

CITY OF EL CERRITO ENCROACHMENT PERMIT CONDITIONS

General -

1. Permittee shall call the Engineering Division at (510) 215-4382 at least 72 hours prior to the start of construction. This also applies to restart of the job when closed down by rain or other reasons for more than ten (10) working days.
2. Permittee shall schedule inspections with the Engineering Division at (510) 215-4382 at least 72 hours prior to need as follows:
 - a. **Sidewalk, Driveway, Curb and Gutter and Other Concrete Work – Pre-pour and Final**
 - b. **Street Excavation – T-Cut and Final**
 - c. **Trees – Installation and Trimming/Removal**
3. Permittee shall begin the work or use authorized by this permit within 30 calendar days from date of issuance, unless a different period is stated in the permit. If the work or use has not begun accordingly, then the permit shall become void.
4. Permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time and according to the terms specified in the permit. If the work is unduly delayed by the permittee and if the interest of the public reasonably so demands, the City Engineer shall have authority to complete the work or any portion thereof. The actual cost of such work by the City, plus twenty percent as an overhead charge, shall be charged to and paid by the permittee or his surety.
5. Permittee shall keep this permit at the work site and the permit must be shown to any authorized representative of the Public Works Department or law enforcement officer upon demand.
6. Permits shall be issued only to the person submitting application and, therefore, may not be assigned to another person or location by the permittee. If any permittee assigns his permit to another person or another location, the permit shall become void.
7. Permittee will hold the City of El Cerrito and its officers and employees harmless from, and indemnify them against, all claims, liability and loss, and in particular from and against all such claims, liability and loss predicated on active or passive negligence of the City of El Cerrito resulting directly or indirectly from operations under an issued encroachment permit. This hold harmless obligation shall not terminate during the life of the permit. The permittee shall inform himself as to the existence and location of all underground facilities and protect the same against damage. The permittee shall not interfere with any existing utility without the written consent of the City Engineer and owner of the utility. If it is necessary to relocate an existing utility, such relocation shall be done by the owner. No utility owned by the City shall be moved to accommodate the permittee, unless the cost of such work is borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee, unless other contractual arrangements are made. The permittee shall support and protect all pipes, conduits, poles, wires, or other underground structures affected by excavation work, and shall inform the owner if any damage occurs to such facilities during the conduct of the work. All repairs, including replacement of protective pipe coatings, shall be made by the owner of the damaged facilities, unless other arrangements are made. The expense of repairs of any damage shall be charged to the permittee. If any claim of such liability is made against the City of El Cerrito, its officers or employees, the permittee shall defend, indemnify and hold each of them, harmless from such claim.
8. The applicant must file with the City Engineer a bond or a cashier's check (as determined by the City Engineer) payable to the City of El Cerrito in an amount set forth in the Master Fee Schedule. Upon satisfactory completion of all work, the bond or cash deposit shall be released except that the Bond for a street cut will be held for a period of one (1) year. In the event of noncompliance, the City may deduct from the cash deposit the actual cost incurred by the City pursuant to the El Cerrito Municipal Code. In the event of a bond having been posted, the City may proceed against the surety and principal for the actual cost to the City, plus twenty percent (20%).
9. Any encroachment permit may be revoked at any time at the option of the City Engineer, whenever:
 - a. It appears to the City Engineer that the continuing allowance of the encroachment, whether because of changed conditions or otherwise, interferes with full, adequate or safe public use of the right-of-way or watercourse involved; and/or
 - b. The permittee fails to comply with or violates any City Ordinance, City standards, safety regulations, or any condition of issuance of the permit.
10. Upon revocation of the permit, the permittee shall immediately restore the public right-of-way or watercourse to a condition as required by the City Engineer. If the restoration is not completed within the time specified by the City Engineer, the City may take any and all necessary action so required to restore the right-of-way or watercourse. Any and all costs incurred by the City for enforcement of this Section shall be at the expense of the permittee. Costs incurred by the City will be deducted from any deposits and/or bonds posted by the permittee and, if necessary, recovered by legal action.
11. Permittee shall perform work in a neat and workmanlike manner and so programmed as to cause the minimum of interference with traffic and inconvenience to the public. Reasonable access shall be provided to all mailboxes, fire hydrants, watergates, valves, manholes, drainage structures or other public service structures and property.
12. **Hours of Work** – The hours of work within the public right-of-way shall be 8:00 a.m. to 5:00 p.m. Monday - Friday (excluding holidays) or as directed by the City Engineer. Work on days other than regular work days requires additional compensation for overtime inspection and written approval from the City.
13. **Excavation Notification – Notify Underground Service Alert a minimum of 48 hours prior to any excavation at (800) 227-2600 to verify underground utility locations. Additionally, notify the City at 510-215-4382 at least 48 hours before digging if there are any City facilities (storm drain manholes or inlets, traffic signals, streetlights, etc.) in the vicinity of the trench work. Regardless of providing the above notifications, no excavation shall be performed within the vicinity of any City facility without the advance approval of the City Inspector. Contractor will be strictly liable for damage to any City facility regardless of satisfying the above notification requirements.**

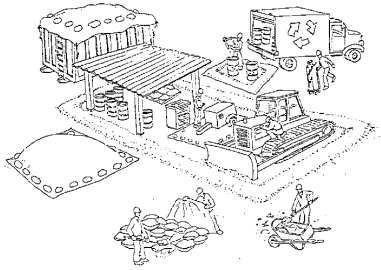
14. **City Standards** – All work performed under this permit is to be in accordance with the standard plans and specifications of the Public Works Department of the City of El Cerrito subject to the inspection and approval of the City Engineer. Construct all sidewalks, driveways, and curb and gutter according to City Standard Details. Repair street cuts per the City Standard Detail or as directed by the City for streets with an excavation moratorium.
15. **Changes** – No changes may be made in the location, dimension, character or duration of the encroachment or use as granted by the permit except upon written authorization of the City Engineer.
16. **Other Permits** – The granting of the permit does not relieve the applicant of the responsibility of obtaining any other permit required by other public or private agencies, or individuals, i.e. Stege, Corps of Engineers, Dept. of Fish and Game, etc.
17. **Business License** – Any individual or corporation contracting the work within the City of El Cerrito is required to have a current City business license.
18. **Safety** – All site safety measures are the permittee's responsibility, including providing, erecting, and maintaining all warning signs, lights, barriers, or other devices necessary for the protection of all persons and property. When required for public safety, the permittee shall give notice of the proposed work to the police and fire departments of the City.
19. **Traffic Control** – All work within public roadways requires temporary traffic control for vehicles, bicyclists and pedestrians in accordance with the California Manual on Uniform Traffic Control Devices. While working on a city street, at least one 10-foot wide traffic lane shall be open at all times. At all other times, two 12-foot wide lanes shall be open.
20. **Parking Restrictions** – Permittee shall post No Parking signs, when required, 72 hours in advance on barricades spaced a maximum of 100 feet apart.
21. **Truck Routes** – Permittee shall conform to City truck routes. Permittee shall apply for a Transportation Permit from the City and, if necessary, the State for the movement of vehicles/loads exceeding statutory limitations on the size, weight, and loading of vehicles contained in Division 15 of the California Vehicle Code.
22. **Transport of Soil or Rock** – Permittee shall obtain a permit from the City for transport of any soil or rock in excess of fifty cubic yards.
23. **Access** – Access to driveways and pedestrian paths of travel for businesses and residences must be maintained at all times.
24. **Erosion and Sediment Control** – Comply with the requirements and best management practices as required by the State of California Regional Water Quality Control Board and the City's National Pollutant Discharge Elimination System (NPDES) Permit. Place erosion control measures on or before October 15 and maintain them continuously through April 15. This includes protection of all catch basins within the vicinity of construction and maintenance of existing flow line along the curb and gutter
25. **Job-site Cleanliness** – Control dust and keep adjoining streets and private drives clean of project dirt, mud, materials and debris, to the satisfaction of the City. Remove construction debris at the end of each work day. Residues from stockpiles (soil, gravel, sand and excess materials) shall be cleaned using methods approved by the Engineering Inspector prior to start of work.
26. **Existing Improvements** – Permittee shall protect all existing improvements. Permittee shall be solely responsible for the replacement, repair and restoration of any existing improvements that are damaged or removed during the course of construction, as directed by the City. This includes, but is not limited to, landscaping, irrigation, fences, structures, and conduits.
27. **Temporary Paving** – Temporary paving of a minimum of two (2) inches of asphalt concrete shall be placed on all excavations within the street at the end of each day's work. It shall be kept in good repair at all times, and when directed by the Engineer or Inspector, immediate attention shall be given to correct any noted deficiencies. Temporary pavement shall be replaced within 30 calendar days with permanent pavement.
28. **Excavation Moratorium** – An excavation moratorium has been established on city streets that have been resurfaced. In those instances in which the requested permit involves a street that has received a slurry seal treatment within three years from the date of the permit application or that has been overlaid or reconstructed within five years from the date of the permit application, open street excavations must be eliminated or, as approved by the City, minimized through the use of borings or other means. The pavement shall be restored from gutter to gutter for a length of four (4) feet beyond the trench on both ends or according to the conditions specified in the permit.
29. **Trench Excavation** – Permittee shall obtain a permit from California Department of Industrial Relations, Division of Occupational Safety & Health Administration (OSHA) when required for excavation exceeding five feet in depth. (Health & Safety Code 17922.5)
30. **Completion and Closing the Permit** – Upon completion of the work, the applicant shall clean the right-of-way of all rubbish, debris, brush, excess materials, temporary structures and equipment. Grounds and landscaping shall be restored to the approval of the property owner. Pursuant to Municipal Code Section 13.12.150, the City shall be notified within 10 days of completion by calling (510) 215-4382. The City will continue to hold the permittee responsible for maintenance of the encroachment, and will retain any security deposits, pending final inspection. Permittee is responsible for scheduling the final inspection.
31. **Street Maintenance** – For a period of two years after the completion of the work, whether completed by the permittee or by the City, the permittee shall be obligated to inspect and immediately repair and make good any injury or damage to any portion of the roadway, street, right-of-way or thoroughfare which occurs as a result of work done under the permit, including all injury or damage to the roadway, street, right-of-way or thoroughfare which would not have occurred had such work not been done.
32. **Utility Permits** – The Utility Trench Master Permit Conditions shall apply. Trench repair shall be per Exhibit B "Trench Cut Mitigation Detail" of the Utility Trench Master Permit Conditions unless Exhibit C "Pavement Life Performance Warranty" has been provided before the start of construction. Exhibit B requires the pavement and subgrade repair to include a four (4) foot wide T-cut beyond all sides of the trench.
33. **Coordination** – All work shall be coordinated with other agencies or entities working in the area, to the satisfaction of the City.

Contra Costa Clean Water Program

Program Participants: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek, Contra Costa County and Contra Costa County Flood Control and Water Conservation District

Pollution Prevention — It's Part of the Plan

Make sure your crews and subs do the job right!



Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay and Delta. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will help ensure your compliance with local agency stormwater ordinance requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly. Cover dumpsters during wet weather.

Hazardous materials management

- ✓ Label all hazardous materials and wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with local agency, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately!

Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on-site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on-site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use straw bales, silt fences, or other control measures to minimize the flow of silt off the site.

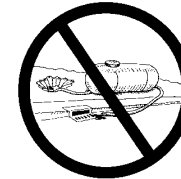


- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, seed with fast-growing grasses or other appropriate erosion control measures.

- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the local agency.

Dewatering operations

- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call the local agency before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the local agency to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.



Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, straw bales, sand bags, or fine gravel dams to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.



- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off-site.
- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain. If a suitable dirt area is not available, filter the wash water before discharging to a storm drain.

Paving/asphalt work

- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with straw bales, sand bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt or concrete pavement.



Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



Local Agencies: Antioch (925) 779-7035; Brentwood (925) 516-5420; Clayton (925) 673-7300; Concord (925) 671-3127; Danville (925) 314-3300; El Cerrito (510) 215-4382; Hercules (510) 799-8242; Lafayette (925) 284-1951; Martinez (925) 372-3515; Moraga (925) 376-2590; Oakley (925) 625-7003; Orinda (925) 253-4231; Pinole (510) 724-8949; Pittsburg (925) 252-4920; Pleasant Hill (925) 671-5264; Richmond (510) 307-8091; San Pablo (510) 215-3066; San Ramon (925) 973-2610; Walnut Creek (925) 943-5834; Contra Costa County (925) 313-2259; Contra Costa Clean Water Program (925) 313-2392

Storm drain polluters may be liable for fines of up to \$10,000 per day plus \$10 per gallon!