



PAINT THE PAVEMENT

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 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.

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 charlottenc.gov/nocl

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, nrstorey@charlottenc.gov 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, casey.mashburn@charlottenc.gov 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.



Painted intersection at Sunnyside and Oakland

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.

Appendix A - Forms

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 (R/W) in the city. Anyone wishing to construct or install items within the public R/W 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)