

ENCROACHMENT PERMIT

TR-0120 (REV. 6/2000)

Permit No.
0214-NTK-0529

In compliance with (Check one):

- Your application of **December 8, 2014**
- Utility Notice No. _____ of _____
- Agreement No. _____ of _____
- R/W Contract No. _____ of _____

Dist/Co/Rte/PM
VAR-VAR-VAR-VARDate
December 8, 2014Fee Paid
\$ EXEMPTDeposit
\$Performance Bond Amount (1)
\$Payment Bond Amount (2)
\$

Bond Company

Bond Number (1)

Bond Number (2)

Customer Reference No.

TO:

Missing in America Veterans Recovery Program
2171 Hartly Circle
Redding, CA 96003

Attention: Frederick R. Salanti
Phone: 530-226-9900 or 530-355-9595

, PERMITTEE

and subject to the following, PERMISSION IS HEREBY GRANTED to:

Perform, maintain and enforce temporary traffic control as funeral escorts for Veteran Remains Organization funeral processions, between various post miles on various State Routes in various Counties, Statewide.

PERMITTEE RESPONSIBILITY: It is understood and agreed by the Permittee that utilizing this permit shall constitute an acceptance of the provisions of this Permit and all attachments.

GENERAL SPECIFICATIONS:

NOTIFY STATE'S REPRESENTATIVE: At least five working days before starting any work under this permit, the permittee shall notify the appropriate District Encroachment Permit Office from the list below, which will arrange for inspection and approval of the work covered by this permit. Additional time and requirements may be necessary for funeral processions estimated to be 10 or more vehicles.

(Continued)

THIS PERMIT IS NOT A PROPERTY RIGHT AND DOES NOT TRANSFER WITH THE PROPERTY TO A NEW OWNER.

The following attachments are also included as part of this permit (Check applicable):

- Yes No General Provisions
- Yes No Utility Maintenance Provisions
- Yes No Special Provisions Permit Closure Schedule, T10
- Yes No A Cal-OSHA permit, if required: Permit No. _____
- Yes No As-Built Plans Submittal Route Slip for Locally Advertised Projects
- Yes No Storm Water Special Provisions
- Yes No The information in the environmental documentation has been reviewed and is considered prior to approval of this permit.

In addition to fee, the permittee will be billed actual costs for:

- Yes No Review
- Yes No Inspection
- Yes No Field Work

(If any Caltrans effort expended)

This permit is void unless the work is completed before **December 31, 2015**.

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized.

No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

1 - Permittee
3 - Kubisch, Chaffin, Pascal
12 - Each listed District Contact
1 - HQ Permits

APPROVED:

JOHN BULINSKI, District Director, District 2

BY:



DB

STACEY BARNES, District Permit Engineer, District 2

Name: Missing in America Veterans Recovery Program
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Date: December 8, 2014

CONTACT LIST: The following are District Encroachment Permit Offices to be contacted as early as possible prior to any planned funeral procession requiring traffic control per the provisions of this permit. Each District may require additional details, provisions, documentation or actions depending upon specific routes and local highway and/or traffic conditions. When contacting the District Office's, the following information will be required:

For processions of 10 or fewer vehicles, provide a copy of the proposed route, time frame and the names and telephone numbers of the local law enforcement and California Highway Patrol (CHP) officers whom approved the route.

For processions of 11 to 30 vehicles, in addition to the above, the permittee shall provide a minimum of two weeks notice for review and approval of the route and time frame.

For processions of 31 or more vehicles, in addition to the above, the permittee shall make arrangements for a meeting to review the route, time frame and traffic management requirements with the local law enforcement, CHP, and Caltrans functional units.

All provisions with local law enforcement and the CHP will be done at permittee's arrangement and expense.

District 1 – Del Norte, Humboldt, Lake and Mendocino Counties – James Van Bonn, 1656 Union Street, P.O. Box 3700, Eureka, CA 95502-3700, telephone 707-445-6385

District 2 – Siskiyou, Modoc, Trinity, Shasta Lassen, Tehama, and Plumas Counties – Stacey Barnes, 1657 Riverside Drive, 1657 Riverside Drive, Redding, CA 96001, telephone 530-225-3400

District 3 – Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Yolo, Placer, Sacramento, and El Dorado Counties – Sergio Aceves, 703 "B" Street, P.O. Box 911, Marysville, CA 95901, telephone 530-741-5728

District 4 – Sonoma, Napa, Solano, Contra Costa, Marin, San Francisco, Alameda, San Mateo, and Santa Clara Counties – David Salladay, 111 Grand Avenue, 6th Floor, P.O. Box 23660, Oakland, CA 94623-0660, telephone 510-622-0724

District 5 – Santa Cruz, San Benito, Monterey, San Luis Obispo, and Santa Barbara Counties – Steve Senet, 50 Higuera Street, San Luis Obispo, CA 93401-5415, telephone 805-549-3152

District 6 – Madera, Fresno, Kings, Tulare, and portions of Kern Counties – Joe Espinosa, 1352 W. Olive Avenue, Fresno, CA 93728, telephone 559-488-4058

District 7 – Ventura and Los Angeles Counties – Amon Omidghaemi, 100 South Main Street, Suite 100, Los Angeles, CA 90012, telephone 213-897-3667

District 8 – San Bernardino County and Riverside County – Richard Goh, 464 W 4th Street, San Bernardino, CA 92401-1400, telephone 909-383-4526

District 9 – Mono, Inyo, portions of Kern, and portions of San Bernardino Counties – Stephen Winzenread, 500 South Main Street, Bishop, CA 93514, telephone 760-872-5222

District 10 – Alpine, Amador, San Joaquin, Calaveras, Tuolumne, Stanislaus, Merced and Mariposa Counties – Nelson Magsayo, 1976 E. Charter Way/MLK Jr. Blvd., P.O. Box 2048, Stockton, CA 95201, telephone 209-948-7891

District 11 – San Diego and Imperial Counties – Ann Fox, 4050 Taylor Street, San Diego, CA 92110, telephone 619-688-3158

District 12 – Orange County – Farid Nowshiravan, 3337 Michelson Drive, Suite 380, Irvine, CA 92612-8894, telephone 949-756-7677

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STANDARD SPECIFICATIONS AND STANDARD PLANS: Reference to Standard Specifications shall pertain to the 2010 State of California Standard Specifications including all amendments. The 2010 Standard Specifications are located at the following internet web page address:

http://www.dot.ca.gov/hq/esc/oe/specifications/std_specs/2010_StdSpecs/.

Any reference to "Contractor" and "Engineer" in the Standard Specifications is amended to read as "Permittee" and "State's Representative" respectively. Any reference to measurement and payment in the Standard Specifications shall not pertain to this permit. Reference to the Standard Plans shall pertain to the 2010 State of California Standard Plans.

GENERAL PROVISIONS: Permittee's attention is directed to the *General Provisions* attachment of this encroachment permit with special attention to items 13, 14, 15, and 26. In case of conflict between the *General Provisions* and the provisions set forth in this encroachment permit, the encroachment permit provisions shall take precedence over and shall be used in lieu of the *General Provisions*.

COOPERATION: Attention is directed to Section 5-1.20, "Cooperation," and Section 5-1.36, "Utility and Non-Highway Facilities," of the Standard Specifications. Work allowed by this encroachment permit may conflict with concurrent Caltrans or encroachment permit projects. Permittee shall coordinate all work with State's Representative. Such coordination may result in work delays and/or relocation of the permitted work, the costs of which shall be borne entirely by Permittee.

LIABILITY FOR DAMAGES: Permittee shall be liable for damage to the State highway caused by his operation.

TIME EXTENSION: Permittee is advised that any request for time extension shall require a full reevaluation of the original application. Such a reevaluation may conclude with further mitigation, at Permittee's expense, to comply with upgrades in highway design policies.

TERMS OF PERMIT: Any failure on the part of Permittee or his contractor or agent to abide by the terms of this permit or the directions of State's Representative shall be just cause for immediate stoppage of the work and revocation of the permit.

COPY OF PERMIT: A copy of this encroachment permit shall be available with each funeral procession.

TRAFFIC CONTROL:

TRAFFIC CONTROL SYSTEMS: No lane closures will be allowed and all personnel and vehicles shall be at least 6 feet from edge of traveled way (ETW, white edge stripe), until such time as the funeral procession commences. When the procession is under way, traffic shall be controlled by use of a rolling closure as described below. A shoulder closure as shown on *Traffic Control System T-10*, attached, shall be used any time vehicles are parked within 6 feet from the edge of pavement. The State's representative may require traffic to be controlled in compliance with *Traffic Control System T-10* by reason of the safety of the traveling public or Permittee's personnel and/or vehicle requirements. Traffic control measures shall not be placed during inclement weather or when the roadway is icy or frozen. Should State's representative observe any deviation from these provisions, Permittee shall comply immediately with all instructions and orders from the State's Representative.

ROLLING CLOSURE: Traffic control shall be performed only during times of light traffic or as directed by the State's representative. Traffic on the State highway shall be controlled by a rolling type of lane closure performed by the Permittee's trained escorts. If applicable, Caltrans forces or the California Highway Patrol (CHP) will close or monitor freeway ramps during the procession.

TRAFFIC CONTROL DELAYS: The total allowable delay due to the rolling closure shall not exceed ten minutes. After each closure, all accumulated traffic shall be allowed to pass through the work before another closure is made.

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NOTIFICATION FOR LANE OR SHOULDER CLOSURES: Permittee shall notify the appropriate Caltrans District Encroachment Permit office by telephone (see Contact List, above) at the time a lane or shoulder closure is installed, and again when the closure has ended. Permittee shall provide the following information; Permittee's name, encroachment permit number, location (county, route and post mile limits), direction of closure (e.g., southbound, eastbound, full road), and the time when installing or ending the closure. For weekends and after hours, Permittee shall leave a message at the appropriate telephone number, with the details as indicated. **Permittee shall also notify Encroachment Permits office if a scheduled closure is cancelled. Permittee MUST call to report status each instance a closure has been requested.**

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT GENERAL PROVISIONS
TR-0045 (REV. 01/2007)

1. **AUTHORITY:** The Department's authority to issue encroachment permits is provided under, Div. 1, Chpt. 3, Art. 1, Sect. 660 to 734 of the Streets and Highways Code.
2. **REVOCACTION:** Encroachment permits are revocable on five days notice unless otherwise stated on the permit and except as provided by law for public corporations, franchise holders, and utilities. These General Provisions and the Encroachment Permit Utility Provisions are subject to modification or abrogation at any time. Permittees' joint use agreements, franchise rights, reserved rights or any other agreements for operating purposes in State highway right of way are exceptions to this revocation.
3. **DENIAL FOR NONPAYMENT OF FEES:** Failure to pay permit fees when due can result in rejection of future applications and denial of permits.
4. **ASSIGNMENT:** No party other than the permittee or permittee's authorized agent is allowed to work under this permit.
5. **ACCEPTANCE OF PROVISIONS:** Permittee understands and agrees to accept these General Provisions and all attachments to this permit, for any work to be performed under this permit.
6. **BEGINNING OF WORK:** When traffic is not impacted (see Number 35), the permittee shall notify the Department's representative, two (2) days before the intent to start permitted work. Permittee shall notify the Department's Representative if the work is to be interrupted for a period of five (5) days or more, unless otherwise agreed upon. All work shall be performed on weekdays during regular work hours, excluding holidays, unless otherwise specified in this permit.
7. **STANDARDS OF CONSTRUCTION:** All work performed within highway right of way shall conform to recognized construction standards and current Department Standard Specifications, Department Standard Plans High and Low Risk Facility Specifications, and Utility Special Provisions. Where reference is made to "Contractor and Engineer," these are amended to be read as "Permittee and Department representative."
8. **PLAN CHANGES:** Changes to plans, specifications, and permit provisions are not allowed without prior approval from the State representative.
9. **INSPECTION AND APPROVAL:** All work is subject to monitoring and inspection. Upon completion of work, permittee shall request a final inspection for acceptance and approval by the Department. The local agency permittee shall not give final construction approval to its contractor until final acceptance and approval by the Department is obtained.
10. **PERMIT AT WORKSITE:** Permittee shall keep the permit package or a copy thereof, at the work site and show it upon request to any Department representative or law enforcement officer. If the permit package is not kept and made available at the work site, the work shall be suspended.
11. **CONFLICTING ENCROACHMENTS:** Permittee shall yield start of work to ongoing, prior authorized, work adjacent to or within the limits of the project site. When existing encroachments conflict with new work, the permittee shall bear all cost for rearrangements, (e.g., relocation, alteration, removal, etc.).
12. **PERMITS FROM OTHER AGENCIES:** This permit is invalidated if the permittee has not obtained all permits necessary and required by law, from the Public Utilities Commission of the State of California (PUC), California Occupational Safety and Health Administration (Cal-OSHA), or any other public agency having jurisdiction.
13. **PEDESTRIAN AND BICYCLIST SAFETY:** A safe minimum passageway of 4' shall be maintained through the work area at existing pedestrian or bicycle facilities. At no time shall pedestrians be diverted onto a portion of the street used for vehicular traffic. At locations where safe alternate passageways cannot be provided, appropriate signs and barricades shall be installed at the limits of construction and in advance of the limits of construction at the nearest crosswalk or intersection to detour pedestrians to facilities across the street. Attention is directed to Section 7-1.09 Public Safety of the Department Standard Specifications.
14. **PUBLIC TRAFFIC CONTROL:** As required by law, the permittee shall provide traffic control protection warning signs, lights, safety devices, etc., and take all other measures necessary for traveling public's safety. While providing traffic control, the needs and control of all road users [motorists, bicyclists and pedestrians, including persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA)] shall be an essential part of the work activity.

Day and night time lane closures shall comply with the California Manual on Uniform Traffic Control Devices (Part 6, Temporary Traffic Control), Standard Plans, and Standard Specifications for traffic control systems. These General Provisions are not intended to impose upon the permittee, by third parties, any duty or standard of care, greater than or different from, as required by law.
15. **MINIMUM INTERFERENCE WITH TRAFFIC:** Permittee shall plan and conduct work so as to create the least possible inconvenience to the traveling public; traffic shall not be unreasonably delayed. On conventional highways, permittee shall place properly attired flagger(s) to stop or warn the traveling public in compliance with the California Manual on Uniform Traffic Control Devices (Chapter 6E, Flagger Control).
16. **STORAGE OF EQUIPMENT AND MATERIALS:** The storage of equipment or materials is not allowed within State highway right-of-way, unless specified within the Special Provisions of this specific encroachment permit. If Encroachment Permit Special Provisions allow for the storage of equipment or materials within the State right of way, the equipment and material storage shall comply with Standard Specifications, Standard Plans, Special Provisions, and the Highway Design Manual. The clear recovery zone widths must be followed and are the minimum desirable for the type of facility indicated below: freeways and expressways - 30', conventional highways (no curbs) - 20', conventional highways (with curbs) - 1.5'. If a fixed object cannot be eliminated, moved outside the clear recovery zone, or modified to be made yielding, it should be shielded by a guardrail or a crash cushion.
17. **CARE OF DRAINAGE:** Permittee shall provide alternate drainage for any work interfering with an existing drainage facility in compliance with the Standard Specifications, Standard Plans and/or as directed by the Department's representative.
18. **RESTORATION AND REPAIRS IN RIGHT OF WAY:** Permittee is responsible for restoration and repair of State highway right of way resulting from permitted work (State Streets and Highways Code, Sections 670 et. seq.).

activity is being performed under the obligations provided by and contemplated by the permit, except as otherwise provided by statute.

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

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

29. **NO PRECEDENT ESTABLISHED:** This permit is issued with the understanding that it does not establish a precedent.
30. **FEDERAL CIVIL RIGHTS REQUIREMENTS FOR PUBLIC ACCOMMODATION:**
A. The permittee, for himself, his personal representative, successors in interest, and assigns as part of the consideration hereof, does hereby covenant and agree that:
1. No person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
 2. That in connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination shall be practiced in the selection and retention of first-tier subcontractors in the selection of second-tier subcontractors.
 3. That such discrimination shall not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation), and operation on, over, or under the space of the right of way.
 4. That the permittee shall use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A, Office of the Secretary of Commerce, Part 8 (15 C.F.R. Part 8) and as said Regulations may be amended.
 5. That in the event of breach of any of the above nondiscrimination covenants, the State shall have the right to terminate the permit and to re-enter and repossess said land and the facilities thereon, and hold the same as if said permit had never been made or issued.
31. **MAINTENANCE OF HIGHWAYS:** The permittee agrees, by acceptance of a permit, to properly maintain any encroachment. This assurance requires the permittee to provide inspection and repair any damage, at permittee's expense, to State facilities resulting from the encroachment.
32. **SPECIAL EVENTS:** In accordance with subdivision (a) of Streets and Highways Code Section 682.5, the Department of Transportation shall not be responsible for the conduct or operation of the permitted activity, and the applicant agrees to defend, indemnify, and hold harmless the State and the city or county against any and all claims arising out of any activity for which the permit is issued.

Permittee understands and agrees that it will comply with the obligations of Titles II and III of the Americans with Disabilities Act of 1990 in the conduct of the event, and further agrees to indemnify and save harmless the State of California, all officers and employees thereof, including but not limited to the Director of Transportation, from any claims or liability arising out of or by virtue of said Act.

33. **PRIVATE USE OF RIGHT OF WAY:** Highway right of way shall not be used for private purposes without compensation to the State. The gifting of public property use and therefore public funds is prohibited under the California Constitution, Article 16.
34. **FIELD WORK REIMBURSEMENT:** Permittee shall reimburse State for field work performed on permittee's behalf to correct or remedy hazards or damaged facilities, or clear debris not attended to by the permittee.
35. **NOTIFICATION OF DEPARTMENT AND TMC:** The permittee shall notify the Department's representative and the Transportation Management Center (TMC) at least 7 days before initiating a lane closure or conducting an activity that may cause a traffic impact. A confirmation notification should occur 3 days before closure or other potential traffic impacts. In emergency situations when the corrective work or the emergency itself may affect traffic, TMC and the Department's representative shall be notified as soon as possible.
36. **SUSPENSION OF TRAFFIC CONTROL OPERATION:** The permittee, upon notification by the Department's representative, shall immediately suspend all lane closure operations and any operation that impedes the flow of traffic. All costs associated with this suspension shall be borne by the permittee.
37. **UNDERGROUND SERVICE ALERT (USA) NOTIFICATION:** Any excavation requires compliance with the provisions of Government Code Section 4216 et. seq., including, but not limited to notice to a regional notification center, such as Underground Service Alert (USA). The permittee shall provide notification at least 48 hours before performing any excavation work within the right of way.