

EXHIBIT 2.6
EXCERPTS - CALTRANS SURVEYS MANUAL

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The [Caltrans Surveys Manual](#) is available on line for downloading. As of Fall 2008, Chapter 1 of the manual, from which this information is excerpted, is in the process of being updated.

CHAPTER 1, SECTION 103: PUBLIC RELATIONS

General

Importance—Public relations is one of the more important duties of the surveyor. This is especially true for surveyors who "enter" private property. The wide variety of situations encountered by the surveyor requires a constant awareness of the rights and needs of others. The ability to adjust to these needs is also required.

Basic Rules—Common sense and common courtesy are the best rules in any form of public relations. Be prepared, and try to create a good impression when meeting the public. First impressions, whether good or bad, are often lasting. Maintain a pleasant, businesslike attitude at all times and be informed about your job. The impression you create thereby will be a credit to you, your profession, and the Department of Transportation.

Use of Business Cards—To help in creating good relations with others, Party Chiefs shall use business cards. A Party Chief contacts many individuals: property owners, other surveyors, park rangers, etc. Often it is necessary to leave an address and telephone number with these people. At other times, the business card can simply be a means of introduction or of creating goodwill.

Internal Relations

Survey Party—Proper relationships within a survey party are necessary if individuals are to function as a team.

Party Chiefs can help maintain good party relationships by keeping party members well informed about individual and party roles and their duties for each job.

Party Chiefs and other supervisors should be kept informed of important developments. They should not be put in the embarrassing position of learning important information from outside sources.

District—Good relations among district personnel can be maintained through good communications and a clear understanding of responsibility. When in

doubt about the requirements of a survey request, phone the requester for clarification.

Department—Relations and contacts with other districts and with various Headquarters offices should be courteous and businesslike.

Reporting Unusual Incidents—A vital part of public and internal relations is the prompt reporting of unusual and unexpected incidents. (Also see the topics Report of Damage to State Highway Property and Potential Claims in Section 1-05.)

A. *Types of Incidents*—These incidents are those which:

1. Involve damage to Caltrans facilities affecting public safety.
2. Could lead to litigation.
3. Involve Caltrans and would be considered newsworthy.
4. Involve other governmental agencies on matters of mutual interest that would affect Caltrans.

B. Examples:

1. Severe traffic accidents.
2. Earthquake, flood damage, and landslides.
3. Damage to or failure of facilities.
4. Public protests or demonstrations affecting use of facilities.
5. Incidents that might have a derogatory effect on the Department.

C. *Reporting, General*—Immediately report such incidents. Notify your Surveys Supervisor if the incident occurs during normal working hours. The supervisor is responsible for notifying the proper office. During other than normal working hours, report such incidents to either the Surveys Engineer, one of the Assistant District Directors, or one of the persons listed in the district circular letter of this subject. You might be required to make a written report of your observations.

D. *Reporting Minor Damage*—Report relatively minor damage, which does not affect public safety to the responsible maintenance superintendent. If the damage is on a construction project, notify the resident engineer.

E. *Reporting Thefts*—Immediately report thefts of State equipment or supplies to local law enforcement officials. Also, report the theft to the District Surveys Branch and then to other agencies or personnel as required. (See Surveys Manual Chapter 3, [Equipment](#).)

Relations with the Public

Representatives, All—Each employee is a representative of the Department of Transportation. Each is responsible for developing and maintaining public goodwill. The Department is a public service organization; it is judged by our behavior as well as by our work.

Conduct—The outdoor nature of surveying keeps surveyors in the "public eye" much of the time. Work should be accomplished efficiently and with a minimum of idle time. Good-natured kidding among party members helps morale. But when around the public, you must be prudent in oral and sign communications. Excessive kidding and horseplay can create negative impressions, which damage the Department's image.

Direct Contact—All direct contact with the public should be pleasant, courteous, and businesslike. This includes answering questions, listening to criticism (justified or not), and listening to suggestions.

Answering Questions—In the field, refer questions concerning the work to the Party Chief, who should consult with the Surveys Supervisor or the Surveys Engineer. Probabilities, conjectures, or statements, which might be misunderstood or misinterpreted, should be left unsaid. Queries at the Surveys office should be referred to the Surveys Engineer.

Relations with Property Owners

Dealing with property owners is a most vital phase of public relations. The property owner is the one who will be directly affected by the survey, and possibly, by subsequent construction. He or she will naturally take a close interest in any intrusion on the property, no matter what the purpose.

Good relations developed by conscientious surveyors carry over in the owner's attitude toward other Caltrans employees.

Entry on private property

A. *Right of Entry*—Section 1245.010 of the Code of Civil Procedure gives the State, acting through its employees, the right to enter private property to make surveys. However, Section 1245.020 of the Code provides protection for the owner. If a survey probably will cause actual damage to the property or substantial interference with possession or use of the property, one of the following must be secured prior to entry or undertaking the surveys:

1. The written consent of the owner to enter upon his property and engage in the surveys.
2. A Superior Court order for entry in accordance with the Code.

3. Where consequential damage or interference is not anticipated, neither a court order nor the permission of the owner is expressly required.

B. *Pre-Entry Contacts*—To promote good relations, make a diligent effort to contact the property owner or tenant prior to entering the property.

1. *Objectives*—The purpose of the contact shall be to explain:
 - a. That entry is required.
 - b. The survey activities to be performed and their duration.
 - c. Any effect the surveys might have on the property.
1. *Direct Personal Contact*—If possible, acquire verbal approval for entry at the time of the contact.
 - a. *Departmental Representative*—The contact should be made either by the Party Chief or by some other person delegated by the district.
 - b. *Answering Questions*—The contact person should know the facts and be prepared to answer questions courteously and promptly. If unanswerable questions arise, the contact person should obtain the answers and personally relay them to the property owner or tenant.
 - c. *Documentation*—All verbal contacts should be recorded in the Survey Party Report for the day. (See Section 1-10.)
3. *Direct Mail Contact*—Contacts may be by mail if personal contact is impractical. Include in such letters the same information as that which would be given during a personal contact.
4. *Indirect Contact*—Supplemental news releases or advertisements may be used to advise the public in the area of a survey. They can be useful in eliminating questions and relieving community apprehension. However, news releases or notices should not be considered as substitutes for mail or personal contact when property must be entered.

If public notices are used, they are to be prepared by and released through the district's Public Affairs Office.

C. *Written Consent*—Examples of activities which would normally require the property owner's written consent are:

1. Digging large holes.
2. Drilling test holes.
3. Cutting trees and brush.

4. Clearing land areas.
5. Earthmoving.
6. Using explosives.
7. Using vehicles or equipment not normally used on the property.
8. Driving or walking over crop areas.

D. *Objection to Entry*—When a property owner or tenant objects to entry, DO NOT ENTER! If a property owner claims actual or anticipated damage or interference after a survey has begun, immediately leave the property. The District Surveys Branch should then request District action to gain right of entry by written consent or by court order. The actual negotiation will be handled by the District's Office of Right of Way.

E. *Party Conduct*

1. Conduct operations in a manner that will not create ill feelings in property owners or tenants.
2. Guard against any cause for complaint.
3. Tone down oral communications in populated areas.

F. *Property Care*

1. *Survey Method*—Choose the survey method, which will have the least effect on the land.
2. *Stake Location*—Place stakes and other markers where there is little likelihood of their being a hazard.
3. *Property Rehabilitation*—As nearly as possible, leave the property in the condition that existed prior to the survey. Repair any damage, fill in holes, and restore the property to its original condition, when possible. If you must temporarily leave a hazard created by your work, protect people and animals by the use of protective devices, such as cones, barricades, and portable fencing.
4. *Removal of Hazards*—Remove all temporary and hazardous survey stakes and other potentially hazardous items from the work area after their usefulness has ended. The Party Chief is responsible for determining which items to remove and when. However, each party member should call the Party Chief's attention to possible hazards.

Examples of items to be removed are: stakes across fields which are to be mowed, stakes in pedestrian areas, back sights and fore sights, and photogrammetry ground-control materials. Range animals tend to be indiscriminate in what they eat, particularly if the item tastes salty to

them. This tendency causes them to eat plastic flagging, paper targets, and cloth premarks.

5. *Concern for Children*—Consider hazards to children when setting or leaving survey stakes. Articles such as lath make excellent swords and spears. Some of the paint we use is toxic if ingested. Nails and spikes can be dangerous in the hands of children.
6. *Litter Removal*—DO NOT LITTER. Paper, stake fragments, and other trash shall be placed in litter cans in State vehicles. Litter shall not be left on private or on public property.

Utility Companies and Public Agencies

Survey data, new development, and other survey information are freely exchanged between utility companies and public agencies. This practice exists at the federal, state, county, and local level and includes both public and private utility companies.

To maintain this goodwill and a cooperative attitude, promptly reply to requests from such agencies and companies.

Private Surveyors

Engineers, land surveyors, and photogrammetrists in private practice have valuable information in their files, which we frequently need. Generally, their records are available for copying. Their attitudes and the extent of their cooperation result, largely, from previous contacts. Surveys Branches should cultivate good relationships with private firms. Extend full cooperation to them whenever possible (this includes access to our control data and right of way engineering information).

Contractors

Surveys Branches are concerned with two general types of private contractors: photogrammetry and construction. For information regarding relations with contractors, refer to the appropriate chapter of the MANUAL--either Chapter 11, Construction Surveys or Chapter 12, Photogrammetry for Surveyors.

Railroads

Property which a railroad owns primarily as a land-owner (land which does not carry rails) should be regarded as any other private property.

Land which carries rails is called "operating right of way." Before entry is made on such property, a right of entry must be obtained through the District Railroad Compliance Agent.

See Section 1-04 for safety guidelines to use when surveying in the operating right-of-way. Stay alert at all times, and remember that you are there to survey safely. Railroad operations are not to be disrupted.

Public Lands

Types—Public lands should be treated as special types of private property where attention to additional regulations is required. Some of the types of public lands where you might survey are: state parks, national parks, local parks, national forests, wilderness areas, rangeland administered by the Bureau of Land Management, state and national monuments, and historical sites.

Pre-Entry Activity—Before surveying in such areas:

A. Contact the person having responsibility for the public facility. (This contact should be made by the Party Chief or Survey Supervisor.)

1. Explain the need for the survey, its anticipated duration, and any probable effects on the facility.
2. Learn the requirements for working in these areas: permits, fire regulations, brush cutting procedures, and restriction on vehicular operations.

In addition, the park supervisor (ranger) might be able to give valuable information such as the locations of control points and access roads.

B. Orient each surveyor involved. Tell each about all survey requirements.

C. Obtain required permits.

Forest and park rangers and supervisors are cooperative and helpful when all rules are obeyed. Consulting them in advance will ensure that regulations will not inadvertently be broken.

Work Activity

A. Survey within all the requirements determined above.

B. Obtain additional permits when work arises which is not covered by an active permit.

C. Consult with the ranger or supervisor when additional "non-permit" work arises.

D. Notify—When there is a substantial time break in the survey, notify the responsible official when you leave and when you reenter.

E. Follow the requirements of *Fire Prevention* and, if necessary, *Fire Control* in Section 1-04.

F. Inform—At all times be sure the responsible ranger or official knows your daily location.

Wilderness Areas--Surveys in wilderness areas are subject to very stringent regulations. DO NOT WORK in these areas prior to receiving approval from the U.S. Forest Service. Usually, a permit will be required. Negotiate for a survey in a wilderness area with the forest supervisor in charge of the area.

State Parks--The California Department of Parks and Recreation requires permits for surveys in State Parks. For reconnaissance surveys, the Survey Supervisor or Party Chief might be able to arrange for surveying without a permit by having a thorough discussion with the park supervisor.

Indian Lands

Entry on Indian lands for surveys is a special case. Normal right-of-entry procedures do not apply. Permits are required for entry onto any Indian lands. Observe all normal requirements for relations with the general public and with property owners in contacts and negotiations for entry on Indian lands.

Permit Applications

A. *Where to Apply*—Permits can be obtained by applying to the area field office, Indian agency, or office of the Bureau of Indian Affairs having jurisdiction over the lands.

B. *Tribal Lands*—Where tribal lands are involved, permits are not granted without prior written consent of the tribal council.

C. *Guarantee of Indemnity*—On the application, the State must agree in writing to indemnify the United States, the landowners, or the legal occupants against liability for death, injury, or property damage caused by the survey. The State must also agree to pay damages promptly.

Permit Negotiations

A. *Timing*—Begin permit negotiations as early as possible since the required procedure is lengthy. These negotiations should be initiated by the District Surveys Branch.

B. *Guidelines*—Information to be obtained during the negotiations is available in two sources.

1. The Rights-of-Way Handbook of the Realty Division of the Bureau of Indian Affairs. The Handbook number is "54 BIAM Supplement 7, Release 1."
2. Also available are excerpts from the rules and regulations of the Bureau, titled "Part 161 - Rights-of-Way Over Indian Lands."

Both publications may be obtained from the Realty Division at area and regional offices of the Bureau. These guidelines should be acquired by any Surveys Branch, which anticipates surveys on Indian lands.

C. *Photogrammetric Surveys*—Sometimes, photogrammetry control surveys can be negotiated at the local level with the tribal council or individual landowners. This should be handled by the Surveys Engineer or a Survey Supervisor. In some instances, the Secretary of the Interior, through authorized representatives, may issue a permit without the consent of all parties. These cases are spelled out in the excerpts mentioned above.

D. *Questionable Boundaries*—Some times the outer boundaries of reservations are not surveyed. When in doubt, assume that the land is Indian land and proceed as outlined above. Where land has been patented to individual Indians, usually the lot lines have been surveyed. (Many patents are "grants in trust" and are administered by the Bureau of Indian Affairs for a specified length of time. After this time the "grants" mature to fee title.)

Law Enforcement Agencies

When a survey requires night work, notify local law enforcement agencies and property owners. This enables them to be aware of the source and reason for the appearance of "unusual" lights and activity.

Cemeteries

General Guidelines—Do not let survey activities interfere with the operation or maintenance of cemeteries. Contact cemetery owners to see if they have any special entry requirements. Do not leave unsightly debris behind when the survey is finished. Pet cemeteries should be handled in the same manner.

Undocumented Sites—Be on the lookout for old cemeteries, large or small, when working in rural areas. In addition to obvious headstones, look for enclosed areas, unusual mounds of grass, and other indications. If evidence indicates a cemetery, the Party Chief should promptly report the evidence to the District Surveys Branch so proper negotiations can be made. When a ceme-

tery is not discovered until the construction phase, many problems can develop.

Summary

The value of developing good public relations cannot be overemphasized. Time and money are saved, and the work is more pleasant for all concerned. Public contact enables a surveyor to improve his ability to meet and deal with people. This increases his stature and the stature of his profession. Also, it improves the Department's image.