ATTN: Transportation Chief,

Yesterday I was on freeway 805 in the Chula Vista area and saw the CMS signs being used again for COVID-19 announcements. The sign read: "STOP THE SPREAD ADD CA NOTIFY TO YOUR PHONE." A photo can be provided upon request. I inquired with multiple individuals throughout the state and some confirmed that such messages are being used in their area, including the Whittier to San Juan area and from the beginning of the Oregon border.

As I had clearly pointed out before through my correspondence with you and persons copied herein, these are inappropriate and unauthorized messages based on Caltrans and DOT regulations, policies and procedures. It appears upper management understands this clearly. In an email issued by Margie Perez, Caltrans Branch Chief TMC Operations, of August 17, 2020 to multiple individuals in your department, all named below, she clearly stated the following:

***"Good morning everyone,***

***We just received notification from HQ that effective immediately the FCMSs will only be used for traffic-related emergency notifications, AMBER alerts, incidents, major closures or travel times.***

***The COVID messages will no longer be displayed.***

***Please let me know if you have any questions."***

A similar message was emailed by Saeed Valizadeh, Caltrans Transportation Engineer, Division of Traffic Operations, Office of System Operations on August 17, 2020, to multiple individuals, which read:

***"Good Morning,***

***We are directed effective immediately and until further notice, to use our permanent CMS only to display traffic-related emergency notifications, AMBER alerts, incidents, major closures or travel times. During other times the CMS must be turned off (be dark). We will not be running our CMS 24/7.***

***Please let me know if you have any questions."***

In one of your last emails to me, dated September 16, 2020, you noted the following:

*"Thank you for your continued interest in this matter. As I previously indicated, the Governor’s Proclamation of a State of Emergency dated March 4, 2020, ordered that “In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and Emergency Medical Services Authority”. When displaying face cover related messages in the future, we will take your request into consideration."*

It appears that you and others in Caltrans are misunderstanding and misinterpreting the Governor's Proclamation noted above. This proclamation does not mean that you are authorized to alter the way Caltrans operates as to its traffic control responsibilities, including as regards the proper and authorized use of CMS signs. What the proclamation means is that personnel in your department must take all the precautions noted by the CA Dept. of Public Health as regards using masks, distancing, office operations as regards closing offices, limiting hours or having employees work from home, disinfecting offices and vehicles, etc. This order does not and should not alter the way that the CMS signs are to be used, which signs have specific limited purposes, which is the reason why Ms. Perez and Mr. Valizadeh asked that such use of the signs be discontinued.

As I noted to McGowen when I spoke to her and submitted my initial complaint about this unauthorized practice, no one needs to be advised of COVID or any assumed precautions and dangers associated with it, we already have sufficient media messages and signs in all establishments to remind people of the precautions recommended to prevent the spread. Caltrans is not a medical or health agency, it is a traffic agency, with limited jurisdiction.

**Therefore, and based on the above, I request that Caltrans again remind and order all personnel to immediately stop all COVID-19-related messages on any CMS signs throughout California.**

Further, I request that you advise all county and city governments that they too are not authorized to use any portable CMS signs for COVID-19 announcements in any of their jurisdictions in any way, shape, or form.

Failure to do the above may and will result in legal action against Caltrans and any involved individuals. Act accordingly.

Sincerely,