



# ENCROACHMENT PERMIT

PERMIT NO : \_\_\_\_\_  
 EXPIRES: \_\_\_\_\_  
 BOND AMT: \_\_\_\_\_

10890 San Pablo Avenue, El Cerrito, CA 94530 (510) 215-4382 \*\*\*Not a Valid Permit until signed by the City\*\*\*

<b>(To be Completed by Applicant)</b> Applicant/Property Owner: _____ Address: _____ _____ Phone: _____ _____	<b>(If Different From Applicant)</b> Contractor: _____ Address: _____ _____ Phone: _____ Contractor License No.: _____
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Location of work: _____ Cross street: _____	Cost of work: _____ Start Date: _____ Completion Date: _____
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**Description of work (include dimensions and area of excavation):**

Please check appropriate box:     Concrete sidewalk, curb and gutter                       Asphalt

*I certify that in the performance of above work, I will not employ any person or persons in any manner so as to become subject to the provisions of the labor code of the State of California relating to Workmen's Compensation Insurance. I agree to comply with all SWPPP laws and regulations and agree to pay all fines assessed to City as a result of SWPPP violations pertaining to work for this permit. I also hereby certify that all information provided in this application is true and complete and I agree to comply with the conditions listed below and on the reverse side hereof.*

\_\_\_\_\_

*Applicant's Signature*                      *Date*

**Applicable standard details and special provisions:**

<b>FEE CALCULATION:</b>  Processing fee: _____ Inspection fee: _____ Other: _____ Deposit: _____ Total Fee: _____ Date Paid: _____ Rec't No.: _____	<b>PERMIT APPROVED:</b>  _____ City Engineer                      Date  <b>WORK ACCEPTED:</b> Inspector/Engineer                      Date  _____ City Engineer                      Date
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**General -**

1. Permittee shall call the Engineering Division at (510) 215-4382 at least 48 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 48 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 48 hours prior to any excavation at (800) 227-2600 to verify underground utility locations.

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.