

ATTN: Person Responsible for California's Changeable Message Sign Announcements
Organization: Caltrans and/or other State of Federal Agencies
Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent

C/O: Tammie McGowen, Assistant Deputy Director of Public Affairs, 916-653-5456
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Submit electronically to Caltrans, at: <https://csr.dot.ca.gov/>

SUBJECT: Formal Request to Remove COVID-19-Related Messages in CMS Announcements Statewide
(Follow-up to my personal phone call with Ms. McGowen on August 13, 2020)

To whom it may concern,

I, Ricardo Beas, a resident of California, formally request that Caltrans immediately cease and remove any announcements related to COVID-19, the wearing of masks, social distancing, or other similar related announcements. I based my request on the following reasons and Caltrans' policy and procedures that specifically limits how these signs can and should be used, and what type of announcements can be made on them, to wit:

1. In the 2014 California Manual on Uniform Traffic Control Devices (CA MUTCD), revision 5, part 2, Chapter 2L, section 2L.02, Applications of Changeable Message Signs, it notes what type of messages should be displayed in the CMS network, locally or state wide.

"01. Changeable message signs have a large number of applications including, but not limited to, the following:

- A. Incident management and route diversion*
- B. Warning of adverse weather conditions*
- C. Special event applications associated with traffic control or conditions*
- D. Control at crossing situations*
- E. Lane, ramp, and roadway control*
- F. Priced or other types of managed lanes*
- G. Travel times*
- H. Warning situations*
- I. Traffic regulations*
- J. Speed control*
- K. Destination guidance*

Option: 02. Changeable message signs may be used by State and local highway agencies to display safety messages, transportation-related messages, emergency homeland security messages, and America's Missing: Broadcast Emergency Response (AMBER) alert messages."

As can be seen by this listing, the primary reason for these signs is to advise motorists of matters related to traffic as well as other limited uses.

2. On March 13, 2020, Caltrans made a press release, apparently by way of Ms. Tammie McGowen, which read as follows:

"SACRAMENTO - In response to the state's declared emergency for COVID-19, Caltrans is launching a statewide educational campaign on the state's highways, urging all Californians to be more diligent about containing the

spread of the virus. Beginning tomorrow, California's more than 700 electronic highway signs will display the following types of public health safety messages: COVID-19, LESS IS MORE, AVOID GATHERINGS, DISINFECT, 2 PROTECT, WASH YOUR HANDS.

In support of the Governor's declared emergency, Caltrans is taking proactive measures to help protect the public. Using our highway message signs, we are reminding Californians how to help limit the spread of COVID-19."

These signs are now continually broadcasting COVID-19-related messages, presently with a focus on covering your face and nose with masks. This is an improper use of the CMS system and limits the traffic-related information that is the main purpose of these signs and what freeway travelers expect to see on the road. While Ms. McGowen and Caltrans may have good intentions when using the CMS system for such purposes, this practice must stop immediately, as it is unjustified and unauthorized.

In the Caltrans December 2013 Changeable Message Sign Guidelines, it notes the things that should be avoided as regards messaging in the CMS system. In the section titled Caltrans Changeable Message Sign Policy and Summary, page 2, it states the following:

*"CMS shall not: ... Provide information that is **already obvious to the motorist.**"*

If we apply the directive above to the current COVID-19 emergency, it is obvious that there is not a single Californian or visitor in the state that is not aware of this, as COVID-19 messages play continuously on all TV and radio stations, so any person with a TV or a home and/or automobile radio, would be well informed both on the COVID-19 situation as well as the precautions one is supposed to follow to stop the spread.

When I spoke recently with Ms. McGowen, I explained that there is no need for the CMS messages on COVID-19 because everyone was aware of them and are consistently bombarded with such information. She disagreed and said that people in rural communities could potentially not be aware of the COVID-19 emergency, but that makes absolutely no sense, in that, even if we were to imagine that some individuals don't have TVs or radios, it is obvious that some of their family members, neighbors and friends do and would have discuss this situation, not to mention that such person would still be shopping, putting gas in their cars, going to restaurants, churches, family and friend gatherings, clothing stores, and would probably also use medical services, all of which would have not only signs about COVID and required precautions, but they would see most people wearing masks. Are we to assume that such a person would not ask questions as to what was going on in the last 5 months?

3. The primary reason for my request that the COVID-19 messages cease is because I see motorists in their vehicles with masks on, in some cases using highly air-restrictive masks like N19, with their windows up, and considering that a study of the University of Washington Institute for Health estimated that in 2015 nearly 7% of all deaths in the United States were due to chronic respiratory illness, imagine how many people have respiratory problems in general, children and adult. These people should not be wearing masks because of their medical condition, as noted in the California Dept. of Public Health guidelines on facial coverings, which is reflected in our county and city orders across the state.

The problem is, the CMS messages are not telling people that there are medical and other exemptions that apply regarding wearing masks, which is something we never hear our health authorities mention in their press conferences or in general on TV and radio commercials, even though it is in their own orders, putting these sick persons' health and lives on the line, as well as the lives of drivers in their cars around them in traffic situations. The CMS text message may say to "wear a mask", but the implied message is "wear your mask ALWAYS, REGARDLESS."

4. The improper use of the CMS messages on COVID-19 for prolonged or continued messaging on mask and other related slogans are further depriving drivers from important traffic information that affects their daily commute,

all contrary to the intent of the CMS program, including information on travel times, warning situations, weather and destination guidance, among other things.

Therefore, based on the above, I request the following,

- (a) That Caltrans and/or Ms. McGowen contact me by phone or email to confirm receipt of this formal request for COVID-19-related messages to be removed from the CMS system and future ones cancelled.
- (b) That Caltrans and any other involved agencies, state or federal, immediately stop announcing any COVID-19-related messages.
- (c) That Caltrans respond in writing to this formal request. If Caltrans will stop all further transmissions of COVID-19-related message, please advise when that will begin. If Caltrans refuses to remove such COVID-19 messages, that Caltrans provide findings of fact and conclusions of law for such actions, which would appear to be arbitrary and capricious, and an abuse of discretion and authority.
- (d) In the alternative, if Caltrans continues to make COVID-19-related messages, **FOR PUBLIC HEALTH REASONS, that Caltrans includes messages in the CMS system advising the public of the exemptions available to them as regards wearing a mask.**
- (e) If my request is denied, that Caltrans provide me all necessary information regarding requests for reconsideration and/or appeal procedures to challenge such a decision.

There is no need for people to be further bombarded in freeways and street with messages that result in fear, anguish, desperation and nervousness, which is affecting the driver's health and his ability to be concentrating on the road and driving safety from point A to point B.

Thank you for your consideration.

Ricardo Beas
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Sources:

<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/mobility/f0019529-cms-guidelines-a11y-.pdf> -

<https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev-5/camutcd2014-part2-rev5.pdf>

<https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev-5/camutcd2014-rev5-a11y.pdf>

<https://dot.ca.gov/news-releases/news-release-2020-005>