



ENCROACHMENT PERMIT Indemnification Agreement

By the applicant's signature to this application, the applicant hereby agrees:

1. To the maximum extent permitted by law, to indemnify, defend and hold harmless the City of San Rafael (City), its officials, agents, employees and volunteers ("Indemnitees") against any and all liabilities, losses, claims, actions, causes of action or demands whatsoever against any of them, including any injury to or death of any person or damage to property or other liability of any nature, including but not limited to attorney's and expert fees and court costs, arising out of or connected with the installation, operation and maintenance of any facilities in, the alteration of the right-of-way, or the use of any public right-of-way by, permittee or permittee's employees, officers, officials, agents, transferees, contractors or subcontractors pursuant to the permit issued pursuant to this application; provided, that the obligation to indemnify the City hereunder shall not apply to any liabilities, losses, claims, actions, causes of action or demands arising from City's sole negligence, willful misconduct or criminal acts.
2. To the maximum extent permitted by law, to defend, indemnify, release and hold harmless the Indemnitees from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of a permit or revocable license agreement issued pursuant to this chapter, or the adoption of any environmental document which accompanies such permit or agreement.
3. In the event that any claim, action or proceeding is brought as described in subsection (1) or (2) of this section, the City shall promptly notify the permittee of any such claim, action or proceeding, and the City Council will cooperate fully in the defense of such claim, action, or proceeding. In the event the permittee is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to approve any and all settlements affecting the validity or interpretation of a City ordinance or regulation, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.

I have read the above: Applicant's Signature: _____ Date: _____.



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The following are supplemental conditions of the encroachment permit:

1. Notification

- a. The Department of Public Works must be notified at least **2 business days** prior to the start of construction. Notifications must be sent to dpwpermits@cityofsanrafael.org and include the following:
 - i. Encroachment permit number
 - ii. Start date and expected duration.
 - iii. List of emergency contact numbers for this work, including a 24-hour, 7 days a week contact.
- b. Public notice signage must be placed at the project site, or written notice must be provided to all properties within 300' of the work site at least five (5) days prior to start of work if the scope of work will last more than one (1) day. The notice shall identify the nature of the project, the project limits and the date, duration of the project, contain the name, and phone number of the project manager for anyone who may have questions regarding the project. Department of Public Works must be provided a copy of the notice.
- c. For projects that include puncturing the ground, the Permittee shall contact Underground Service Alert (USA) 811 or (800) 227-2600 for utility locations prior to commencing, and as appropriate during, any permitted work.
- d. Actions required when work necessitates a **road closure**:
 - i. The contractor shall submit a detour map and notification letter to affected residents & businesses and the Department of Public Works. The notice shall identify the nature of the project, the project limits and the date, and duration of the project. The letter shall contain the name and phone number of the project manager for anyone who may have questions regarding the project. Notification letters must be distributed a minimum of **10-days** prior to commencement of work
 - ii. The City San Rafael Police Department and City of San Rafael Fire Department shall be notified of street closures a minimum of **3 business days** prior to commencement of work.
 - Fire Department: (415) 485-3304
 - Police Department: (415) 485- 3000
- e. Actions required for all work downtown (see attached map):
 - i. Must notify the Downtown San Rafael Business Improvement District at director@downtownsanrafael.org.
 - ii. Provide written notice to all property owners 300' from project area.
 - iii. Proof of notices must be provided to public works prior to start of work.

2. Inspection Requirements

- a. Inspection requests must be submitted via email to dpwpermits@cityofsanrafael.org.
- b. Schedule a progress inspection before the following:
 - i. Pouring of concrete
 - ii. Backfill of trench
 - iii. Pavement restoration
 - iv. Any work in the public right of way associated with the project



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- c. For all storage containers and/or debris boxes:
 - i. Photo submission of the structure's drop off location must be submitted
- d. Schedule a **Final Inspection** prior to permit expiration date.

3. Construction Standards

- a. All work shall be performed in accordance with the [City of San Rafael Municipal Code](#), and [Uniform Construction Standards and Specifications of the Cities of Marin](#), unless otherwise noted.
- b. Pavement and trench restoration shall be in accordance with the City of San Rafael Pavement Restoration Matrix (see Attachment A and B) and can also be found [online](#).
- c. The contractor shall be responsible to conduct all operations in conformance with local, State, and Federal safety codes, permits, and regulations.

4. Re-striping and Pavement Markers Restoration

- a. All pavement marking and signage damaged or eliminated during construction activities associated with this encroachment permit shall be replaced in kind as soon as possible. The City reserves the right to complete the work and bill the Contractor for all the related cost for the restoration work if the Contractor fails to perform restoration within 30-days.
- b. All striping shall be placed in conformance with the current Caltrans Standard Specifications and installed in US units only.

5. Traffic and Pedestrian Control Plans

- a. When required, the contractor shall submit a detailed traffic and pedestrian control plan with their application submittal. Any detours or lane closures must be approved by the City Engineer, prior to their commencement. Pedestrian access shall be provided in accordance with ADA requirements for the duration of the project. Traffic Control plan shall be in accordance with the state of California Manual on Uniform Traffic Control Devices (MUTCD).
- b. "No Parking" signs and/ or meter bags can be obtained from Parking Services located at 1400 Fifth Ave, 1st Floor. They can be contacted at (415) 458-5333 or emailed at parking@cityofsanrafael.org. Signs must be placed three (3) days prior to start of work. Once the signs have been posted you must inform San Rafael Police Department at (415) 485-3000.
- c. The Contractor shall maintain local access and provide emergency vehicle access at all times.

6. Work Hours/ Schedule

- a. The contractor shall comply with the work schedule submitted with this permit. No modifications to the schedule shall be allowed without the consent of the City of San Rafael, Department of Public Works.
- b. Noise ordinance conditions for construction apply only during approved work hours. Outside of work hours mixed-use limits shall apply.

7. Work Site Conditions & Stockpiling of Materials

- a. The permittee shall maintain all encroachments in a safe and clean manner.



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- b. All materials and equipment staging, and construction shall have proper erosion and sediment control measures in place, and maintained, to control sedimentation discharge and contaminants to the storm drain system following [Marin County Stormwater Pollution Prevention Program \(MCSTOPPP\)](#) standards. Modifications to these measures may be required by the City at any time and the contractor shall implement said measures at no cost to the City, if requested.
- c. The contractor shall not be permitted to store or stockpile equipment or materials and debris within the right of way, without express written permission from the Department of Public Works. Trucks may not stop or cause backups on streets.
- d. All excavated material shall be removed from the site to a suitable depository site.
- e. The permittee shall promptly remove all graffiti on any encroachment.

8. Steel Plates/ Patching

- a. Trenches shall be hot patched or plated over during non-working hours. Cut back (cold patch) is not permitted.
- b. Should it become necessary to use steel plates on the roadway, there shall be a two foot wide A/C. taper along all four edges of the plate. If there is more than one plate used, all contiguous plates shall be welded.
- c. Plates shall not have an offset from the adjacent asphalt exceeding 1".
- d. Plates in the roadway that will remain in place longer than 2 days shall be ground and recessed.
- e. Unnecessary, long-term plating of a street shall not be allowed. Trench plates shall not be placed in the travel way for a period greater than two weeks without prior approval. Prior to excavating, a written plan that specifies the duration the plates will remain in the travelled way and the reasoning for the extended duration shall be submitted to the public works for approval. Trench plates installed on highly travelled streets may be required to be set flush with the existing asphalt concrete. Plates shall be skid resistant, pinned and welded. Warning signage must be placed at least 100' away from the trench plates.

9. Precautions

- a. The contractor shall make every effort to expedite the work and minimize disruptions in the right of way. The contractor shall schedule work to minimize inconvenience or disruption to residents and business owners during the course of the work and shall take all reasonable precautions to restrict their operations to the least area of work possible.
- b. Any private or public property (i.e., structures, landscaping vegetation, irrigation improvements, paved areas or any other property) which is disturbed by the work shall be repaired and restored to its original condition and to the satisfaction of the City of San Rafael. The cost of said repairs shall be paid by the applicant.
- c. Interruption to City electric services, water, telecommunications, gas and other utilities shall not be permitted without prior approval. If interruption is approved, the Permittee shall notify those affected and bear all cost associated with the interruption including temporary electrical generation for signal lights.



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10. Insurance and Other Requirements

- a. A certificate of liability insurance is required. Minimum requirements include:
 - i. Commercial general liability insurance policy in the minimum amount of \$1,000,000.
 - ii. An automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of \$1,000,000 per occurrence.
 - iii. If contractor employs any person, worker's compensation insurance policy with limits of no less than \$1,000,000 per accident for bodily injury or disease, specifically endorsed to waive any right of subrogation against the City, its officers, agents, employees and volunteers.
- b. In addition to the above insurance requirements, when work includes operation of cranes and/or hoists in, on, over or within the right-of-way, the following minimum insurance requirements will apply:
 - i. Commercial general liability insurance policy in the minimum amount of \$2,000,000 per occurrence/\$5,000,000 aggregate.
 - ii. Umbrella coverage of \$5,000,000.
- c. For insurance requirements under subsections a and b above:
 - i. Except for workers' compensation policies, contractor shall provide proof of the required insurance including a policy endorsement naming the City, its officers, agents, employees and volunteers as additional insureds.
 - ii. The insurance provided to City, et al. as additional insureds shall apply on a primary and non-contributory basis with respect to any insurance or self-insurance program maintained by them.
 - iii. Contractor grants to City a waiver of any right to subrogation which any insurer of contractor may acquire against City by virtue of the payment of any loss under such insurance.
 - iv. If subcontractors will perform any work under the permit, contractor agrees to include with all subcontractors in their subcontract the same requirements and provisions of this permit including the indemnity and insurance requirements to the extent they apply to the scope of the subcontractor's work. Subcontractors hired by contractor agree to be bound to contractor and City in the same manner and to the same extent as contractor is bound to City under the permit. Subcontractor further agrees to include these same provisions with any sub-subcontractor. A copy of the permit indemnity and insurance provisions shall be furnished to the subcontractor upon request. Contractor shall require all sub-contractors to provide a valid certificate of insurance and the required endorsements included in the permit prior to commencement of any work and contractor will provide proof of compliance to the City.
 - v. The City reserves the right to modify these insurance requirements at any time, including amounts, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
- d. A City of San Rafael business license is required. If you don't have a business license, you can [apply online](#).
- e. An A or C-12 license is required for all paving. Other licenses may be required based on project scope.
 - i. Concrete work (C-8)
 - ii. Electrical (C-10)
 - iii. Pipeline (C-34)



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- iv. Well Drilling (C-57)
- v. Hoisting

- f. Upon the request of any person who has contracted to perform work on a public right-of-way, the permittee shall provide accurate detailed information regarding the location of their existing and proposed structures in the public right-of-way.

11. Penalty and Fines

- a. Violation of the permit shall be subject to enforcement as provided in San Rafael Municipal Code section 11.04.030.140.

The Director of Public Works and their agents hereby reserves the right to amend the provisions provided and the regulations, notices and other guidance of this general application issued thereunder.

For questions regarding this permit please contact:

Public Works Permitting Team

Office: (415) 485-3355, Option 2

Email: dpwpermits@cityofsanrafael.org

Declaration / Applicant's Signature: I hereby acknowledge that I have read and agree to comply with the General Provisions and Standards Conditions of the Encroachment Permit.

Applicant's Signature: _____ Date: _____



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General Provisions & Standards of Conditions

ATTACHMENT A

<u>Pavement Condition Index (PCI)</u>	<u>Restoration Guidelines</u>
90+ ⁽¹⁾⁽⁴⁾	Moratorium Street. Emergency encroachment only. Subject to special conditions and pavement restoration along entire property frontage.
70-90 ⁽¹⁾⁽⁴⁾	For roads less than 24 ft wide: Up to full width restoration (when applicable). For roads over 24 ft wide: Restoration to centerline unless repair crosses the centerline then up to a full width restoration is required Restoration to extend up to 5 feet beyond each side of the trench excavation, including a structural pavement section extending 24 inches outside the limits of the trench ⁽⁵⁾ excavation per DWG No. 330 ⁽²⁾ and DWG No. 380 ⁽²⁾ .
55-70 ⁽⁴⁾	Restoration to extend up to 5 feet beyond each side of the trench excavation, including a structural pavement section extending 24 inches outside the limits of the trench ⁽⁵⁾ excavation per DWG No. 330, 360, 370, and 380 ⁽²⁾ .
0-55 ⁽⁴⁾	Restoration to extend minimum 2 feet beyond each side of the trench excavation, per DWG No. 330, 360, 370, and 380 ⁽²⁾ .

⁽¹⁾ ADA Curb Ramp upgrades on case by case basis

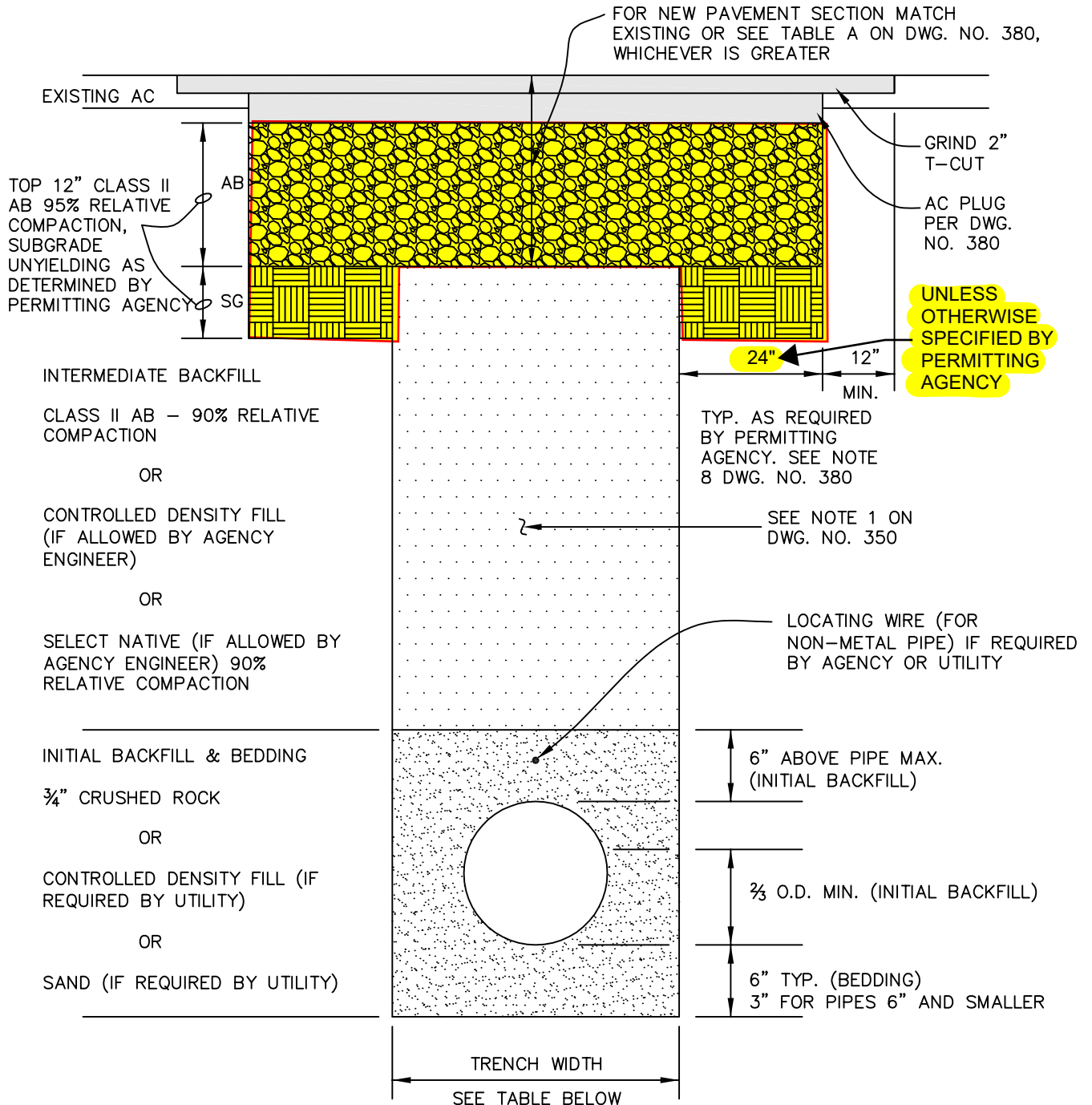
⁽²⁾ Drawing can be found in the Uniform Construction Standards for All Cities and County of Marin, adopted July 2018.

⁽³⁾ Compaction test results documenting the relative compaction of soil backfill will be required for projects involving significant excavation/trenching.

⁽⁴⁾ The City reserves the right to make adjustments to the restoration based on existing conditions.

⁽⁵⁾ Typical pavement restoration includes a 24-inch trench overcut to preserve the structural integrity of the roadway. This requirement can be reduced or eliminated if a Public Works representative inspects the trench during construction and provides written approval to modify the requirement.

ATTACHMENT B



NOTE: IF ROADWAY HAS EXISTING AC OVER CONCRETE, TRENCH RESTORATION SHALL BE DETERMINED BY THE AGENCY ENGINEER.

TYPE 1

ASPHALT CONCRETE PAVED STREETS

CONDUIT SIZE	LESS THAN 6"	6" TO 24"	OVER 24" TO 60"	OVER 60"
TRENCH WIDTH	O.D. + 12"	O.D. + 24"	O.D. + 24"	O.D. + 24"

FOR PIPES WITH MORE THAN 36" OF COVER, THE AGENCY ENGINEER MAY ALLOW A REDUCED TRENCH WIDTH INCLUDING A CHANGE TO A SELF-COMPACTING ENGINEERED TYPE OF INITIAL BACKFILL MATERIAL.

UNIFORM STANDARDS
ALL CITIES AND
COUNTY OF MARIN

TRENCH DETAILS
SHEET 1 OF 3

			MARCH 2018
			DWG. NO.
			330
REV.	DATE	BY	



San Rafael Business Improvement District (BID)

14 August 2018

- PREMIUM BID
- STANDARD BID

