



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

ANNEX VI – JOINT SIMA – SLT RESOLUTION



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

Joint SIMA/SLT Resolution 001 of September 11, 2020

Sets forth implementation, management and operating parameters, preferably concerning the concession model for use of the Highway SP-148 stretch - denominated Caminhos do Mar Parkway, pursuant to the terms of State Decree No. 53.146 of June 20, 2008.

Whereas Decree No. 65.166 of September 2, 2020, which authorizes the State Treasury to receive from the State Highway Authority - DER, by means of a concession of use, free of charge and for a term of 32 years, the property specified by it, and provides related measures;

Whereas current visitation to CAMINHOS DO MAR entails historical and cultural attractions located on the banks of Highway SP-148, also known as “Estrada Caminhos do Mar” (hereinafter, “Caminhos do Mar Road”) or “Estrada Velha de Santos” (“Old Santos Road”);

Whereas the Caminhos do Mar Parkway route comprises part of the history of the State of São Paulo and of Brazil, and additionally boasts important landmarks, such as Calçada do Lorena Road, the first cobblestone-paved road connecting the coast to the plateau, and which Emperor Dom Pedro I used to travel up the mountain and proclaim the Independence of Brazil in 1822, as well as being home to Pouso de Paranapiacaba (Paranapaciaba Resting Place), Rancho da Maioridade (Maioridade Ranch), and the Belvedere Circular Monument, built on the Centenary of the Independence of Brazil;

Whereas the descending stretch of Highway Sp-148 has, since 1985, been closed to vehicles in general, except for those duly authorized, and whereas the Metropolitan Region of São Paulo and the Baixada Santista are now successfully adjoined by the Anchieta-Imigrantes System in the municipalities of São Bernardo do Campo and Cubatão;

Whereas the Caminhos do Mar Parkway has a cultural, historical and environmental heritage with the potential of turning into an ecotourism center, which houses a precious natural heritage reminiscent of the Atlantic Rain Forest biome, in addition to other attractions located at Serra do Mar’s Itutinga-Pilões Nucleus;

Whereas Caminhos do Mar Parkway is currently acknowledged as an area of environmental interest, and no longer merely as a road, offering tourist routes to visitors seeking to enjoy nature, leisure, sports and cultural activities;

The State Secretaries for Infrastructure and Environment, and of Logistics and Transportation; and

Whereas the provisions of State Decree No. 53.146 of June 20, 2008, which define implementation and operating parameters for the stretches of the roads located within State of São Paulo’s integral protection conservation units, determine the following:

Article 1 – This Resolution hereby sets forth the minimum parameters and conditions to be fulfilled for implementing, managing and operating the Caminhos do Mar Parkway, corresponding to the stretch located between kilometers 38+100 and 50+700 of State Highway SP-148, located within the grounds of Serra do Mar State Park’s Integral Protection Conservation Unit in its Itutinga-Pilões Nucleus, and which is an integral part of Caminhos do Mar State Park itself, in accordance with State Decree No. 65.166 of September 2, 2020, preferably under the modality of concession for use of a public asset, and with the purpose of carrying out the economic exploitation of ecotourism, leisure, sports, awareness

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and environmental education activities, among others, under the terms of the Concession Contract.

Paragraph 1 - Activities and facilities, as well as exploitation of the area where the stretch of Highway SP-148 is located, under the limits specified in the *caput*, shall be developed, preferably by a concessionaire to be contracted following regular bidding proceedings aimed at granting use of Caminhos do Mar.

Paragraph 2 - The concession for use addressed hereunder shall not be mistaken for any type of highway-related public service concession, additionally not denoting in any way whatsoever exploitation of public transport services or providing access to the highway system potentially connected to Highway SP-148.

Article 2 – To execute and fulfill the guidelines set forth under State Decree No. 53.146 of June 20, 2008, the Concessionaire that takes on Caminhos do Mar's operations and maintenance obligations shall devise the following Plans:

I – Implementation Plan: document describing and guiding all measures to be taken aimed at preventing, mitigating and amending environmental impacts resulting from the implementation of assets, activities, services and construction works within the Concession Area, including, as a minimum, the following items, and notwithstanding those designated in article 3, paragraph 1 of State Decree No. 53.146 of June 20, 2008:

1. Attributes specific to the highway stretch, focusing on describing the road plan, slope and embankment containments, main road, bicycle and pedestrian paths, scenery viewpoints, stop points, occupation of the right-of-way, guardhouses and signaling, as applicable;
2. Description of proposed facilities and construction and renovation works to be carried out on the asset granted, signaling the estimated period of completion, the construction site's general attributes, as well as its potential requirement for environmental licensing or securing any other permits with historical or cultural heritage entities;
3. Description of safety measures needed for carrying out activities submitted in the Plan;
4. Description of maintenance measures for historical monuments within the perimeters of the concession;
5. Description of safety measures planned for each activity, asset or facility of the asset granted, pursuant to the need and types of economic exploitation planned by the Concessionaire; and
6. Contingency plan for potential incidents during the implementation stage foreseen under the Plan.

II – Management and Operation Plan: document guiding and determining management and operation conditions for the Parkway, including, as a minimum, the following items, notwithstanding those designated in Article 4 of State Decree No. 53.146 of June 20, 2008:

1. Description of activities expected to take place at the granted asset, particularly those relating to use of Highway SP-148, including hosting events, competitions, sports races and filming sessions;
2. Criteria for managing and operating the concession, submitting, most importantly, descriptions of vehicles that will be allowed to transit on Highway SP-148, grouping them into categories according to use/demand, as well as designating times, locations and speeds permitted for each vehicle that the Concessionaire intends on using or authorizing to transit on Highway SP-148;
3. Description of operational safety measures to be implemented for each approval of activity and/or transit of vehicles at Highway SP-148;

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4. Description of lowest environmental impact, safety, risk and contingency measures for hosting events, competitions and sports races;
5. Contingency measures foreseeing potential incidents throughout operations of the asset granted and events.

Paragraph 1 - The Implementation and Management and Operation Plans shall be devised by the Caminhos do Mar Concessionaire, pursuant to this Resolution, and submitted to the Secretariat for Infrastructure and Environment for granting of its Non-Objection, within a maximum term of 60 (sixty) days, effective the date of execution of the Contract, under the terms specified in the Concession Contract.

Paragraph 2 - The Implementation and Management and Operation Plans shall be disclosed by the Secretariat for Infrastructure and Environment to the Secretariat for Logistics and Transportation, which shall make any statements necessary within the term of 30 (thirty) days, for purposes of carrying out requested adjustments or submitting justifications, whereas it shall submit, within the same term, Plans for a new appraisal.

Paragraph 3 – The Caminhos do Mar Concessionaire shall have the option of permitting or banning recreational vehicles from transiting on the Highway SP-148 stretch that is the object of this Resolution, while fulfilling the provisions of article 1, paragraph 2, and should it decide in favor of allowing vehicles on the stretch, the Concessionaire shall be in charge of deploying any and all safety measures it deems necessary, which shall fulfill, at the very minimum, all applicable technical standards, as well as being accountable for any and all damages or accidents that happen on the highway stretch in question, resulting from the observance of flaws in safety procedures used.

Paragraph 4 - Official vehicles in duty, such as those of the Forest Foundation, EMAE, DER and Military Police, or others specified in the Management and Operation Plan, are permitted to transit on the Highway SP-148 stretch that is the object of this Resolution, provided they are duly identified.

Paragraph 5 – The Concessionaire shall be responsible for notifying users on risks pertaining to the wide host of activities developed and planned for Caminhos do Mar.

Paragraph 5 - Should the Concessionaire plan on allowing filming to take place on the grounds, as well as sports events, races and sports competitions in general using the Highway SP-148 stretch, it shall anticipate and describe all minimum conditions and parameters required for hosting said events, races or competitions in the concerning Implementation and Management and Operation Plans, signaling all minimum measures and conditions to be deployed for carrying out said events, while upholding the guidelines of article 2, subsections I and II of this Resolution and of State Decree no. 53.146 of June 20, 2008.

Paragraph 6 - Non-Objection concerning the Caminhos do Mar Implementation and Management and Operation Plans, under the terms of this Resolution, does not remove or hold the Concessionaire harmless in regard to any of its legal responsibilities of checking with or securing approvals with other competent agencies or entities, whether public or private, for hosting events, competitions or sports races.

Paragraph 8 - Non-Objection does not remove or hold the Concessionaire harmless in regard to any of the responsibilities stemming from the activities addressed hereunder.

Paragraph 9 - Under no circumstances whatsoever shall the Granting Authority, the State Secretariat for Infrastructure and Environment, the State Secretariat for Logistics and Transportation and other agencies and entities linked to them be deemed liable for any damages caused by the Concessionaire, whether through its act or omission, fault or willful misconduct, be it towards users, third parties, the Granting Authority, to the environment and/or the historical and cultural heritage, as well as any and all damages that may result from the performance of its duties as the Caminhos do Mar Concessionaire.



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Paragraph 10 - The Concessionaire shall be solely and exclusively liable for all damages caused resulting from approvals granted for vehicle traffic on Highway SP-148, at the grounds covered by Caminhos do Mar, as long as the concession for use of the public asset specified hereunder is in force.

Article 3 – The State Secretariat for Infrastructure and Environment, directly or jointly with the Forest Foundation, pursuant to the form established under the Concession Contract, shall be responsible for overseeing the terms and conditions set forth hereunder, including in regard to the receipt, evaluation and granting of the No-Objection to the Plans that are the object of this Resolution.

Paragraph 1 - The State Secretariat for Logistics and Transportation may request information to the State Secretariat for Infrastructure and Environment regarding the fulfillment of this Resolution, and may, in this case, convey any and all considerations and recommendations that it deems relevant.

Paragraph 2 - The Secretariat for Infrastructure and Environment may request technical support from the Secretariat for Logistics and Transportation to, whether directly or by means of its associated entities and institutions, assess, comment on or settle differences or doubts pertaining to matters under its realm of competence.

Article 4 – The Concessionaire shall be responsible for devising annual activity reports, and shall submit them to the Secretariat for Infrastructure and Environment, basing these reports on the current Implementation and Management and Operation Plans.

Article 5 – Costs stemming from implementing Plans established hereunder shall only burden the Caminhos do Mar Concessionaire in charge of devising and implementing them.

Article 6 – The Joint Resolution shall come into force effective its date of publication.