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. **Inspection.** All work shall be subject to monitoring, inspection, and approval by the City as indicated on the permit. Uninspected work shall be removed as deemed appropriate by the City Engineer. To request an inspection, call (408) 846-0238 at least two (2) working days 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 20.88b)

4. **Work Hours.** All work in the public right-of-way is restricted to non-holiday weekdays 8:00 AM to 5:00 P.M. and No work allowed on weekends, except as noted in the Special Provisions or Construction Guidelines for Continuing Encroachment Installations, if applicable. Work is not allowed Sundays and City holidays. (Gilroy Muni Code 20.89d)

5. **Keep Permit on the Work Site.** The Permittee must keep the signed permit at the worksite or on the premises of the encroachment at all times and the permit must be shown to any representative of the City or any law enforcement office on demand. WORK SHALL BE SUSPENDED IF PERMIT IS NOT AT JOB SITE AS PROVIDED. (Gilroy Muni Code 20.84a)

6. **Standards.** Work shall be constructed in accordance with applicable ordinances, codes, and Gilroy Standards, for the City of Gilroy. City of Gilroy Standards can be purchased at the Public Works Department at City Hall (Gilroy Muni Code 20.89; 20.101) or downloaded from the City website at [https://www.cityofgilroy.org/260/Standards-Specifications](https://www.cityofgilroy.org/260/Standards-Specifications).

7. **Stormwater Pollution Prevention Program:** Per City of Gilroy Municipal Code Chapter 27C, permittee shall implement and maintain measures to keep sediment, wash waters, equipment, maintenance products, and other construction related materials and debris from entering the storm drain system. Dumping or discharging into the City’s storm drain system is prohibited. Measures to protect the storm drain system shall be in place prior to start of work.

   All construction activities must implement best management practices (BMPs) to prevent stormwater pollution. Applicants and/or Contractors shall determine the appropriate BMPs for the activities being performed within, or adjacent to, the City’s right-of-way as part of the permitted project. Applicant shall submit a signed Stormwater Pollution Prevention Best Management Practices Checklist Acknowledgement Sheet, which can be found on the City’s website at [https://www.cityofgilroy.org/244/Encroachment-and-Transportation-Permits](https://www.cityofgilroy.org/244/Encroachment-and-Transportation-Permits), prior to being issued an encroachment permit. Additional BMPs may be required if field conditions change or additional stormwater pollution prevention measures are required by the City. For more information, please contact Permit.Tech@cityofgilroy.org.

8. **Street Cut Moratorium:** The City places moratoriums on any street or alley that have been reconstructed or sealed. Moratoriums on streets and alleys are valid after construction is completed. The moratorium lasts for five years for a reconstruction and overlay project and three years for a surface treatment project (surface seal). The moratorium list is updated as projects are completed. Applicants shall check the updated list on a regular basis. The latest moratorium list can be found on the City’s Website at: [https://www.cityofgilroy.org/244/Encroachment-and-Transportation-Permits](https://www.cityofgilroy.org/244/Encroachment-and-Transportation-Permits)

   The City Engineer shall grant exemptions to the moratorium for the following:
a. for emergencies which endanger life or property or interrupt essential utility service, as determined by the City Engineer
b. for work that is mandated by City, State or Federal law;
c. for where no other reasonable means of providing service exists to a building, as determined by the City Engineer; for other situations deemed by the City Engineer to be in the best interest of the City. When granting exemptions to this regulation, the City Engineer may impose conditions determined appropriate to ensure the rapid and complete restoration of the street and street paving. Repaving may include street grinding, base and sub-base repairs, restoration of pavement markings, and other related work as determined by the City Engineer and may include up to the full width of the roadway.

9. **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)

10. **Trench Excavation and Restoration.** All trenches created in existing pavement shall be neatly saw cut. Trench spoils shall be removed from the job site. Trench Restoration/Backfill shall comply with City Standard Detail UN-1. 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)

11. **Trench Plating Conditions:**
   a. Wherever traffic is permitted over or adjacent to trenches and other depressions, Contractor shall furnish and maintain steel plating unless other means of protecting the public and the work are accepted by the City. Plates shall be secured against movement including shifting and rocking by use of adjustable cleats, shims and other devices such as anchor and keys. No gaps between plates and other deficiencies hazardous to bicycles shall be allowed; and the existing pavement shall be protected from damage.
   b. Steel plating shall have a non-skid surface.
   c. Steel plates used for bridging shall extend not less than 12 inches beyond the edges of the trench.
   d. Steel plates shall conform to the following minimum thickness:

<table>
<thead>
<tr>
<th>Trench Width</th>
<th>Minimum Plate Thickness</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 inches (300 mm)</td>
<td>.5 inches (13 mm)</td>
</tr>
<tr>
<td>18 inches (450 mm)</td>
<td>.75 inches (19 mm)</td>
</tr>
<tr>
<td>24 inches (600 mm)</td>
<td>.87 inches (22 mm)</td>
</tr>
<tr>
<td>36 inches (900 mm)</td>
<td>.98 inches (25 mm)</td>
</tr>
<tr>
<td>3.9 feet (1.2 m)</td>
<td>1.5 inches (38 mm)</td>
</tr>
</tbody>
</table>

   e. Recessed trench plates shall be used at the following locations: all arterial streets, all collector streets, at trench alignments not parallel with or perpendicular to the direction of traffic and locations determined by City Engineer to be necessary.
   f. The Contractor shall prepare for placement of plates over trench by grinding a relief 12 inches wide on each side of the trench by the thickness of the steel plate so that the surface of the steel plate is level with the adjacent pavement surface.

12. **Underground Alert:** Attention is directed to the possible existence of underground facilities within the area of construction. Prior to project work commencing, permittee is responsible for ascertaining the exact elevations and locations of all existing underground facilities. Permittee is responsible for verifying all PG&E, water, sewer, storm drain, telecommunications, and City facilities are clear or relocated from the area of work prior to construction. The Permittee must telephone Underground Service Alert (USA) at 811 or (800) 642-2444 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). Permittee must remove all paint utility markings associated with the project when job is completed.

13. **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)

14. **Access.** The Permittee shall provide access to all areas in the vicinity of the encroachment and shall provide necessary
15. **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)

16. **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 with Encroachment Permit Application.

   Depending on project scope and site conditions, traffic control plans may need to be prepared by a California-licensed professional engineer (PE) or traffic engineer (TE). Traffic control plans shall follow Caltrans standards per the current edition of the Caltrans Standard Plans or California Manual on Uniform Traffic Control Devices (CA MUTCD). Plans must be specific to the project site and conditions and phased, as appropriate, to address construction of project improvements. Sample plans are not allowed. City approval of the traffic control plan must precede notification of any closures. The City Engineer shall be notified of closure dates and duration at least five (5) working days in advance of proposed closure. (Gilroy Muni Code 20.89d)

17. **Bicycle and Pedestrian Traffic Control:** The Permittee shall follow Caltrans standards for bicycle and pedestrian traffic control. Where facilities exist, a minimum sidewalk and bike path width of four feet (4') shall be maintained at all times for safe passage through the work area. At no time shall pedestrians be diverted onto a portion of the street used for vehicular traffic. At locations where adjacent alternate walkways cannot be provided, appropriate signs and barricades shall be installed at the limits of construction and in advance of the closure at the nearest crosswalk or intersection to divert pedestrians across the street. Pedestrian detour plans shall be approved by the City prior to construction.

18. **Vehicular Traffic Control:** The Permittee shall follow Caltrans standards for vehicular traffic control. Adequate provisions shall be made for the protection of the traveling public. Warning signs, lights, safety devices, and other measures required for the public safety, shall conform to the requirements of the California Manual on Uniform Traffic Control Devices (CA MUTCD). Traffic control for day or nighttime lane closures shall be in conformance with Caltrans Standard Plans for Traffic Control Systems. Nothing in the permit is intended, as to third parties, to impose on permittee any duty, or standard of care, greater than or different from the duty or standard of care imposed by law. All traffic control plans, including lane closures, shall be reviewed and approved by the City prior to implementation. Traffic control plan submittals shall conform to the City of Gilroy’s Traffic Control Plan Requirements which are available on the following webpage: [https://www.cityofgilroy.org/244/Encroachment-and-Transportation-Permits](https://www.cityofgilroy.org/244/Encroachment-and-Transportation-Permits)

19. **Construction Vehicles and Materials.** 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)

20. **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 that 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)

21. **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)

22. **Notifications.** 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.

23. **Emergency Street Cut.** Emergency work shall only be performed after notifying permit.tech@cityofgilroy.org of emergency repairs. No final restoration shall be performed until the applicant/contractor has secured an approved encroachment permit. (Gilroy Muni Code 20.73h, 20.95c)

24. **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)

25. **Making Repairs:** In every case, the permittee shall be responsible for restoring to its former condition as nearly as may be possible any portion of the City right-of-way, which has been excavated or otherwise disturbed by permittee. The permittee
shall maintain the surface over facilities placed under any permit. If the right-of-way is not restored as herein provided for, and if
the City elects to make repairs, permittee agrees by acceptance of permit to bear the cost thereof.

26. **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)

27. **Maintenance of Right-of-Way:** The permittee agrees, by acceptance of a permit, to properly maintain any encroachment.
This will require inspection and repair of any damage to City facilities resulting from the encroachment.

28. **Clean Up Right-of-Way:** Upon completion of the work, all brush, timber, scraps, material, etc., shall be entirely removed
and the right-of-way shall be left in as presentable a condition as existed before work started.

29. **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)

30. **Future Moving of Installation:** If the Encroachment Permit was issued at the request of the permittee, it is understood that
whenever City construction, reconstruction or maintenance work on the highway requires the installation to be moved, adjusted
or relocated, the permittee, at his/her sole expense, upon request of the Department, shall comply with said request.

31. **Permits From Other Agencies:** The party or parties to whom a permit is issued shall, whenever required by law, secure the
written authorization for any work that must be approved by the Public Utilities Commission (PUC) of the State of California,
CALOSHA, Caltrans, County of Santa Clara or any other public agency having jurisdiction. Failure to comply with the law, as
noted above, will invalidate the City’s encroachment permit.

32. **Archaeological:** The permittee shall cease work in the vicinity of any archaeological resources that are revealed. The City
shall be notified immediately. A qualified archaeologist, retained by the permittee, will evaluate the situation, and make
recommendations to the City concerning the continuation of the work.

33. **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,)

34. **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)

35. **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)

36. **City License.** Contractors and Subcontractors must obtain a City of Gilroy Business License. (Gilroy Muni Code 20.88a)

37. **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)

38. **Refund of Security Deposit:** A refund will not be issued until the Public Works inspector has reviewed the work and signed-
off the permit as being complete.

39. **Insurance.** The Permittee is responsible for furnishing a completed Certificate of Insurance with proper endorsements
naming as additional insured the City of Gilroy, its Officers, Officials, Representatives, Agents, Employees, and
Volunteers. Certificate of Insurance forms are available at the Public Works Department at City Hall. (Gilroy Muni Code
20.76)

40. **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 the City of Gilroy, its officers, officials,
representatives, agents, employees, and volunteers 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 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. (Gilroy Muni Code
20.76)

41. **Permit Commencement and Duration.** This Permit is valid for ninety (90) days from the 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)

42. **Time Extension.** If the completion/expiration date stated on the permit will be exceeded or has expired, a time extension request must be made by emailing permit.tech@cityofgilroy.org with an anticipated completion date. Extension shall be reviewed and approved by Public Works staff. The new completion date shall be indicated on the permit. (Gilroy Muni Code 20.83)

43. **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)

44. **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)

45. **Street Trees.** All street tree planting shall conform to the City of Gilroy Master Street Tree Planting Plan and Street Tree List unless otherwise authorized by the City Engineer or Public Works Director.