



# **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: \_\_\_\_\_.



# ENCROACHMENT PERMIT

## General Provisions & Standards of Conditions

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](mailto: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](mailto: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](mailto: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



# ENCROACHMENT PERMIT

## General Provisions & Standards of Conditions

- 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. The City ADA Coordinator reserves the right to require adjustments to the pedestrian control plans if site conditions warrant it. 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](mailto: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.
- d. The Contractor shall follow the City's Construction Barricade Policy attached to these provisions.

### 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.



# ENCROACHMENT PERMIT

## General Provisions & Standards of Conditions

### 7. Work Site Conditions & Stockpiling of Materials

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



# ENCROACHMENT PERMIT

## General Provisions & Standards of Conditions

and bear all cost associated with the interruption including temporary electrical generation for signal lights.

### 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)



# ENCROACHMENT PERMIT

## General Provisions & Standards of Conditions

- ii. Electrical (C-10)
  - iii. Pipeline (C-34)
  - 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 3

Email: [dpwpermits@cityofsanrafael.org](mailto: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: \_\_\_\_\_



# ENCROACHMENT PERMIT

## General Provisions & Standards of Conditions

ATTACHMENT A

<b>Pavement Condition Index (PCI)</b>	<b>Restoration Guidelines</b>
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 <sup>(5)</sup> excavation per DWG No. 330 <sup>(2)</sup> and DWG No. 380 <sup>(2)</sup> .
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 <sup>(5)</sup> excavation per DWG No. 330, 360, 370, and 380 <sup>(2)</sup> .
0-55(4)	Restoration to extend minimum 2 feet beyond each side of the trench excavation, per DWG No. 330, 360, 370, and 380 <sup>(2)</sup> .

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

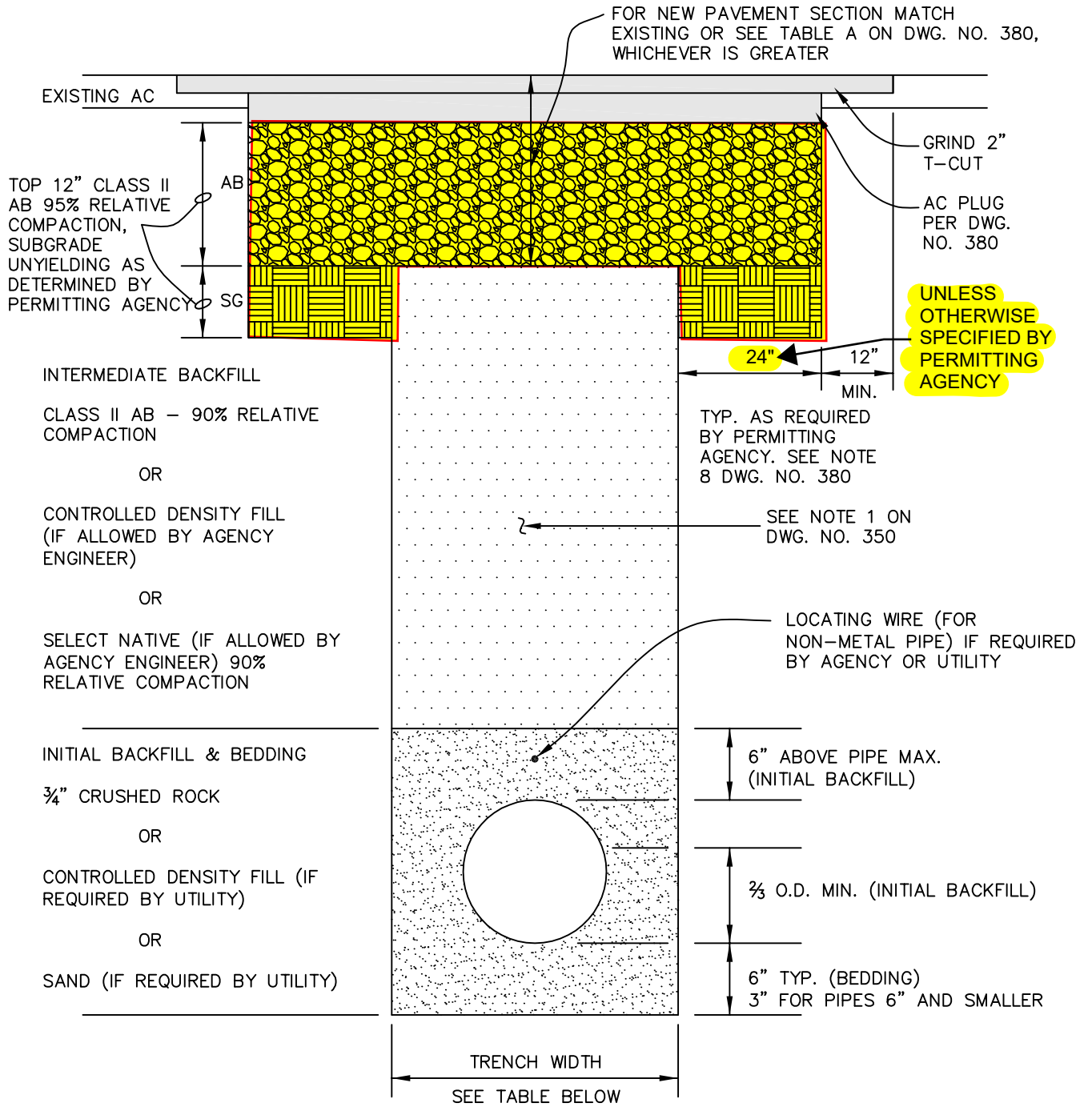
(2) Drawing can be found in the Uniform Construction Standards for All Cities and County of Marin, adopted July 2018.

(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.

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UNIFORM STANDARDS  
ALL CITIES AND  
COUNTY OF MARIN

TRENCH DETAILS  
SHEET 1 OF 3



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			DWG. NO.
			330
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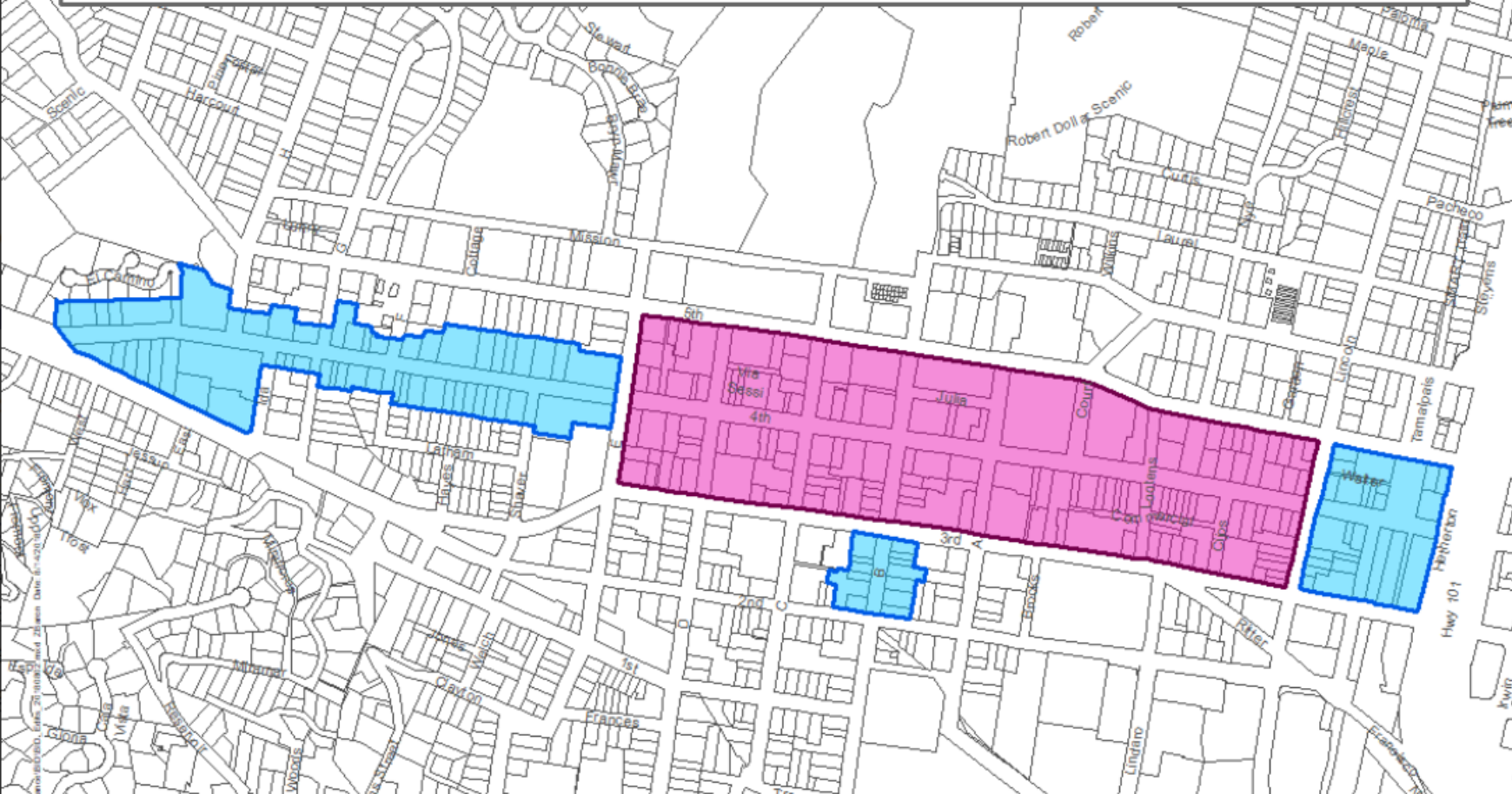




# San Rafael Business Improvement District (BID)

14 August 2018

-  PREMIUM BID
-  STANDARD BID





**DATE:** June 6, 2023

**TO:** Don Jeppson, ADA Coordinator and Chief Building Official

**FROM:** April Miller, Public Works Director

**SUBJECT:** **DEPARTMENT OF PUBLIC WORKS  
GUIDELINES FOR THE PLACEMENT OF BARRICADES AT  
CONSTRUCTION SITES**

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It is the policy of the Department of Public Works that a safe and accessible path of travel be provided for all pedestrians, including those with disabilities, around and/or through construction sites.

**Standard Construction Process for Approval in Public Right-of-Way:**

1. Contractor shall submit construction plans to the City for review.
2. Contractor shall submit Traffic Control Plans to the City for review.
3. Contractor to submit site specific Pedestrian Routing Plans to City. Plans shall include pedestrian routing, detours, and barricade plan for the duration of the project schedule and pedestrian & bicycle detour plans compliant with current ADA standards and MUTCD (CA).
4. Contractor to call for city inspection after construction barricades are in place, but before the start of any construction or demolition of path of travel or walking surface.

**Guidelines:**

When erecting barricades, the Contractor shall be conscious of the special needs of pedestrians with physical disabilities. Discretion is given to the contractor to provide protection for pedestrians consistent with all current local, state, and federal codes, including the Americans with Disabilities Act and the California Building Code, Title 24.

The bottom 3 inches minimum of barrier material should be solid. This base will act as a cane guide to blind pedestrians using canes. Walking canes used by blind pedestrians could get caught in plastic snow fence or metal fencing. A safe design can be achieved by attaching a solid, continuous material (i.e., wood, header bender board, sheet metal, solid rod or rail, etc.) to the bottom portion of the fence. Chosen material should have a high visual contrast to the street/sidewalk surface.

When selecting a barricade, it is important that the barricade itself does not create tripping hazards within the path of travel. Some barrier systems are supported by feet

that extend into the path of travel. Any change of level in a path-of-travel which is over 1/4" in. height must be beveled at 45 degree to provide a smooth, non-tripping transition.

Use barricade system with "Flat feet" below:

Not "Obstructing Feet" below:



It is recognized that there are various types of construction activities, including both short-term and long-term projects. Some barricading systems are more appropriate for certain types of construction than others.

The following barricading systems described below are examples of systems which can be used to provide a safe and accessible path of-travel around and through a construction site. They are not intended to be all-inclusive. Any barricading system meeting accessibility standards and the MUTCD (CA) may be considered.

## **BARRICADING METHODS AND MATERIALS**

### **Waterfilled Barriers**

Water filled barriers are preferred solution for closing roads or sidewalks. When interlocked, the barriers provide a continuous detection to those pedestrians traveling with the aid of a long cane or who have low vision. Waterfilled barriers are useful for providing separation between vehicles and pedestrians. Water filled barriers may be interlocked to make curves as well as straight lines. Full connectivity reduces the probability of accidental or purposeful alteration of the barriers by vehicles or pedestrians.



## Plastic Pedestrian Barricades

Plastic Pedestrian Barricades are useful for channelizing pedestrian when there is already clear separation from the vehicle travelled way.

*Example of Plastic Pedestrian Barricade with no feet or feet tucked away*



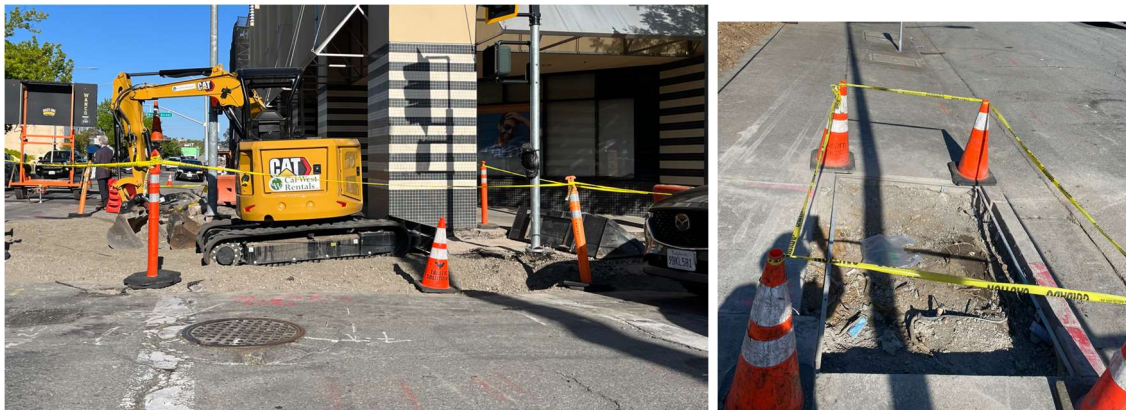
## A-Frames

A-Frames are useful for provided signage or marking a potential tripping hazard but are not recommended for defining the pedestrian path of travel.

## Barrier Caution Tape

Caution tape cannot be used as part of the barricade system since it does not create an adequate and safe structure and cannot be used as a barricade or used to delineate path-of-travel (but can be used in other areas to highlight danger. It can be used in conjunction with other approved barriers, but not as part of a path-of-travel).

*Examples of what not to do: No sign, No Barrier, No Accessible & detectable path.*



## Closed Crosswalks

If a crosswalk is closed due to construction, then curb ramps leading into that crosswalk should also be appropriately barricaded. Either temporary curb ramps must be installed in the direction of the crosswalk to replace barricaded ramps, or an alternate (detour)

route of travel shall be implemented with MUTCD approved signage. It should be noted that curb ramps are not used solely by persons in wheelchairs. They are also indicators to persons who are blind that a crosswalk exists and that there is a safe path-of-travel to cross the street. Temporary curb ramps should direct blind pedestrians to and through the temporary path-of-travel.



### Open Crosswalks

If crosswalks are to remain open during the project then curb ramp areas should be kept free of debris, staging material, equipment, etc.

NOTE: With the unique nature of each project, certain issues may arise which have not been covered in the above guidelines. Each project will have to be reviewed on a case by case basis, to ensure that complete, safe, usable and accessible paths-of-travel are maintained during construction.

### References:

#### CBC 3306.3 Directional Barricades

Pedestrian traffic shall be protected by a directional barricade where the walkway extends into the street. The directional barricade shall be of sufficient size and construction to direct vehicular traffic away from the pedestrian path.

#### CA MUTCD 2014 Chapter 6D

E. Blocked routes, alternate crossings, and sign and signal information should be communicated to pedestrians with visual disabilities by providing devices such as audible information devices, accessible pedestrian signals, or barriers and channelizing devices that are detectable to the pedestrians traveling with the aid of a long cane or who have low vision. Where pedestrian traffic is detoured to a TTC signal, engineering judgment should be used to determine if pedestrian signals or accessible pedestrian signals should be considered for crossings along an alternate route. F. When channelization is used to delineate a pedestrian pathway, a continuous detectable

edging should be provided throughout the length of the facility such that pedestrians using a long cane can follow it. These detectable edgings should comply with the provisions of Section 6F.74.

Caltrans Temp Pedestrian Access Route Handbook

"Peds must be channelized when routed off existing pedestrian routes" (see figure on page 15).

City and County of San Francisco Public Works Guidelines

For the Placement of Barricades at Construction Sites. 2008 Order No. 167,840.  
Referenced in Document 00813.