



FORT WAYNE

**Public Works**

*In Your Neighborhood*

# Painted Pavement Art Program

## Program Outline

The purpose of the Painted Pavement Art Program (“Program”) is to support the Fort Wayne Public Art Master Plan by placing artistic designs on public streets in the City of Fort Wayne and supplement the Community Led Traffic Calming Demonstration Program. This Program is intended to identify acceptable locations, enhance local artists and artwork and provide neighborhoods the ability to identify or brand their public spaces with beautification efforts. This Program is also intended to help promote tourism in neighborhoods and establish conversation within the community through public art.

The process is neighborhood-driven, with the City of Fort Wayne Division of Public Works (“DPW”) assisting neighborhoods or other citizen groups in formulating their Program plan. DPW reviews, permits, and tracks the painted pavement locations. The City may also provide advice and support for designing and working with artists or associations, making sure artwork is relevant to the surrounding area and of high aesthetic and technical quality.

Anyone — from a non-profit organization to a neighborhood association to a casual group — has the opportunity to enhance the street scape. Artists who have obtained neighborhood approval can also apply directly to the Program.

### **Project applicants are responsible for the following:**

- Submitting their proposed artwork to DPW at least one to two months before installation.
- Obtaining written approvals from the officially-registered neighborhood associations or relevant entities adjacent to the painted pavement.
- Identifying or requesting specific locations for painted pavement artwork and filling out the related paperwork.
- Providing DPW with proofs of artwork and ensuring that images are not copyrighted.
- Funding the project through grants, contributions, sponsorships, or private sources.
- Photographing the completed artwork and providing images to DPW.
- Maintaining the painted pavement as needed due to damage or vandalism.
- Providing proper safety measures during installation.
- Completing the project in a timely manner.

# Guidelines

Applications should be submitted to DPW at least one to two months before the artwork is to be painted on the street to ensure a proper review can be conducted. Questions can be directed to: [Kyle.Winling@cityoffortwayne.org](mailto:Kyle.Winling@cityoffortwayne.org)

When planning your project consider the following:

1. **Location:** Painted pavement artwork can only be done on residential streets that meet the guidelines established under Eligible Locations.
2. **Organizer:** Ideally it is a business or neighborhood association, but it could also be a nonprofit organization or an individual artist.
3. **Artwork:** Artwork must be non-distracting, original work, and cannot depict inappropriate images or advertise businesses or groups. Artwork shall be submitted to DPW for review of appropriateness.
4. **Material:** Water-Based, non-permanent “washable” paint, such as tempera paint can be used. Standard tempera paint is acceptable and will last a couple of weeks, whereas washable tempera paint will only last until the first rain.
5. **Cost:** Since the City will not provide materials, install the artwork, or compensate the artist, consider the costs associated with the design, painting materials and installation. Sponsorships for the artwork are welcomed.
6. **Coordination:** Make sure to have a person designated to coordinate with both the association or group that is sponsoring the artwork and the City during the planning, review and installation process.
7. **Acknowledgement:** Artwork may be sponsored by an association, business, non-profit group or otherwise. However, no lettering or company logos are allowed on the pavement.
8. **Design:** Crosswalks must be similar in nature to traffic standards including either 6” white lines or 24” bars. Adjustments may be needed in order to not confuse drivers or promote a false sense of security for pedestrian traffic.



## Application

Forms are included with this information packet and may also be found on the City of Fort Wayne's Traffic Engineering page.

<https://www.cityoffortwayne.org/publicworks/traffic-engineering.html>

All applications must be submitted in full. No partial applications will be accepted. A complete application consists of the following:

- Application Form
- Signed Memorandum of Understanding
- Artwork design in a digital copy or hard copy
- Signed letters of support from the appropriate registered neighborhood association(s), or business association. If there is no association, a petition of adjacent property owners as determined by the City must be submitted.
- Waiver of Rights for Artwork signed by the Artist
- City Hold Harmless Agreement

DPW will review all desired design drafts and has the authority to reject any design or artist that does not meet the Design Considerations of page 4. Under certain circumstances, instead of rejecting a design, DPW may ask the group to find a professional artist "mentor" to assist nonprofessional or inexperienced artists in executing their painted pavement design according to technical guidelines.

## Eligible Locations

Projects initiated by the public can only be located on public residential streets within the City of Fort Wayne. No projects will be considered at a traffic signal, State or County designated roads, or any roadway with 100' of an arterial street. School or trail crossings may be subject to approval.

Possible locations for artwork on residential streets are:

- Unmarked crosswalks
- Between the 6" white lines of a marked crosswalk, with 6" gap from the white lines
- Residential streets
- Residential intersections
- Mid-Block Crossings may require special approval

The link below lists the classifications of roadways within the City of Fort Wayne.

[https://www.cityoffortwayne.org/images/stories/public\\_works/doc/Traffic\\_engineering/Streets\\_By\\_Type.pdf](https://www.cityoffortwayne.org/images/stories/public_works/doc/Traffic_engineering/Streets_By_Type.pdf) 10-19-11.pdf

## Design Considerations

- Artwork should be original and high quality.
- Artwork should not include logos, text or advertise businesses or groups.
- Artwork should not create a three-dimensional effect or other optical illusion.
- Artwork should not include shapes or lines that could be confused with a traffic control device such as yellow triangle or red octagons.
- Consider that the design will be viewed from all directions.
- Since these will be in public view, review will consider appropriateness with cultural backgrounds, religion, and politics. Nothing offensive.
- If applicable, designs should consult the public art master plan recommendations.
- If the chosen location has existing crosswalk markings, 6" white lines or 24" bars, they cannot be covered up by the design.

All designs must be submitted to DPW for review of appropriateness to determine compliance with City Code, Program guidelines and will take into account the design in relation to the roadway configuration, traffic volume and size of the proposed location.

Applicant will need to have the artwork's artist sign a Waiver of Rights for Artwork within City Right of Way. This will allow for the use of photos of the artwork to be used by the City and to remove liability if the artwork should be damaged.



## Installation and Maintenance

- Applicants are responsible for all costs associated with supplies (paint, rollers, stencils, etc.), installation and maintenance of the artwork.
- No obstruction of public right of way, streets and sidewalks, for installation and maintenance without proper permitting from the Right of Way Office will be allowed.
- An approved traffic control plan is required to be in place while the street is closed to allow for a safe painting area, safety is most important.
- Non-Permanent, tempera type paint should also provide a non-slip surface and be non-reflective. Standard tempera paint is acceptable and will last a couple of weeks, whereas washable tempera paint will only last until the first rain. Materials used must be approved by DPW.
- Paint must be applied in a quality manner; spills, drips and messy edges must be cleaned up.
- Paint must be cleaned up and disposed of in an appropriate manner; no paint or contaminated water may be poured out in a location that leads to City storm sewers.
- Good surface preparation and materials will help ensure a longer life.
- If artwork is damaged or vandalized, applicant may be asked to repair or remove the artwork.
- If the chosen location has existing crosswalk markings, 6" white lines or 24" bars, the City may try to coordinate repainting them before the artwork is installed.



## Frequently Asked Questions (FAQ)

### **Q: How much will a painted pavement art project cost?**

**A:** It depends on the materials you choose, how large the artwork is, and what you decide to pay your artist. There is a \$35 permit fee to restrict or close the road while painting the pavement. One gallon of tempera paint costs approximately \$20, and covers approximately 300-400 SqFt

### **Q: What type of paint should be used?**

**A:** Water-Based, non-permanent paint. Do not use Traffic Paint or other permanent paint. Standard tempera paint is acceptable and will last a couple of weeks, whereas washable tempera paint will only last until the first rain.

### **Q: Will the Division of Public Works tell us what art we can paint on the pavement?**

**A:** No. Aside from the guidelines established in this packet, the submitting group is empowered to determine the designs that will be submitted to the DPW for review. Review may also be done in cooperation with the City of Fort Wayne Public Arts Commission.

### **Q: Is there artwork that is not allowed?**

**A:** Yes. Artwork shall not include advertisements, text, or logos etc. Artwork should not include shapes or lines that could be confused with a traffic control device such as yellow triangles, red octagons, or white arrows. Additionally, artwork cannot create a three-dimensional effect or other optical illusion which may confuse pedestrians or drivers.

### **Q: Could the Division of Public Works reject a design that we submit?**

**A:** Yes, in theory; but in practice the DPW will have been sufficiently involved in the pre-planning process before the application is submitted, so the designs will almost always be approved. The DPW may also make suggestions for improvement or ask for a redesign prior to approval.

### **Q: Does the City of Fort Wayne understand that these may be designs by community members, and not always professional artists?**

**A:** Yes, this is the understanding; nevertheless, there are certain minimum aesthetic and technical criteria that must be met.

### **Q: Why do we have to get neighborhood association or adjacent property owner approval if the artwork is on public property?**

**A:** The City wants to ensure that everyone with a stake in how the neighborhood looks and feels are given the opportunity to speak out before the project starts. We understand that not every design is going to please everybody, but we want to make sure that the artwork won't be suddenly destroyed because it is offensive or incompatible with the image an area neighborhood our group wants to present.

### **Q: Why do projects have to be located on residential streets?**

**A:** Projects on busier streets have more traffic wearing down the artwork faster and would require more complicated and costly traffic control measures. Using a low-volume street will make your project easier to install and ensure that you can enjoy your artwork longer.

**Q: What if the artwork is damaged or vandalized?**

**A:** Some fading and wear to artwork is expected since it is on the street and not permanent paint, so no general maintenance or repainting should be required. However, if the artwork is vandalized, the applicant will be responsible to repaint the artwork to its original condition.

**Q: Why do I need a traffic control plan and will barricades be provided?**

**A:** A traffic control plan must be approved as part of the road closure permit application through the Right of Way department. This is to ensure that the people working on the project in the street are kept out of harm's way during the installation. Small barricades can be requested when the road closure permit is submitted. Barricades will be dropped off unassembled and will need to be assembled and put in place by the applicant.

**Q: Where do we send pictures of completed projects?**

**A:** Please e-mail photos of completed artwork to [Traffic@cityoffortwayne.org](mailto:Traffic@cityoffortwayne.org).

**Q: How long will this crosswalk be allowed to remain on the street?**

**A:** Tempera paint will last for a few weeks, weather permitting. The program is intended to be a temporary measure for neighborhoods to initiate public art, promote the community, and potentially supplement the Community Led Traffic Calming Demonstration Program.

**Q: Can we use Permanent Paint?**

**A:** Initially, non-permanent paint will be the only allowable paint. Depending on the success of this Program and neighborhood involvement, the DPW may consider the installation to be a more permanent installation if no adverse conditions arise out of the painted pavement.

If an agreement for a permanent installation is agreed upon:

- Applicants are responsible for all ongoing maintenance of the artwork; including touch-ups, graffiti removal, repainting after significant deterioration, utility cuts or street maintenance.
- It is suggested that applicants check the artwork periodically for any kind of vandalism or wear and tear that may require maintenance.
- Whenever painting maintenance is performed a new road closure permit will need to be obtained through the Right of Way department.
- If the design is not modified, the artwork can be maintained for three years without resubmitting a Painted Pavement Art Program application.
- If the location has crosswalk markings, 6" white lines or 24" bars, the artwork may be altered when the markings are repainted by the City.
- If an issue arises from the painted pavement or it is not maintained, the City may request the applicant to remove the artwork.



**Application Form**

Group/Association Name: \_\_\_\_\_

Contact Person's Name \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

Contact Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Emergency contact phone: \_\_\_\_\_

**Location**

Address/Intersection of Painted Pavement Artwork

\_\_\_\_\_

\_\_\_\_\_

Business or Neighborhood Association \_\_\_\_\_

Application must also include:

- Photo depiction of the artwork
- A letter of request/support from the neighborhood association or business association that the Painted Pavement Artwork is located within. If there is no association, a petition of adjacent property owners as determined by the City must be submitted.
- Signed Memorandum of Understanding
- Waiver of Rights for Artwork signed by the artist
- Hold Harmless Agreement





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**Memorandum of Understanding**

- The artwork is original or not copyrighted
- The affected “Association” has approved the location and design as submitted
- The applicant will send a photo of completed artwork to [Traffic@cityoffortwayne.org](mailto:Traffic@cityoffortwayne.org)
- The applicant understands that if the artwork is damaged or vandalized, the City is not liable and may request the artwork to be repainted or removed
- The applicant understands that fading and deterioration are expected and that the artwork will only last a couple of weeks.
- The applicant understands that the artwork may be damaged due to construction or utility cut, if so, the City or contractor is not required to repair the damage
- The applicant is responsible for all necessary safety measures during installation and maintenance of the artwork while working within the public right of way
- A road restriction permit will be required every time work is performed on the painted crosswalk artwork
- The applicant understands that if there are damages to City infrastructure due to installation, they may be liable for repairs
- The applicant understands that they are responsible for all clean-up on city streets

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Waiver of Rights for Artwork within City Right of Way

Artist has designed a work of visual art for consideration of placement within City Right of Way.

Artist's Name: \_\_\_\_\_

Title of Work: \_\_\_\_\_

Description of Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Location of Work: \_\_\_\_\_

Dimensions: \_\_\_\_\_

Artist agrees to voluntarily waive all rights to attribution and integrity with respect to the above described Work any and all claim as may arise under the Visual Artists Rights Act of 1990, 17 U.S.C. Section 106A and 113(d), and any other local, state, or international laws that conveys the same or similar rights.

The City of Fort Wayne, its agents, contractors, or officers have absolute right to change, modify, destroy, remove, relocate, replace, transport, repair or restore the Work located in the City right of way in whole or in part, at the City's sole discretion.

The City has no obligation to pursue claims against third parties for modifications or damage to the Work done without the City's authorization.

If the City modifies the Work without the Artist's consent in a manner that is prejudicial to the Artist's reputation, the Artist retains the right to disclaim authorship of the Work in accordance with 17 U.S.C. Section 106A(a)(2).

Artist understands the effects of this waiver and hereby acknowledges that the Artist is surrendering the rights described herein with respect to the Work.

\_\_\_\_\_  
Artist Signature

\_\_\_\_\_  
Date



**CITY OF FORT WAYNE  
HOLD HARMLESS RELEASE**

Name of Person Giving Release (your name): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

Phone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Party Released: City of Fort Wayne, its agents and employees including Managers, Directors and Officers, administration, faculty and staff, boards and commissions. For good and valuable consideration, receipt of which is hereby acknowledged.

Release: I release and give up all claims, including claims for negligence, I now have or may have in the future against the Party Released arising out of my participation in the following volunteer/community service activity:

Name of activity: \_\_\_\_\_

I also understand that the volunteer activity set forth above is undertaken by me on a completely voluntary basis. I make this decision by choice and my participation in this activity is undertaken knowing that certain risks may be involved. These risks include, but are not limited to, property loss or damage and physical or emotional injury, temporary or permanent, and death. I recognize that the locations in which I am working can be dangerous, in day or in night, and I voluntarily assume the risk of these dangers by choosing to participate in the activity. I understand that the City of Fort Wayne does not assume any risk or liability due to my participation in this activity. I understand this release applies to all claims for property loss, injury or illness, or death or any other damages suffered by me, now or in the future, whether suffered in transport to the activity or during the activity itself.

Binding: This release binds me, my heirs and personal representatives. I understand that it benefits the heirs, personal representatives or successors and assigns of the Party Released.

Signed: Before signing my name to this Release, I state that:

1. I have read it.
2. I understand it and know that I am giving up important rights.
3. I sign it freely as my own act and deed, and
4. I intend to be legally bound by it.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent/legal guardian if student is under 18 years of age      Date

Addendum: I certify that I am covered by an independent health insurance policy.

Policy #: \_\_\_\_\_ Carrier: \_\_\_\_\_