



CITY OF SAN JUAN BAUTISTA

P.O. Box 1420, 311 Second Street
San Juan Bautista, CA 95045

PUBLIC WORKS DEPARTMENT

Phone: (831) 623-4661
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ENCROACHMENT PERMIT

An encroachment permit is required when the City's Lands (City Street Right of Ways and/or Easements) is used in a way that prevents, obstructs, or interferes with its normal use. Encroachment permits are usually required for construction activities that take place on/in public lands or easements such as in streets, sidewalks and utility easements.

This is an application for a permit only. It is the City's desire to process all applications within one week, but additional time will be required for complex or unusual circumstances. All items must be included in the application in order for it to be deemed complete and for the application to be processed. Failure to include the requested items may result in a delay of the application process.

Construction Review and any additional Processing Costs will be determined by the City, and shall be paid to the City of San Juan Bautista before Encroachment Permit is issued. (see General Conditions of Approval 30)

APPLICATION REQUIREMENTS:

- Required Initial Application Processing Fee (see attached Condition Approval item #30). (Additional fees for permit processing and construction review may be charged)
- Site plan (drawn to scale) showing the following:
 - The type and location of the work to be accomplished in the public right of way; and why the encroachment permit is necessary
 - The name and location of the streets and major intersection in the area
- Vehicle Traffic Control and Pedestrian Diversion Plan (drawn to scale) showing the following:
 - Existing and proposed vehicle and pedestrian routes
 - Safety equipment (barricades, cones, arrows boards, signage, etc) all Traffic Control shall be to City and Caltrans Standards.
- Estimated Costs for proposed Encroachment Activities (Work and Improvements associated with Encroachment Permit).
- Bonds or Security Deposit (if applicable, see General Conditions of Approval 31)
- Answers to the following questions:

Permittee's Name and Email: _____

Address: _____

Phone: _____

Estimated Time to Complete: _____

Emergency 24 hr phone number is required

Contractor's Name and Email: _____

Contractor's State License Number: _____

Address: _____

Phone: _____

Signature of Permittee or Authorized Representative requesting Encroachment Permit and Accepting Encroachment Permit General Conditions of Approval:

Print Name _____	Title _____	Date _____
Signature _____		

CITY OF SAN JUAN BAUTISTA
ENCROACHMENT PERMIT
GENERAL CONDITIONS OF APPROVAL

The following are general requirements for work within all public street or utility easement areas. The Permittee also must comply with all the terms, conditions, rules and procedures of the Encroachment Permit, City Encroachment Permit Ordinance, Encroachment Permit, and the City's Standard Specifications and Details (Note: San Juan Bautista has adopted by reference the City of Hollister Engineering Design Standards, Standard Specifications and Standard Plans, latest edition).

- 1) **Encroachment Permit Compliance Required.** No person shall make a right-of-way encroachment or cause any street cut to be made without having secured an Encroachment Permit two (2) working days in advance of the date specified to begin work except when an emergency street cut is necessary. All work shall be performed in strict compliance with the terms and conditions of this permit.
- 2) **Failure to Comply.** Failure to comply with the requirements of this permit may result in one or more of the following:
 - a) City Engineer may order immediate suspension of work until compliance is resolved.
 - b) Should the Permittee or the Permittee's contractor fail to correct the non-compliances, the City Engineer may cause removal and replacement of deficient work and/or completion of work to bring the project into compliance at the Permittee's expense.
 - c) The City Engineer may cause traffic controls to be set, as deemed necessary by the City Engineer, at the expense of the Permittee.
 - d) If the City Engineer deems emergency repairs necessary, he or she will attempt to notify the Permittee. If the Permittee cannot be contacted or fails to respond in a timely fashion, the City Engineer shall cause the work to be done at the Permittee's expense.Where corrective work described above is ordered by the City Engineer, the cost of that work shall be charged to the Permittee on a Labor, Equipment and Materials basis plus overhead to reimburse the City for its actual costs.
- 3) **Notification.** The Permittee shall notify the City at least two (2) working days prior to start of work and at that time shall provide a project schedule. Permittee shall notify the Police Department if the work may impede the passage of emergency vehicles
- 4) **Emergency Street Cut.** A permit for an emergency street cut shall be secured not later than the working day immediately following the emergency street cut. If the emergency street cut is performed during business hours, the Permittee shall attempt to reach the City Engineer by telephone in advance of the work.
- 5) **Time Extension.** If the completion/expiration date stated on the permit will be exceeded, the Contractor must apply for an extension. The extension may be approved by the City Engineer, and shall be indicated on the permit.
- 6) **Construction Review.** Work shall be inspected as indicated on the permit. Uninspected work shall be removed as deemed appropriate by the City Engineer. To request an inspection, call (408) 842-2173 at least one (1) working day in advance of requested inspection time. Inspection shall be scheduled Monday through Friday, except holidays, from 8:15 A.M. to 4:15 P.M.
- 7) **Underground Alert.** The Permittee must telephone Underground Service Alert (USA) at (800) 227-2600 to verify utility locations at least two (2) working days prior to any excavation. Failure to do so shall result in issuance of a Stop Work Notice. Permittee is responsible for all utility relocations.

- 8) **Unknown Underground Facility.** If an unknown underground facility is encountered, work shall cease immediately and both the City Engineer and the utility believed to own the facility shall be notified. Work shall not proceed until permission is granted by the City Engineer.
- 9) **Posting.** The Permittee must keep the signed permit at the worksite or on the premises of the encroachment at all times.
- 10) **Emergency Call-out.** A Permittee shall provide a 24-hour emergency telephone number on the application and shall display its company name and emergency telephone number on its barricades. Failure to respond to an incident promptly shall require corrective measures by the City, the cost of which shall be borne by the Permittee.
- 11) **Other Regulations.** It is the Permittee's responsibility to comply with all City laws and regulations and to obtain all necessary permits. Such laws, regulations and permits include, but are not limited to, the City Business License, Americans with Disabilities Act (ADA) and Division of Occupational Safety & Health standards.
- 12) **Public Safety.** The Permittee shall furnish, erect, and maintain barricades, lights, signs, flagmen, fencing, and other safety measures to give adequate protection to the public at all times. Failure of the Permittee to set required warning devices may result in a project shutdown, and charges to the Permittee for costs incurred by the City.
- 13) **Vehicle & Pedestrian Traffic.** The Permittee shall follow Caltrans standards for traffic control. The Parking of any construction-related vehicles or storage of any material is not allowed on a public street or sidewalk unless approved in advance by the City Engineer.
- 14) **Travel Lane & Sidewalk Closures.** The Permittee shall provide access to all areas in the vicinity of the encroachment and shall provide necessary temporary sidewalk and warning signs. The Permittee shall assure that all City streets, travel lanes and sidewalks remain open at all times unless a traffic control plan has been approved in advance by the City Engineer or his or her representative. A traffic control plan shall be submitted to the City Engineer or his or her representative for review and approval at least five (5) working days prior to the date of any requested for closure. The approval of the traffic control plan must precede notification of closure. The City Engineer shall be notified of any closure date and its duration at least five (5) working days in advance of closure.
- 15) **Construction Staging Areas.** Proposed locations of construction staging areas shall be approved by the City Engineer. Any construction staging area proposed outside of the public right-of-way shall be disallowed unless the Permittee has secured the prior written approval of the owner.
- 16) **Site Maintenance.** Work areas shall be maintained in a neat, clean and safe condition at all times. Debris shall be removed daily. The site shall be treated for dust control as necessary. Dirt tracked from the work site shall be cleaned from City streets, curbs, gutters, and sidewalks. The flushing of dirt and debris to storm drain or sanitary sewer facilities is strictly prohibited. The Permittee shall employ construction practices which will prevent pollutants such as mud, silt, chemical residue, and washings from concrete and saw-cutting from entering storm drains. The site shall be properly secured during non-work hours.
- 17) **Excavations.** All excavations and trenches created in existing concrete or pavement shall be neatly saw cut. Trench spoils shall be removed from the job site. Backfill shall consist of sand or approved granular material compacted to 95% Relative Compaction. Excavations within the public right-of-way shall be backfilled, compacted, and temporarily paved with cold mix "cut back" type A.C. prior to 4:00 P.M. to allow for vehicular and pedestrian traffic. The use of non-skid trench plates is allowed, provided the Contractor covers all edges of the plates with cold mix material. It shall be the Permittee's and the Contractor's responsibility to maintain on a daily basis, including weekends and holidays, the amount of material necessary to maintain the trench surface flush with the existing street or sidewalk. In addition, the Contractor shall respond to and correct shifting trench plates regardless of the time of day. If Contractor fails to correct sinking backfill material or shifting trench plates in a timely manner, City reserves the right to correct the problem at the expense of the Contractor. All trenches shall be fully restored within ten (10) days of first street cut.

- 18) **Street Cuts.** The Permittee shall use boring and jacking as an alternative to open cut of streets if required by the City Engineer. No street pavement shall be cut unless specifically approved in writing pursuant to an Encroachment Permit.
- 19) **Surface Restoration (Pavement, Curb, Gutter, Sidewalk, and Driveway):** Method of excavation and surface restoration including but not limited to Pavement, Curb, Gutter, Sidewalk, and Driveway Restoration shall be according to the San Juan Bautista Standards, except as modified by Special Provisions on Permit.
- 20) **Hazardous Materials.** The Permittee is responsible for satisfying all applicable procedures and regulations in the event hazardous materials are encountered. This includes notification to emergency phone number 911.
- 21) **Monument Preservation.** Location of Monuments shall be tied out prior to work. Any City monument damaged, displaced, or destroyed by Permittee's work shall be replaced by Permittee at Permittee's sole expense.
- 22) **Removal of Markings.** All sidewalk and/or pavement markings painted by Underground Service Alert (USA), utility companies, or Permittee shall be removed to the satisfaction of the City Engineer within ten (10) working days after completion of construction.
- 23) **Work Hours.** All work in the public right-of-way is restricted to non-holiday weekdays 8:00 A.M. to 5:00 P.M. except if agreed to by City Engineer.
- 24) **Traffic Striping and Pavement Markings.** Any traffic striping and/or pavement markings damaged or destroyed by Permittee's work shall be replaced by Permittee to the satisfaction of the City Engineer at Permittee's sole expense. The Permittee is responsible for furnishing a completed Certificate of Insurance.
- 25) **State and City License.** All work shall be done by a Contractor and/or subContractor with appropriate State Contractor's license(s) to do work. All Contractors including subcontractors shall have a current City Business License. All Contractors and/or subcontractors shall be able to provide a Certificate of Insurance, including endorsement, with a recommended \$2,000,000 General Liability policy naming the City of San Juan Bautista, and Hanna & Brunetti as an "Additional Insured" on the policy.
- 26) **Indemnification.** To the fullest extent permitted by law, Permittee shall defend through counsel approved by City (which approval shall not be unreasonably withheld,) indemnify and hold harmless City, its officers, representatives, agents and employees against any and all suits, damages, costs, fees, claims, demands, causes of action, losses, liabilities and expenses, including without limitation attorneys' fees, to the extent arising or resulting directly from or indirectly from any act, errors or omissions of Permittee or Permittee's assistants, employees or agents, including all claims relating to the injury or death of any person or damage to any property
- 27) **Permit Commencement and Duration.** This Permit is valid for ninety (90) days from date of issuance unless stated otherwise in the Permit. This Permit will become void if work is not begun within sixty (60) days from date of issuance. Final inspection and acceptance of work shall close this Permit.
- 28) **Two-Year Warranty.** The Permittee shall assume a two (2) year warranty period from the date of acceptance for all material and workmanship for all work performed under this Permit in the City right-of-way. Between thirty (30) and forty-five (45) days after notice of completion, the Permittee shall check for trench settlement and make necessary adjustment, if any, and then call for an inspection. Permittee shall be released two (2) year after completion notice from all requirements to maintain trench pavement and patches.
- 29) **Additional Conditions**
 - a) Design and construction of the encroachment that is the subject of this Permit shall be coordinated with City Engineer, San Juan Bautista Staff, and all affected utilities.
 - b) Schedule of Work shall be updated weekly.
 - c) Work site(s) shall have full-time Site Superintendence.
 - d) 24-hour emergency phone numbers shall be updated as changes occur.
- 30) **Application Processing Fee and Construction Review Costs.** The Encroachment Permit Application and related Construction Activities require review to ensure that proposed work is performed to the Conditions of Approval, Special Provisions on Permit, and to City Standards.

The Permittee shall deposit with the City a fee for Processing Application, and (if required) a deposit for Construction Review prior to any encroachment activity.

The INITIAL APPLICATION PROCESSING FEE shall be based on the following table

Location and Estimated Costs of Encroachment Permit Activities (Estimated Cost of Work & Improvements)	Encroachment Permit Initial Application Processing Fee
Along Frontage of Applicant's Lands and Estimated Cost Less than \$4000	Application Fee of \$50
Along Frontage of Applicant's Lands and Estimated Cost Greater than \$4000	Application Fee of \$50 plus 2% of Estimated Costs of Encroachment Activities
In City Lands Not Along Frontage of Applicants Lands	Application Fee of \$150 plus 3% of Estimated Costs of Encroachment Activities

Additional Application Processing Fees may be charged for incomplete submittals, or changes to initial application submittal. Additional fees shall be on a time and materials basis.

The CONSTRUCTION REVIEW FEE, initial deposit shall be based on the following table

Location and Estimated Costs of Encroachment Permit Activities (Estimated Cost of Work & Improvements)	Deposit for Construction Review
Along Frontage of Applicant's Lands and Estimated Cost Less than \$4000	If Construction Review is required, \$50 plus 5% of Estimated Costs of Encroachment Activities
Along Frontage of Applicant's Lands and Estimated Cost Greater than \$4000	\$150 plus 5% of Estimated Costs of Encroachment Activities
In City Lands Not in Frontage of Applicants Lands	\$250 plus 6% of Estimated Costs of Encroachment Activities

All Construction Review shall be on a Time and Materials Basis and/or if the Encroachment Permit Activities are not performed to the Conditions of Approval, City Standards, Special Provisions on Permit, and/or are not acceptable for other reasons, the work/improvements shall be removed and replaced and additional Fees shall be deposited to the City to cover additional processing and/or construction review costs, as determined by the City Engineer or Manager.

- 31) **Bonding.** On all Projects where the Estimated Costs for the Encroachment Permit Activities is greater than \$4,000, the Permittee is responsible for furnishing security or a performance bond to be executed in the face amount not less than one hundred percent (100%) of the total construction cost.
- 32) **Acceptance.** The Permittee's acceptance of this Permit shall constitute acceptance of and agreement to all of the conditions and requirements of this Permit and the ordinance authorizing issuance of such permit. Permittee's acceptance of this Permit acknowledges that it is revocable by the City of San Juan Bautista, and that upon notification of revocation Permittee shall remove the encroachment at Permittee's own expense, without cost or obligation to the City. The Permittee acknowledges that the Permittee is subject to, and must comply with, all sections of the City Code.