

Agenda

County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

ADDENDUM

to

Inyo County Board of Supervisors Regular Meeting 8:30 a.m. April 28, 2015

ADDITION

CLOSED SESSION

- 6A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c) – decision whether to initiate litigation (one case).**

DEPARTMENTAL (To be considered at the Board's convenience.)

- 22A. Request Board consider the request by Big Pine Unified School District to Caltrans for an encroachment permit to remove two trees within the State highway right of way to enhance safety and maintenance in front of the library and pre-school, and pursuant to Streets and Highways Code Section 670(a)(4), and as may be appropriate, consent to the issuance of the encroachment permit; and direct staff to notify the School District and Caltrans of the Board's decision with regard to this request.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: County Administrator

FOR THE BOARD MEETING OF: April 28, 2015

SUBJECT: Consider request by Big Pine Unified School District to Caltrans for a permit to remove two trees within the State highway right of way.

DEPARTMENTAL RECOMMENDATION: Request Board consider the request by Big Pine Unified School District to Caltrans for an encroachment permit to remove two trees within the State highway right of way to enhance safety and maintenance in front of the library and pre-school, and pursuant to Streets and Highways Code Section 670(a)(4), and as may be appropriate, consent to the issuance of the encroachment permit; and direct staff to notify the School District and Caltrans of the Board's decision with regard to this request.

SUMMARY DISCUSSION: The County was made aware of a request by the Big Pine Unified School District to Caltrans regarding an encroachment permit to remove two trees in the State's highway right of way, to enhance safety and maintenance in front of the library and pre-school. State Streets and Highways Code Section 670 provides the parameters whereby Caltrans may issue encroachment permits for this purpose. The law requires that if the cost of the work exceeds \$500 consent of the city or county in which the tree is located needs to consent prior to the permit being issued. If the jurisdiction does not take action within 30 days of receipt of the notification then consent shall be automatic.

Rather than delay consideration of this item, Staff is requesting your Board's consideration of consenting to the permit in order for both the School District and Caltrans to have the most time feasible to take appropriate action depending on the Board's decision regarding this request.

ALTERNATIVES: Staff awaits your Board's direction with regard to this request.

OTHER AGENCY INVOLVEMENT: The Inyo County Road Commissioner has reviewed the request.

FINANCING: There is no fiscal impact to the County associated with this request.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
 (Not to be signed until all approvals are received) _____ Date: _____
 (The Original plus 20 copies of this document are required)

DEPARTMENT OF TRANSPORTATION

Encroachment Permits Office – District 9
500 South Main Street
BISHOP, CA 93514
PHONE (760) 872-5222
FAX (760) 872-5215
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

April 23, 2015

Kevin Carunchio
168 N. Edwards St.
Independence, CA 93526

Dear Mr. Carunchio:

Our office has received a request from Big Pine Unified School District (BPUSD) to enhance safety and maintenance in front of the library and pre-school. BPUSD has applied for an encroachment permit to remove the two trees within the State highway right of way shown in the attached images.

Pursuant to Streets and Highways Code Section 670, when proposed encroachment work for the destruction, removal or topping of a tree (except if dead or diseased) exceeds \$500, then the consent of the city or county, in which the tree is located, is required before permit issuance. In addition, a 30 day time limit to respond from the receipt of this letter is also required and failure to do so shall deem the consent from the city or county.

Please feel free to contact me if you have any questions, at (760) 872-5222 or by email sent to stephen.winzenread@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Winzenread".

Stephen Winzenread, P.E.
District Permit Engineer

Enclosure

c: Bryan Winzenread, P.E., Deputy District Director, Maintenance and Operations, Caltrans
Jim Hibbert, District Landscape Architect, Caltrans
Greg Miller, Region Manager, Caltrans
District 9 Permits File

RECEIVED
2015 APR 24 AM 9:24
INYO COUNTY
ADMINISTRATOR
CLERK OF SUPERIOR COURT



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STATE HIGHWAYS
Div. 1

in, under or over any public
ers and duties vested by law in
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he department in this chapter,
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1957, c. 52, p. 616, § 2.)

y Notes

Art. 12, § 1 et seq.; Public Utilities Code

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revocability of permits; waiver of

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ounty highway and state highway.

CARE AND PROTECTION
Ch. 3

Section

- 688. Notice to department of intention to grant franchise.
- 689. Filing of franchise with department.
- 690. Location of physical property in highway; construction and installation permit.
- 691. Rules and regulations governing exercise of privileges under franchise.
- 692. Enforcement of obligations imposed by franchise.
- 693. Payments under franchise.
- 694. Validation of prior franchises.
- 695. Failure of department to act upon application for approval.

Cross References

- Marin County Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 70180.
- Orange County Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 40180.
- Orange County Transportation Authority; acquisition of facilities, installations in other state highways subject to this Act, see Public Utilities Code § 130240.
- Sacramento Regional Transit District, acquisition of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 102288.
- San Diego County Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 90480.
- San Francisco Bay Area Rapid Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 28745.8.
- Santa Clara Valley Transportation Authority, acquisition, construction or use of any and all facilities necessary or convenient for pedestrian transportation, see Public Utilities Code § 100161.
- Shasta County Water Agency Act, conduits along or across streets, railways, etc., see Water Code App. § 83-56.
- West Bay Rapid Transit Authority, construction, operation and maintenance of system, installations in other state highways subject to this Article, see Public Utilities Code App. 2, § 6.8.

§ 670. Authorized permits; performance of acts without permit; misdemeanor

(a) The department may issue written permits, as provided in this chapter, authorizing the permittee to do any of the following acts:

- (1) Make an opening or excavation for any purpose in any state highway.
- (2) Place, change, or renew an encroachment.
- (3) Place or display in, under, or over any state highway any advertising sign or device. Any advertising sign or device placed or displayed in violation of this section is a public nuisance and the department may immediately remove it. This section does not prohibit the posting of any notice in the manner required by law or by the order of any court.
- (4) Plant, remove, cut, cut down, injure, or destroy any tree, shrub, plant, or flower growing within any state highway. However, the department shall not issue a permit for, or take any other action to accomplish, the destruction, removal, or topping of any tree, unless the tree is dead or diseased, for the purpose of improving or enhancing the view from the highway of an advertising sign or device or any commercial activity, unless, for any project whose cost is more than five hundred dollars (\$500), the permittee has obtained consent from the city or county in which the tree is located. Nothing in this paragraph limits the department's authority to modify or deny any permittee's request. If the

§ 670

city or county does not respond within 30 days to a request for a permit pursuant to this paragraph, the city or county is deemed to have given consent to the project.

(5) Install or remove tire chains upon motor vehicles for compensation on any state highway at locations designated in the permit, upon any terms and conditions relating to the safe and orderly movement of traffic that the department finds necessary. The department may issue sufficient permits for the installation or removal of tire chains that it finds necessary or desirable to accommodate the demand for those services consistent with the maximum convenience and safety to traffic. The department, in issuing any permit for the installation or removal of tire chains, shall assume no responsibility for the competence or reliability of the permittee in performing those services.

(b) Any person who does any act specified in this section without a permit is guilty of a misdemeanor.

(Stats.1935, c. 29, p. 288, § 670. Amended by Stats.1961, c. 615, p. 1767, § 1; Stats.1992, c. 1241 (S.B.1615), § 4.5.)

Historical and Statutory Notes

Derivation: Stats.1915, c. 99, pp. 179, 180, §§ 1, 2; Stats.1933, c. 547, p. 1443, § 2; Stats. 1933, c. 441, pp. 1152, 1154, 1155, §§ 1, 6, 8, 9.

Cross References

Advertising signs along highways, see Business and Professions Code §§ 5226, 5403 et seq.
Ditches, permits, see Streets and Highways Code § 728.
Emergency excavations, see Streets and Highways Code § 675.
Encroachments and obstructions on highways, prohibiting and removal, see Government Code § 38775.
Freeways, utility crossing, permit, see Streets and Highways Code § 708.
Issuance of permits for structures on state highway right of way, authority, see Streets and Highways Code § 117.
Marin County Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 70180.
Obstructing highways, nuisance, see Penal Code § 370.
Orange County Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 40180.
Orange County Transportation Authority; acquisition of facilities, installations in other state highways subject to this Act, see Public Utilities Code § 130240.
Plants along highways, removing, cutting, see Penal Code § 384a.
Punishment for misdemeanor, see Penal Code §§ 19, 19.2.
Removal of encroachments, see Streets and Highways Code § 720 et seq.
Sacramento Regional Transit District, acquisition of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 102288.
San Diego County Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 90480.
San Francisco Bay Area Rapid Transit District, acquisition, construction, operation and use of facilities, installations in other state highways subject to this Article, see Public Utilities Code § 29031.
Santa Clara Valley Transportation Authority, acquisition, construction or use of any and all facilities necessary or convenient for pedestrian transportation, see Public Utilities Code § 100161.
Shasta County Water Agency Act, conduits along or across streets and railways, see Water Code App. § 83-56.
"State highway" defined for purposes of this Code, see Streets and Highways Code § 24.
Tree or shrub, injuring, see Streets and Highways Code § 730.5.

STATE HIGHWAYS

Div. 1

CARE AND PROTECTION

Ch. 3

Vending merchandise or services on this section, see Vehicle Code
West Bay Rapid Transit Authority, in other state highways subject to Work by governmental units on state § 810.

Co

Prohibitions and restrictions, general
Rest areas and vista points, permissible activities, see 21

Law Re

Regulation of billboards along highway
Regulation of aesthetic considerations
Cal.L.Rev. 214.

Statutory modification of inverse
tort: Deliberately inflicted injury

Highways ⇐82, 95(1), 153.
Westlaw Topic No. 200.

Encyclopedias

CA Jur. 3d Highways and Streets
tort Penalties for Injuries to Highway
CA Jur. 3d Highways and Streets
General; Obstructions on Highway

W

See Westlaw Electronic Research

Encroachments 1-4

In general 1
Encroachments by public entities
Review 4
Right to permit 2
Encroachments by public entities
Review, encroachments 4
Right to permit, encroachments 2

1. Encroachments—In general

On application for permit to place
tain encroachment on public highway
partment of Public Works has power
mine whether encroachment would
to full enjoyment of public rights
and against public interest.
Henderson (App. 2 Dist. 1948) 8:
653, 194 P.2d 91. Highways ⇐ 15

Whether encroachments on public
way would infringe on rights and
interests of public must be determi
Department of Public Works in pro
of its discretion. People v. Hende
Dist. 1948) 85 Cal.App.2d 653, 1
Highways ⇐ 153

§ 622.1. Route 710; additional portions

* * * Route 710 shall also include that portion of the freeway between Route 1 and the northern end of Harbor Scenic Drive, that portion of Harbor Scenic Drive to Ocean Boulevard, that portion of Ocean Boulevard west of its intersection with Harbor Scenic Drive to its junction with Seaside Boulevard, and that portion of Seaside Boulevard from the junction with Ocean Boulevard to Route 47.

(Formerly § 307.1, added by Stats.1982, c. 914, p. 3351, § 1. Renumbered § 622.1 and amended by Stats.1984, c. 409, § 18. Amended by Stats.2013, c. 523 (S.B.788), § 16.)

Chapter 3

THE CARE AND PROTECTION OF STATE HIGHWAYS

Article 1

GENERAL PROVISIONS

§ 660. Definitions

Code of Regulations References

Encroachment permits, definitions, see 21 Cal. Code of Regs. § 1412.1.

Article 2

PERMIT PROVISIONS

§ 670. Authorized permits; performance of acts without permit; misdemeanor

Code of Regulations References

Adopt-A-Highway Program, Permit application process, see 21 Cal. Code of Regs. § 2642.
Permit period, see 21 Cal. Code of Regs. § 2647.
Purpose of the permit application, see 21 Cal. Code of Regs. § 2641.
Successive permits, see 21 Cal. Code of Regs. § 2643.
Broadband encroachment permit application process, see 21 Cal. Code of Regs. § 1412.2.
Conditions for denial of broadband facilities installation and use request application, see 21 Cal. Code of Regs. § 1412.3.

Formal appeal process for dispute resolution, see 21 Cal. Code of Regs. § 1412.8.
Informal meeting for dispute resolution, see 21 Cal. Code of Regs. § 1412.6.
Process for denial of broadband facilities installation and use request application, see 21 Cal. Code of Regs. § 1412.5.
Process for requesting reconsideration (district director review) of denial of encroachment permit application for broadband facility installation, see 21 Cal. Code of Regs. § 1412.7.

§ 670.5. Display of flags; flag-holder

Notes of Decisions

1. Construction with federal law

Brown v. California Dept. of Transp., C.A.9 (Cal.)2003, 321 F.3d 1217, [main volume] on remand 260 F.Supp.2d 959.

Additions or changes indicated by underline; deletions by asterisks * * *

Rio to Route 118 near Saticoy.

ions of Route 232 within the City of Oxnard are not adoption under Section 81. For those relinquished City of Oxnard shall maintain within its jurisdiction ion of Route 232.

, operative July 1, 1964. Amended by Stats.2008, c. B.2752), § 9, eff. Jan. 1, 2015.)

portion

emont to Route 61 near San Lorenzo via Hayward.

ion of Route 238 within the City of Hayward is not a tion under Section 81. For the relinquished former rd shall maintain * * * within its jurisdiction signs of Route 238 or to the state highway system, as r of traffic flow on the relinquished portion of Route on.

2. Amended by Stats.1965, c. 1371, p. 3268, § 22; 012, c. 769 (A.B.2679), § 33.)

ortion of route

Avenue in Alameda to Route 880 in Oakland near

ion of Route 260 * * * within the City of Alameda enue is not a state highway and is not eligible for quished * * * former portion of Route 260, the City diction signs directing motorists to the continuation

42. Amended by Stats.1984, c. 409, § 62; Stats. 491 (S.B.1318), § 31.)

and Statutory Notes

Statutory Notes under Government Code to § 14556.40. and

west side of the Sacramento River near the City of e Sacramento River near the City of Sacramento. 32.)

and Statutory Notes

Former Notes

Former § 575, added by Stats.1967, c. 1350, p. 3183, § 1, amended by Stats.1972, c. 1216, p. 2353, § 40; Stats.1981, c. 292, p. 1419, § 47, relating to Route 275, was repealed by Stats.1996, c. 1154 (A.B.3020), § 52, eff. Sept. 30, 1996.

by underline; deletions by asterisks * * *