if necessary to accommodate site conditions or adjacent projects.
3. [§ 2625. 2)(a) i.] Unless otherwise stated in the adopter's Permit, a sites located along a segment of highway includes any interchanges/ or ramps within the site segment.
4. [§ 2625. 2)(a) ii.] A districts may create interchange/ ramps only an adoption sites that includes only interchange or ramp areas. However, the work load of the interchange/ramps adoption must be comparable to the work load of the adjacent segment.
5. Small areas along the same highway may be combined to create a site that meets minimum size requirements.
6. Unless otherwise stated in the adopter's Permit, the width of a site extends from the edge of the paved roadway or shoulder to the Caltrans' property line.

(B) The following locations are not adoptable and are not reviewed:

~~[§ 2625. 2)(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. (text moved to § 2626 (a)(3)(c))~~

1. [§ 2625. 2)(c)] Adoption activities are not permitted in Medians.

~~[§ 2625. 2)(d)] Adoption activities are not permitted from one mile before to one mile after any federal U.S. Customs and Bborder Ccontrol facility Checkpoint.~~

2. [§ 2625. 2)(e)] Adoption activities are not permitted in Areas under construction.

3. [§ 2625. 2)(f)] Adoptions are not permitted if the site is Areas under maintenance agreement with another agency.

4. Areas within six feet of a traffic lane.

(3) Work methods.

(A) Appropriate site preparation, planting, and weed control methods are identified for planting adoptions.

(B) The type of vegetation to be controlled and appropriate control methods are identified for vegetation control adoptions.

(C) *(text transferred from § 2625. (1) (B) [§ 2625. 2)(b)])* An adoption activities performed within an environmentally sensitive areas must be compliant with restrictions (e.g., no spraying, no mowing, etc.) set forth in each the district's vegetation control plan.

(4) Work frequency.

- (A) (text transferred from § 2623 (b)(1)) [§ 2623. 1]) Litter Removal: Work frequency is 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.
- (B) Supplemental Litter Removal: Work frequency is based on the length of time it takes litter to accumulate at the site.
- (C) (text transferred from § 2623 (b)(3)(B) [§ 2623. 3]) Graffiti Removal: Turnaround time for graffiti removal is based on the location of the structure being adopted. For example, a highly visible structure is assigned less time than a structure in an obscure location. The minimum turnaround time that can be assigned is three days. The maximum is ten days. Graffiti of an obscene nature must be removed immediately as soon as possible and therefore will be removed by Caltrans forces.
- (D) (text transferred from § 2623 (b)(4)(B) [§ 2623. 4]) Vegetation Control: Work frequencies frequency is are determined by Caltrans and is are based on the length of time it takes for vegetation to grow and litter to accumulate at the site. The minimum vegetation control frequency is two times per year. Unless otherwise specified in the Permit provisions, the litter removal frequency assigned to a vegetation control adoption site is the same as vegetation control frequency.
- (E) (text transferred from § 2623 (b)(5)(B)4. [§ 2623. 5]) and § 2623 (b)(6)(B)3. [§ 2623. 6]) Tree and Shrub Planting and Wildflower Planting: Weed control frequency is determined by Caltrans and is based on the length of time it takes for weeds to accumulate at the site. The minimum weed control frequency is two times per year. The applicant's work schedule proposes a work frequency for other required planting activities. The work schedule is approved by Caltrans during the Permit Application process.

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

Reference: Sections 91.5, 91.6, 92, and 96, California Streets and Highways Code.

**§ 2627. [§ 2626.] Site Classification**

- (a) [§ 2626.] ~~There is no obligation for Caltrans to establish an adoption site. Adoptions are intended to reduce, not add to, the Caltrans maintenance work load. (text moved to § 2620 (a)(2)) Therefore, Districts are under no obligation to establish an adoption sites even if they site meets all site review criteria.~~
- (b) [§ 2626. 1)] Sites classified as "not adoptable" require a primary reason for the classification to be stated.

~~[§ 2626. 2)] Change of Site Classification.~~

- (c) [§ 2626. 2)(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 and 92, California Streets and Highways Code.

## **Article 6. Courtesy Signs**

### **§ 2628. [§ 2627.] Purpose of Courtesy Signs**

- (a) [§ 2627.] Caltrans may recognize contributions made through the Program by displaying the adopter's name on installing a courtesy sign's recognition panel. Although there is advertising value inherent in the a courtesy signs, they are it is not intended to be an advertising medium. Their A courtesy sign's sole purpose is to identify the adopter, not to advertise the adopter's 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 and 92, California Streets and Highways Code.

### **§ 2629. [§ 2628.] Installation, Location, Installation, and Cost of Courtesy Signs**

- (a) [§ 2628. 1)] One sign may be erected in each direction of the adoption. courtesy signs are to be placed near the beginning of each direction of an adoption site on the right shoulder of the highway.
- (1) [§ 2628. 2)] The size of the a courtesy sign is will be determined by its location.
- (2) [§ 2628. 3)] The exact placement of a courtesy signs is will be determined by each district's Division of Traffic Operations.
- (b) [§ 2628. 4)] A courtesy signs and recognition panels are will be provided, installed, and maintained by Caltrans for each project adopted direction at no cost to the adopter. However, as explained in Section 2630 (a), an adopters may incur some cost for the artwork to be displayed on the recognition panel.
- (c) [§ 2628. 5)] An adopters are is not guaranteed a courtesy sign or recognition panel. If a courtesy sign will or recognition panel is not be authorized, this will be the district coordinator informs the applicant disclosed before the Permit Application is processed.
- (1) [§ 2628. 5)(a)] A courtesy signs will is not be installed to recognize a supplemental litter removal or a "spot" wildflower planting adoptions.

- (2) ~~[\§ 2628. 5)(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, and 92, California Streets and Highways Code.

## **§ 2630. [§ 2629.] Recognition Panels**

### (a) Types of recognition panels:

- (1) Standard recognition panel: Caltrans provides a standard recognition panel at no cost to the adopter. A standard recognition panel displays the adopter’s name in black lettering, using a standard highway font.
- (2) Standard recognition panel with logo: The logo of an organization or business can be added to a standard recognition panel. (A recognition panel for an individual may not display a logo.) The adopter must purchase the logo and then deliver it to Caltrans. The logo must have adhesive backing. There is no fee charged to place a logo onto a standard recognition panel.
- (3) Custom recognition panel: If all panel elements (text and/or logo) are purchased by the adopter, the panel is called a “custom” panel. Adhesive-backed elements can be delivered to Caltrans, or, a completed panel can be delivered. Caltrans supplies blank recognition panels at no cost to an adopter who chooses the latter option. There is no fee charged for placing supplied elements onto a recognition panel.

~~[\§ 2629. 1)] Courtesy signs shall conform to the *Federal Highway Administration’s Manual of Uniform Traffic Control Devices.*~~

- (b) [\§ 2629. 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*.~~ All recognition panels must be compliant with the standards set forth in the *Adopt-A-Highway Recognition Panel Design Guidelines (Rev. 10/2009)* which is incorporated by reference. This document, which is posted on the Program Internet site, contains a complete listing of all panel design rules and describes limited exceptions to the following general policy:

- (1) [\§ 2629. 2)(a)] Recognition panels shall display one of the following:

- (A) [\§ 2629. 2)(a) i.] The name of the individual (or multiple individuals) listed on the ~~Permit~~ Program Application.

- (B) [§ 2629. 2)(a) ii.] The words, “In Memory of,” plus the name of ~~an~~ the individual or family in whose memory the adoption is being made as listed on the Program Application.
- (C) [§ 2629. 2)(a) iii.] The name and/or logo of the organization, agency, or business listed on the ~~Permit~~ Program Application.
- (2) [§ 2629. 2)(b)] Recognition panels shall not display:
  - (A) [§ 2629. 2)(b) i.] Graphics or borders that are not part of a logo.
  - (B) [§ 2629. 2)(b) ii.] ~~Because Program signs are viewed by children,~~ Wording or a logo that implies or is obscene or sexually explicit.
  - (C) [§ 2629. 2)(b) iii.] Adopter names or logos that violate the law or Caltrans’ policy as defined in Section 2621 (h).
  - (D) [§ 2629. 2)(b) iv.] Any form of advertising, including, ~~but not limited to,~~ street, email, and Internet addresses, directions, telephone numbers, dates, slogans, products, or services. This includes words in a logo that are not part of the adopter’s name.

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

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

### **§ 2631. [§ 2630.] Courtesy Sign Maintenance**

- (a) [§ 2630. 1)] ~~If a sign and/or recognition panel is vandalized, Caltrans will~~ replaces or repairs vandalized courtesy signs and/or recognition panels ~~them~~ ~~it~~ as needed. However, maintenance, repair, and/or replacement of a warning signs ~~and~~ or a regulatory signs ~~have~~ has priority over repair and/or replacement of a Program signs ~~twice during a permit period.~~
- (1) [§ 2630. 1)(a)] ~~If a custom panel must be replaced, an adopters who have purchased custom panels will have~~ has the option to purchase provide another custom panel or to have Caltrans provide a standard recognition panel ~~at no cost.~~
  - [§ 2630. 1)(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.~~
- (2) [§ 2630. 1)(b)] A persons caught vandalizing a courtesy signs or recognition panel will be prosecuted to the full extent of the law.
- (b) [§ 2630. 2)] A signs placed at a 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~~ reinstalls the sign.
- (c) With one exception, a recognition panel that is in good condition may not be changed until the beginning of a successive Permit period.

- (1) If an adopter is actively using a new logo, the adopter may be permitted to update a recognition panel during a Permit period.
- (d) [§ 2630. 3] Anytime a recognition panel is replaced, the new panel must be compliant with ~~current~~ recognition panel design rules.
- (e) [§ 2630. 4] A recognition panels that is altered or decorated by the adopter or a contractor is ~~will~~ be removed and the adopter's Permit may be ~~canceled~~ cancelled.
- (f) [§ 2630. 5] Except for litter removal sites, Caltrans ~~will~~ removes courtesy signs from vacant ~~non-litter~~ adoption sites or sites ~~if they are not being actively marketed~~ the district coordinator is not actively seeking an adopter for the site.

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

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

## **Article 7. Participation Options ~~Volunteer and Sponsor Participants~~**

### **§ 2632. [§ 2631.] Participation Options**

- (a) [§ 2631.] An adopters ~~have~~ has the option to use its own forces 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~~ its behalf. The former arrangement is considered a "volunteer adoption;" the latter is considered a "sponsored adoption."
  - (1) [§ 2631.] A volunteer adopter ~~groups~~ may convert to a ~~sponsorship~~ sponsored adoption 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.~~
  - (2) A sponsor may convert to a volunteer adoption, or change contractors, at any time during the course of an adoption. However, a sponsor is advised to carefully examine the terms of its contract with its contractor prior to making such a change.
- (b) An adopter may adopt multiple sites.

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

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

### **§ 2633. [§ 2632.] Shared Adoptions**

- (a) [§ 2632.] One or more parties may ~~participate as co-adopters~~ share responsibility for an adoption site. A shared adoption may be a volunteer adoption or a sponsored adoption.
- (b) [§ 2632.] When one party of a shared adoption no longer wishes to participate, the remaining adopter has 30 calendar days to notify Caltrans of the change and to select one of the following options:

- (1) [§ 2632. 1)] Take over responsibility for the entire site.
- (2) [§ 2632. 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) [§ 2632. 3)] If no waiting list exists, the remaining adopter can try to recruit a new co-adopter.
- (4) [§ 2632. 4)] If a waiting list exists, the first applicant ~~group~~ on that list can be offered the opportunity to share the adoption. ~~co-adopt with the remaining adopter, or~~
- (5) [§ 2632. 5)] Relinquish the adoption.

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

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

**§ 2634. [§ 2633.] Relationship of Contractors, Sponsors, and Caltrans**

(a) [§ 2633.] Caltrans has no authority or involvement in the contracts established between a sponsors and a contractors. A sponsors ~~are~~ is responsible for obtaining and discontinuing the services of a contractors.

(1) [§ 2633. 1)] A sponsor may hire one or more contractors.

(A)[§ 2633. 2)] Each contractor must submit a separate Permit Application.

(B)[§ 2633. 2)] A contractors may not subcontract.

~~[§ 2633. 3)] If a contractor's permit is revoked, the sponsors 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, and 92, California Streets and Highways Code.

**§ 2635. [§ 2634.] List of Contractors**

(a) [§ 2634. 1)] The statewide coordinator ~~will~~ maintains a list of licensed and insured contractors for public distribution. The list indicates the adoption types a contractor is licensed for and the districts where a contractor is authorized to work. ~~Only listed~~ A contractors ~~will be~~ must be on the list in order to be issued a Permits. The listing is for informational purposes only and does not constitute endorsement by Caltrans or any of its employees. [§ 2634. 1)(a)] In order to be added to the list, a contractors must:

~~[§ 2634. 1)(a) 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.) (text reworded in § 2635 (a)(1))~~

~~§ 2634. 1)(a) 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.) (text reworded in § 2635 (a)(1))~~

- (1) Provide proof of insurance and professional licensing as required by Caltrans. Types of insurance needed, minimum coverage amounts, and professional licensing requirements are set forth in a handout titled, Working with Contractors (Rev. 12/08) which is incorporated by reference. This document is posted on the Program Internet site.
  - (2) § 2634. 1)(a) iii.] Attend a meeting with the district coordinator for each district ~~in which~~ where they want to offer services. The statewide coordinator may also attend these meetings.
- (b) § 2634. 1)(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:
- (1) § 2634. 1)(b) i.] Provide proof of continuous insurance coverage and professional licensing to ~~Caltrans~~ the statewide coordinator. Copies of renewed policies and licenses must be received prior to the expiration of those previously submitted.
  - (2) § 2634. 1)(b) ii.] Provide 30 calendar days notice to ~~Caltrans~~ the statewide coordinator of any plans to reduce ~~and/or~~ cancel an insurance coverage(s) and/or a professional license(s).
  - (3) § 2634. 1)(b) iii.] Conform to all laws and regulations concerning business and professional licensing, ~~worker's~~ workers' compensation insurance, and fair employment practices.
  - (4) 2634. 1)(b) iv.] Conform to all Permit provisions ~~listed in the contractor's encroachment Permit package.~~
- (c) § 2634. 1)(c)] A contractors must not falsify a sponsor's signature, business license, or other document submitted to ~~Caltrans~~ the district coordinator on behalf of the sponsor.
- (1) § 2634. 1)(c) i.] If the falsification occurs at the Program Application stage, the Program Application ~~will be~~ is denied.
  - (2) § 2634. 1)(c) ii.] If the falsification occurs at the Permit Application stage, ~~both the sponsor's and contractor's Permit Applications are~~ will be denied.
  - (3) § 2634. 1)(c) iii.] In either case, a denial letter explaining the offense and the consequence ~~will be~~ is written to the sponsor and a ~~copies~~ copy is sent to the contractor. In addition, the contractor ~~will receive~~ is sent a ~~formal~~ warning letter.
  - (4) § 2634. 1)(c) iv.] If the sponsor still wishes to participate in the Program, ~~they~~ sponsor 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~~7~~ and 92, California Streets and Highways Code.

## Article 8. Program Application

### § 2636. [§ 2635.] Purpose of the Program Application

- (a) [§ 2635.] 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.~~ (text reworded in § 2637 (a) and (a)(2))
- (b) The Program Application is used to verify that the applicant's name is compliant with naming rules set forth in Section 2637 (b)(2) and to determine whether or not the applicant meets the eligibility requirements set forth in Section 2622.
- (c) Adoption sites are offered on a first-come, first-served basis based on the date that a completed Program Application is received.

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

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

### § 2637. [§ 2636.] Program Application Process

[§ 2636.] ~~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.~~ (text reworded as follows in (a) and (a)(1))

- (a) Any person who wishes to participate in the Program must submit a Program Application to the district coordinator. A contractor may submit a Program Application on behalf of a sponsor. If two or more applicants plan to share an adoption, each must submit a separate Program Application.
- (1) The Program Application is available on the Program Internet site, from a contractor, or from a district coordinator.
- (2) The Program Application may be submitted by mail, facsimile transmission, or electronically.
- (b) The Program Application process consists of six steps.
- (1) (text transferred from § 2637. (b)(2)(A) 7. and (b)(2)(A) 7. a. [§ 2636. 2) and 2)(a)]) When a Program Application is received, the district coordinator date stamps and initials the front of the Program Application.
- (2) The district coordinator verifies that the name entered into the "Individual, Organization, Agency, or Business Name" field of the Program Application is compliant with the following rules:

~~[§ 2636. 1)] The application must be filled out completely.~~

(A) [§ 2636. 1)(a)] A business must apply using the business' legal name. Use of a corporate indicator, such as Inc., Co., etc., is optional. 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:

1. [§ 2636. 1)(a) i.] Business license.
2. [§ 2636. 1)(a) ii.] City or county tax certificate.
3. [§ 2636. 1)(a) iii.] Articles of incorporation.
4. [§ 2636. 1)(a) 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>.
5. [§ 2636. 1)(a) v.] A Certificate of Registration (issued by the Secretary of State) is acceptable verification for out-of-state web entities.
6. [§ 2636. 1)(a) vi.] ~~A subsidiaryies and or 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.
7. [§ 2636. 2)] ~~When a Program Application is received, the district coordinator:~~  
(text moved to § 2637. (b)(1))
  - a. [§ 2636. 2)(a)] ~~Date stamps and initials the front of the application.~~  
(text moved to § 2637. (b)(1))

(B) An agency must apply using the agency's legal name.

(C) An organization must apply using the organization's complete name.

(D) An individual must apply using his or her legal first and last name. Use of a middle name or initial is optional.

(E) An applicant may wish to participate in the Program in honor of a deceased person. In this case, instead of the applicant's name, the words, "In Memory of," plus the deceased person's name(s) are entered into the "Individual, Organization, Agency, or Business Name" field. For example, "In Memory of John Doe." The deceased person's first name may be used without the last name. Use of a middle name or initial is optional. If several family members are to be memorialized, use of a family pronoun is considered by the statewide coordinator on a case-by-case basis.

(3) [§ 2636. 2)(b)] The district coordinator verifies that the application is complete.

(A) If the applicant's name is compliant with Program name rules and the Program Application is properly filled out, the Program Application is considered complete. The district coordinator enters the date completed on the front of the Program Application.

(B) [§ 2636. 2)(b) i.] If the applicant's name is not compliant with Program name rules or the Program Application is not filled out properly, or is incomplete, the district coordinator will contact the applicant to either obtain the missing information or to request that a corrected application be submitted. If a sponsor's Program Application was submitted by a contractor, the district coordinator may contact the contractor.

1. [§ 2635. 2)(b) ii.] ~~The date that~~ When the missing or incomplete information or corrected Program Application is received, the date completed is ~~will be~~ noted on the front of the Program Application.

(4) [§ 2635. 2)(c)] The district coordinator obtains eligibility approval. Completed Program Applications ~~will be~~ are collected by the district coordinator each week. On the following Monday (or the first work day thereafter), the Program Applications are ~~will be~~ forwarded to ~~the office of the Deputy District Director, Maintenance (DDDM). The Deputy District Director, Maintenance will have~~ DDDM has one week to decide whether to approve or disapprove the deny each applicant's eligibility. The decision to approve or deny an applicant's eligibility is noted on the face of each Program Application before the Program Applications are returned to the district coordinator.

[§ 2635. 2)(c) i.] If two or more applicants plan to share an adoption, each applicant must submit his/her/its own application.

(A) [§ 2635. 2)(c) i.] If ~~the group~~ a Program applicant is not eligible for participation, the DDDM ~~district coordinator will~~ sends an explanatory denial letter to the applicant, explaining the reasons the applicant is not eligible, ~~or the contractor who submitted the application~~ within 30 calendar days of receipt of the completed Program Application. The letter is sent by certified mail. If a sponsor's Program Application was submitted by a contractor, a copy of the denial letter ~~will be~~ is sent to the contractor.

[§ 2635. 2)(c) ii.] There is no appeal process for denied Program Applications.

1. [§ 2635. 2)(d)] Appeal process.

a. [§ 2635. 2)(d) i.] A denied applicants ~~appealing a denial must~~ may submit a written appeal to the District Director within 30 calendar days of receipt of the denial letter's issue date.

b. [§ 2635. 2)(d) ii.] The appeal must provide proof that the eligibility criteria in question ~~has~~ have been met.

c. [§ 2635. 2)(d) iii.] The District Director must respond, in writing, with a decision to either confirm or reverse the denial within 30 calendar days of receipt of the appeal.

d. [§ 2635. 2)(d) iv.] The district coordinator ~~must notify the statewide coordinator when a group has been denied.~~

(5) [§ 2636. 3)] ~~Once~~ If the applicant's eligibility is ~~has been~~ approved, the district coordinator ~~will~~ orders any needed site reviews. A site review is needed if a ~~for any~~ sites requested ~~that are~~ is classified as adoptable, is vacant, and ~~immediately available for adoption, if the site review on file is more than~~ older than two years old.

- (6) [~~§ 2636. 4~~] ~~The district coordinator will send 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). (text reworded as follows) The district coordinator sends an application status letter within 30 calendar days of the Program Application's completion date. If the Program Application was submitted by a contractor, the application status letter may be sent to the contractor. The application status letter indicates the action to be taken for each requested site.~~
- (A) [~~§ 2636. 4~~](a) ~~If a requested site is already adopted, does not have a current site review, or is under construction, the group Program applicant is will be placed on a waiting list.~~
- (B) [~~§ 2636. 4~~](b) ~~If a requested site is classified as "not adoptable," no further action is will be taken.~~
- (C) [~~§ 2636. 4~~](c) ~~If a requested site is available (classified as adoptable, vacant, and has a current site review), the Permit processing documents described in Section 2642 (b)(3) are included with the application status letter. the following items will be enclosed:~~
- ~~[2636. 4](c) i.] A list of documents required before a Permit can be issued with a clearly stated deadline for their return.~~
- ~~[2636. 4](c) ii.] Permit Applications for each available site.~~
- ~~[2636. 4](c) iii.] If needed, instructions for preparation of plans and schedules.~~

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

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

## Article 9. Waiting List

### § 2638. [~~§ 2637.~~] Establishment of Waiting Lists

- (a) [~~§ 2637.~~] ~~Each districts coordinator shall establish a waiting lists for a sites desired by more than one applicant. Only parties who have submitted a Program applicant 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. (text moved to § 2638 (4))~~
- (1) ~~An applicant can be placed on the waiting list for multiple sites.~~
- (2) ~~A contractor cannot be placed on the waiting list (unless the contractor intends to adopt the site as a volunteer participant).~~
- (3) ~~An applicant cannot transfer a position on the waiting list to another party.~~
- (4) [~~§ 2637.~~] ~~An applicants is are responsible for notifying Caltrans the district coordinator of any change in his/her/its contact information.~~

(5) *(text transferred from § 2639. [§ 2638. 1])* A waiting list applicants is ~~will be~~ ranked according to the date that ~~a~~ the applicant's completed Program Application is ~~was~~ received. ~~by the district coordinator.~~

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

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

### § 2639. [§ 2638.] Waiting List Process

~~[§ 2638. 1)] Waiting list applicants will be ranked according to the date that a completed Program Application was received by the district coordinator. (text moved to § 2638 (a)(5))~~

*(all Displaced Adopter's text is moved to § 2640)*

~~[§ 2638. 2)] Displaced Adopters:~~

~~[§ 2638. 2)(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:~~

~~[§ 2638. 2)(a) i.] Allow the permit to be revoked with no further action.~~

~~[§ 2638. 2)(a) ii.] Be placed first on the waiting list for sites within ten miles in either direction of the lost site (on the same highway):~~

~~[§ 2638. 2)(a) ii. 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.~~

~~[§ 2638. 2)(a) ii. 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.~~

~~[§ 2638. 2)(a) ii. 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.~~

*(all Suspended Permit's text is moved to § 2648)*

~~[§ 2638. 2)(b)] Suspended Permits: If an adopter's permit is suspended because the site is under construction, adopters in good standing may choose to either:~~

~~[§ 2638. 2)(b) i.] Give up the site and be placed on the waiting list with the displaced adopter status.~~

~~[§ 2638. 2)(b) ii.] Decline the option to be placed on the displaced adopter wait list and wait until construction is completed.~~

~~[§ 2638. 2)(b) ii. A)] When construction is completed, a new site review will be performed.~~

~~§ 2638. 2)(b) ii. 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.~~

~~§ 2638. 2)(b) ii. C)] If the site is no longer adoptable, the suspended permit will be revoked and the adopter will be notified.~~

(a) [§ 2638. 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~~ older than two years ~~old~~.

(1) [§ 2638. 3)(a)] If the site is classified as not adoptable, the site's waiting list is ~~will be discontinued and the district coordinator notifies all applicants waiting for the site will be notified.~~

(b) [§ 2638. 3)(b)] If the site is classified as adoptable, [§ 2638. 3)(b) i.] the district coordinator ~~will~~ contacts the first applicant, ~~or the contractor who submitted the Program Application on their behalf,~~ to see if they applicant is ~~are~~ still interested in the site. If the Program Application was submitted by a contractor, the contractor may be contacted.

(1) [§ 2638. 3)(b) i)] If the applicant is no longer interested, or if ~~they~~ the applicant cannot be reached because ~~their~~ of invalid contact information is ~~invalid~~, the applicant is removed from waiting list. The district coordinator then ~~will~~ moves on to the next waiting list applicant until an interested party is contacted.

(2) If the applicant is interested, the applicant is sent the Permit processing documents described in Section 2642 (b)(3). If the Program Application was submitted by a contractor, the documents may be sent to the contractor.

~~§ 2638. 3)(b) ii.] The waiting list applicant will be sent:~~

~~§ 2638. 3)(b) ii. A)] A Permit Application.~~

~~§ 2638. 3)(b) ii. B)] A list of documents required before a permit can be issued with a clearly stated deadline for their return.~~

~~§ 2638. 3)(b) ii. C)] If needed, instructions for preparation of plans and schedules.~~

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

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

### **§ 2640. Displaced Adopters** (new section created from text transferred from § 2639)

(a) (transferred from § 2639 [§ 2638. 2)(a)]) ~~Revoked Permits:~~ An adopters in good standing who ~~have~~ has had his/her/it's a Permits cancelled due to a change in site classification or suspended due to construction is ~~will be~~ given a "displaced adopter status." A displaced adopters ~~are~~ is allowed to choose one of the following options:

- (1) *(text transferred from § 2639 [§ 2638. 2)(a) i.]* Allow the Permit to be ~~revoked~~ canceled with no further action.
- (2) *(text transferred from § 2639 [§ 2638. 2)(a) 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) *(text transferred from § 2639 [§ 2638. 2)(a) ii. A])* If more than one ~~displaced~~ adopter is ~~displaced~~ on the waiting list for the same site, they ~~will be ranked according to~~ is determined by the numbers of ~~years~~ months the displaced adopter they had an active Permit issued for the lost site.
- (B) *(text transferred from § 2639 [§ 2638. 2)(a) ii. B])* A displaced adopter ~~will only be~~ is given one offer to adopt a site. If they ~~refuse the offer is refused~~, they ~~will lose their~~ adopter forfeits its displaced adopter status and all waiting list entries created as a result of ~~their~~ its displaced adopter status ~~will be~~ are deleted.
- (C) *(text transferred from § 2639 [§ 2638. 2)(a) ii. 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~~ are deleted.

Authority cited: Section 91.5, Streets and Highways Code.

Reference: Sections 91.5~~7~~ and 92, Streets and Highways Code.

## Article 10. Permit Application

### § 2641. [§ 2639.] Purpose of the Permit Application

- (a) [§ 2639.] A Permit Application is used to apply for a ~~n encroachment~~ Permit for a specific, available site.
- (1) [§ 2639. 1)] There is no fee charged for Program Permits.
- (A) [§ 2639. 2)] Permit provisions are subject to modification or abrogation by Caltrans at any time. *(text moved to § 2647 (b))*
- (B) [§ 2639. 3)] Adopters may cancel their Permit at any time without consequence from Caltrans. *(text moved to § 2647 (c))*
1. [§ 2639. 3)(a)] If a sponsor's Permit is canceled, the contractor's permit is no longer valid and must also be canceled. *(text moved to § 2647 (c)(1))*
- (b) *(text transferred from § 2622 (c) [§ 2622. 1)(e)]* Because extensive waiting lists for adoption sites exist, Caltrans ~~reserves the right to~~ limits the number of adoptions for a single ~~adopter group~~ to ten Permits per district.

(1) *(text transferred from § 2622 (c)(1) [§ 2622. 1)(e)(i)])* ~~An exceptions to the ten-permit maximum~~ may be granted for a 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, an adopters who has ~~have~~ more than ten Permits ~~is will~~ not be allowed a successive Permit at that site.

(c) *(text transferred from § 2643 (d) [§ 2641. 4])* ~~A Permits~~ shall not be transferred to another party.

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

Reference: Sections 91.5, 92, and 670 California Streets and Highways Code.

## **§ 2642. [§ 2640.] Permit Application Process**

~~[§ 2640. 1)] Hard-copy Permit Applications must be originated by Caltrans district coordinators.~~

(a) [§ 2640. 1)(a)] The Permit Application process begins when a Program Application is received for a vacant site that does not have a waiting list or when a site with a waiting list is vacated. If a newly vacated site has a waiting list, the district coordinator has a maximum of ninety calendar days to issue a Permit Application for the site. District coordinators will not be held to the ninety day maximum if:

(1) [§ 2640. 1)(a) i.] The site is no longer adoptable.

(2) [§ 2640. 1)(a) ii.] The first waiting list applicant is no longer interested in participating.

(3) [§ 2640. 1)(a) iii.] Where an updated Program Application is necessary, the first waiting list applicant does not return ~~a~~ the Program Application by the deadline given.

~~(4) [§ 2640. 1)(a) iii.] The first waiting list applicant's eligibility is not approved.~~

(b) The Permit Application process consists of the following seven steps:

(1) The district coordinator checks to see if the site review on file is older than two years. If so, a new site review is ordered.

(A) If the site is classified as not adoptable, the applicant is notified.

(2) If the site is classified as adoptable, the district coordinator contacts the applicant to discuss adoption requirements. If the Program Application was submitted by a contractor, the district coordinator may contact the contractor.

(3) Once the applicant has confirmed interest in the adoption, the district coordinator sends the applicant one or more of the following documents. If the Program Application was submitted by a contractor, the district coordinator may send the documents to the contractor.

(A) Permit Application(s) as defined in Section 2021 (y).

- (B) Adopt-A-Highway Recognition Panel Design Guidelines as incorporated by reference in Section 2630 (b).
  - (C) Working with Contractors as incorporated by reference in Section 2635 (a)(1).
  - (D) Instructions for preparing plans and schedules as defined in Section 2621 (r).
  - (E) A list of documents to be returned, with a clearly stated deadline for their return. The list includes one or more of the following:
    - 1. Permit Application(s).
    - 2. Business name verification (if required but not previously submitted).
    - 3. Recognition panel design proof.
    - 4. Example of logo being used in a corporate document.
    - 5. Site plan or planting plan, work plan, and work schedule.
- (4) [§ 2640. 5)] Upon receipt of the Permit Application, the district coordinator [§ 2640. 5)(a)] verifies that the **hard-copy** Permit Application was generated by Caltrans ~~is a Caltrans-generated form~~ and that it is properly completed and signed.
- (A) [§ 2640. 2)] The contractors for a sponsored adoption and the 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.
  - (B) [§ 2640. 3)] A Permit Applications may not be returned to Caltrans by facsimile transmission.
  - (C) [§ 2640. 4)] Once the **When Caltrans implements an on-line Permit Application process has been implemented, an applicants will have the option to either submit a hard-copy Permit Application or to submit a Permit Application via the Caltrans Program's Internet site.**
- (5) [§ 2640. 5)(b)] The district coordinator verifies that all other requested documentation has been submitted and if necessary:
- (A) [§ 2640. 5)(b) i.)] Forwards ~~submitted~~ the adopter's required plans and work schedule to a district landscape specialist for approval.
  - (B) [§ 2640. 5)(b) ii.)] Approves the submitted recognition panel design.
- (6) [§ 2640. 6)] Once the Permit Application(s), the recognition panel design, and any required plans and schedules have been approved, the Permit Application(s) is deemed "complete."  
 [§ 2640. 6)(a)] The district coordinator ~~will~~ writes the date completed on the face of the Permit Application(s). ~~and enter the date completed in the district database.~~

- (7) [§ 2640. 6)(b)] The district coordinator forwards the Permit Application(s) 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 calendar days of the date completed.
- (A) [§ 2640. 7)] The district permit engineer must confirm that all documents are “complete,” after which Caltrans has 55 calendar days to issue the Permit and mail a Permit package to the adopter. If a Permit is denied, the district permit engineer sends a denial letter to the applicant.
- (B) The appeal process for a denied Permit Application is described in Section 671.5 of the California Streets and Highways Code.

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

Reference: Sections 91.5, 92, 670, and 671.5, California Streets and Highways Code.

~~Reference: Sections 671.5, California Streets and Highways Code.~~

### § 2643. [§ 2641.] Successive Permits

- (a) [§ 2641.] An adopter may apply for a successive Permit an unlimited number of times provided ~~the adopter and/or their~~ adopter’s contractor has ~~not~~ satisfactorily met the terms of the ~~existing~~ Permit and the site remains suitable for adoption. However, the issuance of a first Permit does not set ~~precedence~~ precedent. Caltrans is under no obligation to grant a successive Permits.

~~[§ 2641. 1)] Request for a successive Permit.~~

- (1) [§ 2641. 1)(a)] If the adopter wishes to ~~re~~apply for a successive Permit, a notice of such intent shall be submitted to the district coordinator at least 30 calendar days prior to the expiration date of the Permit. The notice may be verbal or written; there is no form to submit.
- (2) [§ 2641. 1)(b)] As a courtesy, ~~the~~ district coordinators may initiate the successive Permit process by contacting the adopter or their ~~sponsor’s~~ contractor.

- (b) [§ 2641. 2)] A ~~new~~ site review is performed near the end of each Permit period.

- (1) [§ 2641. 2)(a)] If the site remains adoptable, ~~the~~ district coordinator must communicate any resulting changes in work frequency or in work procedures ~~must be communicated~~ to the adopter when they ~~re~~apply new Permit Application is sent.
- (2) If construction is scheduled for the area, the maintenance supervisor checks to see if any portion of the site will be excluded from the construction zone. If so, and it is safe and practical for the adopter to work in that portion, a new Permit Application, with modified beginning and ending points, is sent. If not, the entire site is classified as not adoptable.

(3) [~~§ 2641. 2)(b)~~] ~~If the site is no longer adoptable, the existing Permit is will be immediately canceled 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))~~ (text reworded as follows)

(A) If a volunteer adopter's past performance was satisfactory, the adopter is given a displaced adopter status. If a volunteer adopter's past performance was unsatisfactory, no further action is taken.

(B) If a contractor's past performance was satisfactory, the sponsor is given a displaced adopter status. If a contractor's past performance was unsatisfactory, the sponsor is still given a displaced adopter status, provided the sponsor hires a different contractor when a new site is adopted.

(c) [~~§ 2641. 3)~~] Review of ~~The district coordinator asks the maintenance supervisor if the group's volunteer adopter's or contractor's past performance was satisfactory.~~

(1) [~~§ 2641. 3)(a)~~] A volunteer adopter groups who has have not satisfactorily met Permit requirements will is not be issued a successive Permit.

(2) [~~§ 2641. 3)(b)~~] A sponsors, whose contractor has not satisfactorily met Permit requirements, must obtain the services of hire a different contractor in order to reapply for a successive Permit.

(d) [~~§ 2641. 4)~~] ~~Transfer of permit. Permits shall not be transferred to another party.~~  
(text moved to § 2641 (c))

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

Reference: Sections 91.5, 92, and 670 California Streets and Highways Code.

## **Article 11. Safety Orientation**

### **§ 2644. [~~§ 2642.] Purpose and Scope of a Safety Orientation~~**

(a) [~~§ 2642.]~~ A safety orientation is provided by Caltrans at a Caltrans facility to ensure that the group leader or the contractor's crew leader has received notice of the requirements set forth in the Permit package. Since site-specific information specific to a site is discussed, a separate safety orientation form must be signed attended for each adoption site.

(b) Safety orientations for volunteer adopters.

(1) Items to be discussed are included on the Form MTCE-02 Adopt-A-Highway Safety Orientation Checklist for Volunteers (Rev. 07/09) which is incorporated by reference.

(2) [~~§ 2642. 1)]~~ A volunteer adopters will be is issued safety training materials, safety gear, and if needed, litter pickers and litter bags at the conclusion of the safety orientation.

(c) Safety orientations for contractors.

- (1) Items to be discussed are included on the Form MTCE-10 Safety Orientation Checklist for Adopt-A-Highway Contractors (Rev. 06/09), which is incorporated by reference.
- (2) [\§ 2642. 2)] ~~A contractors are to~~ makes arrangements with each districts regarding distribution of litter bags.
- (3) [\§ 2642. 3)] ~~Contractors, who have received~~ If the contractor's Permit gives authorization to install or replace the site's recognition panel, the contractor ~~will receive~~ is given a recognition panel installation order ~~form~~ at the conclusion of the safety orientation. If the contractor does not already have a copy, the contractor is also given a handout titled Recognition Panel Installation by Adopt-A-Highway Service Contractors (Rev. 10/09) which is incorporated by reference. The handout describes conditions which must be satisfied before a contractor can install a recognition panel and explains required work procedures. The recognition panel installation order provides the following:
  - (A) Authorization to remove the existing recognition panel and/or install a new recognition panel.
  - (B) Instructions for disposing of the removed recognition panel(s).
  - (C) A field for the contractor to sign upon completion of work.
  - (D) Instructions for returning the signed installation order to Caltrans.

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

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

**§ 2645. [\§ 2643.] Who Must Attend a Safety Orientation**

- (a) [\§ 2643.] It is the responsibility of the volunteer group leader or the contractor's crew leader to schedule the safety orientation. Contact information for the maintenance supervisor who will be conducting the safety orientation is included in the Permit package.
  - (1) [\§ 2643. 1)] ~~Volunteers~~ adopters: Unless other arrangements are made with Caltrans, the primary contact listed on the Permit Program Application is the presumed group leader and the alternate contact is the presumed alternate group leader. ~~is~~ Both are mandated by ~~their~~ Permit provisions to attend a safety orientation for each adopted site. ~~The alternate contact and/or~~ Other members of the adopter's group may also attend.
  - (2) [\§ 2643. 2)] Contractors: The contractor's crew leader ~~person who will be supervising the crew while they are performing adoption tasks~~ is mandated by the contractor's Permit provisions to attend a safety orientation for each of its sponsor's sites.

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

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

## § 2646. [§ 2644.] When a Safety Orientation is Required

- (a) [§ 2644. 1)] New Permits: After a new Permit is issued, but before work can begin, a documented safety orientation must occur.
- (b) [§ 2644. 2)] Change of leader during a Permit period: If a new group leader, alternate group leader, or contractor's crew leader is designated during the Permit period, he/she the new leader must be given a safety orientation by Caltrans a maintenance supervisor, not by the previous leader.
- (c) [§ 2644. 3)] Change of leader at the beginning of a successive Permit period: ~~Successive permits: A safety orientations are~~ is not required if the safety orientation form on file from the previous Permit is signed by the same group leaders or contractor's crew leader ~~named on~~ designated for the new Permit period. However, if ~~the~~ either group leader or crew leader is new, a new safety orientation is required.
- (d) [§ 2644. 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~~ is lifted.
- (e) [§ 2644. 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~~ a volunteer adopter or crew contractor is found to be in violation of ~~their~~ Permit provisions.

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

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

## Article 12. Permit Period and Performance Monitoring

*(Article 12 text has been divided into smaller sections of information.)*

### § 2647. Permit Period *(new section created from text transferred from § 2623 and § 2641)*

- (a) A Permit is issued for five years.
- (b) *(text transferred from § 2641 (a)(1)(A) [§ 2639. 2])* Permit provisions are subject to modification or abrogation by Caltrans at any time.
- (1) *(text transferred from § 2623 (b)(1)(A) 2.) [§ 2623. 1)(b)]* If the pickup litter removal frequency specified on the adopter's Permit is not adequate to keep the site ~~an area~~ clean, the pickup frequency ~~will~~ may be increased. ~~Thirty A Ninety days' notice of a change in frequency will be given to the adopter.~~ *(text reworded as follows)* The district coordinator must notify the adopter of the increase at least 90 calendar days before the change becomes mandatory. The 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) If construction occurs in a portion of a site, the maintenance supervisor must decide if it is safe and practical for the adopter to work in the portion not under construction. If so, the beginning and/or ending points of the adoption site are modified. If not, the Permit is suspended.

(c) (text transferred from § 2641 (a)(1)(B) [§ 2639. 3]) An adopter may cancel their its Permit at any time without consequence from Caltrans.

(1) (text transferred from § 2641 (a)(1)(B) 1. [§ 2639. 3)(a)] If a sponsor~~s~~ cancels its Permit ~~is~~ canceled, the contractor's Permit is no longer valid and must also be canceled.

(2) If a contractor cancels its Permit, the sponsor's Permit is still valid. The sponsor has 30 calendar days to decide whether to cancel its own Permit, hire a new contractor, or convert to a volunteer adoption.

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

Reference: Sections 91.5, 92, and 670, California Streets and Highways Code.

**§ 2648. Suspension of Permits Due to Construction** *(new section created from text transferred from § 2639)*

(a) (text transferred from § 2639 [§ 2638. 2)(b)] ~~Suspended Permits.~~ If an adopter's Permit is suspended because the site is under construction, an adopter in good standing is given two options ~~may choose to either:~~

(1) (text transferred from § 2639 [§ 2638. 2)(b) i.] Give up the site and be placed on the waiting list with the "displaced adopter status" as described in Section 2640.

(2) (text transferred from § 2639 [§ 2638. 2)(b) ii.] Decline the option to be placed on the ~~displaced adopter~~ waiting list and wait until construction is completed.

(b) (text transferred from § 2639 [§ 2638. 2)(b) ii. A]) When construction is completed, a new site review is ~~will be~~ performed.

(1) (text transferred from § 2639 [§ 2638. 2)(b) ii. B]) If the site ~~is~~ remains adoptable, the Permit's suspension is ~~will be~~ lifted. If the Permit expired during construction, the ~~adopt~~ adopter is ~~will be~~ given a new Permit Application to apply for a successive Permit.

(2) (text transferred from § 2639 [§ 2638. 2)(b) ii. C]) If the site is no longer adoptable, the suspended Permit is canceled ~~will be revoked~~ and the adopter is ~~will be~~ notified.

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

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

§ 2649. [§ 2645.] Performance Monitoring (new section created from existing Article 12 text)

(a) [§ 2645.] Performing work under a Permit constitutes acceptance by the adopter of all requirements listed in their encroachment Permit package. An adopter's performance is randomly monitored by the maintenance supervisor (or his/her designee) responsible for the site to ensure compliance with Permit provisions and to determine whether or not the quality of work performed is satisfactory.

(1) [§ 2645.] Performance reviews for work quality must take place within one day 24 hours of the actual work performed.

(b) [§ 2645.] If a Permit violation or Caltrans policy violation occurs, the district shall take one of the following actions:

(1) [2645. 1)] Issue an informal warning.

(A)[2645. 1)(a)] An informal warnings are is instructive in nature and are is intended to correct work performance problems and encourage safe participation. [§ 2645. 1)(b)] A description of the violation(s) and any corrective action required will be are clearly communicated to the adopter and documented for future reference.

1. [2645. 1)(a)] Volunteer adopters: The district coordinator or maintenance supervisor (or his/her designee) responsible for the site will makes verbal contact with the volunteer adopter's primary contact group leader or the contractor's primary contact to point out the Permit violation(s).
2. Sponsors: A sponsor is not contacted when its contractor receives an informal warning.
3. Contractors: The district coordinator or maintenance supervisor makes verbal contact with the contractor's primary contact to point out the violation(s).

(2) [§ 2645. 2)] Issue a formal warning.

(A)[§ 2645. 2)(a)] A formal warnings are is admonitory in nature and informs the adopter that their a Permit will can be revoked if the violation(s) continue. The maintenance supervisor (or his/her designee) responsible for the site shall informs the district coordinator of the violation(s).

1. [§ 2645. 2)(a)] Volunteer adopters: The district coordinator shall sends a warning letter to the adopter's primary contact identifying stating the violation(s) which occurred and, if necessary, sets a deadline by which the violation(s) must be corrected.

~~[§ 2645. 2)(a) i.] Volunteers: Formal warning letters are sent to the volunteer group leader.~~

2. Sponsors: The district coordinator sends a warning letter to the sponsor's primary contact identifying the violation(s) committed by the sponsor's contractor and, if necessary, sets a deadline by which the contractor must correct the violation(s).

~~[§ 2645. 2)(a) ii.] Contractors: Formal warning letters are sent to the sponsor's primary contact. Copies are sent to the sponsor's contractor. A copy of the letter sent to the sponsor. (text reworded as follows)~~

3. Contractors: The district coordinator sends the contractor's primary contact a copy of the warning letter sent to the contractor's sponsor.

(3) [§ 2645. 3)] Revoking a the Permit.

(A) A Permit is revoked under the following conditions:

1. [§ 2645. 3)(a)] A Permit ~~will be~~ is revoked if a third formal warning is issued. The two prior formal warnings need not be for the same violation.
2. [§ 2645. 3)(b)] Caltrans ~~will~~ immediately revokes the Permit of ~~an~~ volunteer adopter or contractor whose workers act with a deliberate disregard for their own safety, the safety of Caltrans employees, or the safety of the traveling public.
3. [§ 2645. 3)(c)] Caltrans may immediately revoke the Permit of ~~an~~ volunteer adopter or contractor whose workers violate Caltrans Policy as defined in Section 2621 (h). 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. (text transferred to § 2621 (h))
4. [§ 2645. 3)(d)] ~~If a contractor's Permit is revoked, The sponsor will have 30 days to hire another contractor to convert to a volunteer adoption.~~ (text transferred to § 2650 (a)(2)(A))

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

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

**§ 2650. Steps Taken When a Permit is Revoked** *(new section)*

(a) Volunteer adopter's Permit is revoked.

- (1) Verbal notice: The district coordinator makes verbal contact with the volunteer adopter's primary contact and the date of verbal contact is documented. If the maintenance supervisor and the volunteer adopter's primary contact are at the adoption site when the violation occurs, the maintenance supervisor may give the verbal notice. The following information is given:

(A) The Permit or Caltrans policy violation(s) is identified.

(B) The adopter is advised that, effective immediately, it is no longer authorized to perform work at the adoption site.

(C) The adopter is informed that it will be sent a written notice of revocation.

- (D) The adopter is informed of its right to appeal the revocation as described in Section 2652 (a)(1).
- (2) Written notice: Within one week of the verbal notice, the district coordinator sends a revocation letter by certified mail to the volunteer adopter's primary contact. The information given during the verbal notice (Section 2650 (a)(1)) is repeated in the revocation letter.
- (b) Contractor's Permit is revoked.
  - (1) Verbal notice: The district coordinator makes verbal contact with the sponsor's primary contact and the contractor's primary contact. If the maintenance supervisor and the contractor's primary contact are at the adoption site when the violation occurs, the maintenance supervisor may give the verbal notice. The following information is given:
    - (A) The Permit or Caltrans policy violation(s) committed by the contractor is identified.
    - (B) The sponsor and the contractor are advised that, effective immediately, the contractor is no longer authorized to perform work at the adoption site.
    - (C) The sponsor and the contractor are informed that both will be sent a written notice of revocation of the contractor's Permit.
    - (D) The contractor is informed of its right to appeal the revocation as described Section 2652 (a)(1).
    - (E) The sponsor is informed that its Permit is still valid but that the sponsor's options are dependant on whether or not its contractor appeals the revocation. These options are listed in Section 2650 (c).
  - (2) Written notice: The district coordinator sends a letter by certified mail to the sponsor's primary contact. A copy of the letter is also sent by certified mail to the contractor's primary contact. The information given during the verbal notice (Section 2650 (b)(1)) is repeated in the revocation letter.
- (c) Options for sponsors whose contractor's Permit has been revoked.
  - (1) If the sponsor's contractor does not submit a written appeal by the deadline established in Section 2652 (a)(1), the district coordinator makes verbal contact with the sponsor's primary contact. (text transferred from § 2649 (b)(3)(A)4. [§ 2645. 3)(d)]) ~~If a contractor's Permit is revoked,~~ The sponsor is informed that it ~~will have~~ 30 calendar days to hire another contractor, to voluntarily cancel its own Permit, or to convert to a volunteer adoption.
    - (A) If the sponsor does not make a decision by the deadline, the district coordinator sends a letter to the sponsor's primary contact by certified mail. The following information is given:
      - 1. The sponsor is informed that its Permit is revoked for failure to choose a participation option.

2. The sponsor is informed of its right to appeal the revocation as described Section 2652 (a)(2).

(2) If the contractor submits a written appeal, the sponsor must wait until the contractor's appeal process is complete before taking action.

(A) If the decision to revoke the contractor's Permit is upheld, the district coordinator makes verbal contact with the sponsor's primary contact and explains the options listed in Section 2650 (c)(1).

(B) If the decision to revoke the contractor's Permit is reversed, the sponsor may continue the adoption using the same contractor.

(d) Sites vacated due to a revoked Permit.

(1) To allow time for an adopter to appeal the decision to revoke its Permit, the district coordinator keeps the affected adoption site vacant until the appeal deadline is past (30 calendar days after the adopter received the revocation letter).

(A) If no appeal is received by the deadline, the district coordinator may offer the adoption site to another party.

(B) If an appeal is received, the district coordinator keeps the adoption site vacant until the appeal process is complete.

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

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

**§ 2651. [§ 2645. 4] Future Disqualification From Future Participation** *(new section created from existing Article 12 text)*

(a) [§ 2645. 4)(a)] Volunteers adopters: A volunteer adopters whose Permits have been revoked for a Permit violation(s) cannot apply for another volunteer adoption. However, they volunteer adopter may apply for a sponsored adoption.

(b) Sponsors: If a sponsor's Permit is revoked for failure to choose a participation option by the deadline, they are not disqualified from future participation.

(c) [§ 2645. 4)(b)] Contractors: Depending on the violation(s), a contractor may have more than one Permit revoked.

(1) [§ 2645. 4)(b) i.] If the violation is site-specific occurred at a single site, only the contractor's Permit for that site will be is revoked. The contractor will not be issued another Permit for that location, regardless of the sponsor group.

(2) [§ 2645. 4)(b) 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 are revoked and the contractor will be is

disqualified from any future participation in that district. The contractor's name ~~will be~~ is removed from the contractor's list for that district only.

(A) Verbal notice:

1. The district coordinator makes verbal contact with the contractor and each affected sponsor as described in Section 2650 (b)(1).
2. In addition, the district coordinator informs the contractor's primary contact that the contractor:
  - a. Is no longer authorized to perform work at any adoption site in the district.
  - b. Will be removed from the district's list of contractors.
  - c. May appeal its removal from the list as described Section 2652 (b).

(B) Written notice:

1. The district coordinator sends a written notice to the contractor and each affected sponsor as described in Section 2650 (b)(2). The letters are sent by certified mail within two weeks of the verbal notice.
2. In addition, the district coordinator sends a letter to the contractor's primary contact regarding its removal from the district's list of contractors. The letter is sent by certified mail within two weeks of the verbal notice. Information given during the district coordinator's verbal notice to the contractor (Section 2651(c)(2)(A)(2)) is repeated in the written notice.

- (3) [§ 2645. 4(b) iii.] If a contractor is disqualified from a second district, the contractor ~~will be~~ is permanently removed from the contractor's list for all districts. The contractor's existing Permits in other districts ~~will be~~ are not be revoked if the contractor is meeting Permit provisions in those districts. However, no new or successive Permits ~~will be~~ are issued to that contractor in any district.

(A) Verbal notice:

1. The district coordinator makes verbal contact with the contractor and each affected sponsor as described in Section 2650 (b)(1).
2. In addition, the statewide coordinator informs the contractor's primary contact that the contractor:
  - a. Is no longer authorized to perform work at any adoption site in the second district.
  - b. Will not be issued any new or successive Permits in any district.
  - c. Is permanently removed from the contractor's list for all districts.
  - d. May appeal its removal from the lists as described in Section 2652 (b).

(B) Written notice:

1. The district coordinator sends a written notice to the contractor and each affected sponsor as described in Section 2650 (b)(2). The letters are sent by certified mail within two weeks of the verbal notice.
2. In addition, the statewide coordinator sends a letter to the contractor's primary contact by certified mail within two weeks of the verbal notice. Information given during the statewide coordinator's verbal notice to the contractor regarding its removal from the contractor's lists for all districts (Section 2651 (c)(3)(A)(2)) is repeated in the written notice.

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

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

**§ 2652. Appeal Process** *(new section)*

(a) Appeal process for revoked Permits.

- (1) Volunteer adopters and contractors: A volunteer adopter or contractor, who wishes to appeal the revocation of a Permit, may submit a written appeal by certified mail to the District Director within 30 calendar days of receipt of the revocation letter. The appeal must provide proof that the violation(s) did not occur.
- (2) Sponsors: A sponsor, whose Permit is revoked for failure to choose a participation option by the deadline, may submit a written appeal by certified mail to the District Director within 30 calendar days of receipt of the revocation letter. The appeal must provide good cause for missing the deadline.
- (3) Within 30 calendar days of receipt of the written appeal, the District Director must send a written reply that either confirms or reverses the decision to revoke the Permit.
  - (A) Volunteer adopters and sponsors: If the decision to revoke a Permit is reversed, the adopter is issued a new Permit for its former site.
  - (B) Contractors: If the decision to revoke a Permit is reversed, the contractor is issued a new Permit for its former site, provided that the sponsor wishes to continue using the contractor.

(b) Appeal process for removal from contractor's list.

- (1) A contractor, who wishes to appeal its removal from the contractor's list for a single district, may submit a written appeal by certified mail to the District Director within 30 calendar days of receipt of the revocation letter. The appeal must provide proof that the violation(s) did not occur.
- (2) A contractor, who wishes to appeal its removal from the contractor's list for all districts, may submit a written appeal by certified mail to the Caltrans Director within 30 calendar days of

receipt of the revocation letter. The appeal must provide proof that the violation(s) did not occur.

(3) Within 30 calendar days of receipt of the written appeal, the District Director, or the Caltrans Director, must send a written reply that either confirms or reverses the decision to remove a contractor from the contractor's list(s).

(A) If the decision to remove a contractor from the contractor's list(s) is reversed, the contractor is immediately reinstated to the list(s).

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

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