



MINUTES of June 22, 2020 Regular Meeting

Board of Public Works & Safety and Stormwater Board

Held 2:00 p.m. Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Chair Jeremy Stutsman, Member Mary Nichols

Absent: Member Mike Landis

Minutes of May 4 were presented.

Nichols/Stutsman moved to approve minutes of May 4 as presented. Passed 2-0

Mayor moved to add Item #9 (Request from Mayor), moved Item #1 to Item #10 (Main Street Black Lives Matter Mural)

Stutsman/Nichols moved to approve the agenda as amended. Passed 2-0

Hiring of Justin T. Rayl as Probationary Patrol Officer

Chief of Police Jose' Miller presented the packet memo.

Nichols/Stutsman moved to approve the hiring of Justin T. Rayl as a Probationary Patrol Officer effective today, June 22, 2020. Passed 2-0

Probationary Patrol Officer Justin T. Rayl was sworn in by Mayor Stutsman.

Tactical Fire Training Facility, JN: 2017-0017

Director of Public Works Dustin Sailor presented that packet memo.

Nichols/Stutsman moved to accept the Tactical Fire Training Structure constructed/installed by Ancon Construction, Inc. with American Fire Training Systems, Inc. as the subcontractor and supplier of the structure. Passed 2-0



Multi-Site Downtown Businesses Outdoor Seating Request

Director of Events for Eyedart Creative Studios Adrienne Nesbitt presented the packet memo.

Mayor stated that further discussion would be needed in order to finalize the requirements for outdoor seating.

Stutsman/Nichols moved to table the request until the June 29 meeting. Passed 2-0

Outdoor Seating Request - Blank Space 109 E Lincoln Avenue

Anna Wiebe was experiencing technical issues with the remote meeting connection.

Stutsman/Nichols moved to table the open seating request until the June 29 meeting. Passed 2-0

Declared Emergency Paid Leave - List of Eligible Employees per Ordinance 5040

Clerk-Treasurer Adam Scharf presented the packet memo.

Nichols/Stutsman moved to ratify the determinations of the Mayor and the respective department heads that the included list of employees are eligible to receive Declared Emergency Paid Leave under Ordinance 5040. Passed 2-0

Wastewater Treatment Plant Construction Trailer Internet Service Agreement, JN: 2019-0025A

Sailor presented the packet memo.

Nichols/Stutsman moved to authorize the Mayor to sign the access agreement with Comcast to allow installation of internet service to the construction trailers at the Wastewater Treatment Plant. Passed 2-0

Eisenhower Drive. & Kercher Path Topographical Survey Agreement, JN: 2020-013

Sailor presented the packet memo.

Nichols/Stutsman moved to approve the Topographical Surveys with Jones Petrie Rafinski for the amount of \$18,700.00. Passed 2-0



Douglas, Reynolds, 16th Street Geotechnical Services Agreement, JN: 2020-017

Sailor presented the packet memo.

Mayor noted that one bid was much lower than the others. Asked Sailor for confirmation that the scope of the work was clear and complete.

Sailor confirmed; stated that the City has worked with Patriot Engineering and Environmental in the past.

Nichols/Stutsman moved to approve the geotechnical services with Patriot Engineering and Environmental, Inc. for the amount of \$3,950.00. Passed 2-0

Interlocal Agreement: College Avenue & US Highway 33 Intersection Improvement, JN: 2016-0021, INDOT DES. NO. 1383237

Sailor presented the packet memo.

Nichols/Stutsman moved to approve the Interlocal agreement with the State of Indiana for the intersection of US Highway 33 and College Avenue that will have a participatory cost of \$104,232.40; allow the Mayor to sign the agreement on behalf of the board. Passed 2-0

Outdoor Seating Request: Blank Space 109 E. Lincoln Avenue

Stutsman/Nichols moved to remove Item# 3 from the table and hear it today. Passed 2-0

Anna Wiebe with Blank Space presented the packet memo.

Mayor Stutsman asked if the request could be tabled along with the other outdoor seating request to the next meeting.

Wiebe asked for a one-time approval for an event to be held on Wednesday.

Stutsman/Nichols moved to approve a one-time outdoor seating request for Blank Space on Wednesday June 24, 2020. Passed 2-0

Mayor Request to Create and Sign a Contract for the Installation of a Public Mural

Mayor Stutsman presented his request to create and sign a contract for the installation for a public mural. (*Attached as Exhibit A*)

Nichols/Stutsman moved to give authority to Mayor Stutsman to create and sign a contract for the installation of a public mural. Passed 2-0



Main Street "Black Lives Matter" Mural Request

Mayor presented the packet memo. Abraham Medellin presented his opening statement

The following people spoke in opposition to the request:

Scott Woldruff, Debra Beck, Jenn Sorg, Dave Pottinger, Shelby Traffer, Danette Showalter, and Scott Salisbury.

The following people spoke in favor of the request:

Connie Garber, Jesse Moore, Julie Bruder, Ryan Clummy, Kelsey (local teacher), MJ, Mylan Doreen, Kayla, and Aidan Friesen.

City Attorney Bodie Stegelmann noted a concern about precedent if the request were granted.

Sailor presented the memo packet (*Attached as Exhibit B*) and that INDOT has policies regarding artwork on roadways. Stated the Engineering Department is not for or against the mural.

Medellin closed his request by thanking everyone who spoke today. Said that this request is setting the bar high to show how passionate this group is. Medellin also brought forward the guidelines set for "First Fridays." Medellin responded to the argument that this mural could lead to protests and damage downtown, saying that materials and windows can be replaced, lives cannot.

Mayor closed the discussion by expressing his support for the Black Lives Matter movement. Said he wants to make sure the City of Goshen is always taking a step forward. Remarked that the Board will vote on this request based on policies and safety, not the movement itself.

Stutsman/Nichols moved to approve the painting of Black Lives Matter on Main St. Failed 0-2

Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn. Passed 2-0

Adjournment at 3:30 p.m.

Exhibit A: Engineering Dept. Memo: Street Art Policies (128 pages)

APPROVED (next page)



(ABSENT) as

Jeremy Stutsman, Chair

Michael A Landis

Michael Landis, Member

Mary Nichols

Mary Nichols, Member

ATTEST

Adam Scharf

Adam Scharf, Clerk-Treasurer



**Engineering Department
CITY OF GOSHEN**

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MEMORANDUM

TO: Board of Works and Safety and Stormwater Board

FROM: Dustin Sailor, P.E., Director of Public Works

RE: **STREET ART POLICY - STATUS
(JN: STREETS)**

DATE: June 22, 2020

There was a street art presentation at the City Council meeting on June 16, 2020. The organizer indicated they wanted to install a painted message on Main Street, focused at the intersection of Main Street and Washington Street. From the council meeting and later the newspaper, it was understood the organizer would present their request to the Goshen Board of Works and Safety, at the meeting on June 22. Because the City does not have a policy for the installation of street art in the public right-of-way, Goshen Engineering staff began researching what other communities and organizations have in place regarding the installation of street art.

Goshen Engineering's finds after several days of research is:

- 1.) The Federal Highway Administration (FHWA) does not support the installation of street art. In the Uniform Manual of Traffic Control Devices (MUTCD) it states, "Paragraph (b) of 23 CFR 1.23 provides that all property within the right-of-way boundaries shall be devoted exclusively to public highway purposes. Intersection murals and street artwork have the potential to compromise motorist safety by interfering with, detracting from, or obscuring official traffic control devices. They can also encourage road users—especially bicycles and pedestrians—to directly participate in the design, loiter in the street, or give reason to not vacate the street in an expedient or predictable manner. For these reasons, exceptions for intersection murals and street art are not made in accordance with Paragraph (c) of 23 CFR 1.23.
- 2.) The Indiana Department of Transportation (INDOT) has a policy, updated on January 18, 2011, regarding the management of street art and landscaping within the state-managed right-of-way. In bold letters, it states, "Entities that advocate violence, violation of the law, or discrimination based upon race, religion, color, national origin, ancestry, disability, age, or sex may not participate in the program."

As one of the State's evaluation bullets, "Potential for traffic distraction: Proposed art or landscaping must not distract motorists. It must be appropriate for the speed and angle at which it will be viewed. Landscaping and art must not obscure sight distance or encroach into the clear zone (including full mature growth of plantings)."

- 3.) Goshen Engineering has reviewed the policies and programs for the City of Tampa, FL, the City of Vancouver, WA, the City of Boulder, CO, the City of Minneapolis, MN, and the City of Charlotte, NC. Various points from the communities' policies are:
- a. There is typically a several month process in place that allows proper review and input from the community
 - b. The location where the artwork will be placed must be identified
 - c. A design needs to be developed and provided for review
 - d. Have the surrounding neighbors/property owners been contacted and do they support the artwork
 - e. Documentation on how the artwork will be funded and how the artwork will be maintained. The artwork is not to become a burden for the community
 - f. Indication of approved paints and what materials will be used to minimize slips by improving friction
 - g. The street mural should not contain advertisement, logos, works, messages or conflict with official traffic control markings or devices
 - h. Artwork cannot display religious or political messages
 - i. An agreement between the artist or art group and the City
 - j. Road closure request
 - k. Right-of-way permit
 - l. Traffic control plan and traffic control set up by a qualified organization
 - m. Maintain Commercial General Liability Insurance

From a technical perspective, the City of Goshen Engineering Department is not prepared to issue right-of-way approvals for the placement of artwork, and in particular, pavement art, within the public right-of-way that is not sanctioned or directed by the City of Goshen. If the Board of Works would like to explore receiving applications for public artwork within the right-of-way, I ask the Board to provide direction that there for expansion of the right-of-way permit application. With this directive, I will initiate a task force to develop a street art policy revised right-of-way permit for the Board's consideration in the coming months.

Exhibit A
Federal Highway Administration (FHWA)
Memorandum – Right of Way Color Ambiguity



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** MUTCD – Official
Ruling 3(09)-24(I) – Application of
Colored Pavement

Date: **AUG 15 2013**

JAL
From: Jeffrey A. Lindley
Associate Administrator for Operations

In Reply Refer To:
HOTO-1

To: Federal Lands Highway Division Engineers
Division Administrators

Purpose: Through this memorandum, the Federal Highway Administration's (FHWA) Office of Transportation Operations (HOTO) is issuing an Official Interpretation of Chapter 3G of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) on the approved uses of colored pavement. For recordkeeping purposes, this Official Ruling has been assigned the following number and title: "3(09)-24(I) – Application of Colored Pavement."

Background: The FHWA is concerned that considerable ambiguity continues regarding how colored pavement can be used, especially between the white transverse lines of a legally marked crosswalk.

Colored pavements consist of differently colored road paving materials, such as colored asphalt or concrete, or paint or other marking materials applied to the surface of a road or island to simulate a colored pavement. Colored pavement is a traffic control device when it attempts to communicate with any roadway user or when it incorporates retroreflective properties. Colored pavement can also be a purely aesthetic treatment. When used in this manner, colored pavement is not a traffic control device provided that it does not attempt to communicate with the motorist or incorporate elements of retroreflectorization.

Colored Pavement in Crosswalks: In the late 1990s, the marketplace introduced and promoted aesthetic treatments for urban streetscape environments that included the opportunity to install a range of colors and a multitude of patterns. The most popular opportunity to implement these treatments was between the legally marked transverse lines of crosswalks. This was typically done as part of larger efforts by cities to enhance the aesthetics of an area that could include decorative luminaires, street furniture, sidewalk art, etc. These crosswalk treatments were publicized and marketed as a method to increase conspicuity of the crosswalk that would translate into increased safety and a reduction of pedestrian deaths. In December 2001, the FHWA issued its first Official Ruling¹

¹ MUTCD Official Ruling 3-152 (I) as Memorandum of Action, December 7, 2001

regarding the use of these aesthetic treatments, which concluded that crosswalk enhancements of this type had no such discernible effect on safety or crash reduction.

The marketplace looked to capitalize on advancements in pavement retroreflectivity in the mid-2000s, and further advocated for these aesthetic treatments on public streets as a way to increase crosswalk visibility. This included the benefits of the increased recognition of crosswalks both during the day and at night since the materials were designing retroreflective properties into the aesthetic treatments. In 2004 and in 2005, the FHWA issued two separate but related Official Rulings^{2,3} concluding that incorporating retroreflectivity into an aesthetic crosswalk treatment renders it an official traffic control device. Further, these Official Rulings continued to discourage implementation of such treatments and also concluded that these enhancements still had no increased effect on safety or contributed to a reduction in pedestrian deaths.

The evolution of crosswalk treatments continued into the form of “crosswalk art” because it was becoming a common misconception that as long as the white transverse lines were present—thereby legally marking the crosswalk—then the agency was free to treat the interior portion of the crosswalk as it desired. In 2011, the FHWA issued an additional Official Ruling⁴ that crosswalk art—defined as any freeform design to draw attention to the crosswalk—would degrade the contrast of the white transverse lines against the composition of the pavement beneath it. In deviating from previous Official Rulings on the matter that concluded an increased factor of safety and decreased number of pedestrian deaths were not evident after installation, this 2011 Official Ruling stated that the use of crosswalk art is actually contrary to the goal of increased safety and most likely could be a contributing factor to a false sense of security for both motorists and pedestrians.

The FHWA’s position has always been, and continues to be that subdued-colored aesthetic treatments between the legally marked transverse crosswalk lines are permissible provided that they are devoid of retroreflective properties and that they do not diminish the effectiveness of the legally required white transverse pavement markings used to establish the crosswalk. Examples of acceptable treatments include brick lattice patterns, paving bricks, paving stones, setts, cobbles, or other resources designed to simulate such paving. Acceptable colors for these materials would be red, rust, brown, burgundy, clay, tan or similar earth tone equivalents. All elements of pattern and color for these treatments are to be uniform, consistent, repetitive, and expected so as not to be a source of distraction. No element of the aesthetic interior treatment is to be random or unsystematic. No element of the aesthetic interior treatment can implement pictographs, symbols, multiple color arrangements, etc., or can otherwise attempt to communicate with any roadway user.

Patterns or colors that degrade the contrast of the white transverse pavement markings establishing the crosswalk are to be avoided. Attempts to intensify this contrast by increasing or thickening the width of the transverse pavement markings have been observed in the field. These attempts to increase contrast are perceived to be efforts to circumvent the contrast prerequisite so that an intentional noncompliant alternative of an aesthetic interior pattern or color can be used. Further techniques to install an empty buffer

² MUTCD Official Ruling 3-169 (I) – Section 3B.19 Retroreflective Colored Pavement, September 1, 2004

³ MUTCD Official Ruling 3-178 (I) – Retroreflective Colored Pavement – Additional Clarification, April 27, 2005

⁴ MUTCD Official Ruling 3(09)–8 (I) – Colored Pavement Treatments in Crosswalks, May 3, 2011.

space between an aesthetic treatment and the interior edge of the white transverse crosswalk markings have also been observed in the field. This strategy is also perceived to be an attempt to circumvent FHWA's prior position on contrast. However, an empty buffer space between a subdued-colored, uniform-patterned aesthetic treatment can be implemented to enhance contrast between the aesthetic treatment and the white transverse pavement markings. When used properly, buffer spaces can be an effective tool to disseminate a necessary contrast in order to visually enhance an otherwise difficult to discern white transverse crosswalk marking, provided that the aesthetic treatment conforms to the conditions in the preceding paragraph.

Colored Pavement in Medians: Several agencies nationwide have used aesthetic colored pavement in medians that separate opposite directions of travel. These treatments are typically simulated red brick patterns or pavers. This is allowable if the median is closed to traffic. Where the center portion of the roadway functions to facilitate turns or operates as a two-way left turn lane, aesthetic treatments cannot be used in that center area in accordance with Paragraph 3 of Section 3G.01 in the MUTCD. Further, provisions elsewhere in Part 3 of the MUTCD require or recommend the turning functions of turn lanes or two-way left turn lanes to be marked with pavement word markings or arrows where applicable. The use of aesthetic colored patterns or pavers in these lanes simulates a supplemental background to standard turn markings and is an attempt to enhance conspicuity of the median thereby serving as communication with the motorist. This practice to use aesthetic treatments is disallowed since the median is open to traffic.

Colored Pavement for Islands: Where an island is designated as a traffic-control device, curbs, pavement edges, pavement markings, channelizing devices, or other devices are used. Islands are most commonly used to separate traffic movements or to provide pedestrian refuge. Regardless of whether the island is raised or flush with the roadway surface, islands are a potential for providing aesthetic qualities. Islands that separate movements of traffic and choose to incorporate colored pavement into interior sections or to the top surface of their design are to comply with Item A or B of Paragraph 3 of Section 3G.01. This would be applicable when the island is used to address a need to facilitate traffic that would otherwise have difficulty navigating the roadway if the island was absent.

Islands that are intentionally aesthetic in nature only are to be designed similar to those aesthetic treatments for crosswalks as described above. The most common applications of these purely aesthetic treatments are pedestrian refuge islands and textured raised buffers between a bikeway and a motorized vehicular lane.

Colored Pavement for Bicycle Lanes: Green colored pavement is approved for use in bicycle lanes only to enhance the conspicuity of where bicyclists are required to operate, and areas of the bicycle lane where bicyclists and other roadway traffic might have potentially conflicting weaving or crossing movements. Approval to use green colored pavement shall be in accordance with Paragraph 17 of Section 1A.10 in the 2009 MUTCD.

The FHWA issued an Interim Approval (IA-14) for the use and application of green colored pavement on April 15, 2011. The information provided in the IA-14 memorandum remains in effect.

The use of green colored pavement in a bicycle facility other than a legally marked bicycle lane is either not approved or is experimental. FHWA's Bicycle and Pedestrian Web site (http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/mutcd_bike.cfm) can be helpful in determining what is or is not approved and what is experimental. Agencies that desire to use bicycle facilities that are experimental are required to submit their request for approval in accordance with paragraphs 3, 4 and 8 through 10 of Section 1A.10 in the MUTCD.

The FHWA is aware that agencies might be using green colored pavement to supplement, fill in or outline parking stalls for electric vehicle charging stations in order to express the agency's commitment to environmentally friendly initiatives. Use of green colored pavement for this purpose is not allowed. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to disallowing green colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

Colored Pavement on Freeways and Expressways: The FHWA is aware of agencies nationwide using colored pavement on higher speed facilities as a method to visually differentiate the shoulder or special-use lanes from the general-purpose lanes, to demarcate the exit gore area, or to differentiate a ramp terminal from the mainline facility. The FHWA maintains the position that contrasting techniques on high-speed facilities have no other intention than to communicate with the motorist, regardless of whether elements of retroreflectivity are implemented for the colored pavement.

Additionally, the 2011 edition of the American Association of State Highway and Transportation Officials' *A Policy on the Geometric Design of Highways and Streets* discusses various methods of contrasting the shoulder with the adjacent pavement traveled way. The policy states that with regard to bituminous pavements, "the use of edge lines as described in the Manual on Uniform Traffic Control Devices... reduces the need for shoulder contrast." Edge lines separating shoulders from the traveled way on Interstate routes have been required by the MUTCD since 1971, supplanting the practice of using contrasting material for shoulders when an edge line was optional. Therefore, there should be little need for such a contrast that cannot be accommodated by the allowable pavement colors prescribed by the MUTCD.

If a need to provide contrast on a high-speed facility has been determined, then that contrast can be accomplished by a number of alternatives. Asphalt mixtures can be tinted to provide a shade of grey. White colored pavement can also be implemented. Paragraph 3 of Section 3G.01 in the MUTCD allows the use of white colored pavement for exit gore areas and right-hand shoulders. In the event that the main traveled way is concrete, an asphalt top layer could be applied to the shoulder to provide contrast.

Colored Pavement for Public Transit Systems: The use of red colored pavement for public transit systems such as streetcar and/or bus-only lanes is currently experimental. The use of colored pavement in these settings requires approval from the FHWA's Office of Transportation Operations. Agencies that desire to experiment with colored pavement should only do so where an engineering study can determine that increased travel speeds will be expected by the public transit vehicle, reduced overall service time through the corridor will be expected by the public transit vehicle, and the implementation of the

colored pavement to a converted general purpose lane in the traveled way will not adversely affect the traffic flow in the remaining general purpose lanes.

Blue Colored Pavement: Blue is not a colored pavement and is not to be used as such in accordance with Paragraph 3 of Section 3G.01. Blue as it applies to a pavement marking is exclusively reserved for the background color in the international symbol of accessibility parking symbol (see Figure 3B-22) and for the supplemental pavement marking lines that define legal parking spaces reserved for use only by persons with disabilities as provided in Paragraph 5 of Section 3A.05.

Applying blue colored pavement to entire stalls or entire areas of parking reserved for persons with disabilities is to be avoided. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to blue colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

Purple Colored Pavement: Purple is not approved for use as a colored pavement in any application, including toll facility environments. Purple as a pavement marking color is permitted in accordance with Paragraphs 5 and 6 of Section 3E.01 of the MUTCD.

Chromaticity Coordinates: The acceptable ranges of chromaticity coordinates that define the standard colors for pavement markings are found in the Appendix to Subpart F of 23 CFR 655—Alternate Method of Determining the Color of Retroreflective Sign Materials and Pavement Marking Materials.

Acceptable ranges for the chromaticity coordinates defining the color green for use as a pavement marking are provided in the IA-14 memo dated April 15, 2011.

Conclusion: Chapter 3G of the 2009 MUTCD contains provisions regarding the use of colored pavements. If colored pavement is used to regulate, warn, or guide traffic or otherwise attempts to communicate with the roadway user, the colored pavement constitutes a traffic control device. Agencies cannot intentionally exclude elements of retroreflectivity as part of a systematic process to classify the color pavement as a purely aesthetic treatment in order to circumvent the provisions of Chapter 3G.

Paragraph 3 of Section 3G.01 in the MUTCD limits the use of colored pavement used as a traffic control device to the colors yellow and white. Interim Approval IA-14 permits the use of green colored pavement for marked bicycle lanes. All other colors for use on highway pavement in the right-of-way are either disallowed or are experimental as described above, unless the colored pavement is a purely aesthetic treatment and makes no discernible attempt to communicate with a roadway user.

cc:

Associate Administrators
Chief Counsel
Chief Financial Officer
Directors of Field Services
Director of Technical Services

Exhibit B
Indiana Department of Transportation (INDOT)
Art and Landscape Policy



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N955
Indianapolis, Indiana 46204

PHONE: (317) 232-5101
FAX: (317) 232-5551

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

April 2, 2020

TO: District Deputy Commissioners
District Highway Maintenance Directors
District Technical Services Directors
District Permit Managers

FROM: Monica Hartke-Tarr
Statewide Permits Director

SUBJECT: Policy for Public Art and Landscaping on INDOT Right-of-Way

**PERMIT
OPERATIONS
MEMORANDUM 20-01**
Supersedes OM 10-06

1.0 Policy and purpose

In response to a growing interest in communities to install public art and landscaping enhancements (“enhancements”) within state-owned or state-controlled right-of-way, INDOT has developed this policy to implement a systematic process to evaluate proposed enhancements.

Art and landscaping do not directly serve a transportation purpose; however, they can contribute to the corridor by: creating a visually appealing vista along roadsides; making unique statements about community character; enhancing the sense of place through which a highway passes; and by creating a positive public response. Environmental and public involvement processes offer opportunities for community partnerships regarding the aesthetic qualities of a corridor or highway project.

These enhancements are alternative, non-highway uses of the right-of-way. Enhancements warrant careful consideration and evaluation through an INDOT permitting process. A permit is required even if the enhancement is incorporated as part of a construction project, and even if the enhancement is attached to or on a transportation facility (e.g., art on a bridge, or a sculpture in an interchange infield area).

Existing installations should not be considered as precedent, as they preceded the current policy’s implementation. Public art and landscaping is considered a temporary occupancy of a transportation facility, and INDOT reserves the right to require removal when necessary.

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2.0 What enhancements require a public art and landscaping permit?

This type of permit application is appropriate for the following, non-exhaustive list of enhancements:

- gateway signs,
- landscaping,
- welcome signs,¹
- murals,
- special enhancements to provide corridor with continuity or identity, and
- bridge aesthetics.²

Those pursuing any of the preceding, or similar, enhancements within INDOT right-of-way must apply for a public art and landscaping permit.

3.0 Who can apply for a public art and landscaping permit?

The application must be submitted by a representative of the enhancement's sponsor group or organization ("Sponsor"), such as a:

- city,
- town,
- county, or
- private organization with documented support from a local government.

4.0 Public art and landscaping permit application process

The process begins by submitting a complete application through the INDOT Electronic Permitting System (EPS).

The application form and related documents for public art and landscaping permits can be found and completed at: <https://www.in.gov/indot/2727.htm>

Select "**Miscellaneous Permit**" type, and under the drop-down menu, select "**Public Art and Landscaping**" subcategory to complete an application for a permit. The fee to submit a miscellaneous permit is \$15.

More information how to navigate EPS:

https://www.in.gov/indot/files/EPS_Customer_User_Guide.pdf

¹ Additional guidelines on welcome signs can be found in [Operations Memo 95-18](#).

² Additional guidelines on bridge aesthetic requests can be found in the [Bridge Aesthetics Policy](#)

To be considered a complete application, the following are required:

- must be submitted through EPS,
- must be signed by the Sponsor (or an authorized representative of the Sponsor),
- must include all policy components identified, and
- must include a maintenance plan.

Public art and landscaping enhancements must be designed, installed, maintained, and paid for by the Sponsor (unless the enhancement is implemented as part of a construction project).

4.1 Application review process

The Public Art Services Team will conduct a review of the enhancement proposal after a complete application has been submitted. Placement and composition of the enhancement will be evaluated, with all comments collected within EPS. The review process is illustrated in **Attachment 1**.

The enhancement must receive all required **approvals of the Public Art Services Team** before a permit can be approved. If the permit is approved, the Sponsor will be required to enter into a maintenance agreement with INDOT prior to the issuance of the permit. No work may begin until a **maintenance agreement** has been executed and a **permit** is issued.

4.2 Public Art Services Team (the “Team”)

Members of the Team review enhancement proposals and provide comments in EPS. Team members include, but are not limited to:

- Statewide Permits Director
- District Permit Manager
- District Technical Services Director
- District Highway Maintenance Director
- District Construction Director
- Central Office Traffic Administration Manager
- Central Office Roadside Maintenance Specialist
- Central Office Bridge Design Division Director
- Central Office Environmental Services Division Director
- FHWA representative (for all enhancements located within interstate right-of-way)
- Other experts, as needed

4.3 Permit approval

After receiving a recommendation from the Team, the District Deputy Commissioner will provide the conditional approval, prior to the generation of a maintenance agreement and issuance of the permit. **Enhancements within the interstate right-of-way will also require approval from FHWA.** Final permit approval will only occur after a fully executed agreement.

INDOT is required to submit Public Art and Landscaping enhancements within interstate right-of-way to the FHWA Indiana Division Office for review and approval under 23 USC 106 and 111, and 23 CFR § 625.2(a).

4.4 Permit denial

INDOT retains the right to determine which enhancements are suitable and/or acceptable to be placed within the state-owned or state-controlled right-of-way.

Issuance or denial of the permit is within INDOT's sole discretion.

Potential reasons for denial include, but are not limited to:

- Location is in the median area of a controlled-access highway
- Advertising in the enhancement
- The enhancement obstructs drivers' sight distance, or could distract drivers (such as bright lights, flashing lights, moving parts or loud sounds)
- A conflict with existing or potential use or maintenance agreement
- Interference with traffic control devices
- Interference with the roadway's clear zone
- Not meeting requirements of the Indiana Manual on Uniform Traffic Control Devices (IMUTCD)
- Incomplete information

5.0 Application package

The public art and landscaping enhancement application package is the core element of the permit application. Meeting all essential criteria will help ensure the application is processed and reviewed accurately and efficiently. Failure to submit a complete enhancement application package may lead to a denial of the application or a delay in processing.

5.1 Enhancement plan elements

The following criteria must be addressed and documented in the application:

1. **Sponsor's enhancement team:** The Sponsor and those responsible for installation and maintenance of the proposed enhancement.
2. **Traffic control:** The application must describe any temporary traffic control needed for installation and maintenance. When a lane shoulder closure is needed on a multilane highway, a temporary traffic control plan must follow IMUTCD Part 6 and be implemented by a contractor prequalified in traffic control by INDOT. Interstate lane and shoulder closures must be done in accordance with the Interstate Highway Congestion Policy (IHCP). INDOT's Work Zone Safety section may be contacted with questions concerning the IHCP.

3. **Maintenance:** The plan should provide for safe maintenance access and must establish agreements with local public agencies for maintenance where appropriate. If there is a potential for vandalism, this issue should be addressed in any associated maintenance agreements.
4. **Endorsement:** A statement from the local public agency endorsing the proposed enhancement must be included in the plan (e.g., documentation of local community input, such as minutes from a public meeting).
5. **Clearly identified subject:** The subject of the proposed enhancement must be clearly identified. Details of the public art and landscaping — including a written description and preliminary designs or sketches — must be included.
6. **Visibility:** Enhancements visible from the road must contribute positively to corridor continuity and the view from the road. Proposed enhancements only visible to the community or adjacent to the neighborhood side of a structure may be allowed more flexibility in design than those visible from the road.
7. **Safety and security:** Proposed enhancements must not negatively impact safety and must not create a distraction to drivers or an “attractive nuisance” (something that might entice children and endanger their safety). Enhancements must not obscure motorists’ sight distance, traffic control devices, lighting or affect the clear zone (including full mature growth of plantings). Enhancements in a median must be outside the clear zone for both directions of travel.
8. **Asset preservation and assessment:** Enhancements must not adversely affect the service life of INDOT facilities, or the ability to access and maintain all components of INDOT bridges or structures. Details of any proposed attachment hardware must be reviewed by an INDOT Bridge Asset Engineer. All bridge components must adhere to Bridge Aesthetics Policy requirements.
9. **Environmental and other considerations:** A description of the proposed enhancement’s impact on social, cultural, and environmental resources must be included. INDOT will not approve the addition of an enhancement on a historic bridge or structure, or within an ecologically-sensitive area. The Sponsor must abide by all state and federal environmental commitments, policies, and regulations. Further, the Sponsor must acknowledge its obligation to secure any permits (in addition to the permit being applied for from INDOT), approvals, etc., as required. Documentation of these permits, approvals, etc., must be included in the permit application.
10. **Potential conflicts:** Sponsor must affirm that an existing right-of-way title report has been run to confirm there are no conflicting uses of the right-of-way at the proposed site, and ensure that there will be no utility conflict, or any other conflict.
11. **Compliance:** The plan must demonstrate compliance with all applicable federal and state policies and procedures, including the IMUTCD, the Indiana Design Manual, and the AASHTO Roadside Design Guide.

5.2 Supporting documentation

Documentation accompanying the plan must provide enough detail and description to convey what the proposed enhancement will look like when installed. In the event landscaping materials are used, documentation must include a depiction of the plants at their maturity demonstrating the mature height and spread of trees and/or shrubs.

The final application package must include the following accompanying documents:

1. **Cover sheet:** Must include appropriate approval signatures and certification of the plan by an Indiana-licensed Professional Engineer (if involving structural development) and a licensed Landscape Architect (if involving landscaping components) unless otherwise approved by INDOT. For those applications that include the planting of trees, the local tree board must also approve tree selection, placement, planting standards, and maintenance criteria of the application and maintenance agreement. In the absence of a tree board, an International Society of Arboriculture (ISA) certified arborist, or a representative of the Indiana Department of Natural Resources Community and Urban Forestry Program may serve as this signatory.
2. **Overview:** Must include justification, and letters of recommendation or documentation showing community support, for the proposed enhancement.
3. **Location information:**
 - A written description using landmarks or GPS coordinates,
 - aerial imagery, and
 - photos of the area at the time of submission.
4. **Scaled drawings:** Details of the proposed enhancement, including proposed materials and finishes.
5. **Detail design plan sheets:** Sheets must include detailed measurements. The plans must locate every component in relation to the roadway, shoulder, right-of-way, clear zone, safety hardware, and drainage features, as well as information needed to determine the proposed enhancement's exact placement in relation to surroundings. Plans that include structural components must be signed and sealed by an Indiana-licensed Professional Engineer unless otherwise approved by INDOT.
6. **Installation plan:** Must include a detailed schedule and the temporary traffic control plan.
7. **Maintenance plan:** Must include detailed maintenance requirements for the service life of the proposed enhancement, including frequency of maintenance and required traffic control plans. Details must include the expected service life and cover all foreseeable components of maintaining the installed enhancement, including any necessary inspection of structural elements, vegetation control, and seasonal or periodic maintenance such as mulching, trimming, watering, fertilizing, removal of noxious weeds, etc. The maintenance plan must also include the parameters of when work will be completed, and identify who will complete all maintenance.

6.0 Enhancement design criteria restrictions and requirements

Design criteria must be applied to all enhancements proposed to be installed (painted, built, placed, grown, etc.) by permit and construction projects. The design criteria include a general list of prohibited characteristics and design parameters, and requirements.

- Proposed enhancements must not contain characteristics that will distract drivers, pose a safety risk, or impact traffic flow.
- Sculptures must not be kinetic in nature or have moving parts.
- Proposed enhancements must not be brightly lit, contain flashing art, highly-reflective qualities, or artwork with animation.

- The size of a proposed enhancement should be relative to its context and location in the landscape. Enhancements must not have large structures (generally limited to no more than 15 feet in height).
- Proposed enhancements must not conflict with any state or federal environmental commitments, policies and regulations.
- Crosswalk enhancements must be in accordance with Part 3 of the IMUTCD. **Painted art and colored pavement markings are prohibited on or within crosswalk lines.**
- **Pavement murals, painted or other art, and colored pavement markings are prohibited within the travel lane and shoulder.**
- **No painted art will be allowed on pavement or curbs.**
- Proposed enhancements must not have a topic, theme, or elements that could foreseeably cause a negative public reaction.
- Proposed enhancements must not contain an advertisement in any form — actual or perceived — including a message, text, slogan, logo, graphic, distinctive emblem, trademark, web address, or phone number that identifies a commercial business or a product or service offered by businesses, business complexes, schools, attractions, historical or tourist locations, malls, or other organizations (charitable, non-profit, fraternal, religious, political organizations, etc.).
- Proposed enhancements must not be designed with the sole intention to provide greater visibility to existing or future businesses or advertisements.
- Proposed enhancements must not interfere with INDOT's ability to perform routine maintenance on the right-of-way.
- Proposed enhancements must not resemble a traffic control device (a sign, signal, marking, or other device to regulate, warn, or guide traffic).
- Proposed enhancements must not obscure the view from the main travelled way of existing lawfully-erected and permitted advertising structure.
- Proposed enhancements must not reduce or interfere with intersection sight distance, stopping sight distance, and passing sight distance for drivers.
- Proposed enhancements must not distract or create a blind spot where illegal activity can take place, see Section 5.1 on safety and security.
- Proposed enhancements, including mature landscaping elements that will be greater than 4 inches in diameter at breast height, must not be located within 100% of the clear zone, and preferably should not be located within 200% of the clear zone. Enhancements within the interstate right-of-way must not be located within 200% of the clear zone. This also prohibits the placement of enhancements behind an existing or proposed barrier or guardrail within 200% of the clear zone on interstates. For example, if the interstate clear zone is 30 feet, an enhancement will not be allowed within 60 feet of the roadway (200% of 30 feet).
- Proposed enhancements must not protrude into pedestrian access routes (e.g., sidewalks, shared use paths). The Public Rights-of-Way Accessibility Guidelines (PROWAG) contains accessibility requirements within public right-of-way.

- Proposed enhancements attached to a bridge must be placed in accordance with the Bridge Aesthetics Policy. In summary, enhancements must be above the bridge low structure elevation, maintaining a vertical clearance that is above the minimum requirements.
- Proposed enhancements must not impede water drainage from the right-of-way or cause additional maintenance for INDOT.
- Proposed enhancements that include a breakaway support must adhere to breakaway support requirements contained in Chapter 49 of the Indiana Design Manual.
- Any sign used to guide traffic (e.g., street names or community wayfinding signs) must be compliant with the IMUTCD. Signs which do not guide traffic (e.g., jurisdiction name signs or neighborhood name signs) are not subject to this requirement.
- Proposed enhancements within interstate right-of-way may only include the name of the roadway, government entity, and/or a seal/emblem that is the official designation adopted by the jurisdiction. Other text, symbols, or logos are strictly prohibited.
- Proposed enhancements should be designed to enhance surroundings.
- Proposed enhancements must be designed to an appropriate scale for the roadway.

7.0 Specific requirements by enhancement type

7.1 Landscaped Areas

- Landscaped areas must be composed of a minimum of 80% Indiana native vegetation as defined by the FHWA's Office of Natural and Human Environment. See list of Native Plants for Landscape Use in Indiana. For example: 80 out of 100 plugs/plants must be native species; 80% of the landscaped area must be comprised of native species.
- Landscaped areas must not contain any noxious or detrimental species, as defined and regulated by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), Indiana Code, and Indiana Administrative Code. Management of noxious weed populations within the area of the enhancement becomes the responsibility of the Sponsor.
- Landscaped areas must not contain any invasive plant species, found in the Indiana Invasive Species Council's (IISC) Invasive Plant List, or defined by Indiana Code or Indiana Administrative Code. Management of invasive plants populations within the area of the enhancement becomes the responsibility of the Sponsor.
- Landscaped areas designated as "no mow" or similar, must clearly define maintenance requirements of the defined area in the maintenance agreement.

7.2 Painted artwork on concrete slope walls under bridges

Any painted art on the concrete slope wall of a bridge must include specifications for the use of anti-skid or anti-slip paint to ensure the safety of workers during maintenance or inspection. For additional information, see the Bridge Aesthetics Policy.

7.3 Artwork on traffic signal controller cabinet

- Artwork on a signal controller cabinet must use vinyl wrap, not paint.
- The artwork wrap must not obstruct the signal commission number label or vents on the cabinet.

8.0 Performance bond and right to removal

To secure the Sponsor's obligations under this policy, INDOT may require a performance bond. The term of the bond will be from the start of the installation until the earliest of the following:

1. INDOT notifies the Sponsor that the area will be maintained going forward by INDOT.
2. The Sponsor removes the enhancement as specified by INDOT, restoring the right-of-way to its original condition.

Proceeds of the bond are paid to INDOT if the Sponsor fails to honor the obligation to remove materials within 60 days after INDOT notifies the Sponsor that materials must be removed.

Regarding ownership of materials removed:

1. If the Sponsor removes the enhancement pursuant to INDOT's request, then ownership of all materials remains the Sponsor's.
2. If the enhancement must be removed by INDOT, then removed materials become the property of INDOT.

If INDOT must remove the enhancement, the Sponsor will be charged for the complete cost of removal, including without limitation, all administrative court costs.

9.0 Right of entry

As part of any approved permit and agreement, INDOT will grant the Sponsor (and its contractors and subcontractors) permission to enter upon state-owned or state-controlled right-of-way for the sole purpose of constructing, installing, and maintaining the enhancement in the areas listed. The Sponsor must notify the INDOT District Permit Manager of the intent to commence work, providing a minimum of **five business days'** notice.

10.0 Installation and maintenance of enhancements

Following approval of a permit application to install enhancements in INDOT's right-of-way, the Sponsor must comply with this policy and all other applicable policies, laws, regulations, and requirements as the enhancement is installed and maintained.

10.1 Installation

Installation of all enhancements must be done by a contractor prequalified with INDOT, or by an entity otherwise approved by INDOT. The contractor is expected to adhere to the INDOT Standard Specifications. The contractor will communicate with the District Construction Director or

designee for guidance regarding the Standard Specifications. Safety of the traveling public and of workers in the right-of-way is of utmost importance and must not be compromised.

All installation, maintenance, and removal of art or landscaping must be completed in accordance with current procedures for temporary traffic control and work zone safety, including but not limited to the procedures defined in the INDOT Policies, Processes, and Procedures on Work Zone Safety and Mobility, Work Zone Traffic Control Guidelines, and IMUTCD. Compliance with all applicable safety procedures, laws and regulations is the responsibility of the Sponsor.

For permitted enhancements located within interstate right-of-way and other limited-access facilities, INDOT requires a separate permit each time on-site maintenance is performed.

10.2 Maintenance of public art and landscaping requirements

1. **Inspections:** Public art structural components must be inspected every 24 months from the date of completion, to ensure the enhancement will not fall into disrepair, impose a safety hazard, become dirty, damaged, or disappear. For all projects located on a bridge, inspections must also include a bridge inspector.
2. **Frequency of maintenance:** All landscaped areas must have maintenance performed a minimum of four times per year.
3. **Weed control:** Maintenance must include mowing and the removal of noxious weeds and invasive plants.
4. **Trimming and pruning:** Shrub trimming or tree pruning must be completed at the proper time recommended for the species. It is recommended that the Sponsor follow standards set forth by American Standards Institute (ANSI) within standard A300 for all woody vegetation management, and comply with any state and federal environmental commitments, policies and regulations (e.g., threatened or endangered species restrictions).
5. **Litter and debris removal:** All debris, litter, and other refuse must be removed from the landscaped area and legally disposed, including prior to mowing as detailed below.
6. **Mowing:** All landscaped areas (excluding “no mow” areas as depicted in Attachments 2a, 2b, and 2c) between an entrance or exit ramp and the mainline portion of a highway must have the entire grass area mowed on a schedule consistent with schedule implemented for the surrounding INDOT right-of-way.

All turf type grassy area must be mowed on schedule consistent with the schedule implemented for the surrounding INDOT right-of-way.

Litter collections must occur prior to mowing. If the landscaping is placed in an area such that mowing is not required, litter collection must still be performed.

Minimum areas for mowing and litter collection, depending on design, are detailed in Attachment 2:

- Infield area bounded by an entrance or exit ramp, crossroad, and mainline portion of a highway (see Attachment 2a).

- Outfield area bounded by an entrance or exit ramp, crossroad, mainline portion, and highway right-of-way (see Attachment 2a).
- Entire island area (see Attachment 2b).
- A minimum of 500 feet on either side of the landscaped area, between the right-of-way and the mainline highway (see Attachment 2c).

To obtain detailed mowing schedule, please contact the associated INDOT District annually to receive instructions.

11.0 Terms of permits and agreements; renewal

The term of all permits is for a period of one year. The term for all maintenance agreements is for a period of 10 years, unless a longer term agreed upon by the parties. Prior to expiration, the agreement may be renewed for an additional term of 10 years in accordance with the maintenance agreement. Prior to any renewals, an updated maintenance plan must be submitted by the Sponsor and agreed upon by District Highway Maintenance Director.

Any permit or maintenance agreement that INDOT enters into with the Sponsor will expressly state the art and/or landscaping will remain a secondary interest to INDOT, and INDOT reserves the right to require removal of the enhancement when necessary.

12.0 Inspections

The Sponsor must set an appointment with INDOT Maintenance staff to review the overall condition of the installation enhancements once per calendar year. The appointment should be conducted one year from the date of issuance of the permit. INDOT Maintenance will conduct its annual inspection and enter a summary of the findings in EPS.

If the Sponsor is in noncompliant with the maintenance agreement, a written notice outlining a course of action will be provided to the Sponsor and logged into EPS. Failure to adhere to the requirements set forth in the agreement may result in termination of the agreement or removal of the enhancement in accordance with the agreement.

13.0 Documentation requirements

The plan, complete with approval signatures, annual inspection reports must be retained by the appropriate District in EPS, along with photos of the completed work.

14.0 Federal Highway Administration

14.1 FHWA regulatory authority

FHWA regulations require that all real property in the right-of-way of Federal Aid Highways, including airspace, be devoted exclusively to public highway purposes. The FHWA may approve an enhancement based on a determination that it is in the public interest and will not impair the highway or interfere with the free flow of traffic, 23 CFR § 1.23. Regulations also provide that FHWA will cooperate with state and local agencies to provide opportunities to display original works of art in the right-of-way, 23 CFR § 752.2(b).

14.2 Role of FHWA

FHWA will review and approve all enhancements within the interstate right-of-way and participate in the technical review as part of the Team for those requests. The review and comments will be based on the agreed upon design criteria in Section 6.0. After the technical review comments are resolved and incorporated in the final design of the enhancement, FHWA will provide approval. FHWA may provide technical assistance on other enhancements off the interstate at the request of INDOT.

Comments or technical questions about this policy can be directed to INDOT's Permit Division.

Appendix of Attachments

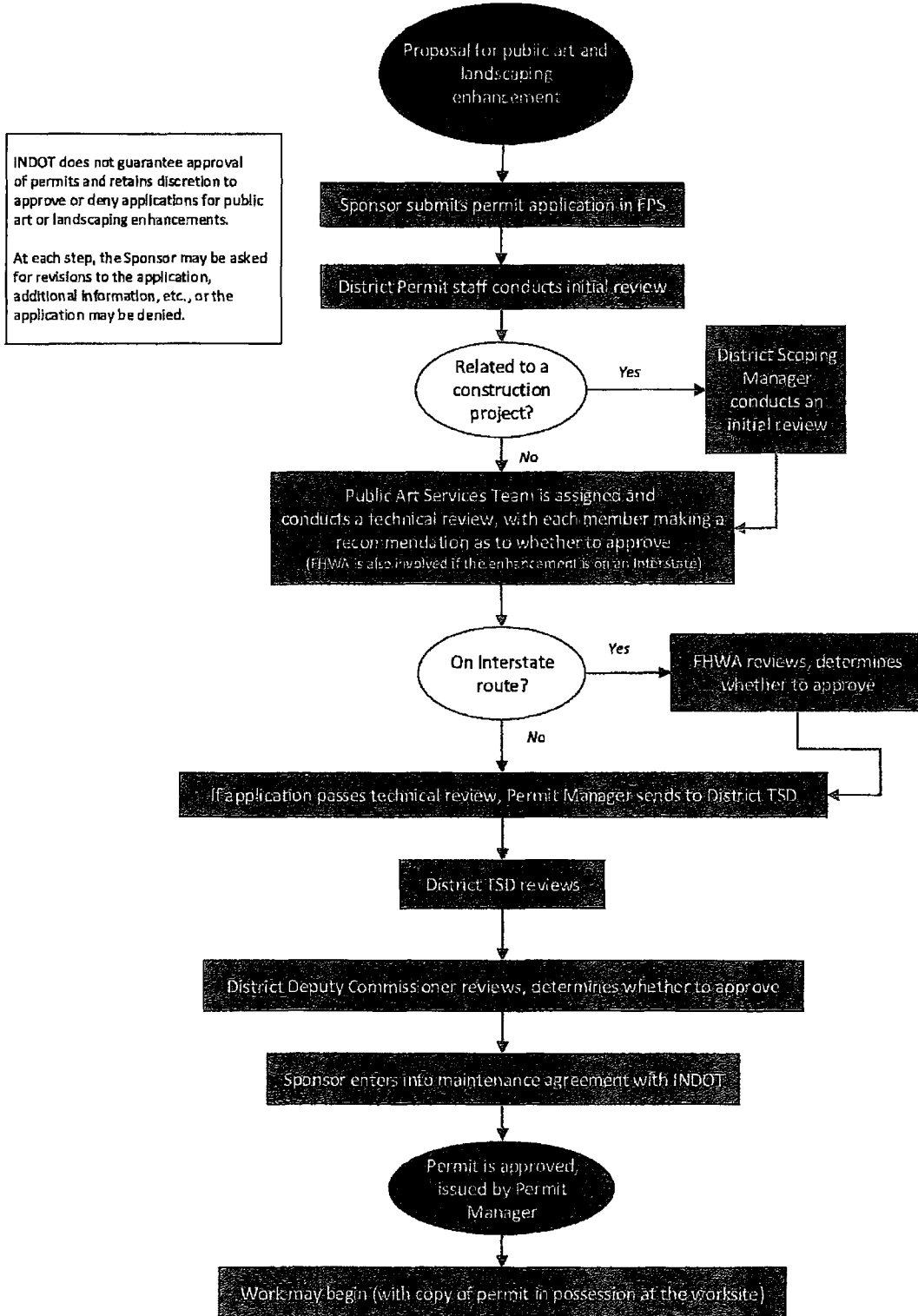
Attachment 1 – Process Summary Flowchart

Attachment 2a – Mowing/litter pickup limits – Interchanges

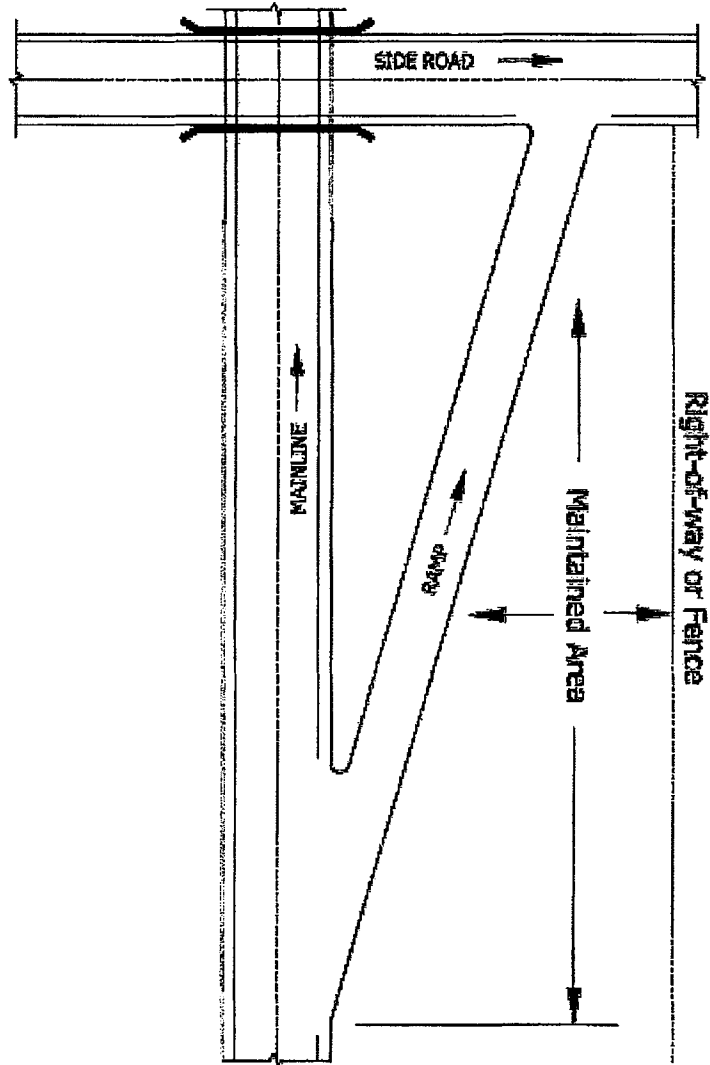
Attachment 2b – Mowing/litter pickup limits – Islands

Attachment 2c – Mowing/litter pickup limits – Roadside

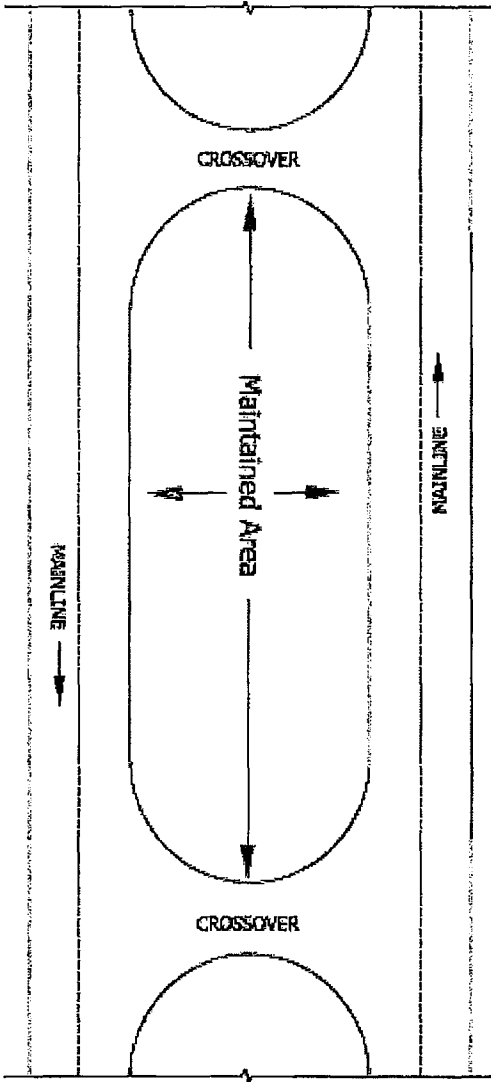
Attachment 1 – Review process flowchart



Attachment 2a – Diagrams of mowing/litter pickup limits – Interchanges



Attachment 2b – Diagrams of mowing/litter pickup limits – Islands



Attachment 2c – Diagrams of mowing/litter pickup limits – Roadside

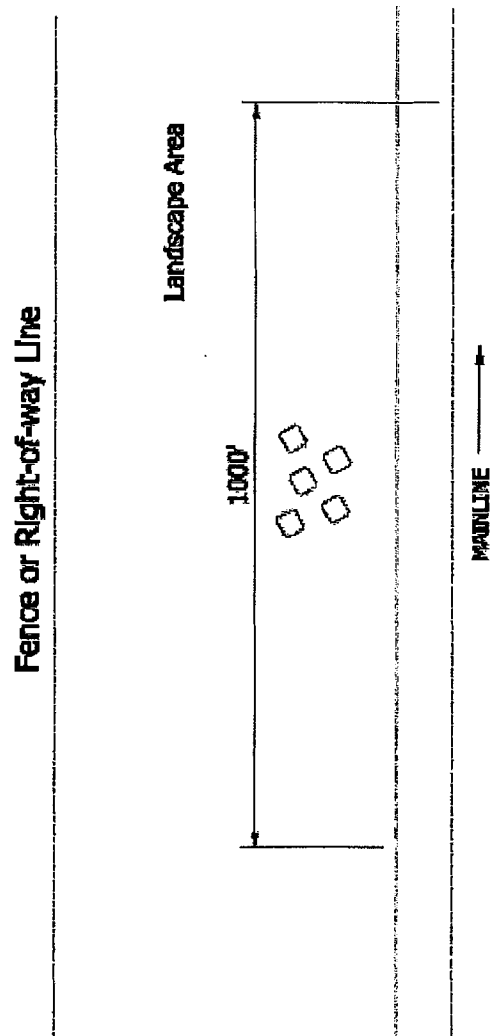


Exhibit C
Examples of Large Community Right of way Art Policies



HOME > MURAL PROCESS

Mural Process

Here are some resources to help you navigate the process of painting a mural.

Permits - Are Any Required?

- Is the mural part of an advertisement? Does it incorporate a logo that does not pertain to the building it will be painted on? If you answer yes to this question, your mural may be considered off-site signage and may either be against code, or require a permit. Please reference **Chapter 27-289.5 + 27-289.6** of the city code and contact **Zoning and Land Development 813.274.3100 Option 2**, with any questions.
- Will you be blocking the sidewalk or street with equipment (lifts, etc) in order to paint the mural? If so, a right-of-way permit is required. The **Mural Application** is through the planning division. Be prepared to cite the address (in the description of work), upload a final concept of the mural, and the FDOT index for the maintenance of traffic (sidewalk closure or road closure). If you do not own the site, please include written permission by the owner. If you have any questions, please call 813.274.3100 Option 5.

ROW
Permit

Mural Review by Districts

- Is your mural planned for downtown or the channel district? If so, **please call Urban Design at 813.274.3100 Option 4.**
- Is your mural planned to be painted in a historic district? It is important to find out. Certain neighborhoods are tied to Local and National Historic Districts (i.e., Ybor City), and need specific review in order to provide a notice to proceed, or decline the proposal. Please contact **Historic Preservation** to see. If you don't know if you're in a historic district, they will help you find out. For any questions, please call 813.274.3100 Option 3.

Street Murals / Painted Intersections


- Are you interested in having an intersection painted in your neighborhood? If so, please contact the Transportation and Stormwater Services Division at 813-274-3101. Please review the **Paint the Intersection policy** prior to contacting the Division.

Artists - Funding - Sites

- **Artist recommendation:** The City of Tampa, Art Programs Division cannot recommend one artist over the other, but can help with best practices on how ethically to commission an artist. You may contact the division at artprograms@tampagov.net. If you're an artist and would like to be added to the artist database to receive calls to artists, please provide your information through the [message center](#).
- **Funding:** The City of Tampa, Art Programs division is not a granting agency, and typically only commissions murals on public property through City process.
- **Site Selection:** The City of Tampa does not have the resources to actively help you find a site for your mural.

Tips

- Your mural will last longer if the wall surface is pressure washed and primed with an exterior grade primer, and if the selected artist uses good quality paint with UV protection. Consider working with the artist regarding best primer products that complement the paint that s/he is using.
- Who are your neighbors? Are they OK with this? Good idea to keep everyone around you in the loop!
- Having some type of written agreement between you and the artist is a good idea. Many artists have sample contracts.

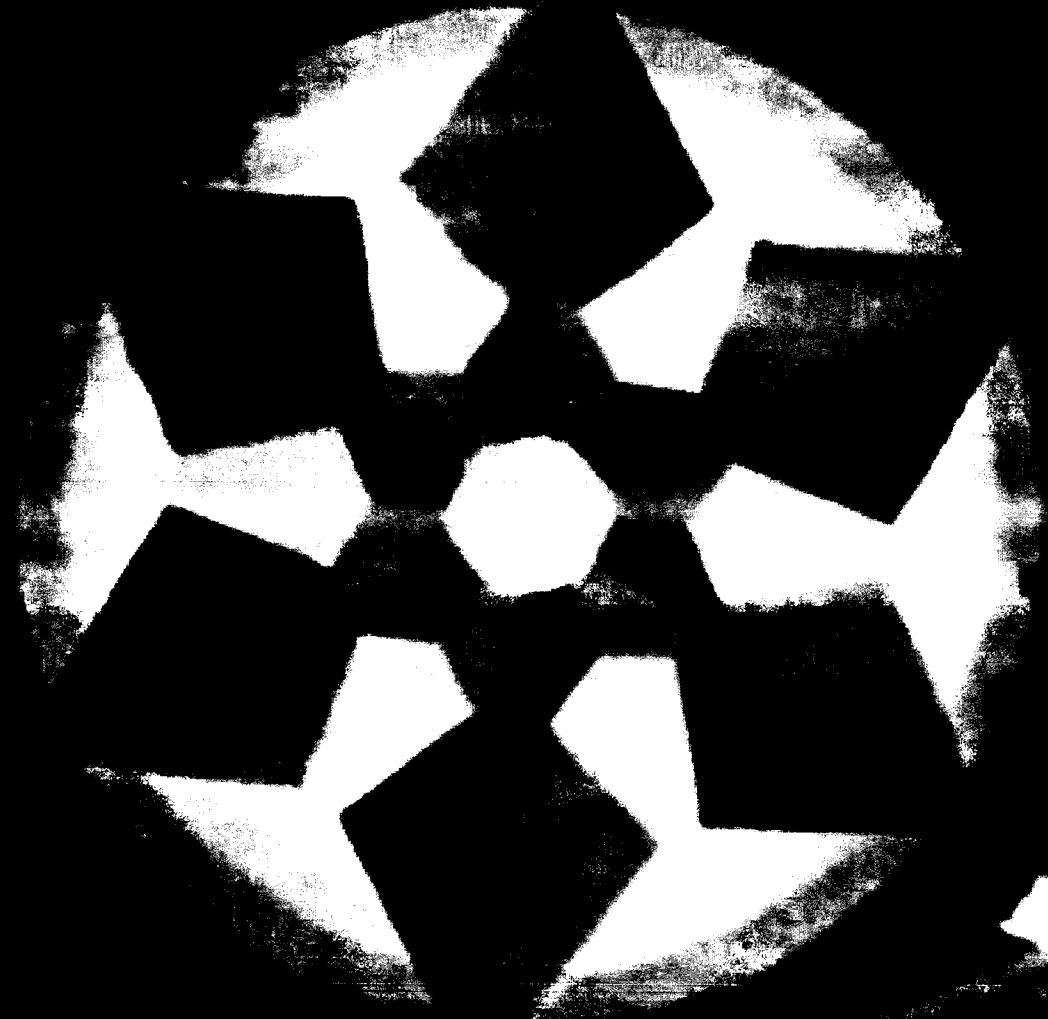
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Was this page helpful? Yes or No

Right this town

A Guide for Painting City Intersections

lempa



Introduction

In recent years, City of Tampa residents have expressed interest in painting murals on our streets to celebrate the unique aspects of our neighborhoods, strengthen community bonds, and improve the safety and livability for our communities.

In response, the City has developed this Paint the Intersection Policy to guide residents through the application and implementation processes.



10 Steps to Paint the Intersection

- 1 Talk to a few friendly neighbors.** If people are interested, have them spread the idea.
- 2 Choose a tentative intersection or area of your block.** The City will review this location to determine if the location meets the Policy requirements.
- 3 Contact the City's Transportation & Stormwater Services Department (TSS).** Call 813.274.8333 to discuss your preliminary ideas and proposed location.
- 4 Host get-togethers with your neighbors.** Get together with neighbors within a two-block radius of the proposed intersection, and talk about some champions for the project and design ideas for your street art.
- 5 Form a project team.** This team will work with the City to see the project to completion. The team should plan to include as many neighbors as possible in the project. You can host workshops, do a design competition, or go door-to-door together.
- 6 Create your intersection design.** Create a design using the City's base map and following the requirements described in the following pages. This includes using the required type of paint.
- 7 Start fundraising.** Your neighborhood is required to purchase the paint. Host a neighborhood bake sale, ask local businesses for donations, and determine if there are local grant opportunities. Past neighborhoods have provided snacks and drinks for painting day, so get creative with what you are asking for!
- 8 Submit the application to the City.** You will need to provide signatures from the required neighbors and submit the completed application.*
- 9 Paint your pavement!** Once the City approves your project, you can plan a day-long event which includes laying the artwork out, painting the design, and celebrating your accomplishment!
- 10 Maintain your artwork.** Make a plan with your neighbors to maintain the artwork and your new friendships for years to come. You will need a permit each time you repaint the street mural.



Checklist

Requirements

- Request location approval from the City of Tampa Transportation & Stormwater Services (TSS, 813.274.8333) at least 6 weeks before proposed paint date.
- Create a scaled mural drawing & an intersection site plan showing the relative location of the street mural. Submit to the City for approval.
- Obtain signatures from at least 80% of property owners within one block of the mural and 100% of property owners adjacent to the street mural
- Submit completed application materials to TSS
- Schedule the date of painting with City TSS and Art staff
- Pay Right-of-Way permitting fee of \$50
- Obtain Commercial General Liability Insurance in the amount of \$1 mill./\$2 mill. [per occurrence/general aggregate]
- Purchase approved paints and other supplies needed
- Advertise the date of the painting, organize some fun activities and snacks, and assign roles and responsibilities (2 weeks before paint date)
- Sweep the intersection and spray the intersection with a hose to remove any remaining particles (3 days to one week before painting)



Day of Painting

- Do a final sweep and rinse of the intersection, if needed.
- Outline the design in chalk.
- Prep materials from supply checklist.
- Apply only one thin coat of paint (assume 1 gallon/150 ft²).
The paint should dry within 1-3 hours.
- Clean up. Do not dump any dirty brush water into the storm drains (bad for the fishes!)



Roles + Responsibilities

Paint Day Suggested Roles + Responsibilities

- Street cleaning and barricade set-up _____
- Artist/Layout Designer _____
- Paint Day Coordinator (assigns painting tasks + monitors overall design) _____
- Paint Distributor (prepares + distributes paint) _____
- Greeter (welcomes and orients new people) _____
- Publicist (advertises event, speaks with any media or officials) _____
- Historian (takes photos and videos) _____
- Brush Cleaner _____



Supply Checklist

Paint Day Suggested Supplies

- Masking tape
- Poster board + markers (post any information)
- Chalk or marking paint
- Tables (for setup, snacks and drinks)
- Tarps/newspapers
- Tent for shade
- Paint + stir sticks
- Extra large containers for mixing
- Small cups for distributing paint
- Brushes + rollers
- Plastic wrap (to prevent brushes from drying out)
- Paper towels/rags
- Buckets of water for cleaning brushes (don't dump in storm drains!)

The Fine Print

- The street mural shall not contain advertisement, logos, words, messages or conflict with official traffic control markings or devices.
- Must use water-based fast dry latex paint (Florida Department of Transportation [FDOT] Spec 971-3 Standard Waterborne Fast Dry Traffic Paint [White Yellow, Red, Green, Blue and Black colors may be mixed to create variation])
- FDOT Maintenance of Traffic [MOT] Plans from the 600 series Design Standards shall be implemented prior working in the street by TSS staff
- No excavation will be allowed

We, the undersigned, hereby acknowledge support for the proposed Paint the Pavement mural treatment to be installed at the location listed above. Furthermore, we have no objections to _____ (name of event or organization) holding a block party on _____ (dates) between the hours of _____ and _____ to install the mural at the location listed above. The following roadway segments will be closed for this public gathering:

 (roadway), from _____ to _____

 (roadway), from _____ to _____

 (roadway), from _____ to _____

Address	Name (print)	Signature	Owner, tenant or manager? (list one)	Design is acceptable (yes or no)	Phone	Date

Address	Name (print)	Signature	Owner, tenant or manager? (list one)	Design is acceptable (yes or no)	Phone	Date

City of Vancouver: COVID-19 response updates



Search

Street Mural Program

Street murals can help calm traffic by adding visual interest to a neighborhood street or intersection. Often, residents come together with an idea to paint a mural or design on the roadway as a way to promote a sense of community and ownership in the neighborhood.

The City of Vancouver, in partnership with the Neighborhood Traffic Safety Alliance (NTSA), has developed a streamlined process for implementing street murals in residential areas. If you have more questions or an idea for a street mural, please send us an email at trafficalmingprogram@cityofvancouver.us.



Street Mural Process

The City's Traffic Engineer will review all proposed street mural designs for final approval. Remember that once your final design is approved, you are permitted to paint only that design.

The City also requires that the property owners who are directly adjacent to the intersection or location of the street mural provide written approval in support of the project. This can be done through either a formal petition process or letter.

Mural Designs:

As you think about what design you would like to choose, here are a couple of things to keep in mind:

- Any words that elude to any type of traffic control such as "Slow" or "Yield" can not be included in a street mural
- Other words may be used like the name of a Neighborhood Association or nearby school
- Remember that these murals will be seen by drivers passing by and that small details may not be readily noticed
- Keep in mind the more complicated the design, the more time will be required for repainting the mural as it gets worn down and fades over time

What You Need:

- An insurance policy for event coverage
- Certified flaggers for any traffic control
- Street use permit application
- Right of way art display agreement
- Traffic control plan application

- Block party hold harmless agreement

Funding Ideas:

Street murals can be a relatively low-cost enhancement to a residential street. Often, neighborhood associations use their own funds, but there are also grant opportunities for street mural projects. The Vancouver Watershed Alliance of Southwest Washington offers up to \$2,000 for community projects in the City of Vancouver through their Neighborhood Sustainability Grant program. [Click here for more details.](#)



Street Murals in the City of Vancouver

- East 22nd Street and D Street (Arnada)
- East 31st and F Street (Shumway)
- South Garrison and Morrison (Vancouver Heights)
- Omaha Way, between Wichita Drive and Missouri Drive (Vancouver Heights)
- Northeast 124th Avenue and Northeast 2nd Street (Fircrest)
- East 33rd Street and R Street (Rose Village)
- East 33rd Street and K Street (Rose Village)



Files

 [City of Vancouver Street Mural Process \(840 KB\)](#)

 [Public Right-of-way Art Agreement \(137 KB\)](#)

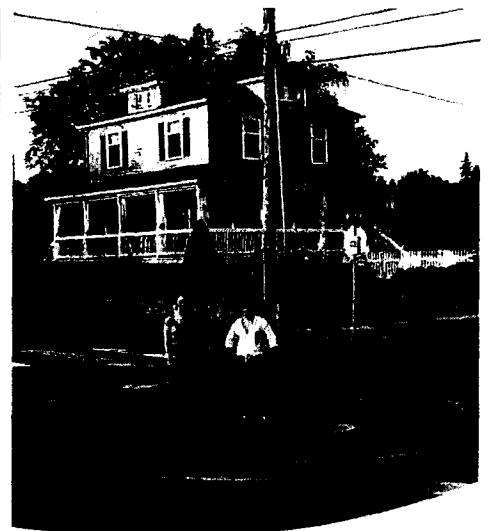
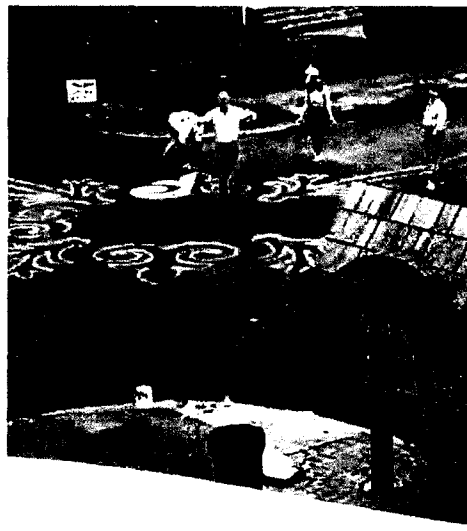


[Return to Top](#)

I want to...

Contact Information

Public Works Administration
 4500 SE Columbia Way
 Vancouver, Washington



Neighborhood Traffic Calming Street Mural Program

Street murals can help calm traffic by adding visual interest to a neighborhood street or intersection. Often, residents come together with an idea to paint a mural or design on the roadway as a way to promote a sense of community and ownership in the neighborhood.

The City of Vancouver, in partnership with the Neighborhood Traffic Safety Alliance (NTSA), has developed a streamlined process for implementing street murals in residential areas.

On the City's web site at www.cityofvancouver.us/TrafficCalmingProgram you will find examples of other projects, the required documents for your application packet and tips on how to successfully implement your project.

The City's Traffic Engineer will review all proposed street mural designs for final approval. Remember that once your final design is approved, you are permitted to paint only that design.

The City also requires that the property owners who are directly adjacent to the intersection or location of the street mural provide written approval in support of the project. This can be done through either a formal petition process or letter.

Here are just a few things to keep in mind as you think about a potential street mural project:

Mural designs

As you think about what design you would like to choose, here are a couple things to keep in mind:

- Any words that elude to any type of traffic control such as "Slow" or "Yield" can not be included in a street mural
- Other words may be used like the name of a Neighborhood Association or school
- Remember that these murals will be seen by drivers passing by and that small details may not be readily noticed
- Keep in mind the more complicated the design the more time will be required for repainting the mural as it gets worn down and fades over time

What you will need

- An insurance policy for event coverage
- Certified flaggers for any traffic control
- Street use permit application
- Right of way art display agreement
- Traffic control plan application
- Block part hold harmless agreement



Public Right-of-Way Art Display Policy

PURPOSE

The City of Vancouver (City) is interested in supporting cultural and artistic opportunities that benefit residents and visitors. Displays of public art are intended to create interest in the arts, appeal to diverse audiences, and reflect historic events, trends, and local culture.

POLICY

The City allows individuals/organizations to paint or otherwise decorate City-owned property in the public right of way, provided that the artist/organizations proposing the artwork obtains a right of way use permit and complies with all guidelines set forth by the City.

Displays are restricted to the areas designated as available by the City. The City retains the right to deny applications that do not comply with the provisions of this policy.

LOCATIONS

City-owned property in the public right of way that may be available for decoration with prior approval includes signal boxes, manhole covers, sidewalks and street intersections in residential areas, retaining walls, and light poles. Decoration of city-owned trees is limited and requires approval from the Urban Forestry Program. Right of Way is defined in Vancouver Municipal Code (VMC), Section 11.01.010.

GUIDELINES

- The artwork/decoration should enhance its setting and help create a sense of place.
- Artwork/decoration must be suitable for display to a diverse audience including children.
- Displays/decoration that contain profanity, obscenity or explicit sexual imagery, nudity, graphic depictions of violence or would create a hostile environment are not permitted.
- Artwork/decoration cannot display religious or political messages.
- Providing space for artwork does not in any way obligate the City to assume any liability or risk for the displayed materials nor does it constitute an endorsement of the beliefs or viewpoints of the art/exhibit.

- The City shall have the final determination on where artwork can be located.
- The City shall have the right to use photos, video, or other visual depictions of the artwork for publicity or other City purposes.
- All materials used in the decoration/display must be provided, maintained, and paid for by the applicant.

INSTALLATION

- Applicant must secure a street use right of way permit through the City's Public Works Department. There is a fee of \$26 for the permit. A Right of Way Art Display Agreement, for which there is no charge, is also required. An initial conversation with City staff about the proposed project is recommended prior to filling out the street use permit.
- The City must review and approve the design of any proposed artwork/decoration. Designs should be submitted with the right of way permit application.
- All materials must be designed for use on the particular surface to be painted/decorated.
- Installation must be done in weather conditions meeting manufacturer's recommendations.
- The applicant shall clean and prime surfaces prior to application of materials unless this requirement is waived in the right of way use permit.
- Paint and other materials shall be applied according to manufacturer's instructions.
- Vinyl wraps must be professionally installed.
- Ventilation channels on utility boxes shall not covered with paint or other materials.
- The applicant is liable for surrounding personal property damage during installation. The following guidelines apply:
 - The work area must be coned, with caution tape, so that pedestrians do not brush against painted surfaces.
 - A monitor must be present at the site until materials dry, at which time the cones and tape should be removed.
 - All paints, brushes, and painting materials must be kept within the taped off area.
 - Drop cloths must be used to protect street and sidewalk surfaces.
 - Paint spills must be immediately cleaned up.
- Anti-graffiti coatings are encouraged. Removal of graffiti often results in the removal of the anti-graffiti coating as well so may need to be reapplied.
- If artwork is tagged with graffiti or damaged within the display time period that was approved on the right of way permit the City will contact the applicant to repair. The

applicant has 7 days from notification to abate graffiti and 30 days from notification to repair any other damage. .

- A small logo of the organization installing the artwork may be included, provided the logo and its proposed placement is shown on the design submitted with the application materials.
- The City reserves the right to remove or cover over any artwork/decoration if the City determines it is a possible safety hazard, is too large, interferes with the flow of pedestrian or vehicular traffic, creates a maintenance problem, interferes with public service or other activities in adjacent areas or is otherwise inappropriate for the space.
- If the City owned property including utility boxes, retaining walls, etc. needs to be repaired or replaced -in part or whole -while the artwork is in place, there is no obligation on the part of the City to replace, repair or reinstall the artwork.

PROCEDURE

To Obtain a Permit

Under Vancouver Municipal Code (VMC) Section 11.60.060 (D) the City has the ability to issue right of way permits to allow artwork/decoration to be placed in the public right of way. Permits can be accessed online at

<http://www.cityofvancouver.us/publicworks/page/street-use-right-way-permits>.

Requests for a Right of Way Art Display Agreement or inquiries regarding artwork/decoration in the public right of way should be directed to the Public Works Department at (360) 487-7729 or erik.bjerke@cityofvancouver.us.



RIGHT OF WAY ART DISPLAY AGREEMENT

This Agreement is made between the City of Vancouver ("City") and _____ ("Applicant") who is interested in creating artwork using city property and agrees to comply with the policies and procedures outlined in the City' "Right of Way Art Display Policy".

NOW THEREFORE, the parties agree as follows:

1. Installation and Removal. The Applicant will be responsible for safe installation of the art, although City will have the final decision on whether or not the altered surface adequately meets the City's requirements. The City reserves the right to refuse to allow installation or to require immediate removal of the Artwork if the City believes it creates a potential hazard to the property, tenants or visitors. The Artwork must be suitable for display to a diverse audience including children. The City will not allow displays that contain profanity, nudity, graphic depictions of violence or any artwork that would create a hostile work environment for employees. No religious or political artwork may be display in City right of way with the exception of campaign signs.
2. Maintenance. In the event that maintenance or repair of the artwork is necessary during the display time period, the Applicant shall repair or remove the Artwork as soon as reasonably possible after being notified by the City.
3. Term. The Artwork shall be permitted on City property from _____ until _____. An extension of exhibit time may be negotiated by mutual agreement. Applicant agrees to remove the Artwork within forty-eight (48) hours of the agreed upon end date. If the Applicant fails to remove the art in the agreed upon timeframe, the City reserves the right to remove the art and to charge the Applicant for time and materials used in the removal.
4. Indemnification.
 - a. The Applicant understands that the Artwork will be displayed on public property and that the City does not assume responsibility or liability for Artwork exhibited on City property. The Applicant hereby releases the City and waives any claims against the City, its elected and appointed officials, employees or agents related to the City's failure to safeguard, protect or maintain the Artwork.
 - b. Applicant agrees to hold harmless, indemnify and defend the City, its officers, agents and employees from any and all claims, losses or liability for injury to persons and/or damage to property arising out of any willful misconduct, negligent act, error or omission of the Applicant, its agents, sub-consultants or employees in connection with the services required by this Agreement, unless such injury or damages results from the sole negligence of the City, its officers, agents or employees.

5. Transfer of Assignment. Permission to display the Artwork is personal to the Applicant or Organization and cannot be assigned or transferred without prior written agreement of the City.
6. General Provisions. This Agreement represents the entire agreement between the Parties. Agreement may be amended by mutual agreement in writing.
7. Termination. This Agreement may be terminated for convenience and without cause by either party upon thirty (30) days written notice.
8. Description of Artwork

APPLICANT: _____

ORGANIZATION (if applicable): _____

Address: _____

City/State/Zip: _____

E-Mail: _____ Phone: _____

Dated this _____ day of _____, 2015.

APPLICANT

By: _____

Applicant or Organization Representative

CITY OF VANCOUVER, a municipal corporation

By: _____

Approved as to form:

By: Preapproved Form

E. Bronson Potter, City Attorney

Paint the Pavement



In recent years, Boulder residents have expressed interest in painting murals on their streets to celebrate unique aspects of their neighborhoods and strengthen community bonds.

The City of Boulder has established a process by which neighbors can come together to install a Paint the Pavement project on their street. This information packet explains the process and requirements, and provides all of the necessary forms.

For more information, contact:
GO Boulder
City of Boulder Transportation Division
1101 Arapahoe Ave, second floor
Boulder, CO 80302
303-441-1955 phone
www.bouldertransportation.net

Paint the Pavement project check list

Contact GO Boulder with your proposed location for the Paint the Pavement mural

_____ GO Boulder approval of the proposed location

_____ Guidance on Method of Handling Traffic (MHT) to install the mural

Submit completed application forms

_____ Paint the Pavement Installation Agreement

_____ Block Party to Paint the Pavement permit application

_____ Petition of residents/businesses

Contact the Arts Commission to request a presentation of your mural artwork to the Board

_____ Arts Commission review and approval

Obtain and display permit and executed agreement for your event

_____ Block Party to Paint the Pavement Permit

_____ Executed Installation Agreement

Send GO Boulder photos

_____ Event in progress to paint the pavement mural

_____ Finished mural

Step 1: When considering a project

Contact GO Boulder with your proposed location for the Paint the Pavement mural. Identify the intersection or street section. The City Traffic Engineer will provide a response within 15 days as to whether the location is a good candidate for a Paint the Pavement installation from a traffic control and operations point of view. The response also will indicate whether or not a Traffic Control Plan is needed. Street closures or events that are larger or more complex also may require a Special Events Permit.

Step 2: At least 60 days before the event

A primary contact (hereinafter called applicant) is responsible for submitting the following forms:

Paint the Pavement Installation Agreement (with design)

This agreement authorizes construction and maintenance of the project, as described and shown in the submitted diagrams, with associated conditions. It must be approved by the City Traffic Engineer. Applicant must provide a written description of the proposed design and a diagram depicting how the intersection will look when completed. Please include dimensions and orientation on the street.

Block Party to Paint the Pavement Permit Application to close the street for the installation event to paint the mural (with petitions and a map)

The easiest way to close the street is to submit a *Block Party to Paint the Pavement Permit Application*. This permit allows neighborhood streets to be closed for the painting event, and includes a petition signed by neighbors. Depending on the traffic volumes on the street, a Traffic Control Plan created by a certified Traffic Control Technician may be required by the City Traffic Engineer.

Note: The City provides permits for larger events through a Special Events Permit process. A Paint the Pavement project can be created while a street is closed for a special event. In this case, the applicant would not submit a Block Party Application, but would instead include the *Paint the Pavement Installation Agreement Form* with the Special Event application.

Step 3: As soon as your installation agreement/application is submitted

Schedule a visit to the Boulder Arts Commission for approval. The applicant (or a designee) will need to attend a meeting of the Boulder Arts Commission, as the city charter requires their approval on all public art installations. The applicant should contact Greg Ravenwood at 303-441-4113 to be placed on the agenda. The Commission meets on the third Wednesday of each month.

Step 4: Day of Event

Photographs and report: Please take at least two photographs of the finished project. Photos of work-in-progress would be appreciated. We would also appreciate a brief summary of the project with advice to others considering a project. We may post these on the city website. Please provide photos and summary to GO Boulder staff within two weeks following the event.

Contact:

GO Boulder/City of Boulder Transportation Division
1101 Arapahoe Ave, second floor • 303-441-1955
David Kemp • Kempd@bouldercolorado.gov

Important things to know

about Paint the Pavement Projects in Boulder neighborhoods

Choosing a location: Quiet residential streets are the best candidates. In general, if the proposed project location is at an intersection, the two streets should be classified as local streets and carry less than a combined 2,500 vehicles on an average day. If the project is in a mid-block location, the segment should be classified as a local street and carry less than 1,250 vehicles on an average day. This information may be obtained from the city transportation office at 303-441-1955.

Appropriate Designs: The applicant must provide the city with a written description of the project and a diagram depicting how the intersection will look when completed. The diagram should include dimensions and orientation on the street. Community identity logos are acceptable but no advertising of any sort will be allowed as part of the project. Designs should not replicate or mimic traffic control devices (such as stop signs or crosswalks).

Traffic Engineer Approval: The City Traffic Engineer must approve the Paint the Pavement mural design and retains the right to require changes to any and all elements of the project design in order to insure public safety and operation of the transportation system. Approval is indicated by the signature of the city Traffic Engineer on the Paint the Pavement Installation Agreement.

Other Approvals: The Boulder Arts Commission, by charter, must approve any public art installations in the city. Their approval will be indicated by a letter from the Commission. The Paint the Pavement Installation Agreement also includes certifications from the City Manager that the project does not constitute graffiti, which is prohibited under city code.

Scope of Agreement: The agreement covers use of the public right-of-way only, and does not exempt the applicant from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit. Nor will the permit waive the provisions of any City Code, Ordinance, or the City Charter, except as stated herein. The agreement will not exempt any party from complying with all applicable traffic laws, including laws regarding pedestrians, except as allowed by the *Block Party to Paint the Pavement Permit*.

Authorization: The applicant is not authorized to do any excavation. The applicant will be responsible for protecting all public and private facilities placed in the public right-of-way, including underground utilities.

Closing the Street: While painting the design, the street or intersection must be closed in an appropriate fashion to ensure safety of all participants. Most neighborhood Paint the Pavement Projects can be accomplished as part of a neighborhood block party, which is a gathering of residents in a neighborhood for the purpose of building relationships and fostering community. Larger or more complex events which include a Paint the Pavement Project may need to apply through the city's special events permitting process.

Events that meet the requirements of a block party can file a *Block Party to Paint the Pavement Permit Application* to obtain a permit to close a single block of a street or a low-volume intersection in order to install the project modifications. Applicants must use the form specifically designed for Paint the Pavement events, as it differs from the standard block party application in several ways: it extends the hours to allow enough time for the paint to dry, it may require a more robust traffic control plan, and it requires that a petition be submitted showing neighborhood support both for the event and for the design.

Appropriate Paint: Paint must be low-toxicity and lead-free. Acceptable options include latex (waterborne) paints from Diamond Vogel or Colorado Paint (this is what the city uses for street application). Other lead-free exterior latex or enamel paints will be acceptable. The city recommends using **water-based paints** because of easier clean-up and generally lower toxicity. A pilot project on South 31st Street in 2009 suggests

that the artwork may need to be retouched annually. It is important that no paint or clean-up water be disposed of in storm drains as they drain directly into our creeks. Clean-up should be done in a sink which drains into the sewer system.

Future street disturbances: Street repair, street maintenance, street reconstruction, repair of existing utility facilities or installation of new utility facilities in the right-of-way may cause damage to the project. Any costs of repair will be borne by the applicant, with no responsibility of the city, other agencies or entities to repair or replace the project.

Mural Repair: Any future painting of the pavement mural, including touch-ups or redesign, will require the applicant to following the application procedures outlined in this packet.

Revocation of Agreement: The City may revoke an agreement for convenience. Any paint the pavement mural no longer meeting the original intent of the project may be immediately revoked by the City. Other reasons for revocation may include, but are not limited to:

- **Neighborhood Conflicts:** The applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Traffic Engineer.
- **Nuisance conditions:** If any nuisance condition is allowed to exist in the area of the project, the City may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the permit.

Paint the Pavement INSTALLATION AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20__ by and between _____ (hereinafter referred to as “Applicant”) representing Neighborhood Group _____ (if applicable) and City of Boulder Department of Public Works (hereinafter referred to as “The City of Boulder”)

WHEREAS, the Applicant has submitted plans and a valid petition for painting the pavement at the

- intersection of _____ and _____
or
- midblock location on _____
between _____ and _____

WHEREAS, The City of Boulder has reviewed plans and approves installation;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Applicant will hold the City of Boulder, its officers, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals, which may result from painting.
2. Applicant shall be responsible for installation of the painting in accordance to the drawing submitted to the Traffic Engineer, as approved by the Traffic Engineer, the Boulder Arts Commission and the City Manager.
3. Applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the City.
4. Applicant will obtain a Neighborhood Block Party Permit or Special Events Permit from the City of Boulder to close all legs of the intersection for up to one block distance, in order to install the intersection painting.
5. Applicant will be responsible for submitting a Method for Handling Traffic (MHT) for approval by the Traffic Engineer, if such plan is deemed necessary by the Traffic Engineer, and paying all costs of designing and implementing the method. No street will be blocked for more than 14 hours in any 24-hour period unless specifically allowed by the Traffic Engineer.
6. Applicant will notify all households and businesses within four standard city blocks of the proposed project at least 30 days before the project installation date.
7. Applicant understands that if any nuisance condition is allowed to exist in the area of the project, the City may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the agreement.

8. Applicant shall repair the painting project as needed, or portions of the project, with all costs borne by the applicant, if street repair, street maintenance, street reconstruction, repair of existing utility facilities or installation of new utility facilities in the right-of-way affects the installation.
9. Applicant shall follow the standard application procedures, in place at the time of application, to obtain City approval to complete any future repair or repainting of the pavement mural.
10. This agreement covers use of the public right-of-way only, and does not exempt the applicant from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit. Nor will the agreement waive the provisions of any City Code, Ordinance, or the City Charter, except as stated herein. This agreement will not exempt any party from complying with all applicable traffic laws, including laws regarding pedestrians, except during the hours of street closure, as approved by the City.
11. The City of Boulder may revoke an agreement for convenience. The City of Boulder will immediately revoke a permitted project no longer meeting the original intent of the project. Other reasons for revocation may include, but are not limited to:
 - o **Neighborhood Conflicts:** The applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Traffic Engineer.
 - o **Nuisance conditions:** If any nuisance condition is allowed to exist in the area of the project, the City may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the permit.
12. This agreement shall remain in effect for one (1) year from the date of this agreement.
13. The painting project described above is done with the express permission of the City Manager and shall not be deemed to be graffiti pursuant to City Code (Section 5-4-14, B.R.C. 1981).
14. IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year above first written.

By:

Applicant signature

Michelle Melonakis, City Traffic Engineer

Applicant name

Jane S. Brautigam, City Manager

Phone Number

Attest:

Alisa Lewis, City Clerk

e-mail

Approved as to Form:

City Attorney

Block Party to Paint the Pavement PERMIT APPLICATION PACKET

SECTION 1

Regulations and Requirements

Retain for your records

SECTION 2

Application Forms

Complete and return

City of Boulder
Office of the City Manager
and
GO Boulder/Transportation Division of Public Works
1101 Arapahoe Ave
Boulder, CO 80302
303-441-1955 phone
Kempd@bouldercolorado.gov

Block Party to Paint the Pavement PERMIT APPLICATION PACKET

Important note: This application is based on the City of Boulder's standard block party permit. However, it has been modified to address some additional requirements for Paint the Pavement projects. If you are planning a regular block party, without painting the street, please use the standard application, available at the City Manager's office or [here](#).

Please allow 30 days for processing. When the permit has been approved, the sponsor will be contacted to sign and pick it up.

Section 1

Regulations (for your information)

The City of Boulder welcomes the opportunity to work with neighborhood groups wishing to build relationships and strengthen their corner of the community. Block parties are often a wonderful way for neighbors to reach out and connect with one another, so the city has carefully crafted the following application process in an effort to provide clear and concise guidelines for block party hosts. We hope the items contained in this application will help you create a safe, fun and enjoyable gathering on your neighborhood block. Please read the following information carefully and let us know if you have any questions or need any assistance. Thank you!

A block party is a gathering of residents on a particular neighborhood block for the purpose of building relationships and fostering community.

Block parties can include: the closing and barricading of a residential city street or intersection (required); the availability of refreshments; activities within the blocked street area; and *other activities that are legal and safe.*

Block parties DO NOT include: loud music; alcohol on public streets, sidewalks or other city property; unknown or uninvited guests; mandatory cover charges; closure of more than one street or intersection; any activities that could result in city code violations; more than the designated number of participants; any activity that violates the block party permit; or *any illegal or unsafe activity or behavior as determined by the police and fire departments.*

Process:

Each request for a block party permit will be reviewed on a case by case basis. GO Boulder and the City Manager's Office will send a completed application to various departments for their approval (Fire, Police, Environmental Enforcement, Transportation, Neighborhood Services and Risk Management). You do not need to contact each City department. The only exception is **you must contact Environmental Enforcement when live or amplified music will be present** (see below), and **you must contact the Boulder Arts Commission to be included on their agenda** for approval of your painting design.

The following information provides procedures followed by the City of Boulder. The City Manager will make decisions on granting or denying this permit application based on criteria specified in 2-2-11 BRC 1981.

- The block party sponsor must be a resident of the block to be closed.
- The sponsor must be at least 18 years of age.
- Block party must be held between the hours of 8 am and 10 pm. Amplified music is only allowed between noon and 10 pm.
- No more than 100 people may attend. Special approval must be given by the city for numbers greater than this.
- Block parties may not be held on major roads or areas where safety is a concern.
- Barricades and Marshals must be provided by the applicant as outlined in the street closure section of this application, or by the Traffic Control Plan, if one is required.
- Alcohol is not permitted on public property.

Application Information:

This application must be filled out completely. The application will be approved and a permit issued only after all requirements and deadlines of the City of Boulder are met. Failure to comply with any of the following requirements and deadlines may terminate the permit process; or result in denial or revocation of the block party permit. When the permit has been approved, the sponsor will be contacted to sign and pick it up.

If the permit is denied, the City of Boulder assumes no liability for expenses incurred by the applicant. Permits may be denied for any reason deemed necessary by the City, particularly where significant dates, public safety, police staffing and neighborhood concerns are identified.

If during the course of the event, the city determines there is a public safety hazard or if there is a violation of any permit condition, the event can be terminated immediately. The sponsor will be responsible for closing down the block party immediately, ensuring participants vacate the premises, removing barricades and thoroughly removing any event supplies and trash. The City of Boulder is not responsible for any expenses incurred by the permit holder. Failure to meet the requirements of this permit may provide basis for denial of future permits for a block party, or sponsor.

Requirements

1. **Application:** Submit a complete application to GO Boulder at least 30 days in advance. Late or incomplete applications will not be accepted. Send via mail, hand deliver, or via e-mail to the address on the front page. Application must include:
 - Completed *Block Party to Paint the Pavement Permit Application*, which includes
 - detailed map of area to be closed
 - completed petitions
 - Traffic Control Plan (if required by Traffic Engineer)
 - Paint the Pavement Installation Agreement*, which includes
 - a written description and sketch of the design to be painted

- 2. Traffic Control.** The Traffic Engineer will determine whether a simple closure can be used or if a Traffic Control Plan is needed, based on traffic volumes and safety considerations. Please contact GO Boulder prior to submitting this application for a determination on which closure will be required. All costs related to the design and implementation of the simple closure or the Traffic Control Plan are the responsibility of the neighborhood.

SIMPLE CLOSURE:

Two type III (3) barricades (with flashing lights) with "Road Closed" signs will be used to close the street; marshals (designated residents or someone hired to serve in that capacity) are required at the points of closure to answer questions and maintain the barricades. The applicant is responsible for renting barricades.

Accommodation for emergency response must be provided at all times on the streets. Barricades must be staffed at all times and must be movable to accommodate emergency access for police, fire, and emergency medical services.

Accommodation for emergency response must be provided at all times on closed streets. A 20-foot wide corridor must be maintained along the closure for emergency vehicles. The city recommends that all block party set-ups (food, tables, chairs, toys, etc.) be placed on one side of the street only to allow access for emergency vehicles in the event of emergency. Barricades must be staffed at all times and must be movable to accommodate emergency access for police, fire, and emergency medical services.

Marshals must be 18 years of age or older. **Marshals shall not act as flaggers or traffic controllers.**

TRAFFIC CONTROL PLAN:

If a Traffic Control Plan (TCP) is required, it must be developed and implemented under the supervision of a certified Traffic Control Supervisor (TCS) or certified Traffic Control Technician (TCT). The TCS or TCT will be responsible for delivering and installing barricades in the proper positions as depicted in the TCP at the beginning of the event, and removing them at the end of event and returning them to delivery location. Most barricade rental companies have a TCS or TCT on staff, who can provide an estimate for their services. The development of the TCP and all costs related to it are the responsibility of the neighborhood.

- 3. Amplification or live music requirements:**

If you have been granted a block party permit and amplification or live music will be present, you must contact Environmental Enforcement at 303-441-3239 to determine if an off-duty officer must be hired (**21 days in advance**). If complaints are received, all music, bands, and amplification will be turned down or turned off.

A summons will be issued for any municipal code violation (Boulder Revised Code 5-6-2 and 5-3-8). A copy of these ordinances may be obtained at the Citizen Assistance Office or the Environmental Enforcement Office or on the web at <http://www.colocode.com/boulder2/chapter5-9.htm>

Payment for the Environmental Officer is required 21 days in advance of the event. Hourly rates for 2011 are \$52/hour for more than two weeks notice; \$75/hour for less than two weeks' notice, plus a 10% administrative fee. Rates are subject to change.

4. **Alcohol:** A Block Party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.). Alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.

5. **Clean-up:** Sponsor is responsible for cleanup after the event.

6. **Block Party Notification:**

A petition must be circulated in the neighborhood to show support for the Paint the Pavement event and the design of the street painting. The petition process serves to as a means to contact the residents on your block(s) and notify them of your plans for a block party. This helps avoid misunderstandings and signifies to the city that the majority of the residents endorse this event, and helps strengthen neighborhood relations.

Other ways to notify your neighbors include phone calls, e-mails or a save the date flier. Whatever method you choose, it is important to include the date and time that the street will be closed. This helps residents plan ahead. Should any conflicts with the proposed block party date, time or location arise, it is the responsibility of the applicant to work through the issue with your neighbor.

7. **For ideas, tips and more information on hosting a block party, go to www.bouldercolorado.gov**
8. If you have any problems during the block party, please call the police at the non-emergency number 303-441-3333. For an emergency call 911.

Block Party to Paint the Pavement PERMIT APPLICATION

Section 2 – Application Form (Return this Section)

Check off the following items that are enclosed with your completed application:

Required:

- Completed application, which includes
 - detailed map of area to be closed
 - completed petitions
- Traffic Control Plan (if required)
- Paint the Pavement Installation Agreement*, which includes
 - a written description and sketch of the design to be painted

Optional:

- amplified sound (live/amplified music, PA system): Refer to Requirement #3 for compliance

Submitted by:

Block Party Sponsor signature

Phone

Today's Date: _____ Date of Block Party: _____

Address of Block Party: _____

(attach map of block party area)

Describe Event: _____

Applicant: _____ Phone: _____

Address: _____

City State Zip Code

Start time: _____ a.m/p.m. Finish time: _____ p.m.

Number of persons attending: _____ (greater than 100 requires special approval)

Will amplified music be provided? _____ (if yes, refer to requirement #3 for compliance)

Will alcohol be available? _____

If so, which address(es) will have alcohol? _____

Alcohol is only allowed on private property. All state and city alcohol laws still apply during Block Parties. A Block Party permit does not allow the sale of alcohol or the consumption of alcohol on public property.

How do you plan on notifying your neighbors? (See #6 for ideas) _____

Applicant may be asked to produce map, flyers, etc. upon request by the city.

As an applicant for a block party permit, I certify that I have read and understand all of the conditions and procedures that are required in order to obtain the permit and I agree to comply with each of those conditions and procedures.

I agree to indemnify and hold harmless the City of Boulder, and all City of Boulder officers, employees, agents and representatives, from any claims (including costs of defending such claims) or damages that may arise from the occurrence of the block party or from related events.

I understand that a block party permit does not authorize violation of city or state laws, except to the limited extent that it allows a street to be temporarily closed in conformity with permit conditions and allows the painting of a design in the street. I also understand that a block party permit does not excuse failure to comply with orders of law enforcement personnel, firefighters or other emergency workers, and that it does not provide immunity from civil claims of third parties that are based upon damages occurring at, or in conjunction with, block party events.

I affirm, under penalty of perjury, that the statements and representations made in connection with this application are true to the best of my knowledge.

Block Party Sponsor Signature

Date

Paint the Pavement PETITION

Because the Paint the Pavement project will create a semi-permanent change to the neighborhood environment, in addition to closing the street for a day, identifying support from neighbors is especially important. The Paint the Pavement Petition must have signatures from 100 percent of the property owners directly abutting the project and at least 60 percent of the property owners and/or residents on the project street frontage(s) within the "impact area" which is defined as one standard city block (or 400 feet) of the proposed project, or within the area to be closed for the painting event, whichever is greater. Each residence within the impact area will only receive only one "vote" per address. Either a renter or property owner may sign the petition form on behalf of an address, but not both. Multi-family units require the approval of the property manager or homeowner association, or 60% of unit owners or tenants. For public properties, the site manager's approval is adequate.

The Traffic Engineer may modify the petition boundaries when considered appropriate. The petition states that approval is being given both for the street closure and the painting of the street.

Person responsible for circulating this petition:

Name: _____

Telephone: _____

E-mail: _____

Location of Paint the Pavement mural:

Roadway Segment: _____ from _____ to _____

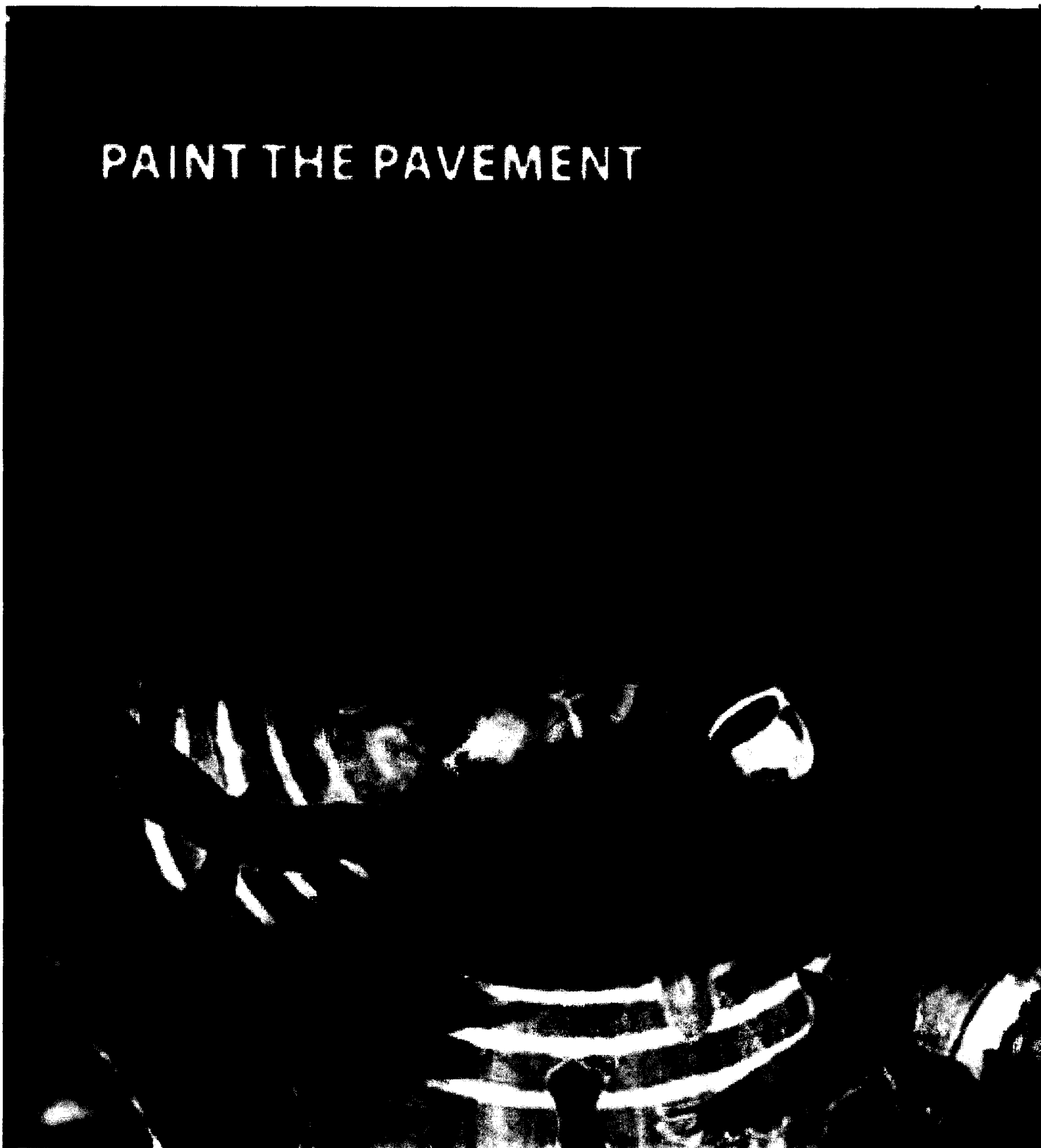
OR

Roadway intersection _____ at _____

Date of painting event: _____

The "impact area" for the proposed Paint the Pavement mural treatment is defined by City staff and includes those residences listed in the petition below.

PAINT THE PAVEMENT



Application Deadlines

Earliest Start Date June 4, Pre-application Due April 8, 4:00 pm

Earliest Start Date August 6, Pre-application Due June 10, 4:00 pm

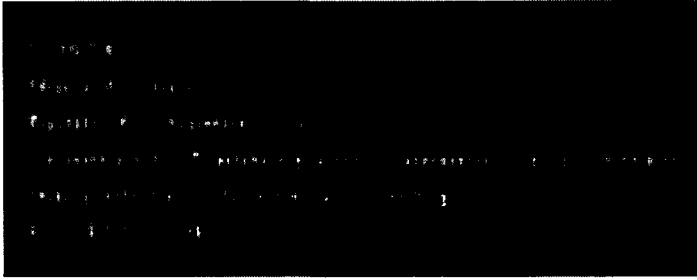
Earliest Start Date October 8, Pre-application Due August 12, 4:00 pm

(See Page 13 for more information.)

Paint the Pavement Projects

This document includes a comprehensive overview of the guidelines, steps, and criteria for developing Paint the Pavement projects. Potential applicants are encouraged to read the instructions thoroughly prior to the application process.

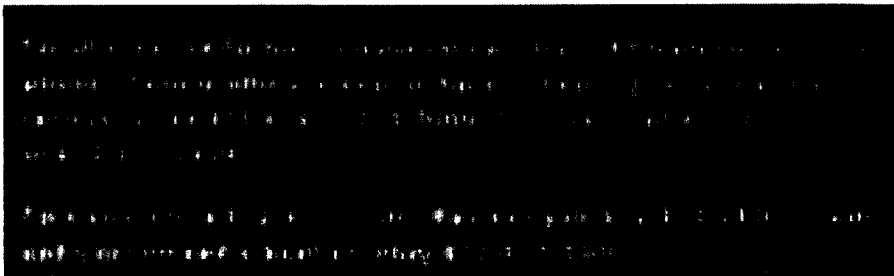
These instructions and forms were created by the City of Minneapolis Departments of Community Planning and Economic Development and Public Works.



Cover artist and Adjacent Page: Carole Bersin.

Special thanks to these organizations for their images and their vision:

Hennepin Theater Trust
Corcoran Neighborhood Organization
Obsidian Arts
Powderhorn Park Neighborhood Association



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CITY OF MINNEAPOLIS PUBLIC ART GOALS

Stimulate Excellence in Urban Design and Public Arts

- ◆ *Enhance the aesthetic environment of public places within the City through engaging, unique and high quality public artworks.*
- ◆ *Engage qualified and experienced artists.*

Enhance Community Identity and Place

- ◆ *Build awareness of community history, identity, cultures and geography.*
- ◆ *Develop artworks that are integrated into City building projects and are compatible with their settings.*

Contribute to Community Vitality

- ◆ *Promote Minneapolis as a nationally and internationally recognized arts city and tourist destination.*
- ◆ *Build the capacity of and cooperation between the private and public sectors, artists, arts and community members.*
- ◆ *Encourage civic dialogue about important City issues.*
- ◆ *Develop and maintain safe artworks.*

Involve a Broad Range of People and Communities

- ◆ *Enhance opportunities for all citizens, neighborhoods and organizations to participate in the planning and creation of artworks.*
- ◆ *Celebrate the City's cultural communities.*
- ◆ *Provide opportunities for the community to come together.*

Value Artists and Artistic Processes

- ◆ *Provide a range of creative opportunities for artists with a range of levels of experience.*
- ◆ *Ensure the ongoing integrity of artworks and respect the creative rights of artists.*
- ◆ *Always involve artists directly in the concept, design and creation of artworks.*
- ◆ *Ensure budgets adequately support artists and the creative process.*

Use Resources Wisely

- ◆ *Develop and sustain projects in a cost-effective manner.*
- ◆ *Use City funds to leverage private investment in public art and use public art to leverage private investments in other city ventures.*

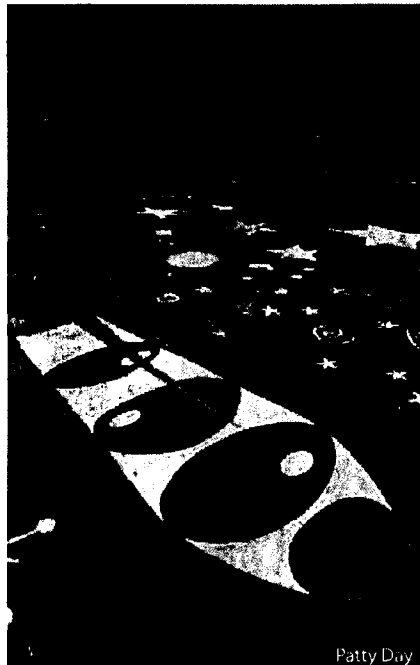
ABOUT

Purpose

The goal of the City's Paint the Pavement program is to increase connections between artists and neighborhoods, organizations and residents through placemaking.

Objectives

- Encourage projects that contribute to the quality of the public realm.
- Support public art initiatives to enhance the community, that come from the community and that have strong community support.
- Build the capacity of groups to develop public art projects that support the City's public art values.
- Involve, support, respect and encourage artists.
- Assist applicants in developing projects within realistic timelines.
- [REDACTED] applicants have the capacity for maintenance and removal.
- [REDACTED]
- Ensure public safety.





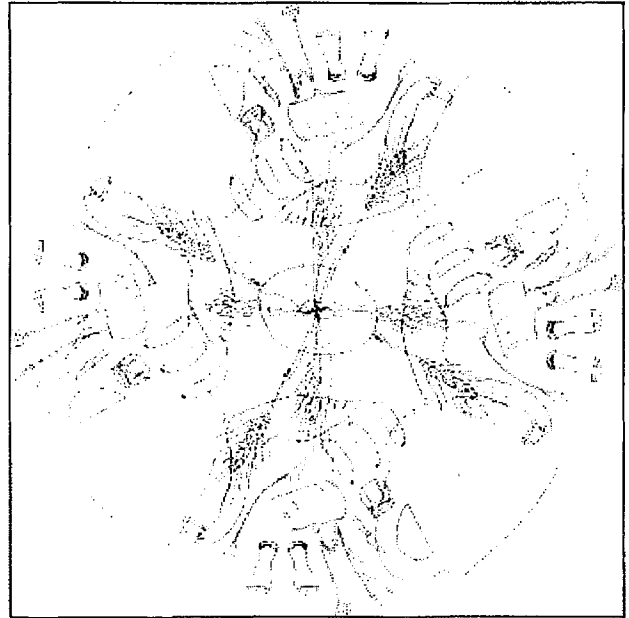
EXAMPLES

ABOUT

Corcoran Neighborhood Association

Value Artists and Artistic Processes

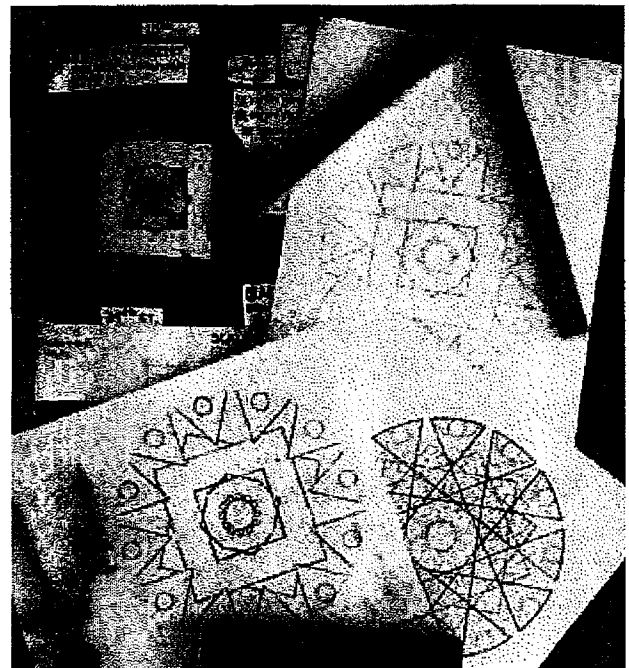
Over 90 volunteers, led by artist Carole Bersin and CNO staff, installed a pavement mural at the intersection of 33rd Street East and 21st Avenue South in June 2012. The design featured a "maze of life" labyrinth pattern overlaid with neighborhood people, creatures, and objects. It was informed by input from neighbors on the block, in response to the question, "what is in your maze of life?" Carole responded to Call for Pavement Art and was selected by a jury of Corcoran residents. The design was installed using anti-skid traffic marking paint.



Powderhorn Park Neighborhood Association

Involve a Broad Range of People and Communities

PPNA's Community Organizer, Sara Lopez and local artist Forrest Wozniak developed a design incorporating geometric and mathematic elements based on Wozniak's experience in a series of community development workshops and events for Arts on Chicago facilitated by the Pillsbury House + Theatre. The square in the center of the design represents the four neighborhood corners; the colors express the difference in cultures; and the triangles encircling the square represent community. A fun and universal example of math, the pavement mural can be enjoyed by children and adults across from a range of backgrounds and cultures. The simple design also made it easy to repaint the mural the next year.



Above: Carole Bersin preliminary sketch
Below: Forrest Wozniak's designs

ELIGIBILITY

Eligible Applicants

- Neighborhoods and community organizations.
- Individual artists, community members and business owners sponsored by one these organizations.
- Applicants who are compliant with existing permits for art, and who have completed projects for previous art permit requests and submitted the final documentation for those requests.

Eligible Projects

- Projects proposed within review process and timeline.
- Projects that comply with all City of Minneapolis codes.

Eligible Areas

- ~~Projects on City sidewalks and residential streets that do not include school crossings, marked crosswalks or traffic signals, State and County designated roads, or any roadway approaching a major arterial are not eligible.~~
- Sidewalks and intersections in areas that are not scheduled to be reconstructed within the timeline. For information on the City's capital improvement plans in your neighborhood, visit the City's website at <http://www.ci.minneapolis.mn.us/public-works/>.

Eligible Designs

- Designs developed by *artists* who are paid a fair stipend for the project.
- This project is not intended to support advertising or community signage
- Designs that do not mimic traffic control devices or street signage.
- ~~Designs with sufficient blank space (non-painted areas) to ensure that the area is not slippery when wet~~

Eligible Applicants

Neighborhoods and community organizations.

Individual artists, sponsored by an eligible organization

Community members sponsored by an eligible organization

Business owners sponsored by an eligible organization

Applicants who have completed projects for previous art permit requests

**ELIGIBLE
LOCATIONS
INCLUDE
SIDEWALKS AND
CITY RESIDENTIAL
STREETS**

**AFTER A WINTER
OF SALT AND
PLOWING VERY
LITTLE PAINT WILL
REMAIN**

Damon Farber and Associates

**DO NOT POUR
CONTAMINATED
WATER DOWN CITY
STORM DRAINS**

**PERMITS AND
A TRAFFIC
MANAGEMENT/
SAFETY PLAN ARE
NEEDED TO CLOSE
THE STREET**

PAVEMENT

APPLICANT RESPONSIBILITY

Overall

- Developing projects within your capacity, including working within a realistic timeline and scale.
- ~~Covering any additional costs that may arise as part of the permit, including special signage, insurance, mailings, etc.~~
- Thoroughly documenting the artwork and providing images to the City upon completion.

Artists and Copyright

- Obtaining permission for all artwork and imagery, including a waiver from each artist to the Visual Artist's Rights Act (VARA). This includes permission to use photos of people, all copy written material and text, and images of artwork. Allow ample time to acquire these permissions.
- Obtaining permission from each artist for the City to use images of the artwork in brochures, on websites, etc.

Community Involvement

- Engaging the community in planning and other aspects of the project.
- Notifying the community through community meetings and postings in the neighborhood newsletter.
- ~~Obtaining approval from adjacent property owners through visits to nearby homes and businesses.~~
- Providing appropriately-scaled educational signage with basic information about the project and crediting the artist. The applicant organization may be credited, but this signage should not advertise the organization or other sponsors. QR codes may be used for the purposed of providing educational information about the artwork only.

Materials and Clean-up

- ~~Using latex paint or acquiring pre-approval for another material.~~
- Using all materials in compliance with all State and Federal regulations and according to manufacturers specifications.
- Using particular caution and materials, equipment and safety procedures when working with youth. A good resource is the Art and Craft Safety Guide of the U.S. Consumer Product Safety Commission: <http://www.cpsc.gov/PageFiles/103109/5015.pdf>.

Federal copyright law provides rights to artists related to for the use of images they create. This may include the right to reproduce their images, and the right to prevent the distruction of their artworks. While waivers and permissions are needed for public art projects, applicants are encouraged to honor artists' rights to the greatest degree possible. Make sure that your agreements with artists allow for your organization and the City to use images of the artworks for educational purposes.

APPLICANT RESPONSIBILITY

- Applying paint in a quality manner and cleaning up accidental spills, paint drips and messy edges.
- Cleaning up and disposing of paint in an appropriate manner. (No paint or contaminated water may be poured into City sewers or waste containers.)
- Removing all materials and equipment at the site after installation is complete.

Public Safety

- Obtaining all permits needed to close the intersection during preparation, painting and clean-up.
- Developing a traffic management plan and obtaining approval for the plan from the City
- Under some circumstances, hiring an off-duty police officer to manage traffic during installation.
- Working on site during periods of low traffic activity, such as weekdays, 9AM to 3PM, weekends, and holidays.
- Not blocking any street for more than 24 hours.
- Educating participants about necessary safety precautions, particularly youth.

Maintenance

- Being responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street maintenance.
- Completely removing the paint or repainting after significant wear or at the end of the permit period.

Applicants assume responsibility for maintenance and removal of the artwork when it starts to deteriorate and when streets are patched.



DEADLINES AND TIMELINE 2016

Cycle 1: April/May

Earliest Start Date	June 4
Pre-application Due	April 8, 4:00 pm
Confirmation of Eligible Sites	April 22
Arts Commission Application Due	April 27, 4:00 pm
Public Art Advisory Panel Meeting	May 4, 3:30 pm
Arts Commission Meeting	May 18, 5:30 pm
Applicant Notified of Recommend.	May 19
Encroachment Permit Materials Due	May 20
Applicant Receives Permit	June 3

Cycle 2: June/July

Earliest Start Date	August 6
Pre-application Due	June 10, 4:00 pm
Confirmation of Eligible Sites	June 24
Arts Commission Application Due	June 29, 4:00 pm
Public Art Advisory Panel Meeting	July 6, 3:30 pm
Arts Commission Meeting	July 20, 5:30 pm
Applicant Notified of Recommend.	July 21
Encroachment Permit Materials Due	July 22
Applicant Receives Permit	August 5

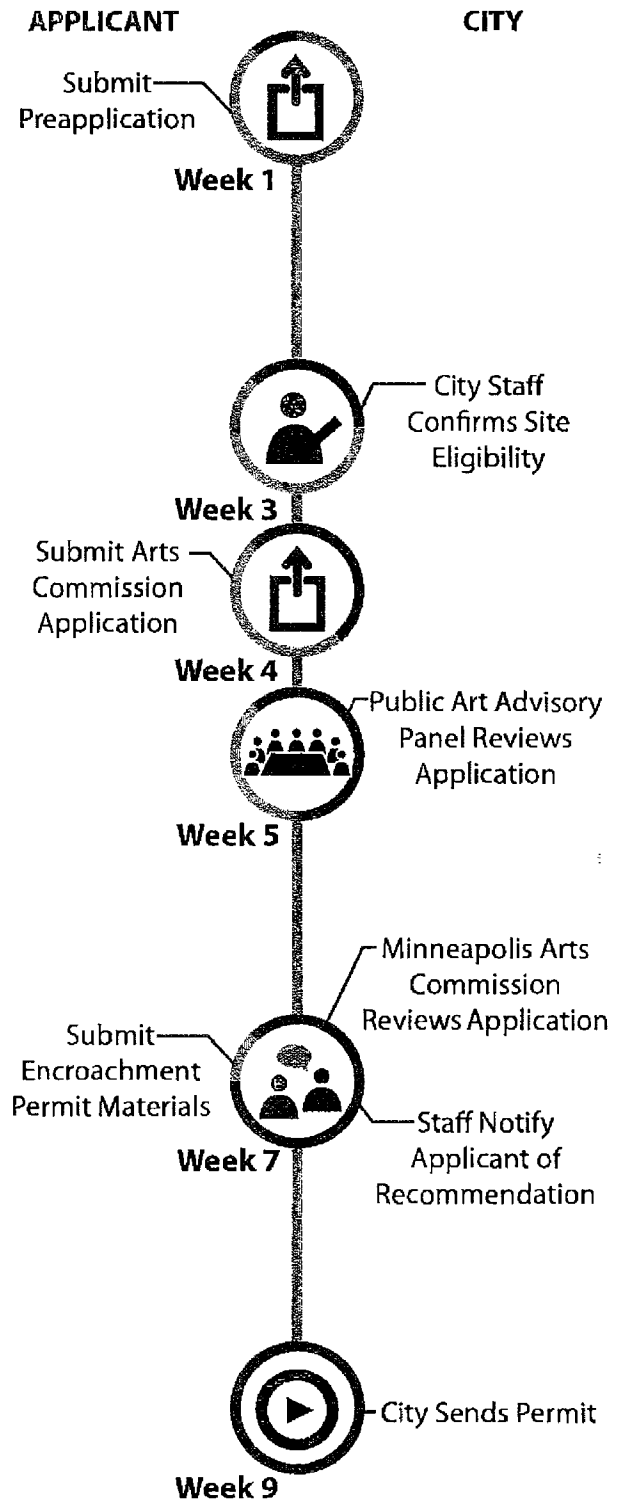
Cycle 3: August/September

Earliest Start Date	October 8
Pre-application Due	August 12, 4:00 pm
Applicant Notified of Eligible Sites	August 26
Arts Commission Application Due	August 31, 4:00 pm
Public Art Advisory Panel Meeting	September 7, 3:30 pm
Arts Commission Meeting	September 21, 5:30 pm
Applicant Notified of Recommend.	September 22
Encroachment Permit Materials Due	September 23
Applicant Receives Permit	October 7

The City may limit the number of projects reviewed in a cycle. Projects are reviewed on a first come first serve basis. Only complete applications will be reviewed.

Public Art Advisory Panel Meetings
3:30-5:00 pm, Crown Roller Mill #200
105 5th Avenue South

Minneapolis Arts Commission Meetings
5:30-7 pm, City Hall #319
350 5th Street South



INSTRUCTIONS

Application Instructions

Pre-application (See deadlines on page 12)

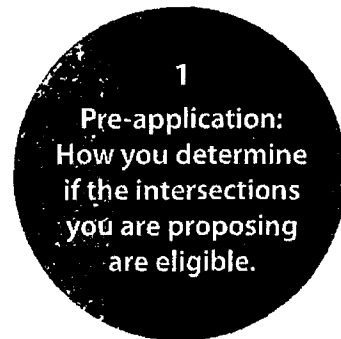
By the deadline email the proposed intersection(s) and/or adjacent address(es) and attach a map (PDF or JPEG) noting the exact proposed location(s) to mary.altman@minneapolismn.gov.

Arts Commission Application (See deadlines on page 12)

By the deadline, complete and submit the materials below in *one single PDF file* to mary.altman@minneapolismn.gov:

1. Completed Application Form (see Forms)
2. Images:
 - A final and legible, color design for each location in 8.5 x 11" format. (One page per location.) Include the site dimensions, the imagery, names of the streets, and the name of the artist.
 - Early design review: The City may accept proposals without final designs or that have not yet selected artists from applicants and artists with experience in developing a public art project of a similar scale and quality. In lieu of final designs, submit images of previous artworks by the applicant and the artist, or information on the process and criteria used to select the artist.
3. ~~Letter of support from the neighborhood organization(s) where the~~ project is occurring or, if the location is in a Special Service District, a letter of support from the Special Service District Board. (A map of Special Service Districts can be found at <http://www.ci.minneapolis.mn.us/boards/special/index.htm>.)
4. ~~Request of contractor~~
5. A waiver signed by each artist of their rights under the Visual Artists Rights Act (VARA) (see forms.)
6. For applicants who have previous permits for art: For each artwork, submit one electronic photo, date stamped, documenting the condition of all sides of the artwork.

Three Phases of the Application Process



INSTRUCTIONS

Encroachment Permit Application (See deadlines on page 12)

Contact

Dennis Morris
Public Works
dennis.morris@minneapolismn.gov
612.673.3607

Permits will be issued for 1 - 3 years. At the end of the initial permit period, the applicant may request to have the project remain additionally for 1 or more years. The City will consider this request after examining the work for maintenance needs. After you have approval from the Arts Commission, Mary Altman will notify staff in the Right of Way Division that you are ready to apply for your permit. At this phase, submit the following:

1. A completed encroachment permit application (see Forms) and a check for \$50 (see forms).
2. A certificate of insurance as proof of general liability coverage for \$500,000 per occurrence, naming the City of Minneapolis as additional insured as to acts committed by the applicant for which the City could be held responsible.
3. Using the Art Consent Form (see forms), signatures from all of the abutting property owners.
4. A letter of credit naming the City as payee in a dollar amount determined by Public Works (see forms). The dollar amount will be determined by Public Works. The City has the right to present this letter to the issuing bank or other financial institution for payment if the maintenance or removal is not completed by the applicant or is unsatisfactorily completed.
5. Note: Applicants or their vendors must also obtain permits for obstruction, blocking sidewalks and road and lane closures. Visit the City's website at www.minneapolis.mn.roway.net to request those permits.

An Encroachment Permit is required for any existing or proposed structure or portion thereof that projects onto, under or over any municipal right of way, under the authority outlined in Title 5, Chapter 95, of the City of Minneapolis Code of Ordinances. The Encroachment Permit gives the permit-holder permission to use a specific portion of the right of way until such time as that portion of the right of way is needed by the City of Minneapolis for public purposes. Encroachment Permits are revocable at any time in the interest of public safety.

INSTRUCTIONS

Frequently Asked Questions

1. How long does it take to make a project like this happen?

It depends on the scope of the project. Please read these instructions to ensure you have developed an appropriate timeline for your project. In order to address your project's unique issues, we strongly suggest that you allow at least ~~two months~~ for approval.

2. What type of paint should be used?

Latex, unless you obtain approval from the City for another type.

3. I'm an artist, how do I get my work installed?

In most cases, individual artists cannot apply to have their works or designs installed on City property. We suggest that you contact your neighborhood organization or a local arts group to see if they will sponsor you.

4. What is the cost of an encroachment permit?

\$50.

5. Do I need an encroachment permit for every location?

Yes.



Elise Kylo

REVIEW

Selection Criteria

These criteria are based on the City's Public Art Goals and are used by the Public Art Advisory Panel and the Arts Commission for evaluating proposed projects. The role of these groups is to ensure that community proposals are consistent with City policies. They rarely decide to not recommend projects and often propose changes that need to be implemented before permits are issued.

Stimulate Excellence in Urban Design and Public Arts

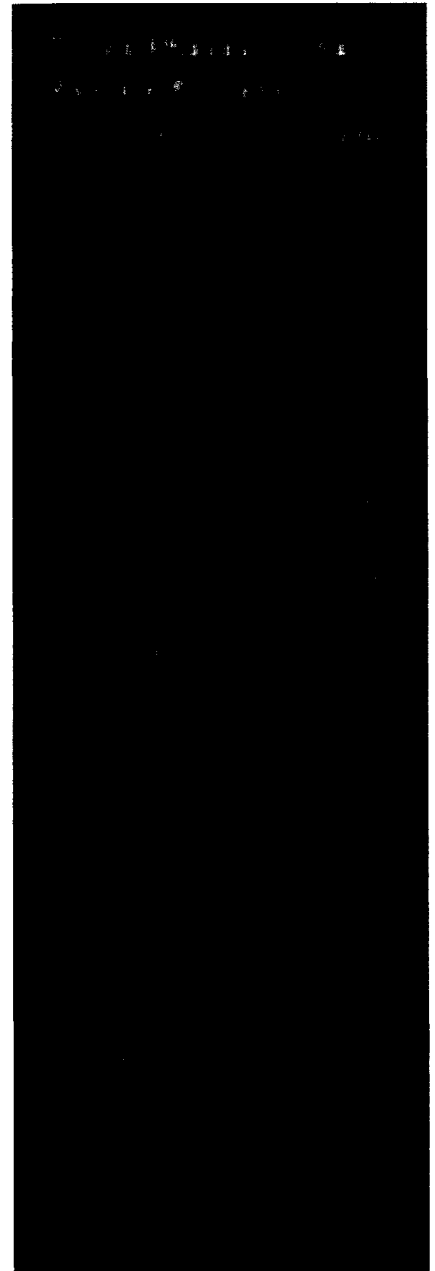
- Do the designs and the locations provide an opportunity to make an engaging or bold artistic statement?
- Does the project provide an opportunity for a unique public artwork?
- Do the proposed artists have a significant or engaging body of work?

Enhance Community Identity and Place:

- Does the project have the support of the neighborhood organization and property owners?
- Are the locations good places to showcase a public artwork?
- Does the project provide an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures?

Contribute to Community Vitality:

- Will the project be visible to and attract visitors and residents?
- Will the project build capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Has the project engaged the community (or will it)?
- Does the project provide an opportunity to encourage civic dialogue on City issues?
- Is the design and location safe?



REVIEW

Involve a Broad Range of People and Communities:

- Does the project engage citizens, neighborhoods and organizations in the planning and creation of the artwork?
- Will the project be accessible to people with a range of abilities?
- Does the project celebrate one or more of the City's cultural communities?

Has the design process included an artist and the artistic process as a central element?

Value Artists and Artistic Processes:

- Does the project nurture an emerging artist?
- Has the design process included an artist and artistic process as a central element?
- Does the project support the artists' right to retain most of their copyrights, except for in the case of sharing information for not-for-profit purposes?

Do the designs and the locations provide an opportunity to make an engaging or bold artistic statement?

Use Resources Wisely

- Are the conditions at the proposed site stable enough to support an artwork during the timeframe?
- Does the applicant have the capacity to implement the project at the proposed scale?
- ~~Are the appropriate materials being used?~~
- Are the appropriate materials being used?



FORMS

APPLICATION CHECKLIST

Pre-application (See page 13 for more information)

- Email the proposed intersection with addresses of adjacent properties
- Map of the locations

Arts Commission Application (See page 13 for more information)

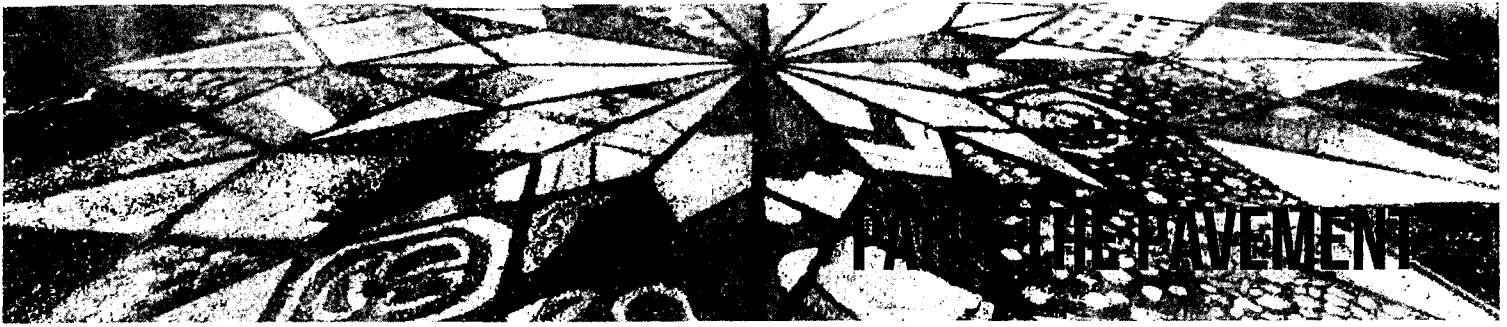
- Application Form
- Images of the final design
- Resumes of participating artists
- Letter of support from neighborhood organization(s) or Special Service District.
- For applicants with previous permits: Photos documenting current condition of the artwork(s)
- VARA Waiver signed by each artist

Encroachment Permit Application (See page 14 for more information)

- Completed Encroachment Permit :
http://www.minneapolismn.gov/publicworks/permits/public-works_pw-use-permits
- Certificate of General Liability
- Art Consent form from each abutting property owner
- Letter of Credit

The forms and Samples on this page can be found at <http://www.ci.minneapolis.mn.us/dca/WCMS1P-083277>





The City of Charlotte created this two page guide for neighbors who want to come together to install a "Paint the Pavement" project within City maintained right-of-way.

ELIGIBILITY

Eligible applicants include neighborhood associations, community organizations, and business associations OR individuals sponsored by a neighborhood association, community organization, or business association. A primary contact (hereinafter referred to as the applicant) shall be designated as part of the application package. The applicant is responsible for submitting the forms identified in the Application Checklist.



Painted sidewalk and crosswalk at 9th & Brevard

APPLICATION PROCESS

1.

Applicant

Contact CDOT staff via paintthepavement@cityofcharlotte.org before you get started on your application. Your email should include the location(s) you have in mind for your project with a corresponding map. This will allow City staff to assess the request and put together some helpful guidance. CDOT will also provide some preliminary guidance on a traffic control plan at this stage.

2.

CDOT

CDOT will complete a traffic safety review of the location(s) you provided. They will normally contact you within 15 business days and, if necessary, will arrange a date/time for an in-person pre-application meeting.

3.

Applicant

Upon CDOT location approval, begin to gather neighborhood support. Because Paint the Pavement projects create a semi-permanent change to the neighborhood, obtaining community support is an essential part of the process and should be included with your Paint the Pavement application in Step #3. Applications that do not include documentation of community outreach will not be considered. Full support from every property on the block is not a requirement for a proposal to move forward, but it's important to demonstrate adequate community outreach
*For contact information for registered neighborhoods visit www.cityofcharlotte.org/paintthepavement

4.

Applicant

Prepare and submit your Paint the Pavement Application. The process applies to all Paint the Pavement requests including privately funded projects and neighborhood organizations seeking to fund the project through the Neighborhood Matching Grants (NMG) program.

- Private funding – if funding has already been secured, submit notice of CDOT location approval and Paint the Pavement Application
 - Requires a concept sketch and proof of community support
 - Applications are accepted year-round, review committee meetings are scheduled as needed
- NMG funding request – if seeking to fund the project through the NMG program, complete the NMG application.
 - NMG applications are accepted March 1st, June 1st, and September 1st, eligibility and other criteria apply
 - For more information, contact Housing and Neighborhood Service's (HNS) Nicole Storey, or (704)336-2929.
- See Application Checklist and Forms in the Appendix of the full manual for more information.

5.

CDOT

Reviews application for completeness. Schedules Beautification Bureau review, a subcommittee of the Neighborhood Matching Grants Citywide Review Committee.

6.

Beautification Bureau

Open meeting to consider application based on 1) appropriateness of content, and 2) community support. Approval is specific to the concept presented and is contingent on receipt of a CDOT Temporary Infrastructure Agreement.

7.

Applicant

Provide the following to CDOT's Casey Mashburn, or 704-336-8348

- Beautification Bureau letter of approval
- Executed Waiver of Artist's Rights for Artwork Placed upon City ROW
- Completed Temporary Infrastructure Agreement (TIA)
- \$150 TIA fee payable to the City of Charlotte

8.

CDOT

Executes Temporary Infrastructure Agreement

9.

Applicant

Proceed with installation!

CONSIDERATIONS

- No words, logos, commercial speech or advertising are allowed; (See the General Considerations for Art in CDOT Right-of-Way Memorandum included in the forms portion of the application package.)
- The applicant is advised that the visual images are not intended to create a forum for public expression. The City right-of-way is a closed public forum. The City reserves the right to control what is depicted in the City's right-of-way.
- It's important to ensure that Paint the Pavement projects do not create areas that become slippery when wet. As such, designs must include sufficient blank space (non-painted areas) to ensure adequate roadway grip. Alternatively, the paint may be mixed with walnut shells or "shark grip" grit (chewed up plastic pieces) to add grit and prevent a slip hazard. These materials are readily available and CDOT staff can help guide applicants seeking to use them.
- The painting may not mimic traffic control devices such as crosswalks or street signage. Yellow and white paint shall be minimized to avoid looking like traffic control devices. The TIA outlines other applicant responsibilities.



FUNDING OPPORTUNITY

Neighborhood organizations may apply for funding for Paint the Pavement and other projects as part of the Neighborhood Matching Grants program, eligibility and other criteria apply. Visit charlottenc.gov/nmg.

ATTACHMENTS INCLUDED

Full Paint the Pavement Manual including CDOT Temporary Infrastructure Agreement and Artists Waiver

Charlotte Department of Transportation

Paint the Pavement Manual

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Introduction

So you want to paint the pavement! The goal of this guide is to provide citizens an opportunity to participate in placemaking throughout the City of Charlotte. In recent years, Charlotte residents have expressed interest in decorating their streets to celebrate unique aspects of their neighborhoods and strengthen community bonds. In response, the City of Charlotte created this manual to guide neighbors who want to come together to install a “Paint the Pavement” project within City maintained right-of-way. This manual explains the process and requirements, and provides all of the necessary forms.

It’s important to keep in mind that all Paint the Pavement projects in the public right-of-way become City property. The City of Charlotte has the right to modify, replace, remove, and/or restore any project elements located within City right-of-way. The maintenance and repair of Paint the Pavement projects is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. The rest of the manual explains this in more detail. Questions regarding this manual should be directed to Placemaking@charlottenc.gov.

Eligible Applicants

Eligible applicants include neighborhood associations, community organizations, and business associations OR individuals sponsored by a neighborhood association, community organization, or business association. A primary contact (hereinafter referred to as the applicant) shall be designated as part of the application package. The applicant is responsible for submitting the forms identified in the Application Checklist.

Eligible Project Types & Locations

In general, projects **should only be located on local streets that carry less than 10,000 vehicles** on an average day. This is for two important reasons: 1) projects on thoroughfares or streets that carry more than 10,000 vehicles per day typically require more complicated traffic control to install, and 2) they typically wear away more quickly than street murals painted on low-volume streets.

There are generally five types of eligible Paint the Pavement projects. If your project idea doesn't fall within one of the five categories below, please contact city staff at Placemaking@charlottenc.gov to discuss your idea. We'll give you some helpful tips about appropriate locations for Paint the Pavement projects.

1. **Intersection Murals** – Murals painted in the middle of street intersections have been the most common and popular type of Paint the Pavement projects in other cities. Low volume residential streets tend to be the best candidates for these. Intersections with traffic signals and/or marked crosswalks are not eligible for this kind of Paint the Pavement project because such projects may obscure important traffic control markings, potentially confusing motorists. If you are interested in an intersection location with a marked crosswalk, skip down to #2.
2. **Crosswalk Murals** – Paint the Pavement projects may be used to enliven existing marked crosswalks. The most important requirement for this type of Paint the Pavement project is that the painting CANNOT obscure the crosswalk striping (including any green markings used to denote shared/bicycle crossings). The crosswalk striping is a regulatory traffic control device that is essential to the safe operation of street intersections. Crosswalk murals must “stay within the lines” of the crosswalk to avoid creating confusion for pedestrians and motorists. City staff can help provide more guidance.
3. **Midblock Murals** – Paint the Pavement projects may also be installed in midblock locations. Generally midblock murals are most successful when they are tied to a significant adjacent land use, like a museum, library, park, or other neighborhood-serving land use. Midblock locations involving bike lanes, on-street parking spaces, two-way center turn lanes, etc. may be acceptable locations, but will require additional scrutiny to ensure that the Paint the Pavement project does not obscure, mimic, or confuse any traffic control device. Midblock murals cannot be used near approaches to signalized intersections (within 200 feet) or in street segments with more than three total vehicular lanes (including center turn lanes) because they may obscure important traffic control markings.
4. **“Live-Ends”** – These are projects that use cul-de-sacs or dead-end streets as a canvas for Paint the Pavement installations, transforming them into “Live-Ends!” Dead-ends typically make great candidates for Paint the Pavement projects due to low traffic volumes and the opportunity to enliven infrequently used rights-of-way.
5. **Sidewalk Murals** – Sidewalks also make great candidates for the Paint the Pavement projects within the public right-of-way. Certain special sidewalks (like the Tryon Street mall in Uptown Charlotte) may not be an appropriate location because of the specific streetscape design requirements for those corridors.

Prohibited Locations

There are places where Paint the Pavement projects are not a good fit because they may obscure, mimic, or confuse traffic control markings. The following types of locations are not permitted for Paint the Pavement projects:

- Portions of the roadway that include school zone markings or railroad markings;
- **Approaches to signalized intersections (within 200 feet)** as these typically include turn lane arrows, stop bars, etc.;
- Shared-use crosswalks which are installed with a green color in between the white crosswalk markings to denote a shared pedestrian and bicycle crosswalk, and
- Any other portions of the roadway in which a Paint the Pavement project may obscure, mimic, or confuse pavement markings or regulatory devices.
- Any locations which involve NCDOT right-of-way.

The Charlotte Department of Transportation (CDOT) shall have the final authority to screen and identify eligible locations and may deny any Paint the Pavement request for any reason.

Approval Process

To install a Paint the Pavement project you'll need two things; 1) a Temporary Infrastructure Agreement (*this is the approval of your design concept*), and 2) a Block Party or Special Events Permit (*this is your approval to close down the street to install your project*). Here are the steps to get there. (*Note – For projects on sidewalks only, a Block Party or Special Events Permit may not be necessary.*)

- **STEP 1: Pre-application Conversation with CDOT Staff**
 - Contact CDOT staff via Placemaking@charlottenc.gov before you get started on your application. Your email should include the location(s) you have in mind for your project with a corresponding map. This will allow City staff to assess the request and put together some helpful guidance. CDOT will also provide some preliminary guidance on a traffic control plan at this stage.
 - CDOT will normally contact you within 15 business days and, if necessary, will arrange a date/time for an in-person pre-application meeting.
 - Street closures or events that are larger or more complex may also require a Special Events Permit.
- **STEP 2: Gather Neighborhood Support**
 - Because Paint the Pavement projects create a semi-permanent change to the neighborhood, obtaining community support is an essential part of the process and should be included with your Paint the Pavement application in Step #3. Applications that do not include documentation of community outreach will not be considered. Full support from every property on the block is not a requirement for a proposal to move forward, but it's important to demonstrate adequate community outreach.
 - **Fronting Businesses & Property Owners:** At a minimum, applicants must demonstrate the support of any businesses and property owners which front a proposed Paint the Pavement project.
 - **Neighborhood Organizations:** Applicants must also notify any adjacent neighborhood association, merchants' association or municipal service district of the proposed Paint the Pavement location and preliminary design. No formal approval from a neighborhood organization is required, although it is welcome. CDOT may assist with identifying the appropriate neighborhood organization(s) upon request.
 - **Signatures of Support:** Applicants are also encouraged to obtain signatures of support from nearby property owners, businesses and tenants that aren't immediately adjacent to the proposed project. Petitions shall include the name, address and phone number of all those who sign it.

- **STEP 3: Prepare and Submit Your Paint the Pavement Application**
 - See the Application Checklist and Forms in the Appendix of this manual for more information.
 - When developing projects, consider the scale and timeline to ensure the project is within your (or your organization's) capacity. Include a realistic timeline for installation and cleanup, including paint drying time. You will need to have traffic control in place long enough for your project to dry.
- **STEP 4: Review and Revisions**
 - Upon receipt of a complete application packet (see the Application Checklist and Appendix for application forms), CDOT will normally review within 30 business days to either approve, deny, or request revisions to the design concept and application.
 - As part of the review, the project design and content will be evaluated through the City's Neighborhood & Business Services Neighborhood Matching Grants Committee.
 - You'll also want to start thinking about a date for the installation of your project and submit a Block Party Permit application. Set the installation date out far enough (at least 30 days) to allow plenty of time for the review and revisions of your Paint the Pavement scheme. That will also give you time to recruit some neighbors to help you pull it off.
- **STEP 5: Get Your Permit and Start Painting!**
 - The City will provide written approval of the application. The applicant is advised to wait for this written approval before any material acquisition or other commitment of any funds to the endeavor.
 - Once your Temporary Infrastructure Agreement and Block Party Permits are approved, you have everything you need! Gather your materials and your volunteers, and get ready for your installation date.
 - Have fun and get the whole neighborhood involved! See "Installation Process & Closing the Street" for more on how to execute your project.
 - All materials and equipment shall be removed from the site after installation is complete.
 - The City will inspect the project after installation to ensure compliance with the Temporary Infrastructure Agreement and to ensure the site has been cleaned in an appropriate manner.
 - The City will own the work after inspection and acceptance of the final installation, however maintenance and repair of the painting is the responsibility of the applicant. See "Maintenance & Repair" below.
 - Keep in mind, the City may revoke your Temporary Infrastructure Agreement for any reason at any time.

Design Requirements

- No words, logos, commercial speech or advertising are allowed. (See the *General Considerations for Art in CDOT Right-of-Way Memorandum* included in the forms portion of the application package.)
- The applicant is advised that the visual images are not intended to create a forum for public expression. The City right-of-way is a closed public forum. The City reserves the right to control what is depicted in the City's right-of-way.
- It's important to ensure that Paint the Pavement projects do not create areas that become slippery when wet. As such, designs must include sufficient blank space (non-painted areas) to ensure adequate roadway grip. Alternatively, the paint may be mixed with walnut shells or "shark grip" grit (chewed up plastic pieces) to add grit and prevent a slip hazard. These materials are readily available and CDOT staff can help guide applicants seeking to use them.
- The painting may not mimic traffic control devices such as crosswalks or street signage. Yellow and white paint shall be minimized to avoid looking like traffic control devices.

- Applicants must obtain permission for all artwork and imagery to be used. This includes permission to use photos of people and images of artwork and a waiver from each designer/artist to the Visual Artist's Rights Act (VARA). Applicants must also obtain permission from each designer/artist for the City to use images of their artwork in brochures, on websites, etc.
- Paint must be low toxicity latex paint and must be lead-free. Proposed paint materials must be submitted to CDOT for review and approval.
- All materials must be used in compliance with all State and Federal regulations and according to manufacturer's specifications.
- Applicants should have a plan for material and equipment use as well as safe procedures when working with youth. A good resource is the Art and Craft Safety Guide of the U.S. Consumer Product Safety Commission: <https://www.cpsc.gov/s3fs-public/5015.pdf>
- Applicant must clean up and dispose of paint in an appropriate manner. Paint may not be disposed of in the City storm drains, City sewers or waste containers.
- Paint shall be applied in a precise, high quality manner. Accidental spills, paint drips and messy edges must be cleaned up.

Installation Process & Closing the Street

Bringing the neighborhood together to install a Paint the Pavement project should be a fun community-building experience! That process is just as important as the design of the project and the final result. These requirements help ensure that the installation of Paint the Pavement projects are fun, safe, and engaging for the neighborhood.

- Invite people to join in the fun of painting the pavement! At a minimum, applicants must notify the adjacent property owners and any adjacent neighborhood associations, community organizations, and business associations of the planned installation date and invite them to participate in installing the project.
- Except for projects on sidewalks only, streets must be closed around the Paint the Pavement project area to provide safe working conditions. Applicants must submit a plan for closing the street. CDOT staff will provide guidance for street closures in accordance with CDOT's Work Area Traffic Control Handbook (WATCH) which can be found at <http://charlottenc.gov/Transportation/Permits/Pages/WATCH.aspx>. No street shall be closed or blocked until specifically approved by CDOT.
- Most neighborhood Paint the Pavement projects can be accomplished as part of a neighborhood block party. Information on requesting closure of the street or intersection under the Block Party Permit process can be found at <http://charlottenc.gov/Transportation/CDOTServices/Pages/BlockClosings.aspx>. Please note that Block Party Permit requests must be submitted a minimum of 30 days in advance of the requested date. If your Paint the Pavement event covers more than a single block or intersection, then you may need to apply for Special Event permit instead. CDOT staff will help direct you toward the appropriate permit/process.
- Keep in mind, on busier streets (thoroughfares) and at signalized intersections you may be required to hire an off-duty police officer(s) to provide traffic control during the installation of your project. That can create additional expense for the applicant.
- The applicant is not authorized to do any excavation or modification to existing signage or pavement markings. The applicant shall be responsible for protecting all public and private facilities placed in the public right-of-way.
- We want to see your great work! Applicants must thoroughly document the installation and final product through photographs and provide those images to the City upon completion.

Maintenance & Repair

- Paintings in the public right-of-way become City property immediately upon completion; however, the maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. See attached Temporary Infrastructure Agreement for more information.
- The applicant is responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street maintenance or utility cuts.
- The applicant is responsible for repainting after significant wear or completely removing the paint at the end of the permit period using a method to be approved by the CDOT.
- The applicant will bear the cost of all maintenance, repair and removal.
- The City bears no responsibility to repair or replace the project, however the City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the City right-of-way in whole or in part, in the City's sole discretion.

Application Checklist

- Application form
- Map of the location(s)
- A color graphical representation of the proposed painting in 8.5 x 11" format. The image shall include dimensions, the imagery, names of the streets, and the name of the designer.
- Resumes of the participating designer(s)/artist(s)
- Letter of support from neighborhood organization(s)
- Petition indicating 100 percent support of abutting property owners.
- Visual Artist's Rights Act Waiver signed by each designer/artist
- Completed Temporary Infrastructure Agreement
- Temporary traffic control plan
- Block Party Permit or Special Events Permit application (necessary to close down the street for most types of Paint the Pavement projects) – CDOT staff will guide you to the appropriate process during your pre-application conversation.

Frequently Asked Questions (FAQs)

Q: *Who owns the Paint the Pavement final product?*

A: Paintings in the public right-of-way become City property. The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the artwork located within the City right-of-way in whole or in part, in City's sole discretion. The maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City.

Q: *Why should projects only be located on local streets that carry less than 10,000 vehicles on an average day?*

A: Projects on thoroughfares and streets that carry more than 10,000 vehicles per day typically require much more complicated traffic control to install, and they wear away much more quickly than street murals painted on low-volume streets. Sticking to low-volume local streets will make your project much easier (and cheaper) to install and ensure that you can enjoy your street mural for a much longer time.

Q: *What if the Paint the Pavement project becomes faded or is damaged (i.e. graffiti or a utility cut)?*

A: The maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. The applicant is responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street

maintenance or utility cuts. The applicant is responsible for repainting after significant wear or completely removing the paint at the end of the permit period using a method to be approved by the CDOT. The applicant will bear the cost of all maintenance, repair and removal.

Q: *What if my/our Paint the Pavement event covers more than a single block or intersection?*

A: Then this may become a Special Event as defined by CDOT and should be requested via the information contained on the following website – <http://eventpermits.charlottenc.gov/>

Q: *What if we just want to paint the sidewalk instead of the roadway?*

A: The same application process, criteria and approvals apply, however it may not be necessary for you to obtain a Block Party or Special Events Permit to close down the street.

Q: *Is using a professional artist(s)/designer(s) required?*

A: No. Although it is recommended to ensure a high quality finished product, this is not a requirement. Even if a professional is not involved, the same information regarding who will be doing the work and the proposed design is required.

Additional Information

For additional information or questions, please contact Placemaking@charlottenc.gov.

PAINT THE PAVEMENT APPLICATION FORM

Date Submitted _____

Title of Project _____

Applicant Name _____

Address _____

City/State/Zip _____

Phone (day) _____

Phone (eve) _____

Email address _____

Project Type & Description

A. **Proposed Location (Intersection, Street Segment, or Sidewalk):** Where/what are you proposing to paint? (Include streets that form the intersection and/or adjacent address(es).) Why were these chosen?

B. **Designer/Artist Selection:** How was/were the designer(s)/artist(s) selected for your project? What criteria did you use for this selection and who was involved in the selection of the designer(s)/artist(s)?

C. **Design Development:** What was the process for developing the design? Was the community involved? If the process involves youth working with the artist(s) to develop the design, how have they been trained or educated? What are the themes and ideas represented in the design? How do these themes relate to the site, design of adjacent sites and the community?

D. **Community Involvement:** What was the process for notifying and engaging the community, both in planning the project and, if appropriate, creating the artwork?

E. **Who will be doing the painting?** Include information on who will be working with the designer/artist to paint the project (e.g., youth—including ages, neighborhood residents, etc.). How are these participants being identified and selected? What materials will you be using? Include information about why these materials were selected, safety precautions that will be taken and method(s) of safely disposing of materials.

F. **Materials:** What materials will you be using? (Note: **only latex paint is allowed for pavement painting.**) Include information about why these materials were selected, safety precautions that will be taken and method of safely disposing of materials.

G. **Timeline:** What is your timeline? Include milestones for designer/artist selection, design, fabrication, community engagement, publicity, approvals, installation and celebration.

H. **Maintenance:** What are your plans for ongoing maintenance and final removal? What is needed for maintenance? Who have you consulted in estimating these needs (i.e. art conservator, fabricator, artist)? Who will be conducting maintenance and graffiti removal? How often do you estimate that maintenance will need to occur? How quickly can you respond to requests for graffiti removal? (If you have a maintenance plan, please attach it. The City does not fund ongoing maintenance or removal for such projects).

I. **Copyright:** What is your copyright agreement with the artist? (If you do not have a copyright agreement with the artist, an example is attached.)

J. **Traffic Management:** What are your detailed plans for staffing and logistics for managing traffic during installation? Who is responsible for traffic management during the activity? How will this ensure the safety of the participants?

K. **Public Education:** How will the public be informed about the project? Will there be a plaque-like acknowledgement near the site? Is their information on your website?

L. **Project Budget:** What is your project budget? (Note: Although the City does not fund such projects, the City does require a budget submittal as a demonstration that the applicant has the capacity to implement the project, has raised the necessary funds and has budgeted for designer/artist fees, insurance and ongoing maintenance.) Include the following information, and include in-kind contributions for key required items.

Artist Fees: _____

Materials/Fabrication: _____

Installation: _____

Liability Insurance: _____

Maintenance: _____

Other: _____

M. Attachments: Do not forget to include the other required forms and attachments with your application, and to combine them in one PDF document.

- Images of the final design
- Resumes of participating designer(s)/artist(s), if applicable
- Letter of support from neighborhood organization(s).
- VARA Waiver signed by each designer/artist
- Temporary Infrastructure Agreement

I/We understand that the materials we submit are public information under North Carolina Public Records General Statute 132 and may be shared by the City of Charlotte with members of the public or the media for informational purposes or as otherwise required by the statute. Accordingly, I/we hereby grant a non-exclusive license to the City of Charlotte to make and distribute a limited number of copies of the submitted materials for the purposes of information and/or evaluation of the Project, or as required by North Carolina Public Records General Statute 132.

Signature of Applicant

Date

Waiver of Rights for Artwork Placed upon City Right-of-Way

The provisions of this paragraph shall apply to modify Artist's rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C. 106A and 113(d) ("VARA"), and any rights arising under United States federal or state law or under the laws of another country that convey rights of the same nature as those conveyed under VARA, as against the City of Charlotte ("City") and its agents.

The City has absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the artwork located within the City right-of-way in whole or in part, in City's sole discretion.

Designer/Artist Signature

Date

**Appendix B - General Considerations for Art in CDOT
Right-of-Way**

CHARLOTTE DEPARTMENT OF TRANSPORTATION MEMORANDUM

DATE: September 20, 2016

TO: Nicole Storey, Economic Development Program Manager
Neighborhood and Business Services

FROM: Bruce Horltdt, Senior Project Manager
Right-of-Way Management Section
Department of Transportation

SUBJECT: General Considerations for Art in CDOT Right-of-Way

Per your request, the following considerations are provided to Neighborhood and Business Services as a guide when evaluating art that is proposed for installation within City Right-of-Way. While it is impossible to provide an exhaustive list, during CDOT review of these types of proposals, items that will be considered are:

Safety and Location

- Avoid creating a distraction to motorists. (High reflectivity, kinetic parts, etc.)
- Placement must not obstruct sight distance in accordance with CDOT's Sight Distance Policy.
- Maintain adequate separation/clearance from the street depending on the specific conditions at the proposed location. More separation is generally required at intersections.
- Placement must not impede pedestrian accessible routes in accordance with ADA.

Design

- Installations may not have an appearance that is similar to any traffic control devices or signs including, but not limited to those found in the MUTCD.

Legal

- Consistent with City ordinance, no advertisement is allowed. (Signs, logos, sponsorship plaques, etc.)
- Installations must not conflict with any applicable law, ordinance or policy.
- All art must be evaluated and approved for placement and suitability for the city's public art portfolio by ASC/PAC or other designated body as appropriate.
- **No words or text that includes specific verbal messages or points of view.** Acceptance of a particular donation or all donations is intended as an expression of the City's aesthetic efforts and is not intended to create a public forum for expressive conduct. Accordingly, the City retains all rights to control and to maintain control over the appearance and content of the donation as the City's property.

Other

- Attachments to a bridge will require considerable engineering review and cost.
- Consideration should be made regarding interaction encouraged and made available by design and placement of art items. (discourage interactions unless they can be done in a safe manner)

Charlotte Placemaking Hub

More details can be found on Charlotte's Placemaking Hub website for the following placemaking programs:

- Parklets
- Paint the Pavement
- Decorative Signal Cabinet Covers
- Pilot Projects
- Bike Corrals
- Sidewalk Dining
- Temporary Plazas
- Etc.

Appendix C – Temporary Infrastructure Agreement



Charlotte Department of Transportation

Temporary Infrastructure Agreement

Paint the Pavement

Date:
Dept.: Development Services Division/Right-of-Way Management Section
Type: Paint the Pavement Agreement
Location(s):

CDOT is responsible for, and has authority over, all of the Right-of-Way (RW) in the city. Anyone wishing to construct or install items within the public RW must obtain approval and abide by guidelines/specifications developed by the Department of Transportation. Each request is considered on a case-by-case basis to ensure that there is no adverse impact to the public safety or future roadway construction needs.

This agreement was developed to assist with Paint the Pavement installations to be placed in the rights-of-way that would be installed by the Applicant.

NOW THEREFORE, IT IS AGREED that the City hereby grants to the Applicant, its successors, and assigns, the right and privilege to make this agreement upon the following conditions, to wit:

1. That the City reserves the right to determine all issues related to the review, installation, maintenance, removal and replacement of the said item. If the said item becomes damaged or becomes a safety hazard to the public, the City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the City right-of-way in whole or in part, in City's sole discretion.
2. That the said Applicant agrees to comply with the provisions of CDOT's Work Area Traffic Control Handbook (WATCH) should any roadway or walkway, or portion thereof, need to be blocked or closed during installation.
3. The Applicant agrees to maintain the approved Paint the Pavement installation in accordance with all requirements and guidelines as outlined in the Paint the Pavement Manual.
4. That the Applicant, its successors and assigns, agree to indemnify and hold harmless the City, its officers and employees, from and against all damage, including injury to persons or damages to property, expenses or other liability which may result from, arise out of , or be brought by reason of the Paint the Pavement installation. In case any suit or cause of action shall be brought against the City on account of any act, action, neglect, omission or default on the part of the Applicant, its agents, subcontractors, employees and/or patrons, the Applicant hereby agrees and covenants to assume the defense thereof and to pay any and all costs, charges,

attorney fees and other expenses and any and all judgments that may be incurred or obtained against the City.

5. That if the Applicant contracts for installation of this Paint the Pavement installation, the Contractor must provide General Liability and Auto Liability in the amount of \$1 million per occurrence and Workers' Compensation with Employers' Liability limits of \$100,000 per accident limit, \$500,000 disease per policy limit, and \$100,000 disease each employee limit must be provided by the primary contractor and all subcontractors. Certificates of insurance shall be furnished the Director of CDOT showing the City as an additional insured.

THIS AGREEMENT, made and entered into this the ____ day of _____, 20__, by and between the City of Charlotte, North Carolina, (hereinafter "City"), and _____, Applicant,

By: _____
Charlotte Department of Transportation

APPLICANT: _____
(Organization Name)

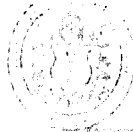
Name: _____
(Applicant)

Address: _____

Telephone Number: _____

By: _____
(Applicant)

Title: _____
(Seal)



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: May 25, 2018
TO: Distribution
FROM: James Nagelvoort, City Engineer
SUBJECT: Installation of Murals in Public Right-of-Way (ROW) Pavements and Sidewalks

Murals shall allow for safe and efficient vehicle and pedestrian visibility and circulation in the ROW. To ensure public safety and to avoid any impact to any mode of transportation while improving the visual quality, design and experience of public spaces, the following standards shall be considered when processing proposed murals on pavements and sidewalks for placemaking permits. Any exception(s) to these standards would result in the proposed murals being reviewed within the standard permitting and approval process established and administered by the Development Services Department.

I. Location Requirements

- A. In Street Intersections.** Painted murals are allowed at all controlled intersections on unclassified streets and two-lane classified collector streets (one travel lane in each direction) with a speed limit of 25 miles per hour or less, to the satisfaction of the City Engineer or his designee. They shall be installed at the following locations and as depicted in the attachments:
1. Intersections controlled by all-way stop signs.
 2. Within the circular bulb of a cul-de-sac.
 3. Three (3) feet clear from a marked crosswalk or unmarked pedestrian pathway across the intersections controlled by all-way stop signs (i.e. pedestrian curb ramp to pedestrian curb ramp).
- B. On Sidewalks.** Installation of painted murals on sidewalks shall be five (5) feet clear from the edge of a pedestrian curb ramp or point of curb returns if no curb ramp exists.

See illustrations in Attachment A for mural location requirements.

II. Design Standards. The design of mural shall not:

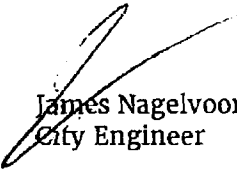
1. Resemble any traffic control device as identified in the Manual on Uniform Traffic Control Devices (MUTCD).
2. Conflict with other traffic standards, markings and symbols.

3. Lead or direct any vehicular, pedestrian, or bicycle traffic.
 4. **Contain text on the pavement of street intersections or cul-de-sacs.**
 5. Contain imagery that creates any unsafe conditions for intersection users and pedestrians.
 6. Paint over existing utility frames and covers, and survey monuments and markers.
- III. **Material.** Paint material for street intersections and sidewalks shall be durable, **non-toxic, lead-free, non-reflective, and skid and slip resistant.** The paint material shall **not chip off, bleed or run-off to existing storm drain structures.**
- IV. **Implementation.** The requirements for the installation of murals in ROW as discussed in this memorandum shall apply on July 1, 2018 (Effective Date) for projects submitted to Development Services Department as described below:
1. Projects submitted on or after July 1, 2018 shall comply with the new requirement.
 2. Projects currently in review and have not had permits issued by July 1, 2018 shall comply with the new requirement.
 3. Projects with permits issued on or before July 1, 2018 shall be reviewed on a project to project basis.

For mural design review and approval process, contact the City of San Diego Commission for Arts and Culture. To learn more about the Commission for Arts and Culture application process, visit their website at <http://www.sandiego.gov/arts-culture>.

For placemaking permit submittal and approval process, refer to the City of San Diego Development of Services information bulletin on "How to Obtain a Permit for Placemaking" that will be posted at <https://www.sandiego.gov/development-services/industry/information/infobulletins>.

Please notify your project managers, designers, consultants, and maintenance crews of the new requirements. If you have any question or need additional information, please contact (619) 533-3126.



James Nagelvoort
City Engineer

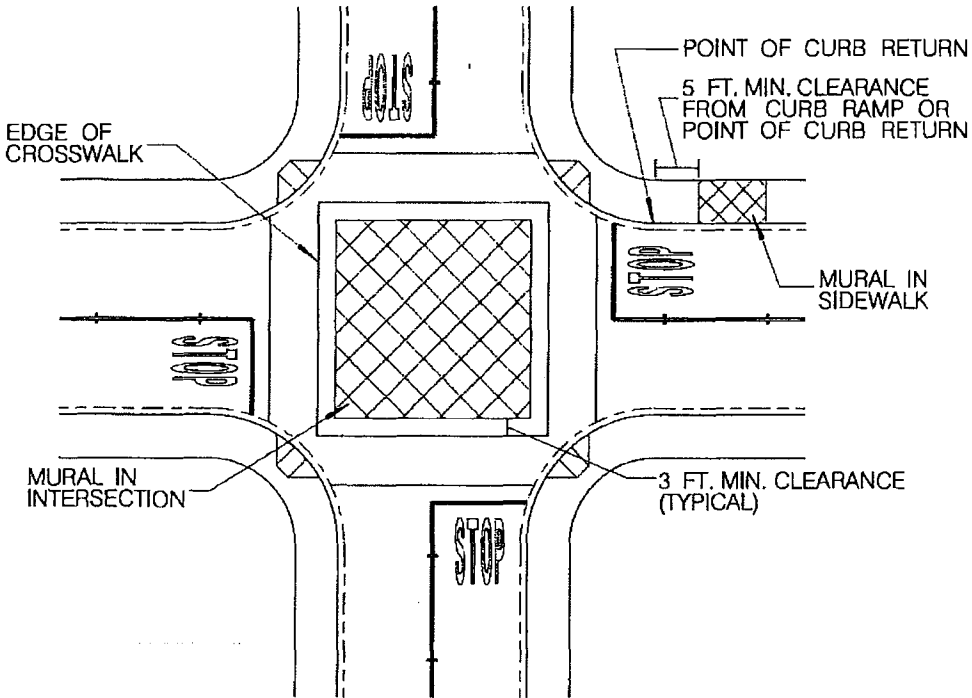
Attachment: 1. Mural Placement in ROW Illustrations

Distribution:

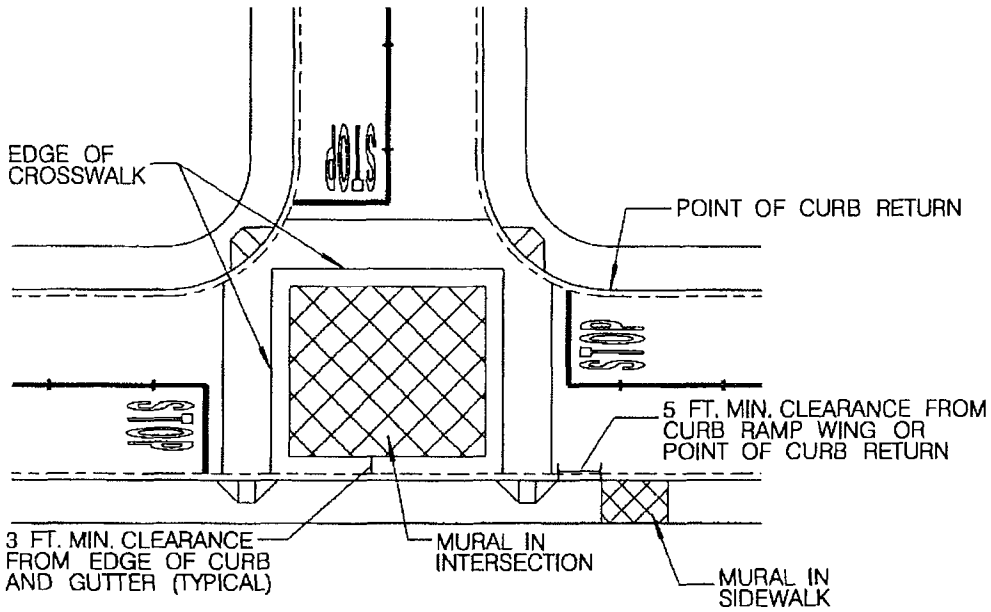
Honorable Mara Elliott, City Attorney
Kris Michell, Chief Operating Officer
Stacey LoMedico, Assistant Chief Operating Officer

Page 3
Distribution
May 25, 2018

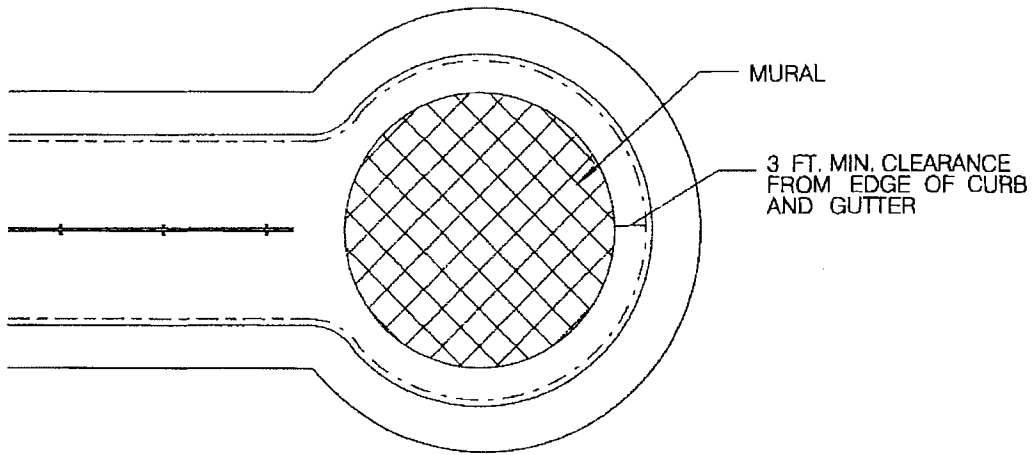
Paz Gomez, Deputy Chief Operating Officer, Infrastructure/Public Works
David Graham, Deputy Chief Operating Officer, Neighborhood Services
Ron Villa, Deputy Chief Operating Officer, Internal Operations
Kevin Ester, Interim Fire Chief, San Diego Fire-Rescue Department
Vic Bienes, Director, Public Utilities Department
Erik Caldwell, Director, Economic Development Department
Mike Hansen, Director, Planning Department
Misty Jones, Director, Library Department
Kris McFadden, Director, Transportation & Storm Water Department
Herman Parker, Director, Park and Recreation Department
Mario X. Sierra, Director, Environmental Services Department
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Artists work to repair defaced Black Lives Matter mural in uptown Charlotte



Artists work to repair a Black Lives Matter mural that was defaced in uptown Charlotte. (Source: WBTV)

By WBTV Web Staff | June 14, 2020 at 12:54 PM EDT - Updated June 14 at 12:55 PM

CHARLOTTE, N.C. (WBTV) - Artists came together Sunday to repair damage left at the Black Lives Matter mural on South Tryon Street in uptown Charlotte.

Days after someone apparently left tire marks all across the mural, artists said they were there to ensure the people who defaced the art knew they weren't discouraged and that the message still mattered.

[Tire marks left across 'Black Lives Matter' mural in Charlotte, CMPD reviewing incident]

The City of Charlotte commissioned 16 artists to paint the mural last week. Each artist was responsible for a different letter, and presented a different vision for their portion of the project.

The mural followed protests across the country and the world of George Floyd's death in Minnesota. Four Minneapolis police officers have since been charged in his killing.

[Black Lives Matter mural painted on uptown Charlotte street, road closed to vehicles]

Supporters and organizers with the Million Youth March Of Charlotte gathering at the mural Tuesday night to take a knee in a moment of silence.

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Black Lives Matter mural in Vermont vandalized with mud, oil

The Associated Press Published 12:17 p.m. ET June 14, 2020 | Updated 12:25 p.m. ET June 14, 2020

MONTPELIER, Vt. (AP) — The vandalism of a Black Lives Matter mural that was painted on the street in front of Vermont's statehouse is under investigation, police said.

Hundreds gathered Saturday in Montpelier to paint the mural ([/story/news/local/2020/06/12/vermont-statehouse-street-to-say-black-lives-matter/3177162001/](https://www.associatedpress.com/story/news/local/2020/06/12/vermont-statehouse-street-to-say-black-lives-matter/3177162001/)), which said "Black Lives Matter" in yellow letters. But Montpelier police say the painting was smeared with mud, dirt and oil early on Sunday, and graffiti was sprayed on the sidewalk nearby.

A photo released by police shows graffiti with messages including "\$400 million gone" and "Put it back call Trump." A statement from police says the graffiti "referenced government spending" but did not appear to be directed at the mural.



In the early morning hours of Sunday, June 14, 2020, the Montpelier Police Department located spray painted graffiti applied to the city sidewalk and Vermont Statehouse walkway across from 120 State St. The messages referenced government spending and did not appear to reference the "Black Lives Matter" community mural project nearby. (Photo: Courtesy of Montpelier Police Department)

"While it is easy to be disgusted and angered by the vandalism of these anonymous cowards, for me their actions reinforce the need to address head-on the racism and white supremacy right here in our communities," Johnson, a Democrat, said in a statement.

The mural was similar to others that have been painted near the White House in Washington and in other cities. It had been approved by the city council and supported by Gov. Phil Scott.

Vermont's mural was organized in less than a week amid protests nationwide sparked by the death of George Floyd. Floyd, a handcuffed black man, died on May 25 after a white Minneapolis police officer pressed his knee on Floyd's neck.

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TCPalm.

INDIAN RIVER COUNTY

Mural defaced after 'Black Lives Matter' march in Vero Beach

Corey Arwood Treasure Coast Newspapers

Published 5:26 p.m. ET Jun. 5, 2020

VERO BEACH — After a Black Lives Matter protest made a downtown mural a focal point of marches and demonstrations, it was spray-painted overnight with messages of "Trump 2020" in gold paint and its message changed from "Black Lives Matter" to "All Lives Matter."

It's the third of a series of illicit alterations to the mural since May 29. It has been painted over again, since Friday morning, to read "Black Lives Matter."

The mural originally completed in 2018 on the north-facing wall of Country Discount Beverage at the intersection of 14th Avenue and 23rd Street first read "All Lives Matter," as painted by muralist and graffiti artist George Colon, 61.

Colon moved to Vero Beach from New York in 2018 and was referred to building owner Michael Rechter, with Integra Real Estate, to add artwork to the building.

More: Hundreds gather for 2-hour downtown Vero Beach march June 4

Colon, now an addiction specialist, grew up in New York City and was a graffiti artist during the burgeoning and also illicit graffiti culture of the late 70s.

Now a professional artist, he has worked across country and said in 2015 he was commissioned to paint an "All Lives Matter" graffiti-mural in New York City.

Colon said his version of "All Lives Matter" came from his work with those in the grips of addiction.

"Every life I encounter is life or death for them," he said. "Every life that I encounter matters to me — that's what that really means."

He said he considers all of the changes to his mural vandalism.

After the first painting in late May, he said he was "OK" with it, but added that meant he understood it, and he wasn't angry.

"Understanding it, there's no sense to make a big deal about it – it's already done, let it lie," Colon said. "Then it was tagged again and then it was tagged again."

Colon said he didn't want to try to guess at the motives of those behind the "Trump 2020" message.

More: Mural defaced but artist OK with BLM changes

"It wasn't cool to do. If they want to vote for him ... I'm good with that," said Colon.

"I'm not mad but what you did was really illegal," he said of the changes to his work.

Colon said he wasn't at the downtown Black Lives Matter demonstration Thursday afternoon.

"I was actually super proud of the gathering of people that chose to support anything in a peaceful matter," Colon said.

After the march ended, Vero Beach Police Department officials held an event at 5 p.m. where hundreds gathered.

During the event traffic streamed by some blowing horns at the crowd gathered along 20th Street.

Like the march before it, the law enforcement-endorsed event was entirely peaceful.

Colon said at some point the mural will be painted over, with a regularly revolving series of art from different artists.

He said the work would have to be "non-political" and "non-religious."

"It's a stipulation that we have to (have), because it creates, sadly, a reaction," Colon said.

He said he plans to meet with Vero Beach police officials Monday to discuss the artwork.

Corey Arwood is a breaking news reporter for TCPalm. Follow Corey on Twitter @coreyarwood, or reach him by phone at 772-978-2246.

'Part of history.' Charlotte Black Lives Matter mural repaired after damage

BY LAUREN LINDSTROM

JUNE 14, 2020 04:35 PM , UPDATED JUNE 15, 2020 11:02 AM

Black Lives Matter mural repaired

After the Black Lives Matter mural was damaged in uptown with black tire marks during Friday, June 12's early-morning hours, artists are spending their Sunday doing touch ups on the mural. BY ALEX CASON

After the Black Lives Matter mural was damaged in uptown with black tire marks during Friday, June 12's early-morning hours, artists are spending their Sunday doing touch ups on the mural. BY ALEX CASON

South Tryon Street was bustling on Sunday as artists worked to repair the Black Lives Matter mural that had been defaced by tire marks just days after its installation.

Artists worked under the hot sun in uptown Charlotte, touching up every letter while upbeat music filled the block.

The mural, which was painted on the pavement Tuesday after nearly two weeks of Black Lives Matter protests in Charlotte, was damaged by an unknown driver. The vandalism was discovered Friday morning. Police have said they are investigating. As of Sunday afternoon, no arrests were announced.

Artist Kiana Mui carefully worked to repair her letter — the “E” in LIVES — on Sunday afternoon. The black and white work was inspired by anime.

The cartoon panels depict a conversation between a person whose response to “Black Lives Matter” is “All Lives Matter,” and a second person explaining “how insensitive it is with such a big movement when we’re just fighting for basic human rights,” she said.

Mui said she wanted her work to speak for itself, but said she wasn’t surprised someone would want to deface the mural.

“If it agitated them, that’s the kind of people we need to inform and educate,” she said. But, she said, she was glad to see the strong turnout as it was repaired.

“It won’t be ruined,” she said of the mural. “It’s definitely going to be here and part of history for Charlotte.”

Seventeen Charlotte-based artists created the mural, in partnership with the city of Charlotte, Charlotte Is Creative, Brand the Moth and BLKMRKTCLT, The Observer has previously reported. A spokeswoman with the city said Sunday the repaired mural will be sealed with clear coat paint.

The tire tread marks covered most if not all of the length of the mural.

Since its installation, the mural has been a focal point for many people participating in peaceful Black Lives Matter demonstrations, as well as a draw for families, visitors and graduates looking to take photos in their cap and gown. Protests have been ongoing nationwide and in Charlotte since May 29 in reaction to the death of George Floyd.

Sunday saw dozens of onlookers stop by as the artists made repairs. Many took pictures of the

Matthew Clayburn covered his letter "A" with an even coat of white paint, a blank canvas to recreate "E.G.O," the character he has been drawing since the death of Trayvon Martin in 2012. Martin, an unarmed Black teenager, was fatally shot in Florida by a vigilante neighborhood watchman as he walked home in a hooded sweatshirt. Since then, Clayburn said, he's identified with the hoodie imagery and incorporated it into his art.

"He's a proponent for self-awareness, emotional awareness," he said of his character. "I think it's something that a lot of people don't talk about, being sensitive and feeling things."

Clayburn said the damage adds another layer to the story, as does the effort to repair it, calling the community response to repair the mural and the public attendance "surreal."

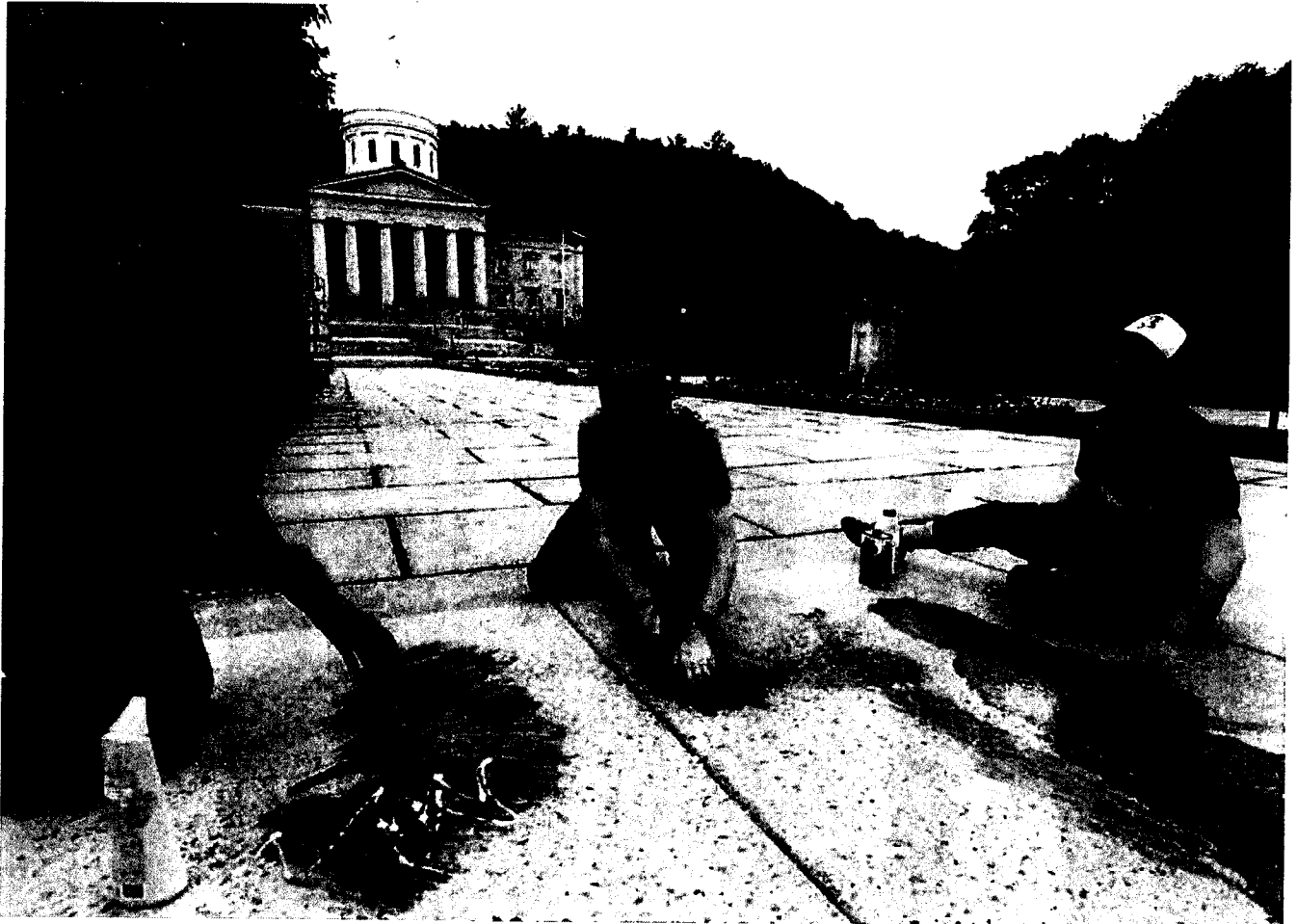
"It's like a new birth," he said of the decision to start fresh on his letter. "Hopefully it's a new birth for the city."

https://www.rutlandherald.com/news/local/police-probe-vandalism-of-black-lives-matter-mural/article_84efa057-8d22-59a9-bc76-ed4db7979899.html

Police probe vandalism of Black Lives Matter mural

By David Delcore Staff Writer

Jun 15, 2020



Kady Erwin, left, of Graniteville, David Hunt Jr., of Barre, and Stevie De, of Barre, clean spray-painted words off the sidewalk Monday from a new Black Lives Matter mural on State Street in Montpelier.

Jeb Wallace-Brodeur / Staff Photo

MONTPELIER — Noel Riby-Williams went from deeply “satisfied” to “shocked” during a weekend that saw her plan to paint a massive Black Lives Matter mural on State Street succeed with the help of more than 200 community volunteers only to be defaced less than a day later by a vandal with a mix of oil and mud.

Neither emotion lasted long, according to Riby-Williams, who visited the scene of the crime on Monday and vowed the damage that was done will be undone.

Some of it already has, though Riby-Williams is already planning a fresh coat of yellow paint even as police are pursuing a “person of interest” in connection with the vandalism that occurred early Sunday morning.

“I think we’re stronger than the hate and we’re going to come together every single time that it’s vandalized and paint it again, and paint it again,” said the 20-year-old activist, who has sadly resigned herself to the fact some will break the law to express their disagreement with the Black Lives Matter message.

“It’s very disappointing,” said Riby-Williams, noting a mix of disappointment and determination quickly replaced her initial reaction when she learned Sunday the just-painted mural had already been vandalized.

“I was shocked,” she said. “Then I felt like I should have expected vandalism to happen because even in Montpelier, Vermont ... where people might think we’re very liberal and open-minded and progressive, there are still people who are racists.”

There are also plenty who aren’t, which explains how Riby-Williams’ weekend got off on a much happier note.

More than 200 volunteers joined a hastily arranged painting party that was sanctioned by the state and approved by the city and took far less time than Riby-Williams expected.

“All hands were on deck to help and support getting the (Black Lives Matter) message out loud and clear on the street in front of the State House lawn,” she said.

Riby-Williams and a core group of organizers thought the painting, which started at 10 a.m., might be a four-hour exercise. Instead the three words composed of 25-foot-tall letters were finished in 90 minutes, though the street was closed until 2 p.m. to give the paint time to dry.

It was an effort to keep a morning's worth of work from being spoiled, though that happened anyway in what authorities say was an intentional act of vandalism that is the subject of an ongoing probe by local and State Police.

"It's a very active investigation," Montpelier Police Chief Tony Facos said Monday.

According to Facos, Detective Matt Knisley is heading up the investigation into an incident that occurred sometime before 5:30 a.m. on Sunday.

Facos said police have a "person of interest," though it is unclear how much headway they have made identifying the man they say was "captured in the act and in the area of the vandalism" by a surveillance camera less than 24 hours after the section of State Street in front of the State House was closed to through traffic to accommodate the mural project.

Police have described the man as Caucasian, about 50 years old, approximately 5-feet 8-inches tall and 170 pounds with "scruffy facial hair." Digital images from the surveillance camera show him wearing a dark-colored brimmed hat, a dark, loose jacket and blue jeans.

Police said he may have been present when the mural was being painted on Saturday.

Facos did not elaborate on the ongoing investigation other than to say police were pursuing various leads associated stemming from the vandalism he said involved several gallons of oil mixed with mud being used to partially obscure the "V" in "Lives."

Additional damage appears to have been done before and after the vandal's seeming attempt to turn "Black Lives Matter" into "Black Lies Matter." Vehicles traveling through the greasy mixture, and later the Speedy Dry firefighters applied to absorb the oil, spread the discoloration to other portions of the mural.

City Manager Bill Fraser said firefighters and members of the state Department of Buildings and General Services swiftly moved to clean up the vandalism, which also included some spray-painted graffiti on one side of the crosswalk that runs between the “V” and the “E” in “Lives.”

“It was a blight on the community and an insult to the folks who had worked so hard the day before,” Fraser said.

There was no mention of Black Lives Matter in the graffiti and Facos said it might not have been linked to the effort to deface the mural.

Facos said a street sweeper would be deployed to clean up the Speedy Dry and volunteers had expressed interest in repainting the mural as soon as practical. That request, he said, would be accommodated, though the timing was not yet clear.

Riby-Williams said she expected it will be soon and is hopeful police are able to apprehend and charge anyone responsible for the vandalism. She said a public apology was also warranted and education on hate crimes should be part of any sentence.

The vandalism drew a rapid bipartisan rebuke on Sunday with Gov. Phil Scott and House Speaker Mitzi Johnson issuing statements with respect to the incident.

Scott, a Republican who last week supported an expedited review and approval of the mural, expressed dismay it had been defaced.

“This act of vandalism only reinforces that we’re not immune to racism, divisiveness and hate in Vermont,” he said. “We must redouble our efforts to dismantle systemic racism and bigotry, and stay united as Vermonters.”

Johnson, a Democrat from South Hero who joined the volunteers who painted the mural on Saturday, expressed a similar sentiment in a separate Sunday statement.

“While it is easy to be disgusted and angered by the vandalism of these anonymous cowards, for me their actions reinforce the need to address head-on the racism and white supremacy right here in our communities,” she said.

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6/19/2020

Activists Painted 'Defund The Police' Next To The New Black Lives Matter Mural : NPR

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Activists Painted 'Defund The Police' Next To The New Black Lives Matter Mural

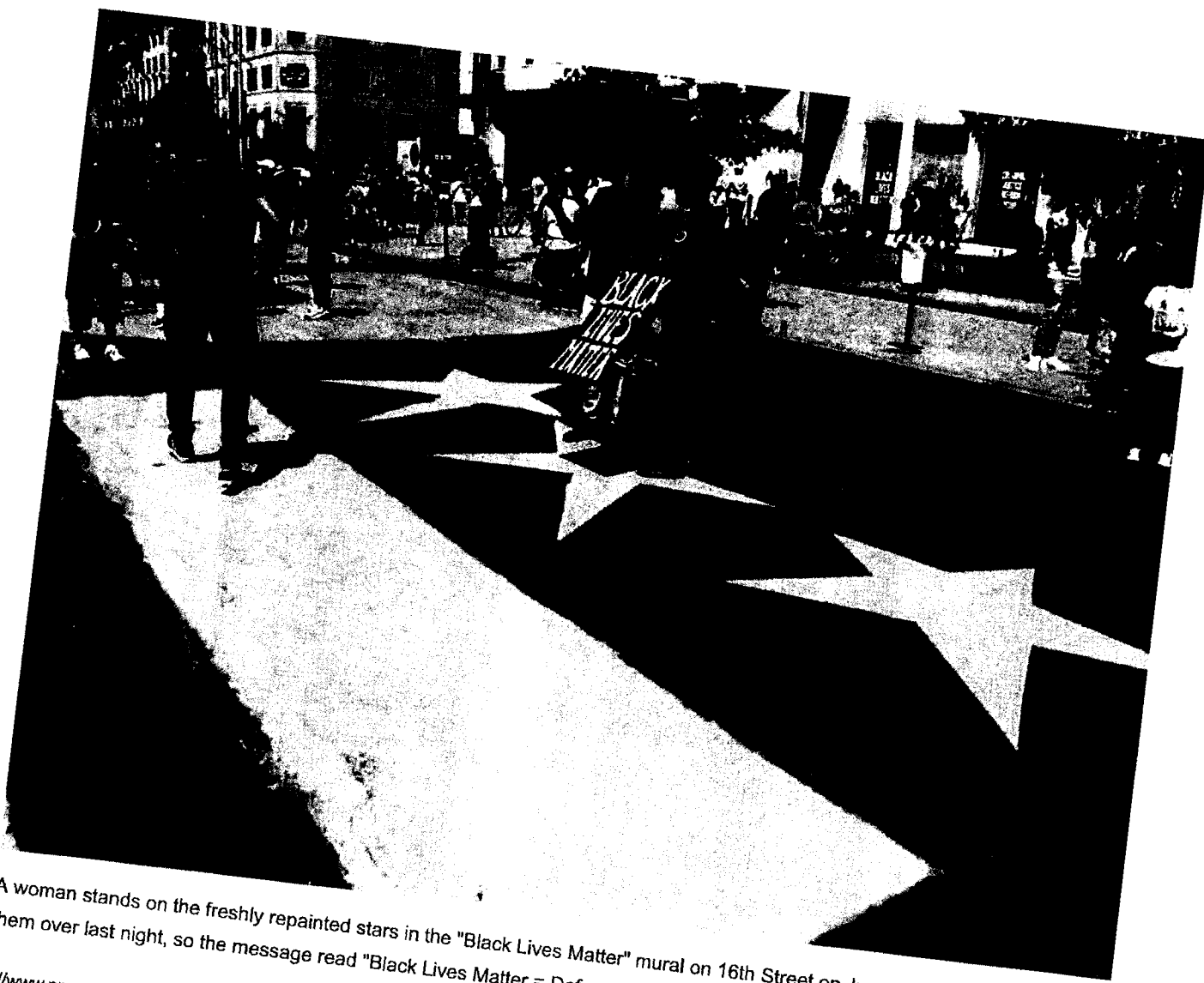
June 8, 2020

RACHEL SADON

HANNAH SCHUSTER

MATT BLITZ

FROM **WAMU 88.5**
AMERICAN UNIVERSITY RADIO



A woman stands on the freshly repainted stars in the "Black Lives Matter" mural on 16th Street on June 7. Activists covered them over last night, so the message read "Black Lives Matter = Defund the Police."

<https://www.npr.org/local/305/2020/06/08/872234932/activists-painted-defund-the-police-next-to-the-new-black-lives-matter-mural>

Matt Blitz/DCist/WAMU

This story was updated at 1:25 p.m. on June 8.

When Mayor Muriel Bowser unveiled a massive mural of the words Black Lives Matter, composed in bright yellow block letters that span a two-block stretch of road leading to the White House on Friday, she wanted to send a message to the world, and to the president.

On Saturday, in the center of D.C.'s largest day of protests in the wake of George Floyd's killing, local activists pulled out buckets and paint poles, and they used the exact same forum to paint their own statement: "Defund the police." They also covered over the stars in the D.C. flag, and used the same kind of typography as the original lettering, so the full message seamlessly read "Black Lives Matter = Defund the Police."

On Sunday morning, workers with the city's Department of Public Works, which helped arrange the original work, were spotted refreshing the paint—and restoring the stars. But they left the words.

Bowser did not respond to a request for comment about the decision, or how she planned to proceed with the unsanctioned addition.

During an appearance on ABC's This Week on Sunday morning, she was evasive when asked if she would remove the message.

"Well, it's not a part of the mural and we certainly encourage expression, but we are using the city streets for city art," Bowser said. When pressed further, the mayor said she hasn't "even had the chance to review it."

The original mural has received international attention, and no less than civil rights icon John Lewis visited the street, which has been newly rechristened "Black Lives Matter Plaza," where he took a photo with Bowser.

The mayor called the original mural an "affirmative piece of art," and said people from around the globe had called to thank the city "for acknowledging black humanity and

black lives in the most important city in the world."

But local activists were quick to criticize the effort. The D.C. chapter of Black Lives Matter called it "performative" and a distraction from the mayor's failure to make substantive changes to the city's criminal justice system.

"Black people are allowed to be joyful or feel seen with DC renaming a street after Black Lives Matter," Kiki Green, a core organizer with Black Lives Matter DC said in an emailed statement to the group's supporters. "It's also our responsibility to let you know what we are fighting for, who has the power to change things and that power concedes nothing without demand."



Demonstrators paint "Defund the Police" on 16th Street on June 7.

Rachel Kurzius/DCist/WAMU

The group has called for a ban on stop and frisk, no new jails in the District, defunding D.C. police, and other changes.

In that same statement, Black Lives Matter DC named black men who have been killed by D.C. police, writing: "We hold that we have a duty to the loved ones named above to ensure that they are not forgotten and their deaths are not exploited for publicity, performance, or distraction."

One of the artists who painted the words "Defund the Police" says they considered different ways to transform Bowser's original mural. Turning the flag into an equal sign seemed like the best way to "take the message that was there and turn it into our message," says the artist, who didn't want to be identified to avoid taking credit for the work of a group.

Even though the city repainted the stars, he's glad the words are still there to communicate the message.

"If you defund the police, you're able to invest in black communities and black futures," he says. "I think [Bowser] realizes that's it's a message that's resonating around the country."

A number of protesters also shared conflicting reactions, many wrestling with both the public symbolism and the practical reality.

"I'm torn," Marcia Santos, from Gaithersburg, said Sunday. "I think it's a beautiful thing that has happened. But ... I'm trying to see change happen, and this doesn't happen by putting up a sign for ... Black Lives Matter."

Johnnie Williams echoed that sentiment as he provided water and snacks at the plaza on Sunday afternoon.

"While we appreciate the small gestures of the Black Lives Matter Plaza, painting the streets, that doesn't mean anything for substantive change and accountability," he said, citing Bowser's proposed increases in the police department's budget.

He believes the activists' addition of "defund the police" should be allowed to stay. "We all have the freedom of rights and speech, we should be able to say what we need to say," Williams said. "Because if we were really having an honest conversation, we would be talking about the militarization of police, which has been happening across

this country for the past 10, 15 years since the Department Of Homeland Security was created."

Meanwhile, Trey Williamson, who biked in from Northern Virginia with his friend Holston Camp, said he greatly appreciated the original work.

"I think the fact that it's there really sends the message that black lives really do matter, and then seeing the diversity that's been out here for 12 days, and everybody supporting that," Williamson said, adding that it has been particularly heartening as he nears 50. "I've been dealing with this all my life. My three kids, who I thought would never have to deal with racism, have all gone through it. So, for me to see this mass amount of people out here and that message, I think it really puts a statement on that it really does matter."

The friends generally disagreed with the sentiment of defunding the police, saying that it should instead go to better training.

"We don't speak for everybody. You know, everybody's got their own opinion. But I agree with my boy, you know, I wouldn't necessarily necessarily say defund," Camp said. "I would just say move the funding in the right direction—eliminate that chokehold, teach him how to interact better with everyone."

But since Friday, other demonstrators have also scrawled messages on the massive yellow letters of the Black Lives Matter mural, with messages like "not good enough" and "f**k the 'mural,' change the system."

While the additions to the mural on 16th Street received the most attention, they weren't the only messages that activists left for D.C.'s politicians on the city's streets. Protesters painted a second "Defund the Police" mural outside the Wilson Building, where the D.C. Council meets. At one point, protesters laid around the words.

The legislative body is set to take up a bill this week that would ban the use of chokeholds, speed up the public release of footage from body-cameras, require that police officers involved in shooting deaths or other serious uses of force be named, and other steps.

GEORGE FLOYD

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Floyd mural in Long Beach

After a person was caught on camera defacing a mural of George Floyd on a boarded-up storefront in Long Beach, community members are seeking answers.

By Rachel Jordan

Monday, June 15, 2020 8:13PM

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After a person was caught on camera defacing a mural of George Floyd on a boarded-up storefront in Long Beach, community members are seeking answers.

LONG BEACH, Calif. (KABC) -- Muralists Anna and Kenny McBride wanted to show their support for the Black Lives Matter movement, so they decided to offer their services to a local

"I thought, you know, there are all these plywood murals. Maybe at someone's business we can do one for free to help a business owner out," said Anna McBride.

That's when the couple posted on Nextdoor, offering to paint a small business owner's boarded-up storefront free of charge. Instantly, the McBride's connected with Tiffany Sidwell, owner of Verde Salon.

"I had an idea of what I wanted and it was just a portrait of George Floyd to pay tribute," Sidwell said.

On Thursday, June 4, the McBride's painted the plywood mural at Verde Salon. Saturday morning, Sidwell was greeted with an unpleasant surprise upon returning to the salon.

"I just came to work to water the plants and as I drove by I saw it had been vandalized," Sidwell said.

Once Sidwell looked over the footage from the security camera, she saw what happened. A man could be seen walking up with a bucket of blue paint, and for three minutes he defaced the mural, painting over Floyd's face before quickly walking away.

"It honestly makes you feel kind of gross to watch something like that," Kenny said. "It's disturbing to think that in a city like Long Beach that is so well-known for its diversity that people like that live around here."

The same day, Anna and Kenny rushed back to the salon to repaint the mural.

"As soon as we found out, we dropped everything and rushed over immediately," Anna said. "We knew we were going to repaint this. We were going to make him bigger, better and graffiti-protect him."

With help from employees from neighboring business Hug Life Ice Cream, the McBride's were able to scrape away most the bright blue paint, recreate the mural and apply an anti-graffiti coating.

publicly shamed," Sidwell said.

As public backlash continues to grow, Sidwell decided to file a police report.

"It would be really tragic if a mural that was meant to spread support in a community ends up inciting violence," Sidwell said.

A spokesperson from the Long Beach Police Department said the case is under investigation.

"This is a movement about making bridges and about taking the steps forward to shake hands and not throw fists at each other," Kenny said.

Since posts on social media showing the suspect's face from the security footage have gone viral, Kenny has publicly asked for the culprit who vandalized the salon to step forward and apologize.

Sidwell said that the alleged person from the security footage came into the salon over the weekend to apologize.

The mural has since been taken down and will be displayed in an open-air art installation created by the Downtown Long Beach Alliance.

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