



LEAGUE
OF CALIFORNIA
CITIES



August 19, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Dear Governor Newsom:

The California State Association of Counties, the California Restaurant Association, the League of California Cities, and the California Travel Association respectfully request an Executive Order that would allow for restaurant table service in the state's right-of-way during the COVID-19 pandemic when a local government obtains an encroachment permit or lease from the California Department of Transportation (Caltrans). We believe this temporary change would align with the statewide directive to close restaurant dining rooms and move the remaining restaurant activity outdoors.

In light of the pandemic, many local communities are temporarily expanding the use of public road right-of-ways for business activity, including outdoor service by restaurants. This provides a safe opportunity for diners to enjoy a meal and help support local businesses struggling with the economic impacts of COVID-19. In many rural and unincorporated communities, however, the main streets where businesses are located are actually state general purpose highways, thereby requiring approval by Caltrans to allow activities in the right-of-way.

While we appreciate recent guidance from Caltrans on how local governments can apply for encroachment permits to allow public seating in the state's right-of-way, the guidance is clear that current law precludes "vending, sales, transactions, table service and similar activities in the public seating area."¹ In order to allow local governments to work with their local restaurants to provide an opportunity for table service in these communities, we request an Executive Order allowing these activities during the pandemic when a local government obtains an encroachment permit or lease.

California's restaurants are an important cornerstone of every community and an economic engine that employs 1.4 million foodservice workers and generates more sales tax (\$7 billion annually) than any other industry. The vast majority of the state's 90,000+ restaurant locations are owned and operated by independent proprietors who live in the communities where they serve their customers. Additionally, 60 percent of California's restaurants are owned by people of color, reflecting the great diversity of our state.

¹ <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/covid-sidewalks-and-parking-ada.pdf>

Our organizations are seeking opportunities to provide safe, outdoor dining options during the COVID-19 pandemic in communities where state highways serve as the local main street. We appreciate your consideration of our request. Please do not hesitate to contact us with any questions.

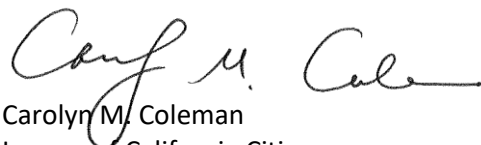
Sincerely,



Graham Knaus
California State Association of Counties



Matthew Sutton
California Restaurant Association



Carolyn M. Coleman
League of California Cities



Barb Newton
California Travel Association

cc: Mark Tollefson, Deputy Cabinet Secretary, Office of Governor Newsom
Ronda Paschal, Deputy Legislative Secretary, Office of Governor Newsom