# Memorandum

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**To:** DISTRICT DIRECTORS
DISTRICT LANDSCAPE ARCHITECTS
DISTRICT PERMIT ENGINEERS
DEPUTY DISTRICT DIRECTORS, MAINTENANCE
ALL HOLDERS OF THE PROJECT DEVELOPMENT PROCEDURES MANUAL

**Date:** August 5, 2003

**From:** DOLORES VALLS
Acting Chief
Division of Design

**Subject:** Transportation Art Policy

The attachment to this memorandum updates the Department's Transportation Art Policy as stated in Chapter 29-Landscape Architecture, Section 6-Transportation Art of the Project Development Procedures Manual (PDPM).

The purpose of this policy is:

- To define the roles and responsibilities of the Department and the encroachment permit applicant for the administration, design, installation, maintenance and removal of transportation art.
- To define the procedures for submittal, review and processing of transportation art proposals.
- To provide design guidelines for transportation art.

The benefits of this policy are:

- It supports the Department's Context Sensitive Solutions Directive by providing a way for the Department to partner with local stakeholders to meet the aesthetic expectation of both the immediate community and the public at large.
- It minimizes Department expenditures for maintenance of transportation art by requiring that the encroachment permit applicant be the local public agency (city or county) supporting the proposed art and by placing responsibility for the maintenance, and if necessary, removal of the art work with the permittee.
- It requires the local agency document support of the community impacted by the art by issuing a resolution recommending approval of the proposed transportation art and requesting installation on State right-of-way.

The provisions in this policy shall be effective immediately. Revisions to the PDPM, Chapter 29 – Landscape Architecture, Section 6 – Transportation Art, will be made, among others, and distributed in two months. Attached is the revised section of the PDPM.

If you have any questions regarding this memorandum, please contact Keith Robinson, Chief, Office of State Landscape Architecture at (916) 654-6200.

Attachment

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# SECTION 6 - Transportation Art

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## General

The Department recognizes the effects of transportation facilities on local communities, and encourages the practice of context-sensitive design that reflects the aesthetic, cultural and environmental values of the affected community. The Department collaborates with local stakeholders to design new and modified transportation facilities, and aspires to meet the aesthetic expectations of both the immediate community and the public-at-large.

There is often a local desire to make existing transportation facilities more context sensitive. The Transportation Art Program provides a way for the Department to permit enhancement of existing transportation facilities by local communities and artists.

Bridges, sound walls and roadsides may provide an opportunity for the safe placement and maintenance of graphic or sculptural artwork that expresses something special about the community's history, resources or character.

The following policy and guidelines define and describe the Department's Transportation Art Program.

## Policy

The Department will encourage and promote enrichment of the cultural and visual environment for transportation system users and local communities by facilitating and coordinating the placement of artwork by others, within the state transportation right-of-way, through the encroachment permit process.

The permit applicant for transportation art shall be the responsible local public agency (city or county) supporting the proposed art and representing the community impacted by the art. The public agency shall issue a resolution recommending approval of the proposed transportation art and requesting installation on State right-of-way. A "double permit" (as described in the Department's Encroachment Permits Manual) may be issued to the artist for installation, maintenance, and removal of the artwork.

## Administrative Responsibilities

### Headquarters

The Chief, Office of State Landscape Architecture, is responsible for the following:

- Managing the Transportation Art Program
- Appointing a Headquarters Transportation Art Coordinator
- Maintaining and clarifying policy and procedures

- Monitoring District performance and providing quality assurance of program guidelines

**Districts**

The District Director is responsible for the following:

- Appointing a District Transportation Art Coordinator
- Facilitating, and coordinating the placement of authorized transportation art by others within transportation right of way
- Reviewing transportation art proposals for
  (1) demonstrated community acceptance,
  (2) compliance with State and federal regulations governing the Department's operations,
  (3) adequately planned and resourced maintenance of the art by the permittee, and
  (4) safety and liability issues for the Department, the artist and the public
- Approving or disapproving transportation art proposals for placement within the transportation system
- Issuing encroachment permits for the construction and/or installation of approved transportation art proposals
- Monitoring and enforcing permit requirements for the maintenance, restoration, or removal of transportation art, by others

## Financial Responsibilities

The Department will assume the administrative costs associated with reviewing transportation art proposals, and issuing and monitoring encroachment permits for approved artwork projects.

All other costs, including labor, materials, supplies, and traffic control (if required) for design, engineering, testing, construction, installation, maintenance and removal of the transportation art shall be borne by the permittee or artist.

The Department may require the permittee to provide bonds or other means to ensure maintenance, rehabilitation or removal of art.

## Maintenance

Transportation art shall be kept clean and in good repair. The permittee shall be required to perform regularly scheduled maintenance, as described in the maintenance plan, of the transportation art for its projected lifespan, including graffiti removal and restoration work to

maintain the integrity of the approved artwork. Graffiti removal shall conform to Caltrans current policies and guidelines, which require prompt removal of offensive messages and timely removal of all other graffiti. Maintenance practices shall protect air and water quality as required by law.

The Department may perform maintenance activities in the area of the transportation art, such as litter pickup and other maintenance that is normally associated with the transportation facility or right-of-way, but will not provide maintenance of the transportation art itself.

**Removal**

Transportation art, which becomes a safety or operational concern, is not adequately maintained in the opinion of the Department, or deteriorates to a condition beyond the ability of the permittee to repair, shall be removed by the permittee. The Department will notify the permittee when it has determined that the art requires special attention. In the event the permittee fails to maintain, repair, rehabilitate or remove the art in a timely manner, the Department may remove the art after sixty (60) days following notification of the permittee, and bill the permittee for direct costs of removal and restoration of the site area.

The Department reserves the right to remove the transportation art prior to the end of its projected lifespan due to construction, rehabilitation or other necessary activities of the transportation facilities, without obligation, compensation to, or approval of, the permittee or artist. The Department should strive to notify the permittee of its intent to remove the transportation art to allow for removal and salvage by the permittee or artist.

The Department reserves the right to remove or alter any art that presents an immediate safety hazard to the public without delay or advanced notification to the permittee or artist.

**Ownership and Copyrights**

Transportation art located within the Department's right-of-way will be considered a gift to the people of California and will become the property of the State. However, any copyright claimed by the artist may be retained by the artist, provided consent is granted to the Department to reproduce artwork for promotional purposes, regardless of copyright status.

The artist and local agency must agree to relinquish all other rights, statutory or implied, to the transportation art.

**Artist and Sponsor Recognition**

When approved by the Department, the name, identifying logo or symbol of the artist, local agency and/or financial sponsor may be placed on or adjacent to the transportation art and is not considered to be "text." The Department retains sole discretion for determining the appropriate size, content, colors and other elements of the artist and/or sponsor recognition. Logos and symbols for artist or sponsor recognition must be provided and maintained by the permittee.

**Design Guidelines for Transportation Art**

Proposed transportation art shall:

1. Be appropriate to its proposed setting.
2. Be in proper scale with its surroundings.
3. Not create a distraction to the motoring public, e.g.: The proposed art shall be large enough to interpret at highway speed, but not be so large that it demands attention from the motorist.
4. Be composed of materials that are durable for the projected life span of the project.
5. Be located where the permittee can safely perform required maintenance as specified in the encroachment permit and in conformance with Caltrans departmental procedures.
6. Be fully funded for design, installation, maintenance and removal by others for its projected life span.
7. Conform to provisions of the Outdoor Advertising Act.
8. Not be placed in median areas of controlled-access highways (freeways and expressways).
9. Not imitate, obscure or interfere with traffic control devices.
10. Not interfere with airspace above the roadway.
11. Not be placed within state right-of-way upon trees, rocks or other natural features.
12. Not adversely affect existing structures, drainage patterns or storm water runoff quality, landscaping, natural vegetation, or other planting.
13. Be located outside of the clear recovery zone (as defined in the Highway Design Manual). Transportation art shall be placed as far from the traveled way or edge of roadway as is practical, with consideration of the visibility of the art.
14. Not make predominate use of or simulate the design, colors or combinations of colors usually reserved for traffic control devices.
15. Not include reflective or glaring surface finishes.
16. Not include illumination that impairs or distracts the vision of transportation system users. Other lighting may be permitted. Lighting may be allowed on structures only when approved by Caltrans Structures, in accordance with current requirements.
17. Not include blinking or intermittent lights.
18. Not include moving elements (kinetic art) or simulate movement.

19. Not restrict sight distance.
20. Not include any form of advertising that would be in conflict with the outdoor advertising act.
21. Not display text, flags, or religious, political or commercial symbols.
22. Not include commercial symbols, except as allowed in "Artist and Sponsor Recognition."
23. Be designed to minimize ongoing maintenance needs. Department-approved protective graffiti coatings may be required by the Department.
24. Be consistent with Structures maintenance and inspection requirements, including:
    - Paint used on structures should not fill or obscure cracks. Latex or other flexible type paints may not be used on concrete structures.
    - Painting of steel structures may be prohibited.
    - Painted art on concrete structures should avoid load-carrying, stress-bearing structural members such as bridge girders, soffits, columns and piers. Wing walls and abutments are preferred locations for painted art.
    - Artwork shall not impair the necessary inspection of bridges, retaining walls and other structures.
    - To facilitate the Department's inspection access to structures, mural art may be placed on removable panels.

**Submittal of Artwork Proposals**

A transportation art proposal must be supported by the local agency that has jurisdiction in the area where the artwork will be placed.

The local agency shall ensure that the proposal is developed in cooperation with the community immediately impacted by the artwork. The local agency shall provide an opportunity for public comment on the proposed artwork.

The responsible city or county shall secure and document acceptance from the community immediately impacted by the artwork. Such acceptance may vary, but the community must ensure that those most affected have an opportunity to express support or opposition to the proposal.

The method of community review will be determined by the responsible local agency, with guidance provided by the District Transportation Art Coordinator. The appropriate method for

community review will depend on the nature of the artwork, and may range from developing a signed petition to conducting a public meeting,

The local agency shall provide the Department an adopted resolution that describes:

1) The local agency's jurisdiction over the area of the project site.
2) The date of public consideration and comment of the proposed art.
3) The local agency's approval of the artwork content.
4) The project's projected life span.
5) The local agency's commitment to ensure maintenance of the artwork, including timely graffiti removal/repair, and removal (or restoration) of the artwork at the end of its life span.
6) A schedule for commencing and completing project installation.

The artist and local agency must agree to abide by the Department safety rules and regulations and any additional restrictions the Department may apply to the project.

The name, address and telephone number of each person working within the right-of-way to construct, maintain, rehabilitate or remove art shall be provided to the Department initially, and thereafter as changes occur.

**Procedures for Processing Transportation Art Proposals**

The proposed site for installation of transportation art shall be reviewed and approved by the Department for safety and environmental considerations prior to approval of an encroachment permit. Safety determinations, such as highway operation, maintenance or tort liability, may be documented in a Permit Engineering Evaluation Report (PEER), or by other means. The Department shall have sole responsibility for approval of transportation art sites. The local agency and the Department shall review and approve the proposed transportation art prior to issuance of an encroachment permit.

Additional criteria, and permit conditions, may be applied to the project as determined appropriate by the District.

Transportation art proposals shall be reviewed for compliance with this policy.

The approval of a transportation art proposal shall be made with due consideration to safety (location, potential for motorist distraction, accessibility for maintenance, etc.), aesthetics, community support and maintainability.

As a courtesy, the Department may suggest alternative locations when it is necessary to deny the issuance of an encroachment permit due to site conditions.

Transportation art proposals shall include the following:

1) The local agency's adopted resolution in support of the art.
2) A resumé of the artist's work and background.
3) A full description of the proposed artwork, including location, proposed life span, construction and installation techniques, details necessary to convey construction methods, and proposed materials, including, but not limited to, paint and protective coatings.
4) Specifications for proposed materials, including Material Data Sheets.
5) A scaled drawing and/or model. The Department may furnish necessary site data.
6) Construction schedule.
7) Cost estimate.
8) Traffic control provisions, when required.
9) Maintenance plan and schedule.

Freestanding art may require design or review for structural stability by an appropriately licensed Engineer. Proposals which include structural modification of existing Department structures shall include design plans stamped by an appropriately licensed Engineer. The Office of Structures Maintenance will review these plans and approve any modifications.

After review and approval by the District Transportation Art Coordinator, the art proposal and approval documents will be submitted to the District Permit Engineer for processing. District Landscape Architecture, Maintenance (including field maintenance), Safety, Environmental and other appropriate units, including Headquarters Structures, should review transportation art permit applications.

The District Transportation Art Coordinator should send an informational copy of the art proposal, approval documents, permit and as-built information to the Headquarters Transportation Art Coordinator.

If, at any time during the process, the district recommends any changes or withholds concurrence on a project not yet approved, the proposal may be returned to the artist for revisions. Once a permit is approved, no changes shall be made to the art without prior written approval of the District Transportation Art Coordinator and the Permit Engineer.

Prior to the issuance of an encroachment permit, a maintenance agreement (as described in the Department's Encroachment Permits Manual) shall be established between the permittee and the Department for the care and upkeep of the transportation art.