

ENCROACHMENT PERMIT APPLICATION INSTRUCTIONS AND FEES

TOWN OF TIBURON DEPARTMENT OF PUBLIC WORKS

An encroachment permit must be obtained from the Department of Public Works for any work or activity performed within Town streets, public rights-of-way, or Town owned land, or for any work that may affect these areas. Examples of work requiring an encroachment permit are:

- Driveway approaches, street and drainage improvements, sidewalk repair or installation
- Repair and maintenance of utility infrastructure (Water, sewer, electric, gas cable, phone, etc.)
- Minor tree trimming or thinning (May also require a tree permit through the Community Development Department)
- Lane or road closures, e.g. work or events requiring temporary closure or diversion of traffic lanes (Must be coordinated with DPW, Tiburon Police, Tiburon Fire Protection District, USPS, and all other affected agencies, property owners, and businesses)
- Transportation of heavy, wide, and unusual loads (Must be coordinated with DPW, Tiburon Police, Tiburon Fire Protection District, USPS, Mill Valley Refuse, and all other affected agencies, property owners, and businesses)
- Debris Box, Storage Container, POD, etc. (See # 6 below)

The following items must be submitted prior to the issuance of an encroachment permit:

1. A completed encroachment permit application including a description of the proposed work, start and finish dates, and contractor's name and phone number must be filed in person at Town Hall.
2. A site plan or other diagrams illustrating general location and scope of the work and if applicable, a traffic control plan compliant with current MUTCD standards.
3. Payment of a \$110.00 application processing fee and \$180.00 inspection fee, total \$290.00
4. Public Works will determine whether the proposed work is considered to be a minor or major improvement. In accordance with the current Engineering Fee Schedule Exhibit A, the applicant may be required to submit additional fees if the work is determined to be a major improvement and involves review by the Town Engineer.
 - Minor Improvement or Application Associated with a Building Permit.....\$290.00 total
 - Major Improvements.....3% of Value of Improvements.....\$300.00 minimum
5. Additional application fees for major improvements will be due at the time of pick-up. The applicant may not begin work until these fees have been paid.
6. Debris Box - \$110 application fee and \$80 inspection fee, total of \$190.00. Usually a debris box associated with a project under a building permit will not require an encroachment permit.
7. A certificate of liability insurance and endorsement page, listing the Town of Tiburon, its employees and officers as additionally insured and as certificate holder.

Routine applications are reviewed by Public Works and are usually granted within 5 to 7 business days. Applications for more involved projects are reviewed by the Town Engineer and may require additional time to process.

Once the application has been reviewed and issued, the applicant will be notified to pick up a copy of their permit. The applicant must comply with all special notes, general conditions, and/or special provisions applicable to their project and keep a copy of the permit on site.

Inspections must be performed by the Department of Public Works throughout the project and upon completion. Applicants must contact Public Works to request and schedule inspections.

TOWN OF TIBURON ENCROACHMENT PERMIT APPLICATION

EP Number: _____

APPLICATION DATE: _____ APN: _____ - _____ - _____
ADDRESS OF WORK OR ENCROACHMENT: _____
Number Street City
CROSS STREET: _____ ESTIMATED COST: \$ _____
START DATE: _____ COMPLETION DATE: _____
PROPERTY OWNER'S NAME AND ADDRESS (If different from applicant): _____

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO PERFORM THE FOLLOWING DESCRIBED WORK AND/OR OTHERWISE ENCROACH ON A LOCAL AGENCY RIGHT-OF-WAY (ROW):

DESCRIPTION OF WORK OR ENCROACHMENT (Include plans or sketch):

Check all that apply to the project and provide a written description:

- | | | | |
|--|--|--|---|
| ☐ Driveway Approach | ☐ Sidewalk | ☐ New Utilities | ☐ Debris Box |
| ☐ Curb & Gutter | ☐ Water Service | ☐ Landscaping | ☐ Transportation |
| ☐ Sewer Improvement | ☐ Excavation | ☐ Special Event | ☐ Other (Describe) |

Description:

Road Surface Type: ☐ Asphalt ☐ Concrete ☐ Other: _____
Trenching ☐ Yes ☐ No Linear Feet: _____ Surface Thickness: _____
Work: _____
Traffic Control Plan: ☐ Yes ☐ No

Applicant agrees that all work will be performed in accordance with the rules, regulations, standards, and general conditions of the Town of Tiburon Department of Public Works and any applicable Municipal Code. All work shall be subject to inspection and approval by the Department of Public Works. Applicant shall indemnify, defend and hold the Town of Tiburon, its officers, agents, and employees harmless from any and all claims, suits or liability, including, but not limited to, litigation costs and attorney's fees which the Local Agency may incur as the result of any and all claims and suits for personal injury, property damage or inverse condemnation by reason of applicants placement of/or maintenance of encroachments authorized by this permit. No work shall commence until permit is issued.

APPLICANT NAME / COMPANY (PLEASE PRINT): _____
CONTRACTOR NAME: _____ Contractor License No: _____
APPLICANT MAILING ADDRESS: _____
E-MAIL ADDRESS: _____
CONTACT NUMBERS: _____
Daytime Phone Fax
APPLICANT SIGNATURE: _____

For Agency Use Only				Fees:	
Accepted By:			Application: _____		
Insurance on file?	☐ Yes ☐ No	Final Insp. Cleared:	☐	Plan Review & Inspection:	_____
Road Moratorium?	☐ Yes ☐ No	EP # _____	Receipt #: _____	Total:	_____

ENCROACHMENT PERMIT GENERAL CONDITIONS

TOWN OF TIBURON DEPARTMENT OF PUBLIC WORKS

1. **APPENDING LIST OF CONDITIONS:** In the event that these following conditions conflict with the conditional notes and language found in the Permit Application, the following conditions and special conditions will supersede and prevail.
2. **ACCEPTANCE OF THE PROVISIONS:** It is understood and agreed by the Permittee that all conditions have been read, and understood. The Permittee agrees to comply with all conditions.
3. **KEEP PERMIT ON WORK SITE:** This permit, or a complete copy, shall be kept at the site of the work and upon request must be shown to any representative of the Town or any law enforcement officer.
4. **PERMITS FROM OTHER AGENCIES:** Permittee must obtain all other permits required by other public or private agencies or individuals necessary in order to perform the intended work.
5. **INSPECTION NOTIFICATION:** A preconstruction meeting or discussion shall occur. The Permittee shall notify the Superintendent of Public Works at (415) 435-7399 or at pkerslake@townoftiburon.org a minimum of two (2) working days prior to the performance of any work. Permittee will provide construction schedule, initially and periodically, and contact information. All work must be inspected prior, during and after backfill or re-excavation shall be required at Permittee's expense.
6. **CONSTRUCTION METHODS:** Any work performed without inspection or contrary to discussions with the Town's inspector, the Marin County Public Works Uniform Construction Standards (latest edition), Caltrans Standard Plans (latest edition) or approved plans shall be deemed non-complying and will not be accepted by the Town. Attention is called to the following special provisions:
 - (a) Underground line (e.g. conduits, mains, services) installation will be neat open cut
 - (b) Cement slurry backfill for excavations is required unless permission is granted to use aggregate base rock. If aggregate base rock is used, proper compaction must be proven through compaction testing
 - (c) Asphalt restoration shall be to the current version of the Town of Tiburon Uniform Construction Standards
 - (d) All PCC concrete replacement will be full panel, score line to score line, or as directed by the Inspector
 - (e) Plating of trenches will be allowed for up to five (5) calendar days. Ramping of plates is required
 - (f) All cement slurry backfill and paving will be completed within ten calendar days of excavation for each 100-foot section of pipe installation
 - (g) Backfill, required compaction, final AC paving and/or PCC replacement will be conducted within ten calendar days of excavation
 - (h) Temporary repairs to existing grades, backfilling, and making the work site safe are required
 - (i) All USA markings must be steam cleaned or neatly painted over on all sidewalks and roads before close of project
 - (j) Others special conditions shall apply as noted on the encroachment permit
7. **WORK HOURS:** All work shall be restricted to 8:00 am to 5:00 pm, Monday – Friday (excluding holidays) or as directed by the Department of Public Works. Work at times other than regular workdays requires additional compensation for overtime inspection and written approval from the Town.
8. **TRAFFIC CONTROL:** Construction traffic control shall conform to the current edition of the *Manual of Traffic Controls for Construction and Maintenance Work Zones* as published by the State of California, Department of Transportation. Provisions shall be made for lighted barricades, delineators, traffic control personnel during construction and excavation.
9. **UNDERGROUND SERVICE ALERT:** Permittee must notify USA Dig Alert network at least 48 hours in advance of start of work for location of underground utilities.
10. **GUARANTEE:** The Permittee shall indefinitely guarantee all work performed under this permit. Any failure caused by defective materials or workmanship shall be promptly repaired or replaced at the Permittee's expense.

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11. **STORAGE OF MATERIAL:** Excavated material, sand, gravel or any construction materials and debris shall not be stockpiled or stored on the Town right-of-way, except as approved by the Town. Large vehicles, trailers or equipment with a combined length of twenty feet or more may not be stored on the any public roadway or right of way overnight per section 23-35A of the Tiburon Municipal Code unless approved by the Town.
12. **PUBLIC CONVENIENCE:**
- (a) The Permittee shall conduct his operations as to offer the least possible obstruction and inconvenience to the public and abutting property owners, and he shall have under construction no greater amount of work than he can prosecute properly with due regard to the rights of the public.
 - (b) Spillage resulting from hauling operations along or across any publicly traveled way shall be removed immediately by the Permittee at his expense. As applicable, noxious fumes and smells shall be mitigated to the satisfaction of the Town, at the Permittee's expense. Action may include using alternative material or relocation of material until installed.
 - (c) Convenient access to driveways, houses, and buildings along the work shall be maintained and temporary approaches to crossings or intersecting highways shall be provided.
 - (d) If ordered by the Inspector, water shall be supplied by the Permittee for the alleviation or prevention of dust nuisance.
 - (e) In order to expedite the passage of public traffic through or around the work and where ordered by the Inspector, the Permittee shall install signs, lights, flares, barricades, and other facilities for the sole convenience, safety and direction of public traffic.
 - (f) Where directed by the Inspector, the Permittee shall provide and station, at Permittee's expense, competent flag-persons whose sole duties shall consist of directing the movement of public traffic through or around the work.
 - (g) Pedestrian access shall be maintained and provisions for ADA accessibility shall be required. (Any blockage of public right of way must comply with the Public Works policy regarding disabled access; see handout)
13. **EROSION AND SEDIMENT CONTROL MEASURES:** The Permittee is obligated to insure compliance with all applicable stormwater regulations at all times. The BMPs (Best Management Practices) according to the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) and Stormwater Best Management Practice Handbook Construction BMP Fact Sheets shall be implemented and maintained to effectively prevent the potentially negative impacts on this project's construction activities on stormwater quality. Stockpiles of soil, material, and wastes shall be properly contained and covered to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.
14. **CLEAN UP:** Upon completion of daily work the Permittee shall clean the right-of-way of all rubbish, construction debris, trees, brush, excess materials, temporary structures and equipment.
15. **SAFETY:**
- (a) The Permittee shall be completely responsible for the conditions of the job site, including safety, and shall not be limited to normal working hours. Work and Safety provisions shall conform to all applicable Federal, State, and local laws, ordinances, and codes, and to the rules and regulations established by the California Division of Industrial Safety applicable to the work.
 - (b) The services of the Inspector in conducting construction review of the Permittee's performance is not intended to include review of the adequacy of the Permittee's work methods or safety measures, in, on, or near the construction site, and shall not be construed as supervision of the actual construction nor make the Inspector or the Town responsible for providing a safe place for the performance of work by the Permittee, or subcontractors; or for access, visits, use work, travel or occupancy by any person.
 - (c) The Permittee shall carefully instruct all personnel working in potentially hazardous work areas as to potential dangers and shall provide such necessary safety equipment and instruction as is necessary to prevent injury to personnel and damage to property.

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- (d) Shoring and Trench Safety Plan - Attention is directed to the Civil Code of the State of California, the State Labor Code, and the State of California Division of Industrial Safety.
16. **PROTECTION OF PERSON AND PROPERTY:** The Permittee shall take whatever precautions are necessary to prevent damage to all existing improvements, including above ground and underground utilities. If such improvements or property are damaged by reason of the Permittee's operations, they shall be replaced or restored to a condition equal to or greater than what existed prior, at the Permittee's expense, without delay.
17. **RESPONSIBILITY FOR REPAIR OF FACILITIES:** All public or private facilities and improvements to remain, including but not limited to structures, telephone cables, roadways, curbs, gutters, parking lots, private drives, and storm drains disturbed during construction of the work shall be repaired and/or replaced by the Permittee to match facilities existing prior to construction. In addition, the Permittee shall be responsible for any settlement damage to such facilities or adjoining areas for *a period mentioned in Item 10 – "Guarantee"* after acceptance of such required facilities. In the event the Permittee refuses or neglects to make good any loss or damage for which he is responsible under this Permit, the Town may itself, or by the employment of others, make good any such loss or damage, and all cost and expense of doing so shall be charged to the Permittee.
18. **CONTRACTOR'S LICENSE NOTICE:** Contractors are required by law to be licensed and regulated by the Contractor's State License Board.
19. **PRIVATE IMPROVEMENTS:** Any private improvements to be installed on Town right-of-way as part of this permit shall be continuously maintained to a safe, clean, and serviceable level, and that the Permittee agrees to remove said improvements at the Permittee's expense in the event that the Town requests such removal at its discretion.
20. **NO PRECEDENT ESTABLISHED:** This permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency of permitting any certain kind of encroachment. All encroachment permits are revocable at any time by the Town Engineer.
21. **INDEMNITY:** The Permittee specifically obligates himself and hereby agrees to protect, hold free and harmless, defend and indemnify the Town, the Engineer and his consultants, and each of their officers, employees and agents, from any and all liability, penalties, costs, losses, damages, expenses, causes of action, claims or judgments, including attorney's fees, which arise out of or are in any way connected with the (a) the Town's issuance of this Permit; or (b) the Permittee's, his Contractor's, or his subcontractors' or suppliers' performance of work under this Permit. To the extent legally permissible, this indemnity and hold harmless agreement by the Permittee shall apply to any acts or omissions, whether active or passive, on the part of the Permittee or his agents, employees, representatives, or Subcontractor's agents, employees and representatives, resulting in liability irrespective of whether or not any acts or omissions of the parties to be indemnified hereunder may also have been a contributing factor to the liability. Unless waived by the Town Attorney, Permittee shall include the Town, the Engineer and his consultants, and each of their officers, employees and agents as additional insured's on their policy with primary and non-contributory coverage; all insurance documents shall be submitted to the Town prior to work commencing. Applicant agrees to indemnify, defend and hold harmless the Town of Tiburon, and its employees, agents and officials from any claims, losses or damages that may arise from (a) the Town's issuance of this encroachment permit or any other permit issued to applicant; and (b) Applicant's exercise of this encroachment permit and any other permit granted by the Town. Proof of insurance is required upon request.