

GENERAL PROVISIONS

ENCROACHMENT PERMIT

1. **DEFINITIONS:** Encroachment Permits are issued under Chapter 12 of the County Code. Permits may be referred to as "permit," "encroachment permit," or "utility encroachment permit." The Department of Public Works is herein called "Department." Except as otherwise provided for public agencies and franchise holders, Encroachment Permits shall be revocable as hereinafter provided.

2. **REVOCACTION:** Terms and conditions for any Encroachment Permit issued are revocable, subject to modification, or abrogation at any time. However, to prior rights, including those evidenced by joint use agreement, franchise rights, or reserved right for operating purposes in a grant of highway easement are not so subjected to revocation.

3. **NO PRECEDENT ESTABLISHED:** Permits are issued with the understanding that any particular action is not to be considered as establishing precedent (1) in the question of expediency of permitting any certain kind of encroachment to be erected within right-of-ways, or (2) as to any utility, of the acceptability of such permits as to any other or future situation.

4. **NOTICE PRIOR TO STARTING WORK:** The Permittee shall notify the Department twenty-four (24) hours in advance of the day the work is to begin.

5. **PERMIT AT THE WORK:** A copy of the Permit shall be kept at the site of the work and shown to any representative of the Department or any law enforcement officer on demand.

6. **PERMITS FROM OTHER AGENCIES:** The party to whom a permit is issued shall, whenever required by law, secure the written order or consent to work from the Public Utilities Commission of the State of California or any other public agency having jurisdiction.

7. **LOCATION PLAN:** For installation of any facility, the Permittee shall furnish a plan showing location and details with his application. Upon completion of the work, the Permittee shall furnish a set of "As Built Plans" where substantial variation has been made.

8. **FUTURE MOVING OF INSTALLATION:** It is agreed that whenever construction, reconstruction, or maintenance work on the highway may require, the installation shall, upon request of the Department, be immediately moved or modified by and at the sole expense of the Permittee, except as otherwise provided by law, or by any applicable permit provisions.

9. **BONDING:** A Faithful Performance Bond or acceptable sureties shall be furnished to the Department in the amount established by the Department to insure the work being done in conformance with the Permit.

10. **COUNTY INSPECTION AND INSPECTION FEE:** The County will inspect all work within right-of-ways. Inspection on underground facilities will begin one (1) foot above the facilities. An Inspection Fee is to be paid in accordance with the provisions of Sec. 12.04 of the County Code.

11. **STANDARDS OF CONSTRUCTION:** All work performed within the County Highway shall conform to the County Land Development Manual and subject to inspection and approval by the Department.

12. **PROTECTION OF TRAFFIC:** Adequate provisions shall be made for the protection of the traveling public. The warning signs, lights and other safety, shall conform to and follow the requirements of Section 21401 of the Vehicle Code and of any sign manual issued by the Department. Convenient access to driveways, houses and buildings shall be maintained. Nothing in the permit is intended as to third parties.

13. **MINIMUM INTERFERENCE WITH TRAFFIC.** All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public. Permittee is authorized to place flagmen to stop and warn traffic for necessary protection to public safety, but traffic shall not be unreasonably delayed.

The Highway shall not be closed or traffic lanes blocked unless specifically authorized by the permit or without first obtaining permission from the Department. When permission is obtained, the applicant shall notify Highway Patrol, Sheriff's Department, and Fire Department prior to closing the road.

14. **STORAGE OF MATERIAL:** Construction material shall not be stored, nor equipment parked, within four (4) feet from the edge of pavement or traveled way. Permittee may, however, stop, stand or park subject to the provisions of Section 25301 of the Vehicle Code, essential construction or maintenance vehicles or equipment at the edge of pavement or in the tra-

veled way, while permittee's employees are in attendance when necessary to install or maintain its facilities.

15. **CROSSING ROADWAY:** Pavement or roadway shall not be cut unless specifically authorized by the permit. Service and other small diameter pipes shall be jacked or otherwise forced underneath pavement without disturbing same. Service pipes will not be permitted inside of culverts used as drainage structures.

16. **LIMIT OF EXCAVATION:** Excavation shall not be made closer than four (4) feet from the edge of the pavement except as may be specifically authorized by the permit.

17. **TUNNELING:** Tunneling is not permitted, except in major installations as may be specifically authorized by the permit.

18. **TREES:** Trees located within the right-of-way shall not be removed, trimmed or roots disturbed unless specifically authorized on this permit (Ref. Sec. 12.04 County Code)

19. **LOCATION ON POLE LINES, ETC.:** Pole lines shall be located as shown on the plan.

20. **PUBLIC UTILITIES COMMISSION ORDERS:** All clearances and type of construction shall be in accordance with the applicable orders of the Public Utilities Commission of the State of California.

21. **REMOVE OLD POLES, GUYS AND STUBS:** When removing poles, guys and stubs, the entire length shall be removed from the ground and the holes backfilled and thoroughly tamped.

22. **CLEAN UP RIGHT-OF-WAY:** Upon completion of the work, the right-of-way shall be left in as presentable a condition as existed before the work started.

23. **LIABILITY FOR DAMAGES:** The permittee is responsible for all liability imposed by law for personal injury or property damage which may arise out of work performed by permittee or which may arise out of failure on the permittee's part to perform obligations under any permit in the respect to maintenance. In the event any claim of such liability is made against the County of Placer, or any Department, Officer, or Employee thereof, permittee shall defend, indemnify and hold them, and each of them harmless from such claim. Nothing herein is intended to impose on permittee any different or higher standard of care than that required by law.

24. **MAKING REPAIRS:** In every case, the permittee shall be responsible for restoring to its former condition any portion of the highway which has been excavated or otherwise disturbed, except where the Department elects to make repairs to paving and except where provision to the contrary is made in the permit. If the highway is not restored as herein provided, or if the Department elects to make repairs, permittee agrees by acceptance of the permit to bear the cost thereof.

25. **GUARANTEE OF WORK:** The permittee shall maintain the surface over facilities for a period of five years after completion of work under the permit.

26. **MAINTENANCE:** The permittee agrees, to exercise reasonable care to maintain properly any installation placed in the right-of-way and to exercise reasonable care in inspecting and preventing injury in any portion of the highway resulting from the work.

27. **ROUTINE OR EMERGENCY MAINTENANCE OF PERMITTEE'S FACILITIES:** The Permittee is hereby given permission to enter upon the right-of-way to perform routine or emergency maintenance on permittee's facilities, subject to the following terms, conditions, and limitations: Tree trimming for overhead utilities shall be considered routine maintenance.

Permittee, before proceeding with Maintenance involving excavation within the traveled way or other work interfering with the Public Traffic, shall notify the Highway Superintendent prior to starting the work. In emergencies, the Superintendent shall be notified as soon as possible.

Permittee is authorized to make routine inspection and repairs from the manhole without notification.

28. **SERVICE CONNECTIONS:** These terms and conditions do not authorize installation of gas or water service connections within County highway right-of-way, regardless of location of main. All new pipe services, main extensions or excavations to abandon services must be covered by individual applications.