

County of Marin
Department of Public Works
OFFICE OF THE ROAD COMMISSIONER
ENCROACHMENT PERMIT - GENERAL PROVISIONS

1. **PERMIT TO BE KEPT AT WORK SITE.** This permit shall be kept at the work site and must be shown to any representative of the Department of Public Works (DPW) or any law enforcement officer on demand.
2. **DEFINITION.** This permit is issued under Marin County Code §13.12. The term encroachment is used in this permit as defined in Section 660, Sub. B of the Streets & Highways Code of the State of California. This permit does not authorize, and it shall not be construed as authorizing, any infringement upon the highway referred to herein or as affecting property rights of others thereto.
3. **ACCEPTANCE OF PROVISIONS.** It is understood and agreed by the permittee that the performance of any work under this permit shall constitute an acceptance of these provisions as well as those included in other attachments to this permit.
4. **NO PRECEDENT ESTABLISHED.** This permit is granted with the understanding that this action shall not establish any precedent on the question of the expediency of permitting any kind of encroachment to be erected within the right-of-way of County roads.
5. **APPROVALS FROM OTHER AGENCIES OR PROPERTY OWNERS.** The party or parties to whom this permit is issued shall, whenever required by law, secure the written order or consent to any work hereunder from the State of California Public Utilities Commission, any other public board having jurisdiction or any property owners. This permit shall be suspended in operation unless and until such order or consent is obtained.
6. **UNDERGROUND UTILITIES.** If excavations shall be performed in the vicinity of streetlights, traffic signal services or storm drains, the permittee shall, as necessary, perform initial exploratory excavations to determine the exact depth and location of underground utilities. Extreme care shall be exercised to avoid damage. Permittee shall be entirely responsible for the exploratory excavations and repair of any damage to underground utilities, including associated conduits, pull boxes and drains. Permittee shall return all damaged items to the same condition as existed before commencement of the work. Permittee may also utilize services of private utility locator to locate the underground utilities. Using a locator service does not relieve the applicant should any damage occur.
7. **SUPERVISION OF AGENCY.** All work shall be done subject to the supervision of and to the satisfaction of DPW.
8. **NOTICE PRIOR TO STARTING WORK.** Before starting work, on which an inspector is required or whenever stated on the face of this permit, the permittee shall notify DPW at least 48 hours (two business days) in advance of any site work to be done under this permit.
9. **WORK HOURS.** Work shall be limited to 8:00 a.m. to 5:00 p.m., weekdays only, excluding County of Marin holidays. Work hours shall be further restricted if work causes a traffic delay greater than 3 minutes. Exceptions to this requirement shall be only upon written consent of the DPW. Attached special conditions shall be given precedent should it modify work hours.
10. **STANDARDS OF CONSTRUCTION.** All work shall conform to recognized standards of construction. Permittee shall comply with all "Uniform Construction Standards" drawings adopted July 2018 (dated March 2018), "Standard Specifications Cities & County of Marin adopted June 1992, and 2015 Caltrans Standards Specifications. Copies of referenced documents can be found at <https://www.marincounty.org/depts/pw/divisions/projects/land-use/resources> and <https://dot.ca.gov/SearchResults?q=2015+Standard+Specifications>
11. **CONFLICTING ENCROACHMENTS.** Permittee shall yield start of work to ongoing, prior authorized, work adjacent to or within the limits of the project site. When existing encroachments conflict with new work, the permittee shall bear all cost for rearrangements, i.e., relocation, alteration, removal, etc.
12. **CARE OF DRAINAGE.** If the permitted work interferes with the established drainage, the permittee shall provide for ample drainage provisions as directed by DPW.
13. **PROTECTION OF TRAFFIC.** Adequate provisions shall be made for the protection of the traveling public, including, wherever necessary, placing barricades with red lights or flares at night, deploying flag persons during the day, and any other necessary measures as may be required by the particular work in progress. The accessible pedestrian path of travel and related accessibility features must be maintained at all times, or an alternate accessible temporary pedestrian path of travel must be provided around work zones. Accessible features must also be maintained during road closures.
14. **MINIMUM INTERFERENCE WITH TRAFFIC.** All work shall be planned and carried out to ensure the least possible inconvenience to the traveling public. All traffic controls shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) standards. Traffic delays shall not exceed 3 minutes. At a minimum, one traffic lane under adequate flagger control shall be maintained during work hours. If construction operations create significant traffic congestion as determined by DPW, the hours of operation or traffic control requirements may be modified by DPW.
15. **STORAGE OF MATERIAL.** No material shall be stored within eight (8) feet of the edge of pavement or traveled way or within the shoulder line where the shoulders are wider than eight (8) feet. Any storage of equipment or machinery within the public road right-of-way will require prior consent of DPW.

16. **DAMAGE TO RIGHT-OF-WAY IMPROVEMENTS.** Any damage to the existing roadway, structures or survey monuments due to construction shall be restored to original condition by the permittee. Shoulder areas shall be redressed, drainage ditches shall be restored to original grades, and all dirt and debris resulting from permittee's operations shall be removed from the construction area. Any trees damaged as a result of construction operations shall be removed or otherwise restored at permittee's expense as directed by DPW.
17. **SURVEY MONUMENTS.** The permittee shall take all measures necessary to identify, mark and preserve survey monuments pursuant to the signed and sealed Acknowledgement of Monument Responsibility "Pre-Construction" form submitted to DPW by the Applicant, and Section 8771(a-f) of the California Business and Professions Code (CBPC). Monuments that could or will be disturbed shall have reference points set by a licensed land surveyor prior to construction as outlined in the signed acknowledgement form and the CBPC. Should a monument be disturbed, damaged, or removed, permittee shall immediately notify DPW. Permittee shall have a licensed land surveyor perform any necessary monument replacement as outlined in the acknowledgment form and the CBPC.
18. **MAINTENANCE.** The permittee shall exercise reasonable care to properly maintain any encroachment placed by it in the highway and to exercise reasonable care in inspecting for and immediately repairing any damage or disturbance to any portion of the highway which occurs as a result of the maintenance of the encroachment in the highway or as a result of the work done under this permit, including any and all damage to the highway which would not have occurred had such work not been done.
19. **LIABILITIES FOR DAMAGES.** The permittee is responsible for all liability imposed by law for personal injury or property damage which may arise from work allowed under this permit, or which may arise due to permittee's failure to perform required maintenance under this permit. In the event any such liability is made against the County of Marin 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. This permit shall not be effective for any purpose unless and until the above-named permittee files with DPW a safety bond in the form and amount required by said department if stated on the face hereof. The requirement that a bond be filed does not apply in the event the permittee is a governmental board, which derives its revenue by taxation, or any public agency or public utility having lawful authority to occupy the highway.
20. **MAKING REPAIRS.** If the permittee causes damages or disturbances to paving or other improvements or facilities, DPW may elect to complete the necessary repairs and the expenses shall be borne by the permittee. DPW shall provide permittee with detailed records to support its request for timely reimbursement of the expenses incurred to repair damages or disturbances caused by the permittee. Alternatively, DPW may elect to require permittee to make a deposit in an amount sufficient to cover the estimated cost of the work before starting the repairs. DPW shall give permittee reasonable notice of its election to make such repairs. DPW may instead elect to require the permittee to promptly make the necessary repairs. In every case the permittee shall be responsible for restoring any portion of the highway which has been excavated or otherwise disturbed to its former condition as nearly as may be possible except where DPW elects to make repairs to paving as above provided in this paragraph and except where provisions to the contrary are made elsewhere in the permit.
21. **INTEGRATED PEST MANAGEMENT.** The permittee shall be required to strictly adhere to the guidelines established in the County of Marin's Integrated Pest Management (IPM) Ordinance 3521 and Policy, approved by the Board of Supervisors on July 21, 2009. Additional information regarding IPM policy, ordinance 3521, program, resources and requirements is available at the following website. <https://www.marincounty.org/depts/ag/ipm> and Marin County Code §23.19. The permittee shall note that all pesticide applications, regardless of material used, must be approved by the IPM Coordinator prior to use at any location covered by the permit. Material for weed eradication and pest control shall be only those listed in the County of Marin's approved list and categories III and IV herbicides, non-corrosive, non-staining, and shall not leave a flammable residue. Pesticides shall be EPA and California Department of Agriculture approved and used in strict accordance with manufacturer's label, recommendations, Federal, State, and local laws. Chemical application must use least toxic methods and be used as the last resort and only with written approval. Failure to comply with the County of Marin IPM Ordinance & Policy may result in penalties as described in the ordinance.
22. **FUTURE RELOCATION OF ENCROACHMENT.** It is understood by the permittee that whenever construction, reconstruction or maintenance work on the highway may require, the installation provided for under this permit shall, upon request of DPW, be removed within a reasonable period of time as approved by DPW and at the sole expense of the permittee.
23. **CLEAN UP OF RIGHT-OF-WAY.** Upon completion of work, all brush, timber, scraps and other leftover construction materials and refuse shall be removed entirely and the right-of-way shall be restored to a condition at least as presentable as that which existed prior to the start of work.
24. **SUBMIT LOCATION PLAN.** Upon completion of underground or surface work of consequence, the permittee shall furnish an as-built plan if requested by DPW.
25. **SAFETY OR ADMINISTRATIVE VIOLATIONS.** If a high number of safety or administrative violations are generated by permittee, DPW will require permittee to make a \$5,000 deposit against which DPW will deduct encroachment permit violation fees.