

CITY OF GILROY

ENCROACHMENT PERMIT

GENERAL CONDITIONS OF APPROVAL

NOTE: Below 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 Ordinance, Encroachment Agreement, and the Standard Specifications and Details (“City of Gilroy Standards”) of the City of Gilroy.

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 the proper 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. (Gilroy Muni Code 20.72b)
2. **Failure to Comply.** Failure to comply with the requirements of this permit may result in one or more of the following:
 - A. The City Engineer shall order immediate suspension of work until non-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 shall 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 (Gilroy Muni Code 20.72b). Temporary “No Stopping”, “No Parking,” and/or “Tow-Away” signs shall be posted by the Contractor at least seventy-two (72) hours prior to commencement of work. Signs shall state days and hours when restrictions apply.
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. (Gilroy Muni Code 20.73h, 20.95c)

5. **Time Extension.** If the completion/expiration date stated on the permit will be exceeded, an application for a time extension must be filed and approved by the City Engineer. The new completion date shall be indicated on the permit. (Gilroy Muni Code 20.83)
6. **Inspection.** 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) 846-0450 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. (Gilroy Muni Code 20.85b)
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. (Gilroy Muni Code 20.95a)
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. (Gilroy Muni Code 20.95b)
9. **Posting.** The Permittee must keep the signed permit at the worksite or on the premises of the encroachment at all times. (Gilroy Muni Code 20.84a)
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. (Gilroy Muni Code 20.84c, 20.100)
11. **Standards.** Work shall be constructed in accordance with applicable ordinances, codes, and Gilroy Standards, for the City of Gilroy. A copy of the City of Gilroy Standards can be purchased at the Engineering Division at City Hall. (Gilroy Muni Code 20.89; 20.101)
12. **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. (Gilroy Muni Code 20.75c, 20.89a, 20.97c, 20.88a,)
13. **Access.** The Permittee shall provide access to all areas in the vicinity of the encroachment and shall provide necessary temporary sidewalk and warning signs. (Gilroy Muni Code 20.74b, 20.88, 20.96, 20.97)
14. **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. (Gilroy Muni Code 20.88)

15. **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. (Gilroy Muni Code 20.89d)
16. **Excavations.** All trenches created in existing 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 thirty (30) days of first street cut. (Gilroy Muni Code 20.89d)
17. **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. (Gilroy Muni Code 20.88, 20.103)
18. **Travel Lane & Sidewalk Closures.** 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. (Gilroy Muni Code 20.89d)
19. **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. (Gilroy Muni Code 20.89d)
20. **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. Trench restoration shall be according to the Gilroy Standards, except as modified by additional Special

Conditions of Approval or a design by a licensed civil engineer approved by the City Engineer. (Gilroy Muni Code 20.92)

21. **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. (Gilroy Muni Code 20.89d)
22. **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. (Gilroy Muni Code 20.106)
23. **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. (Gilroy Muni Code 20.90)
24. **Work Hours.** All work in the public right-of-way is restricted to non-holiday weekdays 7:00 A.M. to 6:00 P.M. except as noted in Additional Special Conditions of Approval or Construction Guidelines for Continuing Encroachment Installations, if applicable. (Gilroy Muni Code 20.89d)
25. **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 Traffic Engineer at Permittee's sole expense. (Gilroy Muni Code 20.90)
26. **Additional Special Conditions of Approval:**
 - (a) Design and construction of the encroachment that is the subject of this Permit shall be coordinated with the City of Gilroy and all utilities having jurisdiction.
 - (b) Master Plan and 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.
 - (e) Method of trench restoration shall be approved in advance of permit and shall be made an attachment the permit.
27. **City License.** Contractors and Subcontractors must obtain a City of Gilroy Business License. (Gilroy Muni Code 20.88a)
28. **Bonding.** The Permittee is responsible for furnishing a performance bond to be executed in the face amount not less than one hundred percent (100%) of the total construction cost. (Gilroy Muni Code 20.77, 20.78)
29. **Insurance.** The Permittee is responsible for furnishing a completed Certificate of Insurance. Certificate of Insurance forms are available at the Engineering Division at City Hall. (Gilroy Muni Code 20.76)

- 30. **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 for 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. (Gilroy Muni Code 20.76)
- 31. **Permit Commencement and Duration.** This Permit is valid for one hundred twenty (120) days from date of issuance unless stated otherwise in the Additional Special Conditions of Approval. 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. (Gilroy Muni Code 20.82, 20.83)
- 32. **One-Year Warranty.** The Permittee shall assume a one (1) 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 one (1) year after completion notice from all requirements to maintain trench pavement and patches. (Gilroy Muni Code 20.77b, 20.78, 20.102)
- 33. **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 Gilroy, 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 Chapter 20A of the City Code. (Gilroy Muni Code 20.78)

Signature of Permittee or Authorized Representative Accepting General Conditions of Approval:

Print Name Title Date

Signature

Representing (Name and Address)

<p>OFFICE USE ONLY</p> <p>Engineering Permit No.: _____</p> <p>Encompass Permit No _____</p> <p>Date of Issue: _____</p> <p>Expiration Date: _____</p>
