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Addendum No. 2

**DATE: JULY 14, 2022**  
**TO: ALL PLANHOLDERS OF THE MORGAN HILL RRFB AND HAWK PROJECT**  
**FROM: YAT CHO – PROJECT ENGINEER**  
**RE: CLARIFICATION**

- 1. Add the Appendix to the Project Specifications to be included as part of the project specifications.**

ADDENDUM ACKNOWLEDGMENT

Bidder acknowledges receipt of this addendum, which shall be attached to the proposal.

\_\_\_\_\_  
Contractor's Representative

\_\_\_\_\_  
Date

**THIS DOCUMENT SHALL BECOME A PART OF THE PROJECT SPECIFICATIONS**

# APPENDIX

# County of Santa Clara

## Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400



March 25, 2022

### **CONDITIONAL RIGHT-OF-WAY CLEARANCE "FOR BIDDING PURPOSES ONLY"**

**SUBJECT:** City of Morgan Hill Signalized Trail Crossing  
Middle Avenue at Llagas Creek

**FILE NUMBER:** ENC21-0638

**APPLICANT:** City of Morgan Hill

**CONTACT:** Yat Cho

Dear Yat,

A Conditional Right-of-Way (ROW) Clearance is recommended for the City of Morgan Hill for the subject project/location. The design and/or project specifications for the subject project is understood to be complete or nearly complete and will proceed through County ROW. It is understood that the City of Morgan Hill will be bidding out the work to the contractor designated to construct/implement the subject project ("Contractor").

THIS IS NOT AN ENCROACHMENT PERMIT. No work may proceed in the County ROW until the Encroachment Permit is issued.

Please refer to the following attachments:

1. Attachment A: County plan review comments
2. Attachment B: Encroachment Permit Special Provisions and General Provisions
3. Attachment C: Information on obtaining the Encroachment Permit

This letter with Attachments B and C is recommended to be included in your bidding or contract documents to acknowledge clearance of the work and submittals required to be provided when applying for an Encroachment Permit.

In addition, the facilities and markings installed will require an approved Maintenance and Indemnification Agreement (MIA) with the County prior to issuance of the permit. We will contact you in separate correspondence regarding the MIA process.

If you have any questions, please contact me at [tom.esch@rda.sccgov.org](mailto:tom.esch@rda.sccgov.org).

Sincerely,

Tom Esch, P.E.  
Associate Civil Engineer

## **ENC21-0638 City of Morgan Hill Signalized Trail Crossing Plan Review Comments and MIA**

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## **Attachment A**

### **Applicants Project Scope and Objectives for Comments**

- Project Scope: Provide for Middle Avenue Rapid Flashing Beacon system with pavement markings and signage at Middle Avenue/West Little Llagas Creek Trail crossing.
- Plan Name and File Information: Plans reviewed were dated 3/1/2022, identified in County online portal as file name: Middle Ave. RRFB Rev2.PDF
- Objective of Review: Objective is to review the submitted plans and determine if plan information is sufficient for County to issue a Conditional Right of Way Clearance to the project.

### **Land Development Review**

- Prior plan review comments have been addressed in the submitted plans. There are no further comments to be applied to the project plans.
- Work hours for this rural location are 9 AM to 4 PM.

### **Maintenance and Indemnification (MIA) Agreement**

- A post-construction maintenance and indemnification (MIA) agreement is required BEFORE the encroachment permit may be granted. Expect two to three months to prepare and finalize an MIA. Ensure your project schedule accommodates this. MIA's are filed with the County Recorder.
- The Exhibits required in the MIA must be prepared by the Applicant. Applicant will be contacted for information required to be submitted in order to proceed with preparing the MIA.
- MIA must address the following:
  - Signage and sign structures including main beacon system
  - Pavement markings



# County of Santa Clara

## Roads and Airports Department

### ENCROACHMENT PERMIT SPECIAL PROVISIONS

Attachment B

VER 2-04-22

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## AUTHORITIES AND COMPLIANCE

1. **AUTHORITY:** In accordance with Santa Clara County Ordinance Division B17, all work in the County Road right-of-way requires an encroachment permit from the Roads and Airports Department and is subject to the requirements of Division B17. Each individual activity requires a separate permit – i.e. retaining walls, driveway approaches, temporary construction entrances, fences, landscaping, tree removal, storm drainage improvements, all utility operations (relocations, replacements, abandonments, temporary facilities, and/or new facilities for cable, electric, gas, sewer, water), etc.
2. **STANDARDS:** Work is subject to County Standard Specifications, County Standard Plans and Details, California Department of Transportation (Caltrans) Standard Specifications and Standard Plans (latest issue).
3. **DEFINITIONS:** Refer to Santa Clara County Ordinance Division B17 for a complete list of definitions as used in these provisions. The following additional definitions apply:
  - a) **Applicant:** As used in these provisions, “Applicant” means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
  - b) **Permittee:** As used in these provisions, “Permittee” shall mean any person, firm, corporation, business, or governmental agency to whom a permit has been issued.
  - c) **Permit:** The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project.

## INSPECTION, CONTACT INFORMATION and SAFETY

4. **NOTIFICATIONS:**
  - a) Permittee **MUST** notify all residents & businesses of pending construction work.
  - b) For inspector notifications and requests for inspection, call 408-573-2429.
  - c) Refer to **Special Provisions Section 17** regarding additional notifications for road closures.
5. **UNDERGROUND SERVICE ALERT:** Notify the Underground Service Alert—Northern California (Call 811 or visit [usanorth811.org](http://usanorth811.org)) 48 hours prior to any trenching or excavation in the road right-of-way.
6. **PRECONSTRUCTION:**
  - a) The Roads and Airports Inspector must be contacted 48 hours (not including weekend days and County holidays) prior to beginning any work in the County right-of-way.
  - b) Prior to construction, Permittee shall conduct a preconstruction meeting involving the County inspector, Permittee’s representatives, and any contractor working on this project.
  - c) No work within the County right-of-way shall be undertaken until all materials, equipment, and labor forces are available to pursue the work to completion.
7. **INITIAL and SUBSEQUENT INSPECTIONS:** The Permittee shall request initial inspection from the County a minimum of forty-eight (48) hours (not including weekend days and County holidays) prior to any work being performed.
8. **FINAL INSPECTION:** The Permittee shall request final inspection from the County within ten (10) business days (not including weekend days and County holidays) from the date of completion of the work.
9. **PERMIT ON SITE:** This Permit shall be kept at the site of work and must be shown to any authorized representative of the County or any law enforcement officer upon demand.
10. **EMERGENCY CONTACTS:** Names and telephone numbers of two responsible persons shall be furnished to the County Inspector prior to start of work to be available as emergency contacts, 24 hours a day, seven days a week. The Permittee or the Contractor shall have a supervisory representative available for contact on the project at all times during the construction.
11. **PRESERVATION OF PROPERTY:**
  - a) **Photos:** Before and after photos shall be taken by the Permittee and provided to the County for the files and reference as needed. Any costs associated with these photos shall be the sole responsibility of the Permittee.
  - b) **Videos:** If the permit requires video of the site, the following applies:
    - i) The Contractor shall submit a video of the job site(s) to the County inspector, for file prior to the start of construction, for the purpose of providing a record of existing conditions. Each video file shall be labeled and dated appropriately. Each video shall be completed during full daylight with no presence of shadows. The video shall provide a view encompassing the entire project area for all construction activities, with sufficient clarity and scope to the satisfaction of the County. Video shall include at a minimum:
      - (1) The proposed excavation areas
      - (2) Driveway entrances including condition of culverts.
      - (3) Contractor’s staging area including entrances.
      - (4) Path from contractor’s staging area to the job site.
    - ii) The Contractor shall submit the video file(s) with a written log noting any existing defects or irregularities in the existing pavement. The log shall also state the location (by station), date, and time the videos were made. Videos shall be uploaded to a shared directory for access by the County. Upon receipt by the County, the videos shall become the property of the County.
    - iii) If the Contractor plans to drive sheeting, the Contractor shall video inspect nearby structures prior to driving the sheeting. This video inspection shall be included in the site videos above, and shall be accompanied by a similar log that notes street address and existing defects or irregularities.

- 12. SITE SAFETY:** All construction work shall be performed in accordance with Cal/OSHA Title 8 regulations.
- 13. EQUIPMENT AND MATERIAL STORAGE:** No equipment or materials shall be stored in right-of-way overnight, unless prior written permission is obtained from the Roads and Airports Department. Equipment or materials includes, but not limited to, the following: temporary construction facilities, construction materials, deliveries, hazardous and non-hazardous material storage, equipment, tools, portable toilets, concrete washout, garbage containers, laydown yards, secondary containment areas, etc.

#### **TRAFFIC CONTROL, WORK HOURS and SIGHT DISTANCE**

- 14. WORK HOURS:** Hours of work and lane closures shall be in accordance with approved Traffic Control Plans or as further specified in the Permit.
- 15. TEMPORARY TRAFFIC CONTROL:**
- a) The Permittee shall make adequate provisions for the protection of the traveling public, inclusive of pedestrians and bicyclists, and adequately maintain temporary traffic control during the period of the construction.
  - b) Temporary traffic control, including traffic control devices and signs, shall be installed in accordance with Part 2 – Signs, Part 6 – Temporary Traffic Control and any other applicable parts of the latest issue of the California Manual on Uniform Traffic Control Devices for Streets and Highways. Traffic control devices and signs are to be adequately maintained during the period of the construction.
  - c) Flaggers shall be sufficiently trained and equipped in accordance with California Code of Regulations, Title 8, Section 1599. Flaggers shall be required as specified in the Traffic Control Plan or at any time equipment or men are crossing or working within County Expressways.
  - d) Provide a minimum of 4-feet spacing for bikes and pedestrians to go through at portion of road with “SHARE THE ROAD” sign at work zone.
  - e) When called out for in the Traffic Control Plan, pedestrian control shall consist of a dedicated individual assigned the responsibility of escorting pedestrians through the work area in accordance with three major considerations:
    - i) Pedestrians shall not be led into direct conflict with work site vehicles, equipment or operations.
    - ii) Pedestrians should not be led into direct conflict with mainline traffic going through or around the work site.
    - iii) Pedestrians should be provided with a reasonably safe, convenient, and accessible path that replicates as nearly as practical the most desirable characteristics of the existing sidewalk or footpath.
- 16. TRAFFIC LANES:** All traffic lanes shall be open to the traveling public during all hours of darkness, and on all weekends and holidays unless prior written approval is obtained from the County. For non-expressways, a minimum of one (1) traffic lane shall be kept passable under the direction of flaggers at all times during the normal work day, and a minimum of two (2) full traffic lanes shall be safe and passable during hours of darkness (the time between sundown and sunrise shall be considered hours of darkness). One-way traffic may be permitted under the control of not less than two competent flaggers or as required by the latest issue of the California Manual on Uniform Traffic Control Devices for Streets and Highways during normal working hours with prior approval in writing from the County. No variance of the requirements of this section will be allowed without prior written approval from the County.
- 17. ROAD CLOSURES:** Work which requires a road closure and/or a traffic detour of an extended duration requires a detour signage plan to be included in the Traffic Control Plan. The permit will include additional instructions regarding notifications to the County Public Information Officer and to Valley Transportation Authority (VTA) if bus or light rail stops are impacted. In addition to the Traffic Control Plan, Applicant is required to submit a one-page Detour Notification with graphic that includes the following:
- a) Text description of the work occurring, purpose of the detour, and streets affected.
  - b) Simple graphic depicting the detour route and road closures, street names, time and date of closure for each road segment with color legend, and bus stop locations with route numbers along the affected routes.
  - c) Name of garbage collection company that services businesses and residences along affected routes.
  - d) Zip codes for Public Information Officer to send closure notice.
- 18. STAGING AND TRUCK ROUTES:** Work of a significant nature will require inclusion of construction staging areas and truck routes in the Traffic Control Plan or as otherwise provided on the project plans.
- 19. SIGHT DISTANCE:** As related to and affected by the improvements covered by this Permit, Permittee shall provide and maintain adequate sight distance per the latest Caltrans standards. Typical compliance may include, but not limited to, placement of temporary signage or equipment, trimming and/or removal of trees; trimming and/or removal of vegetation; and, grading of embankments to provide for adequate sight distance.
- 20. ADJACENT JURISDICTIONS:** County permit reviews do not include reviewing or commenting on work or traffic control outside of County right-of-way. Applicants are required to contact the appropriate jurisdiction(s) for their concurrent review and approval.

#### **COMMUNICATION, ELECTRICAL FACILITIES and INFRASTRUCTURE AS-BUILTS**

- 21. PRESENCE OF UTILITIES:** Applicants will be informed during the permit application process if existing County communication and electrical facilities are located in the project area.
- a) Call 811 before digging. Refer to **Special Provisions Section 5** for additional information.
  - b) Protect County underground traffic signal and fiber optics facilities.

- c) For installation of any new conduit crossing an existing County-owned fiber optic conduit, the Contractor must locate the County fiber optic conduit, via pothole, before installing new conduit. If the conduit cannot be located, the Contractor must call the County, prior to installation, for assistance.
- 22. AS-BUILTS:** When provided, information shown on County as-built plans is subject to change. If applicable, field-verify information and notify the County of any discrepancies.
- 23. DAMAGE NOTIFICATION AND RESPONSIBILITIES:** Notify the County immediately if County infrastructure is damaged. The Permittee is required to repair any damage caused by the Permittee or the Contractors within the time indicated by the County. If the Permittee fails to make the repairs within the time indicated, the County is authorized to repair the damage and recover all cost incurred, including overhead and administrative costs, from the Permittee, the surety or the insurance carrier.
- 24. REPAIR TO FIBER AND DETECTORS**
  - a) County traffic signal systems and County fiber optic cable damaged by the contractor's operation shall be temporarily repaired and then shall be replaced in accordance with County Standard Specifications 86.01.06.
  - b) Replace any vehicle detection loops damaged by work within 48 hours. If loop detectors cannot be replaced within 48 hours then temporary detection, such as video or microwave, must be provided until the loops are replaced prior to project completion.
    - i) Vehicle loops shall be Caltrans Type D and Type B.
    - ii) If a bike loop is damaged the replacement shall be a modified Type D.
    - iii) Loop slots shall be filled with hot-melt rubberized asphalt sealant.
  - c) After completion of temporary repairs, the County will determine whether the end equipment operates satisfactorily. If not, the County may direct the Permittee to replace the temporary splice within 48 hours. This shall be considered an interim repair only to restore service.
  - d) The repair shall be undertaken in the nearest junction box, by pulling available slack in the cable. If, in the determination of the County, insufficient slack is available, a new junction box shall be installed as directed.
  - e) Within 30 days after the acceptance of the interim repair by the County, the Permittee or its Contractor shall obtain a modified encroachment permit and replace the damaged cable between the system's end-to-end splice points installed during the initial installation (as shown on the County Fiber Splicing Details Map). During this permanent repair process, the fiber-optic cable shall not be disconnected or the equipment communicating on the cable shall not become non-operational for more than 48 hours. A seven (7) day notice shall be given to the Permit Inspection Unit of the Roads and Airports Department by calling (408) 573-2429 prior to any work associated with the repair of the fiber-optic cable. The replacement cable shall be of length and type equivalent to the replaced cable. Cable material, installation and testing shall meet the requirements of the County Standard Specifications as follows:
    - Section 86.02.08E "Fiber-optic Cable",
    - Section 86.02.09C "Installation of Fiber-optic Cable",
    - Section 86.02.09O(1) "Fiber-optic Connectors",
    - Section 86.02.09E(2) "Fiber-optic Cable Splicing",
    - Section 86.02.09G "Fiber-optic Splice Enclosure", and
    - Section 86.02.13D "Fiber-optic Cable Testing". OTDR and power meter tests shall be done after the repair to assure that a light loss is within the maximum allowable loss. This loss shall be determined by comparison of the test results with OTDR test results on file at the County, derived from the most recent test on each fiber. The OTDR test shall be performed on each fiber strand. The power meter test shall be performed only on fibers terminated on both ends. Both tests shall be done at 1,550 nm and 1,310 nm. The Permittee or the Contractor shall record all test results and provide the results to the County for review and acceptance. All testing shall be observed by a representative of the County.

## PAVEMENT CUTS, TRENCHING AND POTHOLING

- 25. TRENCHING AND SAWCUTTING:** If the permit allows pavement to be cut for pavement trenching, the following will apply:
  - a) Sawcut the perimeter of the edge of work before excavation.
  - b) Per County details, provide a "T-cut" for trenches.
  - c) Trench plates are to be H-20 load rated, skid resistant, and recessed flush to the existing paved surface. Transitions shall be installed with hot-patched asphalt concrete, or a County approved alternative. Trenches shall be adequately shored to support the bridging and traffic loads.
  - d) All trenches and excavations, where permitted, shall be backfilled in accordance with Section 19.03 of the County Standard Specifications with structural backfill or sand material, having a sand equivalent of not less than 20, and shall be jetted and/or compacted to 95% relative compaction in accordance with State of California test method #216, by rolling or tamping.
  - e) Following backfill, trenches shall have a minimum of one (1) foot of Class 2 aggregate base (per Santa Clara County specifications) placed in the trench and compacted to 95% relative compaction.
- 26. JACK/BORE, BORE PITS, POTHOLING, AND SOIL BORINGS**
  - a) Installation of pipes and conduits shall be by boring and jacking or direction bore methods. The permit will specify any permitted exceptions.
  - b) Any bore pit in the pavement will need to follow County Standard Detail U3/A.
  - c) Restoration for utility potholing and soil borings shall consist of the following:



- i) Backfilling: All soil borings will be backfilled with neat cement grout to capping level. Grout from bottom to top in a continuous operation; density of grout must be consistent.
- ii) Capping: Capping is to thickness of existing pavement. Borings in paved areas are to be capped with hot-patch asphalt concrete. Caps will conform to existing finished surfaces.
- iii) Backfilling and capping will take place before the end of each day's work.

## **27. PAVEMENT RESTORATION**

- a) Applicants will be informed during the permit application process if the project area includes County roads that were recently surface treated or repaved, which may require additional pavement restoration methods than stated in this section.
- b) All vertical asphalt cuts must be tack coated prior to asphalt placement.
- c) Cut-back and/or cold mix will not be allowed as temporary roadway surface backfill in travelled ways unless prior approval is given.
- d) Major roads and expressway pavement restoration consists of Type A Asphalt,  $\frac{3}{4}$ " coarse asphalt concrete, placed in lifts of 6", 6" and a 3" final lift (surface course) of  $\frac{1}{2}$ " medium asphalt concrete.
- e) Rural roads pavement restoration consists of 4" thick hot asphalt concrete, placed and compacted in two, 2" lifts with  $\frac{1}{2}$ " medium asphalt concrete.
- f) Permittee is responsible for restoring pavement to like or better condition. Pavement cracked/depressed by construction equipment or methods shall be removed and replaced in kind.
- g) Temporary or permanent lane realignment requiring removal of pavement stripes, markings/markers, or other construction activities causing pavement surface damage shall be repaired as indicated in the permit, which may consist of asphalt overlay or microsurfacing. When permit requires pavement restoration at the project site must be curb to curb/lane line and microsurfaced:
  - i) Use a Type II slurry mix per County standards, "111-12-09 Microsurfacing, Type II",
  - ii) The microsurfacing mixture shall be of the proper consistency at all times, so as to provide the application rate required by the surface condition. The average single application rate, as measured by the County, shall be 15 lb/SY(+/-1 lb/SY).

## **28. SITE RESTORATION**

- a) Pavement Striping
  - i) Striping in Expressways and urban roads shall be thermoplastic and replaced per existing striping.
  - ii) Striping in rural roads shall be two-coat paint or as specified in the permit. Painted traffic stripes and painted pavement markings used for Painted delineation must comply with Section 84-2 of the State Standard Specifications. Apply two coats. Coats shall be 6" width.
  - iii) County traffic engineers must approve the striping layout prior to final installation.
- b) Curb/Gutter/Sidewalk: Replace in kind material for curb/gutter/sidewalk. Slurry from pavement/curb cutting shall be vacuumed and disposed properly.
- c) If removal of existing fence or wall is required, it shall be replaced in kind.
- d) All landscaping removed or damaged shall be replaced in kind and approved by the County Project Inspector in the field.

## **MONUMENTS AND ARCHAEOLOGICAL SITES**

- 29. MONUMENT IDENTIFICATION ON PLANS:** Any property corner stake, street monument or other permanent survey monument that will be disturbed during construction shall be shown on the plans for the work and referenced, removed and reset by competent persons legally qualified to perform this work.
- 30. PERMANENT MONUMENTS/ MONUMENT PRESERVATION:** In accordance with the California Professional Land Surveyors' Act (Business and Professions Code), Chapter 15 Sections 8771 and 8725.1, California Penal Code 605, and California Government Code 27581, the Utility Company, their employees, subcontractors, and/or any person performing construction activities that will or may disturb an existing roadway/ street monument, corner stake, or any other permanent surveyed monument and/or as shown on the plan sheet shall ensure that a Corner Record and/or Record of Survey are filed with the County Surveyor Office prior to disturbing said monuments. All disturbed or destroyed monuments shall be reset and filed in compliance with Section 8771.
- 31. MONUMENT CORNER RECORDS:** Section 8771 of the Business and Professional Code, and Section 732, 149.5, and 810.5 of the Streets and Highways Code, Rev. 1995, mandates that prior to any reconstruction or relocation of streets or highways, all survey monuments are to be located and referenced to stable objects outside the construction area by or under the direction of a person authorized to practice land surveying. A corner record which shows the reference ties is to be filed in the office of the County Surveyor. After construction, permanent monuments are to be reset and a second corner record shall be filed. The Permittee is responsible for the cost of this work.
- 32. ARCHAEOLOGICAL/HISTORICAL:** Upon discovering or unearthing any burial sites as evidenced by human skeletal remains or artifacts, the person making such discovery shall immediately notify the County Coroner at (408) 793-1900, and the Office of Human Relations at (408) 299-2206. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with provisions of state law and Chapter 2, Division B6 of the County Ordinance Code. Upon discovering any human or non-human artifacts, contact the County inspector.

## **BMP, MATERIALS AND FACILITIES**

### **33. STORM WATER POLLUTION PREVENTION**

- a) Stormwater Best Management Practices (BMPs): BMPs shall be in place during the entire construction window.
    - i) No dirt/debris/concrete shall be tracked or washed into storm drains.
    - ii) Any stockpile excavated material shall be covered by a tarp.
    - iii) Sweep daily or as directed by County.
    - iv) Excavated materials shall be disposed off-site properly at an approved site.
  - b) All Applicants are required to complete and submit the Stormwater BMP form and comply with requirements stated in the form. The Applicant and its contractor must implement best management practices (BMPs) to prevent construction materials, excavated materials, waste materials, and sediment caused by erosion during construction activities, on-site or off-site, from entering the storm drain system and waterways.
  - c) The work performed under this Permit is subject to the National Pollutant Discharge Elimination System (NPDES) regulations governed by State and regional water quality control boards. Certain projects may require the Applicant to develop and submit Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the County prior to the start of construction. For additional information, refer to the following website:  
<https://www.sccgov.org/sites/dpd/Programs/Stormwater/Pages/Stormwater.aspx>
- 34. DRAINAGE:** If the work performed by the Permittee interferes with the established surface drainage pattern ample provision shall be made by the Permittee to provide for said drainage with prior approval in writing from the County before any work is performed. If there are any negative impacts to the established surface drainage patterns the Permittee shall take immediate steps to mitigate the negative impacts and restore the surface drainage patterns existing prior to any work being performed to the County's satisfaction and at no cost to the County.
- 35. SIGNAGE:** Any signs to be constructed in the execution of this Permit are to be approved by the County prior to placement of the signs.
- 36. MATERIAL SUBMITTALS:** Permit will state any requirement for material submittals. Material submittals are required, in accordance with the County's Standard Specifications, Section 86.01.04 "Submittals", for work involving County maintained signals, lighting and electrical systems. Submittals shall be furnished to the County Roads and Airports Department's right-of-way Inspector. Material furnished and/or installed without the Roads and Airports Department's prior approval may be subjected to rejection and/or removal at the Permittees' expense.

#### PERMIT PERIOD AND CHANGES

- 37. PERMIT PERIOD:** This permit is valid for the period designated in the permit, from the date of issuance. If work has not commenced, and the permittee does not request an extension, the permit will be allowed to expire. If work has commenced and work is not complete by the date of permit expiration, the County will renew the permit (and bill the associated extension fee) in six-month increments, until the work is complete and the permittee requests a final inspection
- 38. NOTICES:** If construction operations are delayed for any reason beyond the duration stipulated in the notices or phasing of work includes dormant periods greater than 1-month intervals, the permittee shall re-issue written notices.
- 39. PERMIT CHANGES:** Deviations from plans, specifications, and/or the permit conditions, inclusive of County comments provided on said documents, are not allowed without prior approval from the County. Once the permit is issued, Permittee shall contact County inspector assigned to the permit to determine courses of action, which may include approved County inspector field changes, a Permit Rider for minor changes, or a Revision for major changes. Permit Rider and Revisions may necessitate assessment of additional fees.

#### ACCEPTANCE AND WARRANTIES

- 40. PLANS AND REPORTS:** At the conclusion of the project and prior to project close-out, Permittee will provide the following
- a) Red-line as-builts to the County for County records in the form of scanned electronic documents.
  - b) All compaction reports.
- 41. WARRANTY OF WORK**
- a) For fiber or electrical repairs, the Permittee shall guarantee the repair work for a period of one (1) year from the date of acceptance of the work by the County in accordance with Section 5.17 "Correction of Work and Guarantee" of the County Standard Specifications.
  - b) For pavement work, there is a 5-yr warranty when the project is completed (Reference to County Ordinance NS-7039, Section B17-36.4). County's Roads Operations Engineering will determine what constitutes failure based on acceptable industry standards. At a minimum, cracks and separation in the microsurfacing, settlement where the trench repairs took place, and damaged pavement edges along the trenches are considered failures.



# County of Santa Clara

## Roads and Airports Department

### ENCROACHMENT PERMIT GENERAL PROVISIONS

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14. INTEGRATED PEST MANAGEMENT
15. FEES

1. **DEFINITIONS:** Refer to Santa Clara County Ordinance Section C12.5 Definitions for a complete list of definitions as used in these provisions. The following additional definitions apply:
  - a) Applicant: As used in these provisions, "Applicant" means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
  - b) Permittee: As used in these provisions, "Permittee" shall mean any person, firm, corporation, business, or governmental agency to whom a permit has been issued.
  - c) Permit: The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project
2. **LEGAL ENFORCEMENT:** Work under the Encroachment Permit (Permit) must comply with provisions in the following references, whether or not they are set forth herein:
  - a) California Streets and Highways Code;
  - b) California State Water Resources Control Board NPDES General Permit for Storm Water Discharges Associated with Construction & Land Disturbance Activities (Order No. 2009-0009-DWQ or any amendment thereof);
  - c) California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Storm Water NPDES Permit (Order No. R2- 2009-0074, NPDES Permit No. CAS612008, October 14, 2009, or any amendment thereof);
  - d) Central Coast Regional Water Quality Control Board, Revised Regional Storm Water Management Plan for City of Gilroy, City of Morgan Hill, and County of Santa Clara (South County) (February 22, 2010 or any amendments thereof);
  - e) County of Santa Clara Ordinance Code;
  - f) County of Santa Clara Standard Details and Standard Specifications;
  - g) Local ordinances and regulations of applicable municipality where the work is located;
  - h) Other regulatory agencies. (revise to reference federal state, local)
3. **COUNTY STANDARDS AND DETAILS:** All designs within County's right-of-way shall comply with County standards. County standards may be found at: <https://countyroads.sccgov.org/do-business-us/published-standards-specifications-documents-and-forms>
4. **GENERAL INSTRUCTIONS**
  - a) All work is to be completed in accordance with these General Provisions attached to the Permit, any special provisions or conditions shown on the Permit itself.

- b) Commencement of any work under this Permit shall constitute acceptance of the conditions and requirements of the permit for the installation or future maintenance of the encroachment whether or not the Permit is signed by said person or an authorized representative of said person, firm or corporation
  - c) Work plans and specifications, required bonds and insurance, must be submitted, approved and on file in the Roads and Airports Department (hereinafter County) prior to issuance of the Permit.
  - d) If additional engineering, soils investigations or geological investigations are required, they shall be provided by the Permittee.
  - e) All survey work including construction staking shall be provided by the Permittee.
5. **REVOCATION:** This Permit is revocable in accordance with the procedures and requirements of California Streets and Highways Code.
6. **INDEMNIFICATION:** The Permittee shall fully indemnify, defend, and hold harmless the County of Santa Clara (hereinafter "County"), it's officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by the Permittee, it's Contractor and/or it's agents, employees or Subcontractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County. It is the intent of the parties to this Agreement to provide the broadest possible coverage for the County. The Permittee shall reimburse the County for all costs including, but not limited to, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Permittee is obligated to indemnify, defend and hold harmless the County under this Agreement. Issuance of a permit authorizing construction does not release the Developer, Permittee or its Engineer from the responsibility for the correction of errors or omissions contained in the plans. If, during the course of the construction, the public interest requires a modification of (or departure from) the specifications and/or plans, the County shall have the authority to require: i) The suspension of work; ii) The necessary modification to the specifications and/or plans; and, iii) specify the manner in which the same is to be made.
7. **INSURANCE:** The Permittee shall obtain insurance as required in Santa Clara County Ordinance Division B17, Section B17-35(d) and shall provide a certificate of insurance verifying such insurance to the County prior to any work being performed. The County, its officers, employees and agents shall be named as additional insured.
8. **BONDS:** The Permittee shall obtain a performance bond in the amount indicated when required by the County as a condition of the permit and shall provide a certified copy of the bond verifying such bond in the amount required by the County.
9. **BONDS RELEASE:** If a Performance bond is posted, it will be released by the County after a written request for a final inspection and verification by the County the work has been satisfactorily completed. Release of the Performance bond is subject to the Permittee providing any Maintenance bond or Deferred Maintenance Agreement required by the County.
10. **PRIVATE PROPERTY:** This Permit shall not be construed as authorization for excavation and/or grading on private property adjacent to the encroachment or any other work for which a separate permit may be required. This Permit shall not be construed as authorization for any work for which a separate permit may be required – i.e. a driveway permit does NOT include utility work of any kind; a permit to connect water is separate from a permit to connect gas, electric, or communication.
11. **RELOCATION RESPONSIBILITY:** In the event future improvement of the road necessitates relocation of the encroachment authorized by this Permit, the Permittee shall relocate same at their sole expense.
12. **CONTRACTS AND AGREEMENTS:** This Permit does not release the Permittee from any liabilities contained in other agreements or contracts with the County and other municipal agencies.
13. **ACCEPTANCE:** Commencement of any work under this Permit shall constitute acceptance of the conditions and requirements of the permit for the installation or future maintenance of the encroachment whether or not the Permit is signed by said person or an authorized representative of said person, firm or corporation.
14. **INTEGRATED PEST MANAGEMENT:** Santa Clara County Ordinance Division B28 regulates the use of integrated pest management and pesticide use within County ROW. Permittee shall comply with all provisions of Ordinance Code B28, and prior to using any pesticide, Permittee shall receive the written approval of the County IPM Coordinator. Additional information about the IPM Ordinance can be found at <https://ipm.sccgov.org/about-ipm>.
15. **FEES:** Encroachment Permit review and issuance of the permit is subject to County established fees. Encroachment Permits that require an extension is subject to a time extension fee if extension is approved. Refer to County Roads and Airports Department for a list of current fees and general conditions regarding extensions of permits.



# County of Santa Clara

## Roads and Airports Department

### Attachment C

## CONDITIONAL RIGHT-OF-WAY CLEARANCE INFORMATION

Ver 032522

**DATE:** March 25, 2022

**TO:** Yat Cho  
City of Morgan Hill

**FROM:** Tom Esch  
Land Development Services

**SUBJECT:** ENC21-0638 / City of Morgan Hill Signalized Trail Crossing

**LOCATION/SCOPE:** Middle Avenue at Llagas Creek

**EXHIBIT:** 1. POST AWARD STEPS for Projects with CONDITIONAL CLEARANCE

A Conditional Right-of-Way Clearance (“Conditional Clearance”) has been recommended for City of Morgan Hill to be permitted to encroach onto County right-of-way (ROW). This document outlines requirements that will lead to the issuance of the encroachment permit.

A Conditional Clearance IS NOT AN ENCROACHMENT PERMIT. No work may proceed in the County ROW until the Encroachment Permit is issued.

### ISSUANCE OF AN ENCROACHMENT PERMIT

The City of Morgan Hill has full responsibility for applying for the Encroachment Permit and is designated as the “Applicant”, then designated as “Permittee” after the Encroachment Permit is issued.. The City of Morgan Hill has the responsibility to submit all required documents as identified below. The following is the issuance process:

- Applicant shall request an Encroachment Permit following award of the project.
- Issuance of the Encroachment Permit is subject to County receipt, review and approval of the following items from the Applicant: 1) Applicant’s conformed project plans and contract documents/specifications relative to work in County ROW; 2) Contractors Traffic Control Plan; 3) Stormwater BMP Form signed by the contractor; and 4) Contractor’s insurance with County designated as additionally insured.
- Applicant shall allow at least three (3) weeks to review the Traffic Control Plan and all submitted documents. Due to high volume of applications, final issuance may take an additional two (2) weeks. After approval, an Encroachment Permit will be issued to the Applicant per County of Santa Clara standard terms and conditions, Encroachment Permit Special Requirements, and Encroachment Permit Special and General Provisions, which may be subject to change and/or revision.
- For additional information, refer to Exhibit 1 Post Award Steps for Projects with Conditional Clearance.

**PLAN COMMENTS**

Refer to the Cover Letter that introduced this Conditional Clearance for plan review comments and conditions specific to Applicant’s project.

**TRAFFIC CONTROL PLAN**

A Traffic Control Plan (TCP) must be submitted concurrently with the Encroachment Permit application and conformed project plans. TCP’s must comply with California MUTCD Chapter 6 Temporary Traffic Control and address vehicular traffic, bicycle access and pedestrian access for the duration of the project. Generic TCP’s are not accepted; the TCP must be specific to the project, include distances (not refer to tables), and align with work progress.

The TCP must identify or include work hours, phasing of work, access, and other information as a result of the plan review for this Conditional Clearance. For additional information, refer to Traffic Control Plan in Exhibit 1 Post Award Steps for Projects with Conditional Clearance.

**INSURANCE and STORMWATER BMP FORM**

County requires Certificates of Insurance complete with copies of all required endorsements. Endorsement language must support this text: “County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively.” Specific insurance requirements are available at the Roads and Airports Encroachment Permit webpage: <https://countyroads.sccgov.org/encroachment-permits>

Submit the County Stormwater BMP Form. Forms are available at the Roads and Airports Encroachment Permit webpage: <https://countyroads.sccgov.org/encroachment-permits>

**CONFORMED PLANS and SPECIFICATIONS**

Project plans and specifications originally reviewed for a Conditional Clearance may change as a result of comments for the Conditional Clearance or other changes documented in bid addendums. Therefore, County requires Conformed Plans issued to build for final review prior to issuance of the Encroachment Permit.

**ENCROACHMENT PERMIT SPECIAL REQUIREMENTS AND PROVISIONS**

At the time the Conditional Clearance was provided, the Encroachment Permit Special Requirements, Special Provisions, and General Provisions would have been provided as part of the plan review process. These provisions have precedence over any Applicant conditions unless otherwise approved by the County.

**PRIOR TO CONSTRUCTION**

Prior to construction, Applicant/Permittee and Contractor shall conduct a preconstruction meeting involving the County inspector and any sub-contractor working on this project. In addition, the Roads and Airports Inspector must be contacted 48 hours prior to beginning any work in the County Right-of-Way (call (408) 573-2429 or email [inspections@rda.sccgov.org](mailto:inspections@rda.sccgov.org)). Additional requirements regarding notifications will be provided in the Encroachment Permit.





# County of Santa Clara

## Roads and Airports Department

### POST AWARD STEPS for PROJECTS with CONDITIONAL CLEARANCE

Ver 032522

Applicants that applied for and received Conditional Clearance (“For Bidding Purposes”) were provided the process for issuance of the Encroachment Permit to perform construction. This document is intended to summarize the next steps after the project is awarded to the Contractor/Builder, for both the Applicant and the Contractor/Builder.

#### DEFINITIONS AND RESPONSIBILITIES

- Applicant: “Applicant” means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
- Permittee: “Permittee” means any person, firm, corporation, business, or governmental agency to whom a permit has been issued. The Permittee has full responsibility for the Encroachment Permit once issued.
- Encroachment Permit (“Permit”): The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project.
- Contractor/Builder: The entity acting on behalf of the Applicant to provide required documents to Applicant, to permit issuance of the Encroachment Permit to the Applicant.

#### DOCUMENTS REQUIRED FOR PERMIT ISSUANCE

The following documents will be required before a review of the Encroachment Permit application may proceed:

- Conformed Plans and Contract Specifications: The plans and specifications review at time of issuance of the Conditional Clearance may have been based on an “Issued for Bid” plans/specs set. During the bidding process, addendums may have been issued that may have affected the entirety of the plans/specs set. The plans and specifications to submit for the Permit must be the “Issued for Construction” plan set and signed by the Engineer of Record.
- Identification of Changes between Sets: In order to expedite the County review process, provide a summary of all changes from the “Issued for Bid” plans/specs to “Issued for Construction” plans/specs. If no changes, provide a documented statement that the original plans/specs submitted are the approved plans/specs. This action is in the best interest of the Applicant to avoid delays in issuing the permit.
- Traffic Control Plan (“TCP”): Contractor/Builder shall submit for review and approval the TCP to the Applicant. Applicant checks as QA/QC, then Applicant uploads to the public portal. Refer to additional comments below about items to include in the TCP.
- Stormwater Best Management Practices (“BMP”) Form: Applicant or Contractor/Builder shall complete and submit the Stormwater BMP Form concurrently with the plans and TCP. Applicant confirms and uploads the form. This form is a County required form, separate and distinct from any Contractor/Builder contractual requirement with the Applicant for a stormwater management plan.
- Insurance: Applicant shall submit contractor’s insurance with County designated as additionally insured. Refer to additional comments below about insurance requirements.

#### COUNTY ON-LINE PORTAL FOR SUBMITTING DOCUMENTS, REVIEW TIME, and ISSUANCE

- The Applicant is required to submit documents as prepared by the Contractor/Builder.
- Applicant shall allow at least three (3) weeks to review the Traffic Control Plan and all submitted documents. Due to high volume of applications, final issuance may take an additional two (2) weeks.  
***Applicant is reminded to allow sufficient County review time in the project schedule.***
- After approval, an Encroachment Permit will be issued to the Applicant (now Permittee) per County of Santa Clara standard terms and conditions.

**TRAFFIC CONTROL PLAN**

A Traffic Control Plan (TCP) must be submitted concurrently with the Encroachment Permit application and project plans. TCP's must comply with California MUTCD Chapter 6 Temporary Traffic Control and address vehicular traffic, bicycle access and pedestrian access for the duration of the project. Generic TCP's are not accepted; the TCP must be specific to the project, include distances (not refer to tables), and align with work progress.

As provided for in the Conditional Clearance, the TCP must identify or include the following elements

- For projects in rural areas, construction operations should minimize impacts to residential, agricultural, and commercial units (i.e., access to facilities, hours of operations).
- Access is to be granted to all residents, businesses and government property that are within limits of any full or partial road closure. Emergency vehicle access must be provided at all times.
- Work Hours: Work hours are to be included in the TCP for review by traffic engineers. Work hours for work that is within County ROW shall be determined by the county. For planning purposes, work hours are limited to 9 AM to 3 PM on the Expressways, and 9 AM to 4 PM in rural areas, unless otherwise approved in the Conditional Clearance.
- Phasing of Work: The TCP will include contractors intentions for work phasing. County will review phasing as part of the TCP submittal under the Encroachment Permit application.
- Truck Trip Route Plan and Staging Areas: Include with the Traffic Control Plan a truck trip route plan to indicate haul routes for each major phase of work. Indicate laydown or staging areas.

**INSURANCE**

County requires Certificates of Insurance complete with copies of all required endorsements. Endorsement language must support this text: "County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively." Contact Permits ([permits@rda.sccgov.org](mailto:permits@rda.sccgov.org)) at the Roads and Airports Department for specific insurance requirements or check with the Land Development Engineer assigned to your project.

**PRIOR TO CONSTRUCTION**

Prior to construction, Permittee and Contractor shall conduct a field preconstruction meeting involving the County inspector and any sub-contractor working on this project. This meeting should be considered separate and distinct from any administrative preconstruction meeting conducted by the Permittee. The contents of the Permit will be discussed, including at a minimum the following:

- Project Schedule, phasing of the work and working hours.
- Notification process to all residents & businesses of pending construction work.
- Contact information for the Roads and Airports Inspector.
- Traffic Control Plan.
- Monument Preservation.
- Review of Plans and Specs – any special concerns by the County will be presented.

Following this meeting, the County inspectors will meet with the Permittee's project inspectors to confirm the role of the County inspector. County inspectors are verifying conformance to permit requirements. Project inspectors are inspecting the work for compliance with contract plans, specifications, and requirements.

**FEES**

Prior to issuance of the permit, Applicant will be subject to a balance due review and may be issued an invoice for payment. Following permit issuance, the Permittee may be provided a progress billing, or a final invoice after the project is complete.



# County of Santa Clara

## Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400



July 5, 2022

### **CONDITIONAL RIGHT-OF-WAY CLEARANCE "FOR BIDDING PURPOSES ONLY"**

**SUBJECT:** City of Morgan Hill Signalized Trail Crossing  
Watsonville Road at West Little Llagas Creek

**FILE NUMBER:** ENC22-0299

**APPLICANT:** City of Morgan Hill

**CONTACT:** Yat Cho

Dear Yat,

A Conditional Right-of-Way (ROW) Clearance is recommended for the City of Morgan Hill for the subject project/location. The design and/or project specifications for the subject project is understood to be complete or nearly complete and will proceed through County ROW. It is understood that the City of Morgan Hill will be bidding out the work to the contractor designated to construct/implement the subject project ("Contractor").

**THIS IS NOT AN ENCROACHMENT PERMIT.** No work may proceed in the County ROW until the Encroachment Permit is issued.

Please refer to the following attachments:

1. Attachment A: County plan review comments
2. Attachment B: Encroachment Permit Special Provisions and General Provisions
3. Attachment C: Information on obtaining the Encroachment Permit

This letter with Attachments B and C is recommended to be included in your bidding or contract documents to acknowledge clearance of the work and submittals required to be provided when applying for an Encroachment Permit.

In addition, the facilities and markings installed will require an approved Maintenance and Indemnification Agreement (MIA) with the County prior to issuance of the permit. We will contact you in separate correspondence regarding the MIA process.

If you have any questions, please contact me at [tom.esch@rda.sccgov.org](mailto:tom.esch@rda.sccgov.org).

Sincerely,

Tom Esch, P.E.  
Associate Civil Engineer

# **ENC22-0299 City of Morgan Hill Signalized Trail Crossing at Watsonville Road**

## **Plan Review Comments and MIA**

**Attachment A**

---

### **Applicants Project Scope and Objectives for Comments**

- Project Scope: Install a high-intensity activated crosswalk signal assembly at the West Little Llagas Creek Trail crossing at Watsonville Road. Includes modification and relocation of a guardrail system, truncated dome panels, signage and striping.
- Plan Name and File Information: Plans reviewed were dated 5/11/2022, identified in County online portal as file name: Watsonville HAWK Rev4.pdf
- Objective of Review: Objective is to review the submitted plans and determine if plan information is sufficient for County to issue a Conditional Right of Way Clearance to the project.

### **Land Development Review**

- Prior plan review comments have been addressed in the submitted plans dated 5/11/2022. There are no further comments to be applied to the project plans.
- As noted during the plan review of the relocated guardrail system:
  - The guardrail is not MASH compliant when modified. County suggested complete removal, since the K-rail is being shifted away from the travelled road edge.
  - In order for City of Morgan Hill to keep the guardrail assembly as not MASH compliant, it requires City of Morgan Hill taking full liability and added to the MIA agreement.
  - City of Morgan Hill responded June 14<sup>th</sup> with option to keep the relocated non-MASH compliant guardrail system and incorporate responsibility for the guardrail assembly into the MIA.
- Work hours for this rural location are 9 AM to 4 PM.

### **Maintenance and Indemnification (MIA) Agreement**

- A post-construction maintenance and indemnification (MIA) agreement is required BEFORE the encroachment permit may be granted. Expect two to three months to prepare and finalize an MIA. Ensure your project schedule accommodates this. MIA's are filed with the County Recorder.
- The Exhibits required in the MIA must be prepared by the Applicant. Applicant will be contacted for information required to be submitted in order to proceed with preparing the MIA.
- MIA must address the following:
  - high-intensity activated crosswalk signal assembly
  - Signage and sign structures
  - Relocated guardrail assembly
  - Truncated dome panels
  - Pavement markings



# County of Santa Clara

## Roads and Airports Department

### ENCROACHMENT PERMIT SPECIAL PROVISIONS

Attachment B

VER 2-04-22

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## AUTHORITIES AND COMPLIANCE

1. **AUTHORITY:** In accordance with Santa Clara County Ordinance Division B17, all work in the County Road right-of-way requires an encroachment permit from the Roads and Airports Department and is subject to the requirements of Division B17. Each individual activity requires a separate permit – i.e. retaining walls, driveway approaches, temporary construction entrances, fences, landscaping, tree removal, storm drainage improvements, all utility operations (relocations, replacements, abandonments, temporary facilities, and/or new facilities for cable, electric, gas, sewer, water), etc.
2. **STANDARDS:** Work is subject to County Standard Specifications, County Standard Plans and Details, California Department of Transportation (Caltrans) Standard Specifications and Standard Plans (latest issue).
3. **DEFINITIONS:** Refer to Santa Clara County Ordinance Division B17 for a complete list of definitions as used in these provisions. The following additional definitions apply:
  - a) **Applicant:** As used in these provisions, “Applicant” means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
  - b) **Permittee:** As used in these provisions, “Permittee” shall mean any person, firm, corporation, business, or governmental agency to whom a permit has been issued.
  - c) **Permit:** The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project.

## INSPECTION, CONTACT INFORMATION and SAFETY

4. **NOTIFICATIONS:**
  - a) Permittee **MUST** notify all residents & businesses of pending construction work.
  - b) For inspector notifications and requests for inspection, call 408-573-2429.
  - c) Refer to **Special Provisions Section 17** regarding additional notifications for road closures.
5. **UNDERGROUND SERVICE ALERT:** Notify the Underground Service Alert—Northern California (Call 811 or visit [usanorth811.org](http://usanorth811.org)) 48 hours prior to any trenching or excavation in the road right-of-way.
6. **PRECONSTRUCTION:**
  - a) The Roads and Airports Inspector must be contacted 48 hours (not including weekend days and County holidays) prior to beginning any work in the County right-of-way.
  - b) Prior to construction, Permittee shall conduct a preconstruction meeting involving the County inspector, Permittee’s representatives, and any contractor working on this project.
  - c) No work within the County right-of-way shall be undertaken until all materials, equipment, and labor forces are available to pursue the work to completion.
7. **INITIAL and SUBSEQUENT INSPECTIONS:** The Permittee shall request initial inspection from the County a minimum of forty-eight (48) hours (not including weekend days and County holidays) prior to any work being performed.
8. **FINAL INSPECTION:** The Permittee shall request final inspection from the County within ten (10) business days (not including weekend days and County holidays) from the date of completion of the work.
9. **PERMIT ON SITE:** This Permit shall be kept at the site of work and must be shown to any authorized representative of the County or any law enforcement officer upon demand.
10. **EMERGENCY CONTACTS:** Names and telephone numbers of two responsible persons shall be furnished to the County Inspector prior to start of work to be available as emergency contacts, 24 hours a day, seven days a week. The Permittee or the Contractor shall have a supervisory representative available for contact on the project at all times during the construction.
11. **PRESERVATION OF PROPERTY:**
  - a) **Photos:** Before and after photos shall be taken by the Permittee and provided to the County for the files and reference as needed. Any costs associated with these photos shall be the sole responsibility of the Permittee.
  - b) **Videos:** If the permit requires video of the site, the following applies:
    - i) The Contractor shall submit a video of the job site(s) to the County inspector, for file prior to the start of construction, for the purpose of providing a record of existing conditions. Each video file shall be labeled and dated appropriately. Each video shall be completed during full daylight with no presence of shadows. The video shall provide a view encompassing the entire project area for all construction activities, with sufficient clarity and scope to the satisfaction of the County. Video shall include at a minimum:
      - (1) The proposed excavation areas
      - (2) Driveway entrances including condition of culverts.
      - (3) Contractor’s staging area including entrances.
      - (4) Path from contractor’s staging area to the job site.
    - ii) The Contractor shall submit the video file(s) with a written log noting any existing defects or irregularities in the existing pavement. The log shall also state the location (by station), date, and time the videos were made. Videos shall be uploaded to a shared directory for access by the County. Upon receipt by the County, the videos shall become the property of the County.
    - iii) If the Contractor plans to drive sheeting, the Contractor shall video inspect nearby structures prior to driving the sheeting. This video inspection shall be included in the site videos above, and shall be accompanied by a similar log that notes street address and existing defects or irregularities.

- 12. SITE SAFETY:** All construction work shall be performed in accordance with Cal/OSHA Title 8 regulations.
- 13. EQUIPMENT AND MATERIAL STORAGE:** No equipment or materials shall be stored in right-of-way overnight, unless prior written permission is obtained from the Roads and Airports Department. Equipment or materials includes, but not limited to, the following: temporary construction facilities, construction materials, deliveries, hazardous and non-hazardous material storage, equipment, tools, portable toilets, concrete washout, garbage containers, laydown yards, secondary containment areas, etc.

#### **TRAFFIC CONTROL, WORK HOURS and SIGHT DISTANCE**

- 14. WORK HOURS:** Hours of work and lane closures shall be in accordance with approved Traffic Control Plans or as further specified in the Permit.
- 15. TEMPORARY TRAFFIC CONTROL:**
- a) The Permittee shall make adequate provisions for the protection of the traveling public, inclusive of pedestrians and bicyclists, and adequately maintain temporary traffic control during the period of the construction.
  - b) Temporary traffic control, including traffic control devices and signs, shall be installed in accordance with Part 2 – Signs, Part 6 – Temporary Traffic Control and any other applicable parts of the latest issue of the California Manual on Uniform Traffic Control Devices for Streets and Highways. Traffic control devices and signs are to be adequately maintained during the period of the construction.
  - c) Flaggers shall be sufficiently trained and equipped in accordance with California Code of Regulations, Title 8, Section 1599. Flaggers shall be required as specified in the Traffic Control Plan or at any time equipment or men are crossing or working within County Expressways.
  - d) Provide a minimum of 4-feet spacing for bikes and pedestrians to go through at portion of road with “SHARE THE ROAD” sign at work zone.
  - e) When called out for in the Traffic Control Plan, pedestrian control shall consist of a dedicated individual assigned the responsibility of escorting pedestrians through the work area in accordance with three major considerations:
    - i) Pedestrians shall not be led into direct conflict with work site vehicles, equipment or operations.
    - ii) Pedestrians should not be led into direct conflict with mainline traffic going through or around the work site.
    - iii) Pedestrians should be provided with a reasonably safe, convenient, and accessible path that replicates as nearly as practical the most desirable characteristics of the existing sidewalk or footpath.
- 16. TRAFFIC LANES:** All traffic lanes shall be open to the traveling public during all hours of darkness, and on all weekends and holidays unless prior written approval is obtained from the County. For non-expressways, a minimum of one (1) traffic lane shall be kept passable under the direction of flaggers at all times during the normal work day, and a minimum of two (2) full traffic lanes shall be safe and passable during hours of darkness (the time between sundown and sunrise shall be considered hours of darkness). One-way traffic may be permitted under the control of not less than two competent flaggers or as required by the latest issue of the California Manual on Uniform Traffic Control Devices for Streets and Highways during normal working hours with prior approval in writing from the County. No variance of the requirements of this section will be allowed without prior written approval from the County.
- 17. ROAD CLOSURES:** Work which requires a road closure and/or a traffic detour of an extended duration requires a detour signage plan to be included in the Traffic Control Plan. The permit will include additional instructions regarding notifications to the County Public Information Officer and to Valley Transportation Authority (VTA) if bus or light rail stops are impacted. In addition to the Traffic Control Plan, Applicant is required to submit a one-page Detour Notification with graphic that includes the following:
- a) Text description of the work occurring, purpose of the detour, and streets affected.
  - b) Simple graphic depicting the detour route and road closures, street names, time and date of closure for each road segment with color legend, and bus stop locations with route numbers along the affected routes.
  - c) Name of garbage collection company that services businesses and residences along affected routes.
  - d) Zip codes for Public Information Officer to send closure notice.
- 18. STAGING AND TRUCK ROUTES:** Work of a significant nature will require inclusion of construction staging areas and truck routes in the Traffic Control Plan or as otherwise provided on the project plans.
- 19. SIGHT DISTANCE:** As related to and affected by the improvements covered by this Permit, Permittee shall provide and maintain adequate sight distance per the latest Caltrans standards. Typical compliance may include, but not limited to, placement of temporary signage or equipment, trimming and/or removal of trees; trimming and/or removal of vegetation; and, grading of embankments to provide for adequate sight distance.
- 20. ADJACENT JURISDICTIONS:** County permit reviews do not include reviewing or commenting on work or traffic control outside of County right-of-way. Applicants are required to contact the appropriate jurisdiction(s) for their concurrent review and approval.

#### **COMMUNICATION, ELECTRICAL FACILITIES and INFRASTRUCTURE AS-BUILTS**

- 21. PRESENCE OF UTILITIES:** Applicants will be informed during the permit application process if existing County communication and electrical facilities are located in the project area.
- a) Call 811 before digging. Refer to **Special Provisions Section 5** for additional information.
  - b) Protect County underground traffic signal and fiber optics facilities.

- c) For installation of any new conduit crossing an existing County-owned fiber optic conduit, the Contractor must locate the County fiber optic conduit, via pothole, before installing new conduit. If the conduit cannot be located, the Contractor must call the County, prior to installation, for assistance.
- 22. AS-BUILTS:** When provided, information shown on County as-built plans is subject to change. If applicable, field-verify information and notify the County of any discrepancies.
- 23. DAMAGE NOTIFICATION AND RESPONSIBILITIES:** Notify the County immediately if County infrastructure is damaged. The Permittee is required to repair any damage caused by the Permittee or the Contractors within the time indicated by the County. If the Permittee fails to make the repairs within the time indicated, the County is authorized to repair the damage and recover all cost incurred, including overhead and administrative costs, from the Permittee, the surety or the insurance carrier.
- 24. REPAIR TO FIBER AND DETECTORS**
  - a) County traffic signal systems and County fiber optic cable damaged by the contractor's operation shall be temporarily repaired and then shall be replaced in accordance with County Standard Specifications 86.01.06.
  - b) Replace any vehicle detection loops damaged by work within 48 hours. If loop detectors cannot be replaced within 48 hours then temporary detection, such as video or microwave, must be provided until the loops are replaced prior to project completion.
    - i) Vehicle loops shall be Caltrans Type D and Type B.
    - ii) If a bike loop is damaged the replacement shall be a modified Type D.
    - iii) Loop slots shall be filled with hot-melt rubberized asphalt sealant.
  - c) After completion of temporary repairs, the County will determine whether the end equipment operates satisfactorily. If not, the County may direct the Permittee to replace the temporary splice within 48 hours. This shall be considered an interim repair only to restore service.
  - d) The repair shall be undertaken in the nearest junction box, by pulling available slack in the cable. If, in the determination of the County, insufficient slack is available, a new junction box shall be installed as directed.
  - e) Within 30 days after the acceptance of the interim repair by the County, the Permittee or its Contractor shall obtain a modified encroachment permit and replace the damaged cable between the system's end-to-end splice points installed during the initial installation (as shown on the County Fiber Splicing Details Map). During this permanent repair process, the fiber-optic cable shall not be disconnected or the equipment communicating on the cable shall not become non-operational for more than 48 hours. A seven (7) day notice shall be given to the Permit Inspection Unit of the Roads and Airports Department by calling (408) 573-2429 prior to any work associated with the repair of the fiber-optic cable. The replacement cable shall be of length and type equivalent to the replaced cable. Cable material, installation and testing shall meet the requirements of the County Standard Specifications as follows:
    - Section 86.02.08E "Fiber-optic Cable",
    - Section 86.02.09C "Installation of Fiber-optic Cable",
    - Section 86.02.09O(1) "Fiber-optic Connectors",
    - Section 86.02.09E(2) "Fiber-optic Cable Splicing",
    - Section 86.02.09G "Fiber-optic Splice Enclosure", and
    - Section 86.02.13D "Fiber-optic Cable Testing". OTDR and power meter tests shall be done after the repair to assure that a light loss is within the maximum allowable loss. This loss shall be determined by comparison of the test results with OTDR test results on file at the County, derived from the most recent test on each fiber. The OTDR test shall be performed on each fiber strand. The power meter test shall be performed only on fibers terminated on both ends. Both tests shall be done at 1,550 nm and 1,310 nm. The Permittee or the Contractor shall record all test results and provide the results to the County for review and acceptance. All testing shall be observed by a representative of the County.

## PAVEMENT CUTS, TRENCHING AND POTHOLING

- 25. TRENCHING AND SAWCUTTING:** If the permit allows pavement to be cut for pavement trenching, the following will apply:
  - a) Sawcut the perimeter of the edge of work before excavation.
  - b) Per County details, provide a "T-cut" for trenches.
  - c) Trench plates are to be H-20 load rated, skid resistant, and recessed flush to the existing paved surface. Transitions shall be installed with hot-patched asphalt concrete, or a County approved alternative. Trenches shall be adequately shored to support the bridging and traffic loads.
  - d) All trenches and excavations, where permitted, shall be backfilled in accordance with Section 19.03 of the County Standard Specifications with structural backfill or sand material, having a sand equivalent of not less than 20, and shall be jetted and/or compacted to 95% relative compaction in accordance with State of California test method #216, by rolling or tamping.
  - e) Following backfill, trenches shall have a minimum of one (1) foot of Class 2 aggregate base (per Santa Clara County specifications) placed in the trench and compacted to 95% relative compaction.
- 26. JACK/BORE, BORE PITS, POTHOLING, AND SOIL BORINGS**
  - a) Installation of pipes and conduits shall be by boring and jacking or direction bore methods. The permit will specify any permitted exceptions.
  - b) Any bore pit in the pavement will need to follow County Standard Detail U3/A.
  - c) Restoration for utility potholing and soil borings shall consist of the following:

- i) Backfilling: All soil borings will be backfilled with neat cement grout to capping level. Grout from bottom to top in a continuous operation; density of grout must be consistent.
- ii) Capping: Capping is to thickness of existing pavement. Borings in paved areas are to be capped with hot-patch asphalt concrete. Caps will conform to existing finished surfaces.
- iii) Backfilling and capping will take place before the end of each day's work.

**27. PAVEMENT RESTORATION**

- a) Applicants will be informed during the permit application process if the project area includes County roads that were recently surface treated or repaved, which may require additional pavement restoration methods than stated in this section.
- b) All vertical asphalt cuts must be tack coated prior to asphalt placement.
- c) Cut-back and/or cold mix will not be allowed as temporary roadway surface backfill in travelled ways unless prior approval is given.
- d) Major roads and expressway pavement restoration consists of Type A Asphalt,  $\frac{3}{4}$ " coarse asphalt concrete, placed in lifts of 6", 6" and a 3" final lift (surface course) of  $\frac{1}{2}$ " medium asphalt concrete.
- e) Rural roads pavement restoration consists of 4" thick hot asphalt concrete, placed and compacted in two, 2" lifts with  $\frac{1}{2}$ " medium asphalt concrete.
- f) Permittee is responsible for restoring pavement to like or better condition. Pavement cracked/depressed by construction equipment or methods shall be removed and replaced in kind.
- g) Temporary or permanent lane realignment requiring removal of pavement stripes, markings/markers, or other construction activities causing pavement surface damage shall be repaired as indicated in the permit, which may consist of asphalt overlay or microsurfacing. When permit requires pavement restoration at the project site must be curb to curb/lane line and microsurfaced:
  - i) Use a Type II slurry mix per County standards, "111-12-.09 Microsurfacing, Type II",
  - ii) The microsurfacing mixture shall be of the proper consistency at all times, so as to provide the application rate required by the surface condition. The average single application rate, as measured by the County, shall be 15 lb/SY(+/-1 lb/SY).

**28. SITE RESTORATION**

- a) Pavement Striping
  - i) Striping in Expressways and urban roads shall be thermoplastic and replaced per existing striping.
  - ii) Striping in rural roads shall be two-coat paint or as specified in the permit. Painted traffic stripes and painted pavement markings used for Painted delineation must comply with Section 84-2 of the State Standard Specifications. Apply two coats. Coats shall be 6" width.
  - iii) County traffic engineers must approve the striping layout prior to final installation.
- b) Curb/Gutter/Sidewalk: Replace in kind material for curb/gutter/sidewalk. Slurry from pavement/curb cutting shall be vacuumed and disposed properly.
- c) If removal of existing fence or wall is required, it shall be replaced in kind.
- d) All landscaping removed or damaged shall be replaced in kind and approved by the County Project Inspector in the field.

**MONUMENTS AND ARCHAEOLOGICAL SITES**

- 29. MONUMENT IDENTIFICATION ON PLANS:** Any property corner stake, street monument or other permanent survey monument that will be disturbed during construction shall be shown on the plans for the work and referenced, removed and reset by competent persons legally qualified to perform this work.
- 30. PERMANENT MONUMENTS/ MONUMENT PRESERVATION:** In accordance with the California Professional Land Surveyors' Act (Business and Professions Code), Chapter 15 Sections 8771 and 8725.1, California Penal Code 605, and California Government Code 27581, the Utility Company, their employees, subcontractors, and/or any person performing construction activities that will or may disturb an existing roadway/ street monument, corner stake, or any other permanent surveyed monument and/or as shown on the plan sheet shall ensure that a Corner Record and/or Record of Survey are filed with the County Surveyor Office prior to disturbing said monuments. All disturbed or destroyed monuments shall be reset and filed in compliance with Section 8771.
- 31. MONUMENT CORNER RECORDS:** Section 8771 of the Business and Professional Code, and Section 732, 149.5, and 810.5 of the Streets and Highways Code, Rev. 1995, mandates that prior to any reconstruction or relocation of streets or highways, all survey monuments are to be located and referenced to stable objects outside the construction area by or under the direction of a person authorized to practice land surveying. A corner record which shows the reference ties is to be filed in the office of the County Surveyor. After construction, permanent monuments are to be reset and a second corner record shall be filed. The Permittee is responsible for the cost of this work.
- 32. ARCHAEOLOGICAL/HISTORICAL:** Upon discovering or unearthing any burial sites as evidenced by human skeletal remains or artifacts, the person making such discovery shall immediately notify the County Coroner at (408) 793-1900, and the Office of Human Relations at (408) 299-2206. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with provisions of state law and Chapter 2, Division B6 of the County Ordinance Code. Upon discovering any human or non-human artifacts, contact the County inspector.

**BMP, MATERIALS AND FACILITIES**

**33. STORM WATER POLLUTION PREVENTION**

- a) Stormwater Best Management Practices (BMPs): BMPs shall be in place during the entire construction window.
    - i) No dirt/debris/concrete shall be tracked or washed into storm drains.
    - ii) Any stockpile excavated material shall be covered by a tarp.
    - iii) Sweep daily or as directed by County.
    - iv) Excavated materials shall be disposed off-site properly at an approved site.
  - b) All Applicants are required to complete and submit the Stormwater BMP form and comply with requirements stated in the form. The Applicant and its contractor must implement best management practices (BMPs) to prevent construction materials, excavated materials, waste materials, and sediment caused by erosion during construction activities, on-site or off-site, from entering the storm drain system and waterways.
  - c) The work performed under this Permit is subject to the National Pollutant Discharge Elimination System (NPDES) regulations governed by State and regional water quality control boards. Certain projects may require the Applicant to develop and submit Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the County prior to the start of construction. For additional information, refer to the following website:  
<https://www.sccgov.org/sites/dpd/Programs/Stormwater/Pages/Stormwater.aspx>
- 34. DRAINAGE:** If the work performed by the Permittee interferes with the established surface drainage pattern ample provision shall be made by the Permittee to provide for said drainage with prior approval in writing from the County before any work is performed. If there are any negative impacts to the established surface drainage patterns the Permittee shall take immediate steps to mitigate the negative impacts and restore the surface drainage patterns existing prior to any work being performed to the County's satisfaction and at no cost to the County.
- 35. SIGNAGE:** Any signs to be constructed in the execution of this Permit are to be approved by the County prior to placement of the signs.
- 36. MATERIAL SUBMITTALS:** Permit will state any requirement for material submittals. Material submittals are required, in accordance with the County's Standard Specifications, Section 86.01.04 "Submittals", for work involving County maintained signals, lighting and electrical systems. Submittals shall be furnished to the County Roads and Airports Department's right-of-way Inspector. Material furnished and/or installed without the Roads and Airports Department's prior approval may be subjected to rejection and/or removal at the Permittees' expense.

#### PERMIT PERIOD AND CHANGES

- 37. PERMIT PERIOD:** This permit is valid for the period designated in the permit, from the date of issuance. If work has not commenced, and the permittee does not request an extension, the permit will be allowed to expire. If work has commenced and work is not complete by the date of permit expiration, the County will renew the permit (and bill the associated extension fee) in six-month increments, until the work is complete and the permittee requests a final inspection
- 38. NOTICES:** If construction operations are delayed for any reason beyond the duration stipulated in the notices or phasing of work includes dormant periods greater than 1-month intervals, the permittee shall re-issue written notices.
- 39. PERMIT CHANGES:** Deviations from plans, specifications, and/or the permit conditions, inclusive of County comments provided on said documents, are not allowed without prior approval from the County. Once the permit is issued, Permittee shall contact County inspector assigned to the permit to determine courses of action, which may include approved County inspector field changes, a Permit Rider for minor changes, or a Revision for major changes. Permit Rider and Revisions may necessitate assessment of additional fees.

#### ACCEPTANCE AND WARRANTIES

- 40. PLANS AND REPORTS:** At the conclusion of the project and prior to project close-out, Permittee will provide the following
- a) Red-line as-builts to the County for County records in the form of scanned electronic documents.
  - b) All compaction reports.
- 41. WARRANTY OF WORK**
- a) For fiber or electrical repairs, the Permittee shall guarantee the repair work for a period of one (1) year from the date of acceptance of the work by the County in accordance with Section 5.17 "Correction of Work and Guarantee" of the County Standard Specifications.
  - b) For pavement work, there is a 5-yr warranty when the project is completed (Reference to County Ordinance NS-7039, Section B17-36.4). County's Roads Operations Engineering will determine what constitutes failure based on acceptable industry standards. At a minimum, cracks and separation in the microsurfacing, settlement where the trench repairs took place, and damaged pavement edges along the trenches are considered failures.





# County of Santa Clara

## Roads and Airports Department

### ENCROACHMENT PERMIT GENERAL PROVISIONS

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VER 2-04-22

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1. **DEFINITIONS:** Refer to Santa Clara County Ordinance Section C12.5 Definitions for a complete list of definitions as used in these provisions. The following additional definitions apply:
  - a) Applicant: As used in these provisions, "Applicant" means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
  - b) Permittee: As used in these provisions, "Permittee" shall mean any person, firm, corporation, business, or governmental agency to whom a permit has been issued.
  - c) Permit: The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project
2. **LEGAL ENFORCEMENT:** Work under the Encroachment Permit (Permit) must comply with provisions in the following references, whether or not they are set forth herein:
  - a) California Streets and Highways Code;
  - b) California State Water Resources Control Board NPDES General Permit for Storm Water Discharges Associated with Construction & Land Disturbance Activities (Order No. 2009-0009-DWQ or any amendment thereof);
  - c) California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Storm Water NPDES Permit (Order No. R2- 2009-0074, NPDES Permit No. CAS612008, October 14, 2009, or any amendment thereof);
  - d) Central Coast Regional Water Quality Control Board, Revised Regional Storm Water Management Plan for City of Gilroy, City of Morgan Hill, and County of Santa Clara (South County) (February 22, 2010 or any amendments thereof);
  - e) County of Santa Clara Ordinance Code;
  - f) County of Santa Clara Standard Details and Standard Specifications;
  - g) Local ordinances and regulations of applicable municipality where the work is located;
  - h) Other regulatory agencies. (revise to reference federal state, local)
3. **COUNTY STANDARDS AND DETAILS:** All designs within County's right-of-way shall comply with County standards. County standards may be found at: <https://countyroads.sccgov.org/do-business-us/published-standards-specifications-documents-and-forms>
4. **GENERAL INSTRUCTIONS**
  - a) All work is to be completed in accordance with these General Provisions attached to the Permit, any special provisions or conditions shown on the Permit itself.

- b) Commencement of any work under this Permit shall constitute acceptance of the conditions and requirements of the permit for the installation or future maintenance of the encroachment whether or not the Permit is signed by said person or an authorized representative of said person, firm or corporation
  - c) Work plans and specifications, required bonds and insurance, must be submitted, approved and on file in the Roads and Airports Department (hereinafter County) prior to issuance of the Permit.
  - d) If additional engineering, soils investigations or geological investigations are required, they shall be provided by the Permittee.
  - e) All survey work including construction staking shall be provided by the Permittee.
5. **REVOCATION:** This Permit is revocable in accordance with the procedures and requirements of California Streets and Highways Code.
6. **INDEMNIFICATION:** The Permittee shall fully indemnify, defend, and hold harmless the County of Santa Clara (hereinafter "County"), it's officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by the Permittee, it's Contractor and/or it's agents, employees or Subcontractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County. It is the intent of the parties to this Agreement to provide the broadest possible coverage for the County. The Permittee shall reimburse the County for all costs including, but not limited to, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Permittee is obligated to indemnify, defend and hold harmless the County under this Agreement. Issuance of a permit authorizing construction does not release the Developer, Permittee or its Engineer from the responsibility for the correction of errors or omissions contained in the plans. If, during the course of the construction, the public interest requires a modification of (or departure from) the specifications and/or plans, the County shall have the authority to require: i) The suspension of work; ii) The necessary modification to the specifications and/or plans; and, iii) specify the manner in which the same is to be made.
7. **INSURANCE:** The Permittee shall obtain insurance as required in Santa Clara County Ordinance Division B17, Section B17-35(d) and shall provide a certificate of insurance verifying such insurance to the County prior to any work being performed. The County, its officers, employees and agents shall be named as additional insured.
8. **BONDS:** The Permittee shall obtain a performance bond in the amount indicated when required by the County as a condition of the permit and shall provide a certified copy of the bond verifying such bond in the amount required by the County.
9. **BONDS RELEASE:** If a Performance bond is posted, it will be released by the County after a written request for a final inspection and verification by the County the work has been satisfactorily completed. Release of the Performance bond is subject to the Permittee providing any Maintenance bond or Deferred Maintenance Agreement required by the County.
10. **PRIVATE PROPERTY:** This Permit shall not be construed as authorization for excavation and/or grading on private property adjacent to the encroachment or any other work for which a separate permit may be required. This Permit shall not be construed as authorization for any work for which a separate permit may be required – i.e. a driveway permit does NOT include utility work of any kind; a permit to connect water is separate from a permit to connect gas, electric, or communication.
11. **RELOCATION RESPONSIBILITY:** In the event future improvement of the road necessitates relocation of the encroachment authorized by this Permit, the Permittee shall relocate same at their sole expense.
12. **CONTRACTS AND AGREEMENTS:** This Permit does not release the Permittee from any liabilities contained in other agreements or contracts with the County and other municipal agencies.
13. **ACCEPTANCE:** Commencement of any work under this Permit shall constitute acceptance of the conditions and requirements of the permit for the installation or future maintenance of the encroachment whether or not the Permit is signed by said person or an authorized representative of said person, firm or corporation.
14. **INTEGRATED PEST MANAGEMENT:** Santa Clara County Ordinance Division B28 regulates the use of integrated pest management and pesticide use within County ROW. Permittee shall comply with all provisions of Ordinance Code B28, and prior to using any pesticide, Permittee shall receive the written approval of the County IPM Coordinator. Additional information about the IPM Ordinance can be found at <https://ipm.sccgov.org/about-ipm>.
15. **FEES:** Encroachment Permit review and issuance of the permit is subject to County established fees. Encroachment Permits that require an extension is subject to a time extension fee if extension is approved. Refer to County Roads and Airports Department for a list of current fees and general conditions regarding extensions of permits.



# County of Santa Clara

## Roads and Airports Department

### Attachment C

## CONDITIONAL RIGHT-OF-WAY CLEARANCE INFORMATION

Ver 032522

**DATE:** July 5, 2022

**TO:** Yat Cho  
City of Morgan Hill

**FROM:** Tom Esch  
Land Development Services

**SUBJECT:** ENC22-0299/ City of Morgan Hill Signalized Trail Crossing

**LOCATION/SCOPE:** Watsonville Road at West Little Llagas Creek

**EXHIBIT:** 1. POST AWARD STEPS for Projects with CONDITIONAL CLEARANCE

A Conditional Right-of-Way Clearance (“Conditional Clearance”) has been recommended for City of Morgan Hill to be permitted to encroach onto County right-of-way (ROW). This document outlines requirements that will lead to the issuance of the encroachment permit.

A Conditional Clearance IS NOT AN ENCROACHMENT PERMIT. No work may proceed in the County ROW until the Encroachment Permit is issued.

### ISSUANCE OF AN ENCROACHMENT PERMIT

The City of Morgan Hill has full responsibility for applying for the Encroachment Permit and is designated as the “Applicant”, then designated as “Permittee” after the Encroachment Permit is issued.. The City of Morgan Hill has the responsibility to submit all required documents as identified below. The following is the issuance process:

- Applicant shall request an Encroachment Permit following award of the project.
- Issuance of the Encroachment Permit is subject to County receipt, review and approval of the following items from the Applicant: 1) Applicant’s conformed project plans and contract documents/specifications relative to work in County ROW; 2) Contractors Traffic Control Plan; 3) Stormwater BMP Form signed by the contractor; and 4) Contractor’s insurance with County designated as additionally insured.
- Applicant shall allow at least three (3) weeks to review the Traffic Control Plan and all submitted documents. Due to high volume of applications, final issuance may take an additional two (2) weeks. After approval, an Encroachment Permit will be issued to the Applicant per County of Santa Clara standard terms and conditions, Encroachment Permit Special Requirements, and Encroachment Permit Special and General Provisions, which may be subject to change and/or revision.
- For additional information, refer to Exhibit 1 Post Award Steps for Projects with Conditional Clearance.

**PLAN COMMENTS**

Refer to the Cover Letter that introduced this Conditional Clearance for plan review comments and conditions specific to Applicant's project.

**TRAFFIC CONTROL PLAN**

A Traffic Control Plan (TCP) must be submitted concurrently with the Encroachment Permit application and conformed project plans. TCP's must comply with California MUTCD Chapter 6 Temporary Traffic Control and address vehicular traffic, bicycle access and pedestrian access for the duration of the project. Generic TCP's are not accepted; the TCP must be specific to the project, include distances (not refer to tables), and align with work progress.

The TCP must identify or include work hours, phasing of work, access, and other information as a result of the plan review for this Conditional Clearance. For additional information, refer to Traffic Control Plan in Exhibit 1 Post Award Steps for Projects with Conditional Clearance.

**INSURANCE and STORMWATER BMP FORM**

County requires Certificates of Insurance complete with copies of all required endorsements. Endorsement language must support this text: "County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively." Specific insurance requirements are available at the Roads and Airports Encroachment Permit webpage: <https://countyroads.sccgov.org/encroachment-permits>

Submit the County Stormwater BMP Form. Forms are available at the Roads and Airports Encroachment Permit webpage: <https://countyroads.sccgov.org/encroachment-permits>

**CONFORMED PLANS and SPECIFICATIONS**

Project plans and specifications originally reviewed for a Conditional Clearance may change as a result of comments for the Conditional Clearance or other changes documented in bid addendums. Therefore, County requires Conformed Plans issued to build for final review prior to issuance of the Encroachment Permit.

**ENCROACHMENT PERMIT SPECIAL REQUIREMENTS AND PROVISIONS**

At the time the Conditional Clearance was provided, the Encroachment Permit Special Requirements, Special Provisions, and General Provisions would have been provided as part of the plan review process. These provisions have precedence over any Applicant conditions unless otherwise approved by the County.

**PRIOR TO CONSTRUCTION**

Prior to construction, Applicant/Permittee and Contractor shall conduct a preconstruction meeting involving the County inspector and any sub-contractor working on this project. In addition, the Roads and Airports Inspector must be contacted 48 hours prior to beginning any work in the County Right-of-Way (call (408) 573-2429 or email [inspections@rda.sccgov.org](mailto:inspections@rda.sccgov.org)). Additional requirements regarding notifications will be provided in the Encroachment Permit.



# County of Santa Clara

## Roads and Airports Department

### POST AWARD STEPS for PROJECTS with CONDITIONAL CLEARANCE

Ver 032522

Applicants that applied for and received Conditional Clearance (“For Bidding Purposes”) were provided the process for issuance of the Encroachment Permit to perform construction. This document is intended to summarize the next steps after the project is awarded to the Contractor/Builder, for both the Applicant and the Contractor/Builder.

#### DEFINITIONS AND RESPONSIBILITIES

- Applicant: “Applicant” means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
- Permittee: “Permittee” means any person, firm, corporation, business, or governmental agency to whom a permit has been issued. The Permittee has full responsibility for the Encroachment Permit once issued.
- Encroachment Permit (“Permit”): The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project.
- Contractor/Builder: The entity acting on behalf of the Applicant to provide required documents to Applicant, to permit issuance of the Encroachment Permit to the Applicant.

#### DOCUMENTS REQUIRED FOR PERMIT ISSUANCE

The following documents will be required before a review of the Encroachment Permit application may proceed:

- Conformed Plans and Contract Specifications: The plans and specifications review at time of issuance of the Conditional Clearance may have been based on an “Issued for Bid” plans/specs set. During the bidding process, addendums may have been issued that may have affected the entirety of the plans/specs set. The plans and specifications to submit for the Permit must be the “Issued for Construction” plan set and signed by the Engineer of Record.
- Identification of Changes between Sets: In order to expedite the County review process, provide a summary of all changes from the “Issued for Bid” plans/specs to “Issued for Construction” plans/specs. If no changes, provide a documented statement that the original plans/specs submitted are the approved plans/specs. This action is in the best interest of the Applicant to avoid delays in issuing the permit.
- Traffic Control Plan (“TCP”): Contractor/Builder shall submit for review and approval the TCP to the Applicant. Applicant checks as QA/QC, then Applicant uploads to the public portal. Refer to additional comments below about items to include in the TCP.
- Stormwater Best Management Practices (“BMP”) Form: Applicant or Contractor/Builder shall complete and submit the Stormwater BMP Form concurrently with the plans and TCP. Applicant confirms and uploads the form. This form is a County required form, separate and distinct from any Contractor/Builder contractual requirement with the Applicant for a stormwater management plan.
- Insurance: Applicant shall submit contractor’s insurance with County designated as additionally insured. Refer to additional comments below about insurance requirements.

#### COUNTY ON-LINE PORTAL FOR SUBMITTING DOCUMENTS, REVIEW TIME, and ISSUANCE

- The Applicant is required to submit documents as prepared by the Contractor/Builder.
- Applicant shall allow at least three (3) weeks to review the Traffic Control Plan and all submitted documents. Due to high volume of applications, final issuance may take an additional two (2) weeks.  
***Applicant is reminded to allow sufficient County review time in the project schedule.***
- After approval, an Encroachment Permit will be issued to the Applicant (now Permittee) per County of Santa Clara standard terms and conditions.

**TRAFFIC CONTROL PLAN**

A Traffic Control Plan (TCP) must be submitted concurrently with the Encroachment Permit application and project plans. TCP's must comply with California MUTCD Chapter 6 Temporary Traffic Control and address vehicular traffic, bicycle access and pedestrian access for the duration of the project. Generic TCP's are not accepted; the TCP must be specific to the project, include distances (not refer to tables), and align with work progress.

As provided for in the Conditional Clearance, the TCP must identify or include the following elements

- For projects in rural areas, construction operations should minimize impacts to residential, agricultural, and commercial units (i.e., access to facilities, hours of operations).
- Access is to be granted to all residents, businesses and government property that are within limits of any full or partial road closure. Emergency vehicle access must be provided at all times.
- Work Hours: Work hours are to be included in the TCP for review by traffic engineers. Work hours for work that is within County ROW shall be determined by the county. For planning purposes, work hours are limited to 9 AM to 3 PM on the Expressways, and 9 AM to 4 PM in rural areas, unless otherwise approved in the Conditional Clearance.
- Phasing of Work: The TCP will include contractors intentions for work phasing. County will review phasing as part of the TCP submittal under the Encroachment Permit application.
- Truck Trip Route Plan and Staging Areas: Include with the Traffic Control Plan a truck trip route plan to indicate haul routes for each major phase of work. Indicate laydown or staging areas.

**INSURANCE**

County requires Certificates of Insurance complete with copies of all required endorsements. Endorsement language must support this text: "County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively." Contact Permits ([permits@rda.sccgov.org](mailto:permits@rda.sccgov.org)) at the Roads and Airports Department for specific insurance requirements or check with the Land Development Engineer assigned to your project.

**PRIOR TO CONSTRUCTION**

Prior to construction, Permittee and Contractor shall conduct a field preconstruction meeting involving the County inspector and any sub-contractor working on this project. This meeting should be considered separate and distinct from any administrative preconstruction meeting conducted by the Permittee. The contents of the Permit will be discussed, including at a minimum the following:

- Project Schedule, phasing of the work and working hours.
- Notification process to all residents & businesses of pending construction work.
- Contact information for the Roads and Airports Inspector.
- Traffic Control Plan.
- Monument Preservation.
- Review of Plans and Specs – any special concerns by the County will be presented.

Following this meeting, the County inspectors will meet with the Permittee's project inspectors to confirm the role of the County inspector. County inspectors are verifying conformance to permit requirements. Project inspectors are inspecting the work for compliance with contract plans, specifications, and requirements.

**FEES**

Prior to issuance of the permit, Applicant will be subject to a balance due review and may be issued an invoice for payment. Following permit issuance, the Permittee may be provided a progress billing, or a final invoice after the project is complete.