



Revised (01_14_2020)

TRANSPORTATION ART PROPOSAL INSTRUCTIONS

Use Adobe Reader "Fill and Sign" tool to complete the form

- The Transportation Art Proposal (TAP) must be submitted for review and approval with the district Transportation Art Coordinator (coordinator) prior to submittal of Caltrans Encroachment Permit Application.
- **Applicants must be a public agency.** The public agency may be a city, county, incorporated town, tribal government, or non-federally recognized tribe representing the area in which the transportation art or community identification will be installed. The proposal must be completed in its entirety and signed by an official who is authorized by the public agency to commit the required local resources for the installation and maintenance of the proposed project.
- If a proposal is submitted for multiple locations under one project at the same time, the Cover Sheet should indicate the project's priority to assist Caltrans in conducting timely reviews.
- **Submit 1 electronic copy for preliminary review.** Please see <https://dot.ca.gov/programs/traffic-operations/ep> for Encroachment Permit submittal requirements once TAP has been approved for processing.
- Do not attach a separate cover. Place the Cover Sheet of the TAP on top and follow instructions for attachments. Any attachments should clearly identify the project name, location and related section of proposal. Attachments should be in a reproducible format, sized at 8.5" x 11". Drawings/maps should not exceed 11" x 17" (folded accordion style), but 8.5" x 11" is preferred. Photographs or photo simulations should be large enough to show overall composition of the Transportation Art in context with the proposed location. Additional photographs, drawings or photo simulations may be requested by the district coordinator to show detail that would allow Caltrans to evaluate suitability for installation within the State right-of-way.
- Upon district coordinator approval of the draft TAP, including draft Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork (Caltrans Copyright Assignment, CCA), Local Agency Agreement (LAA), and Project Specific Maintenance Agreement (PSMA), the coordinator will advise the applicant to submit the proposal to the Caltrans District Encroachment Permit Office for processing as an encroachment permit application. The applicant must provide any additional information and clearances requested by the Permits Office before approval of the encroachment permit.
- Please contact your district coordinator with any specific questions.



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TRANSPORTATION ART PROPOSAL (TAP)

COVER SHEET

Public Agency:

Bay Area Toll Authority (BATA)



Stand-Alone Project



Associated with a Capital Project EA: _____

(Check applicable box)

Official Project Name (must match on all documents):

The Bay Lights 360 (TBL 360)

City: San Francisco County: San Francisco

Local Cross Street Name: Bay Bridge

State Highway / Route: I-80 WB Post Mile / Bridge No.: R 5.6 / 7.6 / _____

Public Agency Responsible Contact Person

Name:

Megan Nangle

Title:

Transportation Project Manager

Mailing Address:

Bat Area Metro Center

375 Beale Street - Suite 800 San Francisco, CA 94105

Phone: _____ Email: mnangle@bayareametro.gov

Nature of Transportation Art:

_____ Mural (Painting)

_____ Mosaic

_____ Statue or Sculpture (Freestanding)

_____ Other (Explain)

Lighting

Proposed Installation Date:

(Check one below)

Permanent installation

(Projected lifespan): _____ years

Temporary installation

(Removal date): _____



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(Caltrans Office Use)

Permit Engineering Evaluation Report (PEER) required: _____ Yes No

(If "Yes," see Exhibit F-___)

TABLE OF CONTENTS:

Cover Sheet

Applicant Certification

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

Exhibit A - Local Agency Agreement

Exhibit B - Final Artwork

Exhibit C - Material Object

Exhibit D - Project

Exhibit E - Preliminary Works

Exhibit F - Transportation Art Proposal

Project Specific Maintenance Agreement

Attachment A - Proof of Insurance



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Transportation Art Proposal

APPLICANT CERTIFICATION

This serves as the official document fulfilling the requirements of Caltrans Project Development Procedures Manual (PDPM) described on pages 29-87 and 29-88.

I certify that the Bay Area Transportation Authority (BATA) - **(Public Agency Applicant)** approves of the proposed transportation art or community identification project, and is the responsible public agency representing the community where the transportation art or community identification will be installed. The Bay Area Transportation Authority (BATA) - **(Public Agency Applicant)** will adhere to and remain in compliance with Caltrans' rules, regulations and any additional restrictions Caltrans may apply to the transportation art or community identification project, including:

- All costs associated with the design, engineering, testing, construction and installation of the proposed transportation art including labor, materials, supplies, and traffic control, maintenance and removal.
- Obtaining and documenting local community support and acceptance for the transportation art project.
- Providing an executed and notarized CCA containing terms and conditions between Caltrans and the artist(s).
- Executing a PSMA with Caltrans detailing regular maintenance and removal of the transportation art at the end of its projected lifespan, or when requested by Caltrans, and returning the site to a condition as good as or better than at the start of the project.
- Providing a Local Agency Agreement (LAA) containing indemnification language acceptable to Caltrans, between Bay Area Transportation Authority (BATA) - **(Public Agency Applicant)** and the artist(s).
- Providing the name and current contact information of each responsible person who will be working within the State highway right-of-way to install, maintain, rehabilitate or remove the transportation art or community identification.

By signing below, I confirm that I have the authority to act as the signatory for Bay Area Transportation Authority (BATA) - **(Public Agency Applicant)** and that the statements above are true to my knowledge.

Signature: _____ Date: 12/15/2022

Print Name: Megan Nangle Title: Transportation Project Manager



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

(Place contract behind this sheet. **Exhibit A-F** cover sheets and descriptions follows.)



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT A

Provide a copy of all agreements between the artist(s) and the public agency pertaining to ownership, copyrights, installation, operation, maintenance and removal of the transportation art or community identification, referred to as the **Local Agency Agreement (LAA)**. The LAA must include Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork by reference, and specifically state the following:

“Artist hereby agrees that all copyright interests, title, and ownership in the Artwork shall be owned by the California Department of Transportation (Caltrans). Artist acknowledges that by signing, executing and notarizing Caltrans Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork agreement, which is hereby incorporated by reference and made part of this Agreement and attached as **Exhibit ___**, Artist has conveyed, transferred, and irrevocably assigns to Caltrans, the Artists’ entire and exclusive copyright interests under federal and state copyright laws.”



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT B

Final artwork official project name: [The Bay Lights 360 \(TBL360\)](#) as described in the Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork, is incorporated by reference, and includes all items included in **Material Object** and **Preliminary Works**. (No *item* is required to be inserted behind **Exhibit B**.)



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Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT C

Material Object is the tangible visual Final Artwork. Photographs of the Material Object are to be added as **Exhibit C** upon completion of the installation.

Estimated completion date: September 2023

Actual completion date: _____



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT D

Project refers to the items processed to approve this Transportation Art Proposal (TAP). Please fill out **Exhibit D** checklist and include supplemental attachments as needed. Supplemental items added to **Exhibit D** shall be named accordingly: **Exhibit D-1, Exhibit D-2, Exhibit D-3**, etc.



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT D

Checklist 1 of 1

Included	N/A	
	✓	<p>Written evaluation of alternate locations outside the highway right-of-way. For freestanding Transportation Art (sculptures) only.</p> <p>Exhibit D - ___</p>
✓		<p>Description of Transportation Art content, size, and material types. Content: (Emotional or intellectual message)</p> <p>Size: <u>48000 - 2.5" LED Fixtures</u> Material Type: <u>LED Light Fixtures</u></p> <p>Exhibit D - <u>1</u></p>
✓		<p>Structural Plans, Installation Plans, and Details stamped and signed by a California licensed engineer - for all art that is freestanding, new structures, or any modifications of existing Caltrans' structures.</p> <p>Exhibit D - <u>2</u></p>
✓		<p>Installation Plans. If engineered, must be signed and stamped by California licensed engineer.</p> <p>Exhibit D - <u>3</u></p>
✓		<p>Traffic Control Plans and Specifications. May use Caltrans standard plans if applicable or supply their own California licensed engineer stamped plans. <u>Caltrans Standard Plans will be used</u></p> <p>Exhibit D - <u>4</u></p>
✓		<p>Reproducible drawings, sketches, photographs, or other appropriate renditions of visual Final Art to be installed. (Does not include Preliminary Work.)</p> <p>Exhibit D - <u>5</u></p>



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT E

EXHIBIT E

Preliminary Works are any sketches, drawings, drafts, concepts, models, or other renditions that were used to develop the **Final Artwork**. Include copies or photographs of all **Preliminary Works** used as **Exhibit E**.



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

EXHIBIT F

This **Transportation Art Proposal** is **Exhibit F** of the Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork.

Please answer the following questions and fill out the **Exhibit F** checklist. Include supplemental attachments as needed. Supplemental items added to **Exhibit F** shall be named accordingly: **Exhibit F-1, Exhibit F-2, Exhibit F-3**, etc.

Does the Transportation Art:	Yes	No
Contain text?		X
Display symbols or icons such as flags, logos, or commercial symbols, except as allowed in Sub-article "Sponsor Recognition" in the PDPM Chapter 29, Section 9, Article 1?		X
Make use of or simulate colors or combinations of colors reserved for official traffic control devices described in the <u>California Manual on Uniform Traffic Control Devices</u> ?		X
Imitate, obscure, or interfere with traffic control devices?		X
Include illumination (such as blinking or intermittent lights) that impairs the vision of or distracts transportation system users?	X	
Conform to provisions of the <u>California Outdoor Advertising Act</u> ? NA		
Interfere with airspace above the roadway?		X
Simulate movement or include moving elements (kinetic art)?	X	
Include reflective or glaring surface finishes?		X
Restrict sight distances?		X
Include images that may be distracting?		X



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 1 of 4

Included	N/A	
✓		<p>Artist(s) resume and background.</p> <p>Exhibit F-<u>1</u></p>
	✓	<p>Art which includes paint or stain must adhere to the following:</p> <ul style="list-style-type: none"> ➤ Paint used on structures should not fill or obscure cracks. Latex or other flexible type paints may be used on concrete structures only with written permission from the Headquarters Division of Maintenance-Structure Maintenance and Investigations. ➤ Painting of steel structures will only be permitted with written permission from the Headquarters Division of Maintenance-Structure Maintenance and Investigations. ➤ Painted art should avoid load-carrying, stress-bearing structural members including, but not limited to bridge girders, soffits, columns, and piers. Wing walls and abutments are preferred locations for painted art. ➤ Artwork must not hinder inspection of bridges, retaining walls, and other structures. ➤ To facilitate Caltrans' inspection, mural art may be placed on removable panels. ➤ Chipping, blasting, or modifying existing concrete surfaces is prohibited, unless required by Division of Maintenance-Structure Maintenance and Investigations. <p>Include paint or stain specifications and protective coating specifications if it is included.</p> <p>Exhibit F - <u> </u></p>
✓		<p>Proposed Construction Schedule.</p> <p>Exhibit F-<u>2</u></p>



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 2 of 4

Included	N/A	
✓		Environmental Documentation or Notice of Exemption. Exhibit F- <u>3</u>
	✓	Permit Engineering Evaluation Report (PEER) - attach if indicated as needed on the TAP Cover Sheet. Exhibit F-__
✓		Proposed Location Plans , showing topography, and dimensions and offsets to right-of-way lines, edge of pavement, centerline, and the clear recovery zone. Exhibit F- <u>4</u>
	✓	Railroad Right-of-Way - does any part of the project encroach on, cross, or exists within 25 feet of a railroad right-of-way? If so, describe the nature of encroachment, the impact, and whether an agreement or permit is in place between the railroad and the public agency that covers the encroachment. Exhibit F-__
✓		Proposed Cost Estimate and valuation of the completed artwork. Exhibit F- <u>5</u>
	✓	Soil Disturbance - if the project requires the disturbance of soil, estimate the area of disturbance (SQFT or Acres) and describe the nature of disturbance. Estimated Disturbed Area: <u>0</u> SQFT/Acres Exhibit F-__



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 3 of 4

Included	N/A	
	✓	<p>Utility Plan - if any part of the project affects existing utilities, describe the type and owner of utility affected and how they will be impacted or mitigated.</p> <p>Exhibit F-__</p>
		<p>Proposed Lighting Plans signed by a California licensed electrical engineer, and non-State supplied source of electrical power.</p> <p>Exhibit F-__</p>
	✓	<p>Freestanding Sculpture- is any part of the project within 52 feet of the edge of traveled way of a State highway, expressway, or freeway? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If "Yes", submit approved Caltrans Design Exception Fact Sheet for change in setback of Discretionary Fixed Object (HDM 309.1(2)(b)) and provide a traffic control plan for review and, unless it is made breakaway or shielded behind existing guardrail, barrier, or other safety device.</p> <p>Exhibit F-__</p>
	✓	<p>Sponsor Recognition may be included; such as the name, identifying logo, or symbol of the artist, public agency, and/or financial sponsor(s). It must be unobtrusive, discrete, and not appear to be an integral part of the object. It may be placed on or adjacent to the transportation art and is not considered to be "text". Caltrans retains sole discretion for determining the appropriate size, content, colors, and other elements of this recognition. If including Sponsor Recognition, include exhibit that clearly shows what the recognition will look like, what it says, how it's applied, and where it will be located.</p> <p>Exhibit F-__</p>



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Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 4 of 4

✓	<p>Sponsor Recognition Disclaimer Statement - if Sponsor Recognition is included, must add a disclaimer statement that Caltrans does not endorse the sponsor's products and/or services and that the sponsor's name only appears as a reference as the source of sponsorship. This disclaimer must be placed in a conspicuous manner adjacent to the sponsor's name.</p> <p>Exhibit F-__</p>
✓	<p>Project Construction Specifications.</p> <p>Type text here Exhibit F- <u>Included in the plans</u></p>
✓	<p>Draft Maintenance Agreement-Prior to the issuance of the Project Specific Maintenance Agreement (PSMA), provide a brief description of the long-term maintenance plan and schedule. Discuss regular cleaning, graffiti removal, damage repair, removal of art (if necessary), and other work as required.</p> <p>Exhibit F-__</p>
	<p>Community Review and Pubic Agency Resolution. The signed Cover Sheet of the Transportation Art Proposal, plus the pending Project Specific Maintenance Agreement (PSMA) are considered adequate documentation for Public Agency commitment in lieu of issuing an adopted resolution.</p> <p>When the Transportation Art Proposal is determined to be a Qualified Proposal by the Caltrans District Transportation Art Coordinator, the Local Agency should schedule a Community Review, secure and document community acceptance.</p> <p>Exhibit F-__</p>



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Transportation Art Proposal

Project Specific Maintenance Agreement (PSMA)

(Place contract and its attachments behind this sheet. Although a draft PSMA is enough for the TAP review, an Encroachment Permit will not be issued without the final executed PSMA in place.)



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Transportation Art Proposal

Project Specific Maintenance Agreement (PSMA)

ATTACHMENT A

ATTACHMENT A

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Proof of Insurance is required via Section 15 of the PSMA. Please attach a certificate of insurance as **ATTACHMENT A**.



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