MEMORANDUM

Date: September 10, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: **Renewal of Right-of-Way Use Permit for the Department of Homeland Security Customs and Border Patrol for the Arivaca Road Checkpoint**

Standards associated with issuing of this right-of-way use permit has varied significantly over time. I instructed our transportation staff to ensure that the permit was up to date with regard to traffic safety standards and an appropriate hold harmless with regard to liability associated with operating the checkpoint was included. The checkpoint permit is subject to annual renewal, the last update of the permit occurred in 2009.

I have instructed our staff to annually review the permit for its appropriateness and to determine if there have been any adverse impacts, liabilities or claims made against the County due to the checkpoint permitted in County public right-of-way. The attached permit is for your information and covers the period of September 1, 2018 through August 31, 2019.

CHH/mp

Attachment

c: Carmine DeBonis, Deputy County Administrator for Public Works
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement
Ana Olivares, Director for Transportation Department

PIMA COUNTY

www.pima.gov

Right of Way Permit

Permit No: P18RW01486

Permittee Name:	Department of Homeland Security – Customs and Border Patrol
Contact:	Stephen T. Edmison (A) Special Operations Supervisor TI/Facilities
Contact Phone:	Office: 520-266-0885 Cell: 520-640-0861 Email: Stephen.T.Edmison@cbp.dhs.gov
Location:	W Arivaca Road (Mile Post 21 to Mile Post 22)
TRS:	E191235 and E191236
Issued Date:	9/1/2018
Expiration Date:	8/31/2019
Type of Use:	US Immigration Check Point
Description:	Two-way stop for vehicles on roadway for initial visual inspection and divert to secondary off-roadway inspection if potential issue is detected.

For and in consideration of the granting of the permit, the applicant agrees to comply with all conditions and special conditions specified on the permit. Use of designated right-of-way is for three hundred and sixty five days (365) from permit issued date.

PERMIT CONDITIONS

Please note that the validity of this permit is contingent on the following conditions:

1. The permittee shall indemnify, defend and hold harmless Pima County, its boards, commissioners, officers, employees and agents from all suits, actions, legal or administrative proceedings, claims, demands, liens, losses, fines or penalties, damages, liability, interest, and attorneys', consultants', and accountants' fees, costs, and expenses of any kind or nature resulting from, caused by, arising out of or as a consequence of the activity and the activities permitted in connection therewith. This provision will survive the termination of this permit.

2. The Department of Homeland Security (DHS) – Border Patrol is a department within

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the US Federal Government and as a result, DHS is self-insured for all related liability exposures. Any liability resulting from any negligence of its employees shall be govern by the US Federal Government's insurance program.

3. Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

4. The permittee is responsible to ensure that all traffic control is per the attached approved plan at all times. This plan will be reviewed annually and updated as necessary. Any signage shall conform to the following standards:

    a. The placement and spacing of all signage shall conform to the attached traffic control plan.

    b. The height and offset for signs shall conform to the Pima County Department of Transportation Sign Manual. All signs shall be mounted on a u-channel post(s).

    c. All other features within the right-of-way shall conform to applicable Pima Association of Governments (PAG) Standard Specifications and Details, the latest edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices (Arizona Supplement), all related Pima County Department of Transportation roadway, pavement marking and signing standards unless otherwise directed by Pima County.

5. Any structure that is temporarily located within the right-of-way for shade, office or utilities must meet the clear zone distances from the edge of the travel lane per Table 3.1 of the AASHTO Roadway Design Guide and per Table 2.1 of the Barrier Guide for Low Volume and Low Speed Roads. See attached Table 2.1 and 3.1.

6. The permittee will not park or allow parking of any vehicles within the clear zone distance from the edge of the travel lane per Table 3.1 of the AASHTO Roadway Design Guide and per Table 2.1 of the Barrier Guide for Low Volume and Low Speed Roads.

7. The permittee will allow access to Pima County to conduct typical right-of-way and roadway operations and maintenance activities. This includes road sweeping, grading, pavement repair, pavement preservation, vegetation control, pavement marking and signing, and traffic control related work.

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8. Any opening or obstruction in the right-of-way, caused by permittee during the course of permittee's activities, must be protected by roadside barriers as recommended by AASHTO Roadside Design Guide, Chapter 5, during all times of the day.

9. Pima County may require permittee to remove, relocate or place underground, at permittee's sole expense, any of permittee's facilities that present a potential hazard to the public, that interfere with the use of the rights-of-way or roadway as determined by Pima County.

10. The permittee will comply with all applicable federal, state, and local laws including state laws that require completing accident reports or providing notice of traffic accidents. The permittee is subject to all County ordinances now in force or hereafter adopted, including Pima County Code Chapter 10.50 relating to the use of public rights-of-way.

11. The permittee will contact the PCDOT inspector at 520-724-2650 to arrange for inspection prior to any alteration, new activity or work not originally included in the permit approval package.

If Pima County performs an inspection and determines that the site is not in compliance with the approved permit on file, Pima County will notify the permittee and require that the necessary actions are taken to mitigate or correct any deficiencies within a specified timeframe. If this corrective action cannot be achieved by the permittee within the specified time, Pima County reserves the right to revoke this permit.

Permit Issued: 09/1/2018 Expiration: 8/31/2019

Attachments:

1. Pima County Department of Transportation (PCDOT) Sign Installation Details
2. AASHTO Roadside Design Guide Errata dated July 2015
3. Barrier Guide for Low Volume and Low Speed Roads, November 2005
4. Traffic Control Plan, dated August 2018

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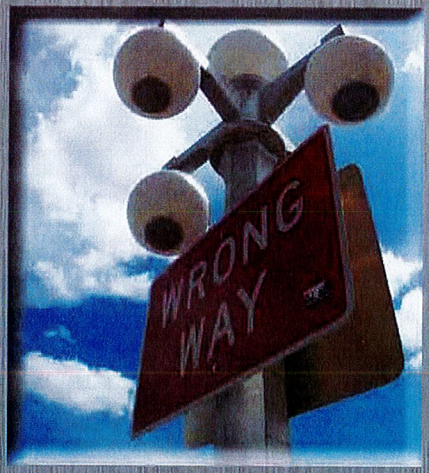
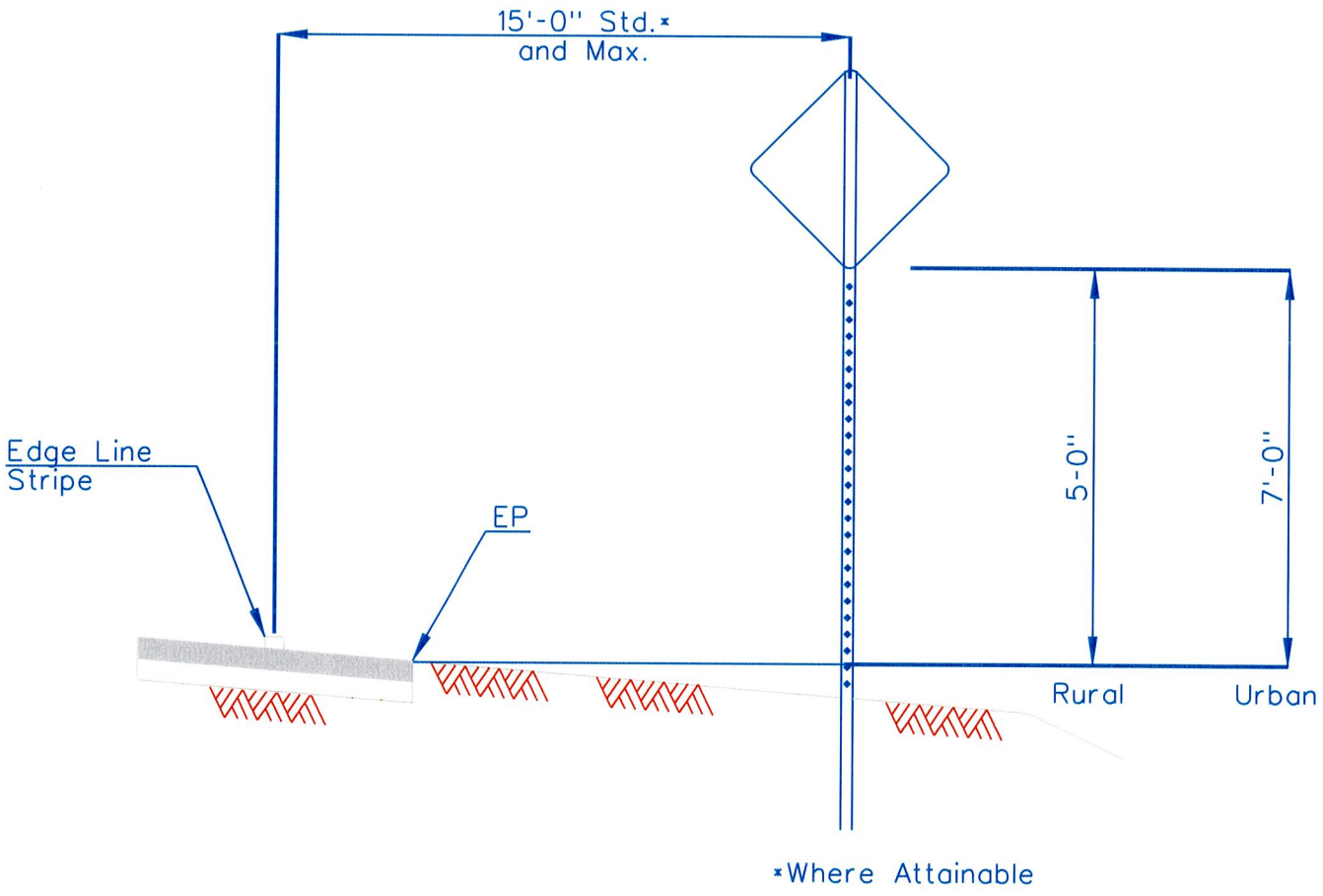


SIGNING MANUAL

Pima County
Department of
Transportation

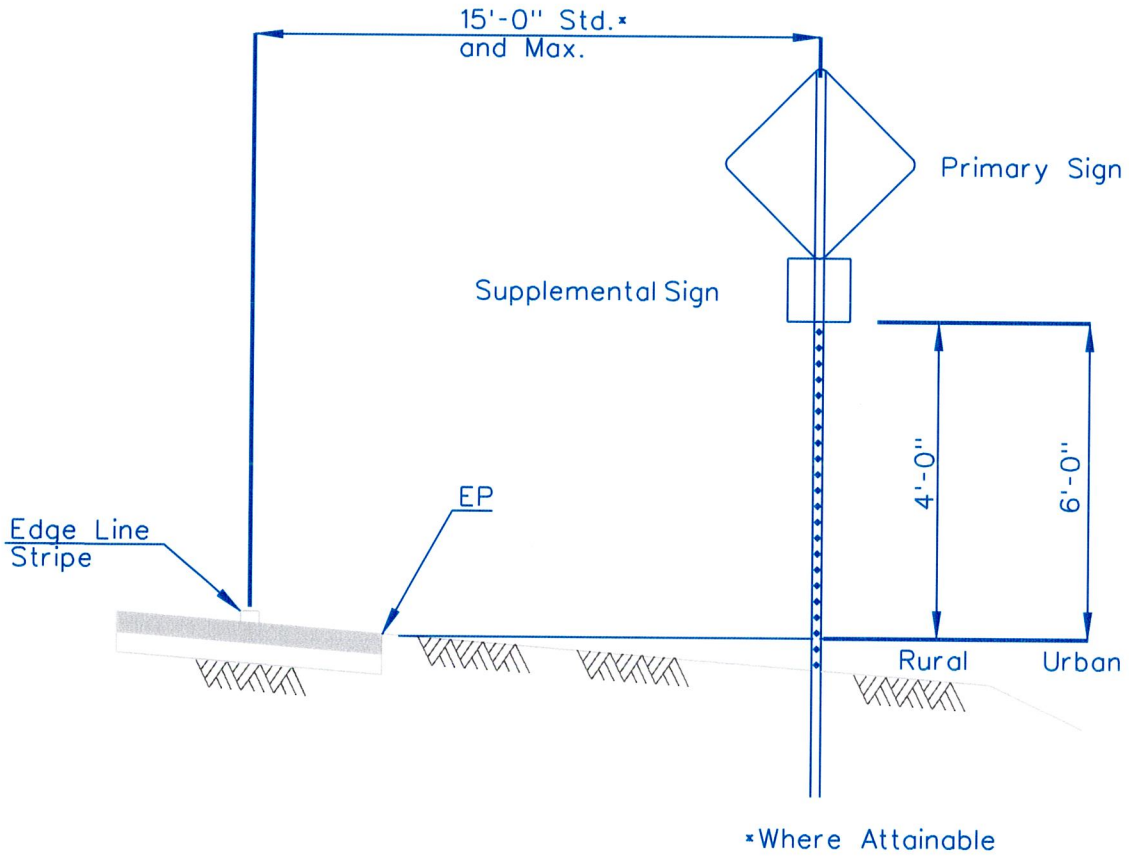
City of Tucson
Department of
Transportation



Notes

1. This standard applies to any and all sign types with a square footage of 10 s.f. or less.
2. This standard also applies to non-curbed medians.
3. See Chapter 8 - Sign Support Systems for sign post installation & foundation details.

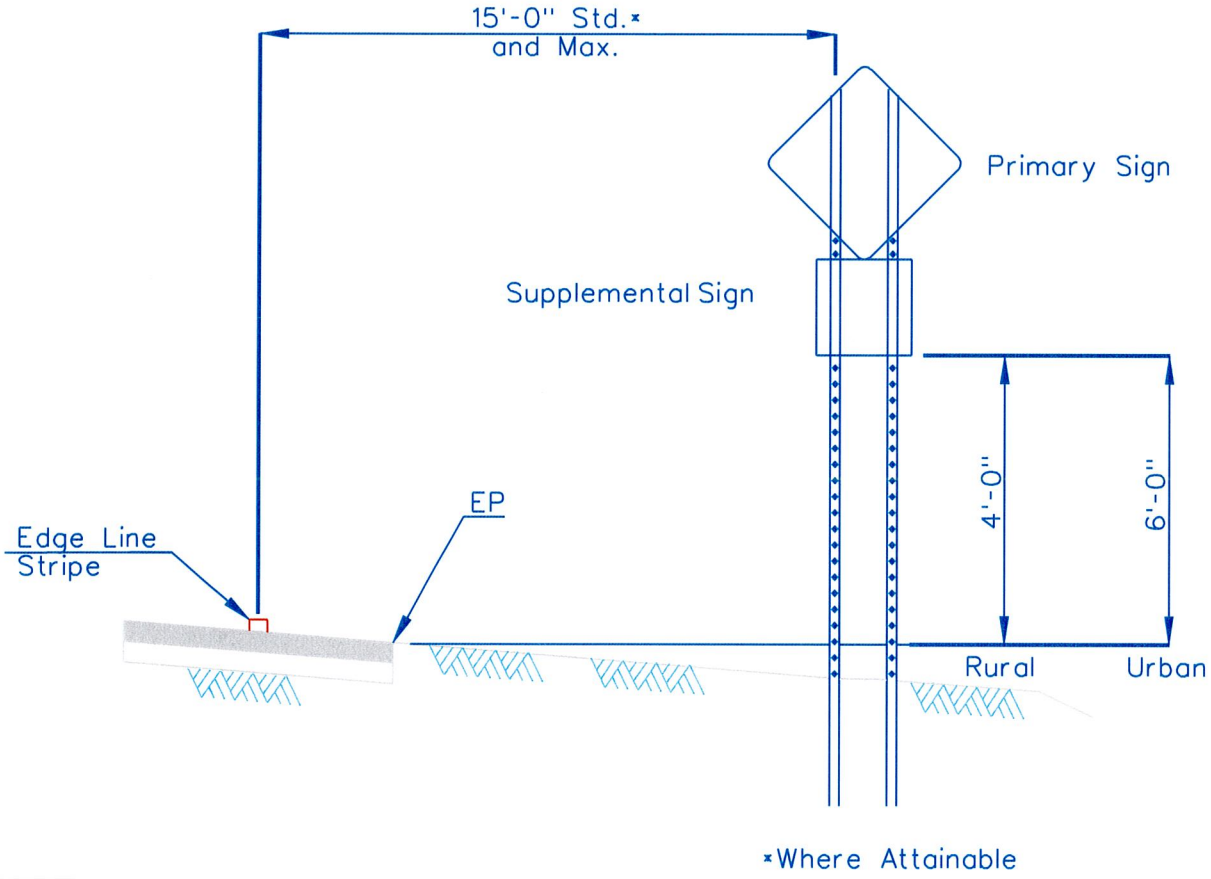
ISSUED	THE SEAL OF PIMA COUNTY ARIZONA	PCDOT and COTDOT Traffic Engineering Division	CITY OF TUCSON ARIZONA	SHEET NO.
REVISED		SIGNING STANDARDS		5 - 1
		Standard Offset and Height For Non-Curbed Roads / Single Post Mount		



Notes:

1. This standard applies to any supplemental sign under any type of primary sign with a square footage of 10 s.f. or less.
2. This standard also applies to non-curbed medians.
3. See Chapter 8 - Sign Support Systems for sign post installation & foundation details.

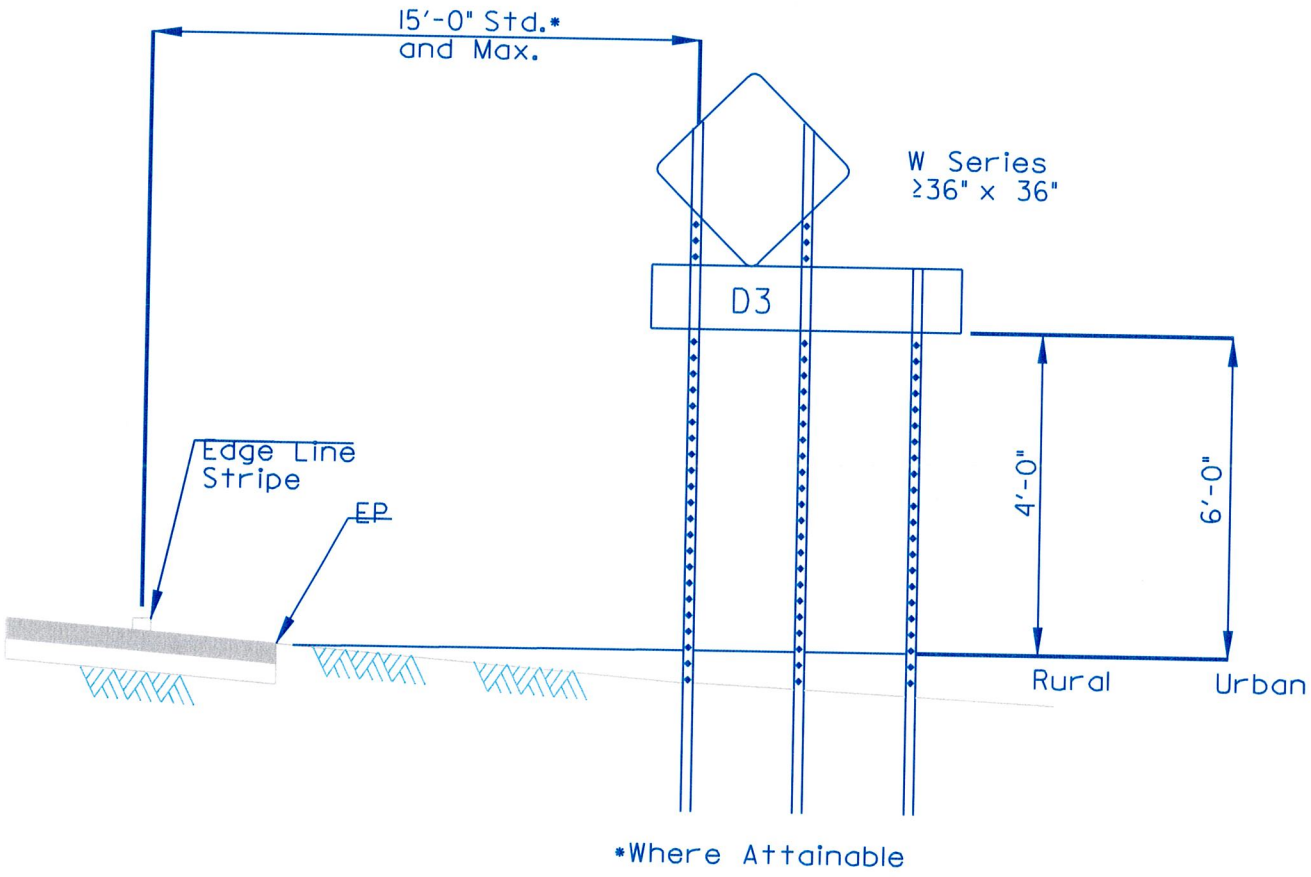
ISSUED	THE SEAL OF PIMA COUNTY ARIZONA	PCDOT and COTDOT Traffic Engineering Division SIGNING STANDARDS	CITY OF TUCSON ARIZONA	SHEET NO.
REVISED		Standard Offset and Height For Sign w/ Supplemental Plate / Single Post Mount		5 - 3



Notes:

1. This standard applies to any supplemental sign under any type of primary sign with a square footage of 10 s.f. or greater.
2. This standard also applies to non-curbed medians.
3. Number of posts shall be based on the sign area in sqare feet. Refer to table on Sheet No. 8-2A.
4. See Chapter 8 - Sign Support Systems for post spacing.
5. See Chapter 8 - Sign Support Systems for sign post installation & foundation details.

ISSUED	THE SEAL of PIMA COUNTY ARIZONA	PCDOT and COTDOT Traffic Engineering Division SIGNING STANDARDS	CITY OF TUCSON ARIZONA	SHEET NO.
REVISED		Standard Offset and Height For Sign w/ Supplemental Plate / Double Post Mount		5 - 4



Notes:

1. The D3 is an advance street name sign with black letters on a yellow background.
2. The D3 is not extended beyond the W Series sign on the road side.
3. Number of posts shall be based on the sign area in square feet. Refer to table on Sheet No. 8-2A.
4. See Chapter 8 - Sign Support Systems for post spacing.
5. See Chapter 8 - Sign Support Systems for sign post installation & foundation details.

ISSUED		PCDOT and COTDOT Traffic Engineering Division		SHEET NO.
		SIGNING STANDARDS		
REVISED		Standard Offset and Height For W Series Sign w/ a D3		5 - 5

AMERICAN ASSOCIATION
OF STATE HIGHWAY AND
TRANSPORTATION OFFICIALS
AASHTO

JOHN F. COX, PRESIDENT
DIRECTOR, WYOMING DEPARTMENT OF TRANSPORTATION

BUD WRIGHT, EXECUTIVE DIRECTOR

444 NORTH CAPITOL STREET NW, SUITE 249, WASHINGTON, DC 20001
(202) 624-5800 FAX: (202) 624-5806 • WWW.TRANSPORTATION.ORG

ERRATA

July 2015

Dear Customer:

Recently, we were made aware of some technical revisions that need to be applied to the *Roadside Design Guide*, 4th Edition.

Please replace the existing text with the corrected text to ensure that your edition is both accurate and current.

Text in bold indicates revisions made since the previous errata was released in February 2012.

AASHTO staff sincerely apologizes for any inconvenience.

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c) For roadways with low volumes, it may not be practical to apply even the minimum values found in Table 3-1. Refer to Chapter 12 for additional considerations for low-volume roadways and Chapter 10 for additional guidance for urban applications.

d) When design speeds are greater than the values provided, the designer may provide clear-zone distances greater than those shown in Table 3-1.

U.S. Customary Units

Design Speed (mph)	Design ADT	Foreslopes			Backslopes		
		1V:6H or flatter	1V:5H to 1V:4H	1V:3H	1V:3H	1V:5H to 1V:4H	1V:6H or flatter
≤40	UNDER 750[c]	7–10	7–10	[b]	7–10	7–10	7–10
	750–1500	10–12	12–14	[b]	10–12	10–12	10–12
	1500–6000	12–14	14–16	[b]	12–14	12–14	12–14
	OVER 6000	14–16	16–18	[b]	14–16	14–16	14–16
45–50	UNDER 750[c]	10–12	12–14	[b]	8–10	8–10	10–12
	750–1500	14–16	16–20	[b]	10–12	12–14	14–16
	1500–6000	16–18	20–26	[b]	12–14	14–16	16–18
	OVER 6000	20–22	24–28	[b]	14–16	18–20	20–22
55	UNDER 750[c]	12–14	14–18	[b]	8–10	10–12	10–12
	750–1500	16–18	20–24	[b]	10–12	14–16	16–18
	1500–6000	20–22	24–30	[b]	14–16	16–18	20–22
	OVER 6000	22–24	26–32[d]	[b]	16–18	20–22	22–24
60	UNDER 750[c]	16–18	20–24	[b]	10–12	12–14	14–16
	750–1500	20–24	26–32[d]	[b]	12–14	16–18	20–22
	1500–6000	26–30	32–40[d]	[b]	14–18	18–22	24–26
	OVER 6000	30–32[d]	36–44[d]	[b]	20–22	24–26	26–28
65–70[d]	UNDER 750[c]	18–20	20–26	[b]	10–12	14–16	14–16
	750–1500	24–26	28–36[d]	[b]	12–16	18–20	20–22
	1500–6000	28–32[d]	34–42[d]	[b]	16–20	22–24	26–28
	OVER 6000	30–34[d]	38–46[d]	[b]	22–24	26–30	28–30

Notes:

a) When a site-specific investigation indicates a high probability of continuing crashes or when such occurrences are indicated by crash history, the designer may provide clear-zone distances greater than the clear zone shown in Table 3-1. Clear zones may be limited to 30 ft for practicality and to provide a consistent roadway template if previous experience with similar projects or designs indicates satisfactory performance.

b) Because recovery is less likely on the unshielded, traversable 1V:3H fill slopes, fixed objects should not be present in the vicinity of the toe of these slopes. Recovery of high-speed vehicles that encroach beyond the edge of the shoulder may be expected to occur beyond the toe of slope. Determination of the width of the recovery area at the toe of slope should consider right-of-way availability, environmental concerns, economic factors, safety needs, and crash histories. Also, the distance between the edge of the through traveled lane and the beginning of the 1V:3H slope should influence the recovery area provided at the toe of slope. While the application may be limited by several factors, the foreslope parameters that may enter into determining a maximum desirable recovery area are illustrated in Figure 3-2. A 10-ft recovery area at the toe of slope should be provided for all traversable, non recoverable fill slopes.

c) For roadways with low volumes it may not be practical to apply even the minimum values found in Table 3-1. Refer to Chapter 12 for additional considerations for low-volume roadways and Chapter 10 for additional guidance for urban applications.

d) When design speeds are greater than the values provided, the designer may provide clear-zone distances greater than those shown in Table 3-1.

The designer may choose to modify the clear-zone distances in Table 3-1 with adjustment factors to account for horizontal curvature, as shown in Table 3-2. These modifications normally are considered only when crash histories indicate such a need, when a specific site investigation shows a definitive crash potential that could be significantly lessened by increasing the clear zone width, and when such increases are cost-effective. Horizontal curves, particularly for high-speed facilities, are usually superelevated to increase safety and provide a more comfortable ride. Increased banking on curves where the superelevation is inadequate is an alternate method of increasing roadway safety within a horizontal curve, except where snow and ice conditions limit the use of increased superelevation.

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BARRIER GUIDE
For Low Volume and Low Speed Roads

Publication No. FHWA-CFL/TD-05-009 **November 2005**

U.S. Department of Transportation
Federal Highway Administration

CTIP

Federal Lands Highway
Commitment to Excellence

Central Federal Lands Highway Division
12300 West Dakota Avenue
Lakewood, CO 80228

Table 2.1: Clear Zone Distances from Edge of Through Traveled Way

(Continued) (U.S. Customary Units)

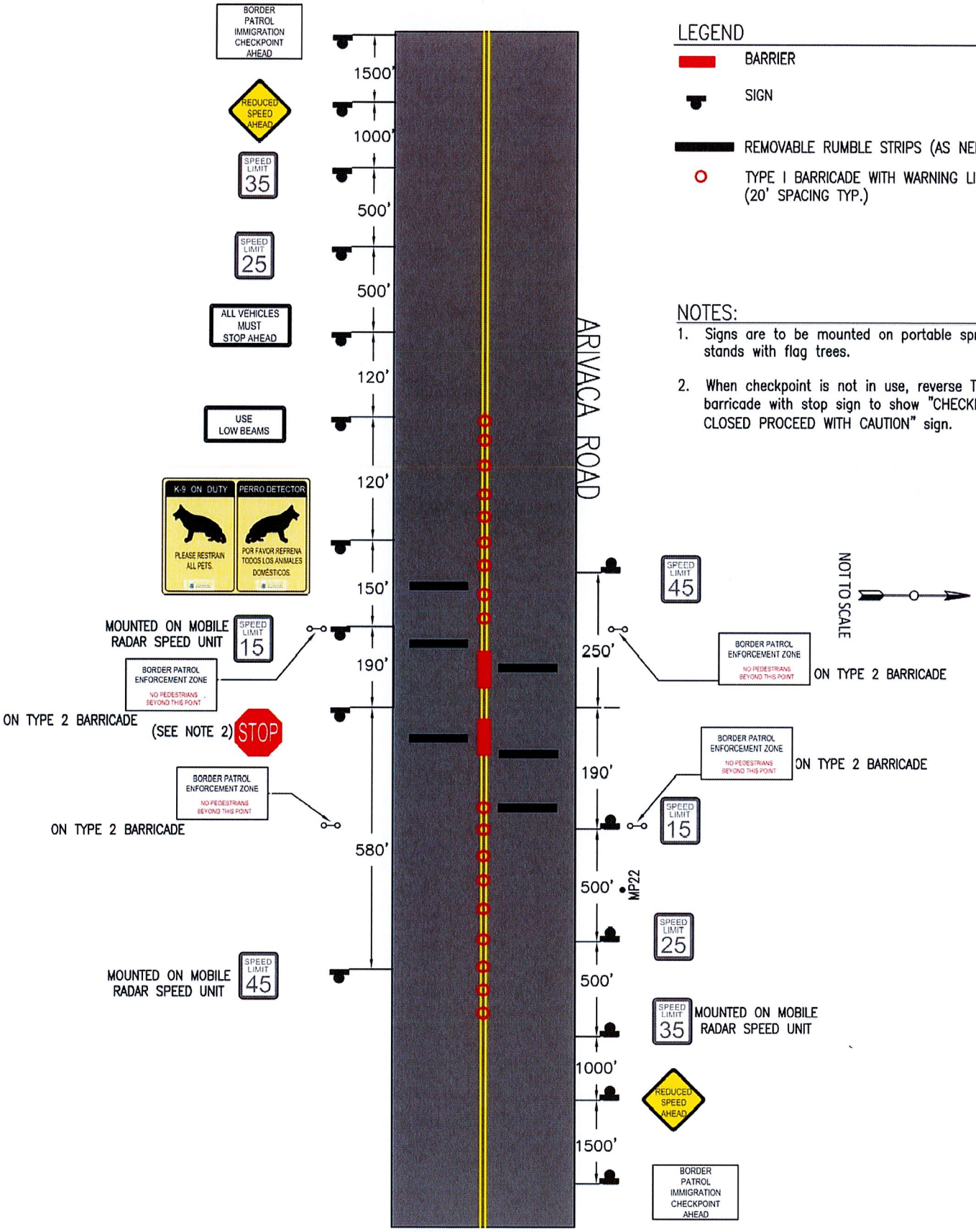
DESIGN SPEED	DESIGN ADT	FORESLOPES			BACKSLOPES		
		1V: 6H or flatter	1V: 5H to 1V: 4H	1V: 3H	1V: 3H	1V: 5H to 1V: 4H	1V: 6H or flatter
20 mph	Under 750	2 - 6	3 – 7		2 - 6	2 - 6	3 - 7
	750 - 1500	3 - 7	5 - 8	**	2 - 6	2 - 6	3 - 7
	1500 - 6000	5 - 8	6 - 10		3 - 7	3 - 7	5 - 8
	over 6000	7 - 10	7 - 10		5 - 8	5 - 8	7 - 10
25 - 30 mph	Under 750	3 - 7	5 – 8		2 - 6	2 - 6	3 - 7
	750 - 1500	5 - 8	6 - 10	**	3 - 7	3 - 7	5 - 8
	1500 - 6000	7 - 10	7 - 10		5 - 8	5 - 8	7 - 10
	over 6000	7 - 10	10 - 12		7 - 10	7 - 10	7 - 10
35 mph	Under 750	5 - 8	6 – 10		3 - 7	3 - 7	5 - 8
	750 - 1500	7 - 10	7 - 12	**	5 - 8	5 - 8	7 - 10
	1500 - 6000	10 - 12	12 - 14		7 - 10	7 - 10	10 - 12
	over 6000	12 - 14	14 - 16		10 - 12	10 - 12	12 - 14

* See the AASHTO *Roadside Design Guide* for design speeds 40 mph and higher.

** Foreslopes between 1V: 4H and 1V: 3H are traversable but non-recoverable. Since vehicles will not reduce speed or change direction on these slopes the needed clear zone is determined by the slopes above and below the non-recoverable slope and extended by the width of the non-recoverable slope. See Chapter 3 of the *RDG* for more information on this procedure. Foreslopes steeper than 1V: 3H are considered hazards.

2.2.3 Horizontal Curve Adjustment

On the outside of horizontal curves errant vehicles are likely to leave the roadway tangent to the curve. Consequently, additional clear zone is needed for recovery. Table 3.2 of the *RDG* suggests multipliers for adjusting clear zones on the outside of horizontal curves. The *RDG* recommends that this adjustment be used where there is reason to expect the curve to be a concern. A crash history, inadequate superelevation and serious hazards within the adjusted clear zone may be reasons to consider using an adjusted clear zone. Since roadside crashes are more likely to occur on the outside of horizontal curves, the use of these adjustments should always be considered. Adjustments on the inside of horizontal curves are not appropriate. Table 2.2 expands the *RDG* table to account for lower speeds.



NOTES:

1. Signs are to be mounted on portable spring stands with flag trees.
2. When checkpoint is not in use, reverse Type 2 barricade with stop sign to show "CHECKPOINT CLOSED PROCEED WITH CAUTION" sign.

AUG. 2018

TRAFFIC CONTROL PLAN

ARIVACA ROAD
BORDER PATROL CHECK POINT