

ENCROACHMENT PERMIT CONDITIONS

Pursuant to El Segundo Municipal Code ("ESMC") §§ 9-2-1 to 9-2-10, relating to the work or encroachment into public right of ways, the City of El Segundo ("City") grants permission to the Permittee listed hereon, to encroach into public property at the place and time specified in this document. **This Permit is not transferable or assignable. Any attempt to transfer the Permit will immediately terminate the Permit.** In addition to the general terms and conditions contained in the ESMC, the use is subject to the following additional limitations:

A. General

- 1) This encroachment permit does not authorize any work or other activity to be performed outside of the existing public right-of-way.
- 2) Permittee shall provide a minimum of one week advance notice to all affected businesses, establishments and residences within two hundred (200) feet of the work.
- 3) Any trench work/excavation at 5 feet or deeper must have shoring.
- 4) Any excavation requires compliance with the provisions of Government Code section 4216 et seq., including but not limited to notice to a regional notification center, such as Underground Service Alert (USA). The Permittee must remove all USA marking after work is complete.
- 5) All work is subject to monitoring and inspection. The City's officers, officials, employees, agents, representatives, and volunteers must have full access to the public right-of-way/encroachment area, at any and all times for the purpose of inspection, maintenance, activities needed for construction/reconstruction, and operation of the City's Public Works Department.
- 6) Permittee must keep the permit package or a copy thereof at work site at all times and must show it upon request to any Public Works Department representative or law enforcement officer. If the permit package, or a copy thereof, is not kept and made available at the work site at all times, the work must be suspended.
- 7) Permittee must yield start of work to ongoing, prior authorized work adjacent to or within the limits of the Permittee's project site. When existing encroachment conflict with Permittee's work, the Permittee must bear all cost for rearrangements (e.g., relocation, alteration, removal, etc.).
- 8) This encroachment permit is invalidated if the Permittee has not obtained all permits and approvals necessary and required by law, including but not limited to permits from the California Public Utilities Commission ("CPUC"), California Occupational Safety and Health Administration ("Cal-OSHA"), and any other public agency and/or entity having jurisdiction. Permittee must also obtain concurrences from public or private entities that will be affected by the scope of work described in this encroachment permit. Permittee warrants all such permits, approvals, and concurrences have been obtained before beginning work under this encroachment permit. The City may, at the Public Works Department's discretion, require the Permittee to demonstrate that Permittee has obtained all such permits/ approvals/ concurrences, and Permittee shall demonstrate this at the time and manner specified by the Public Works Department.
- 9) Permitted work must comply with Section 8771 of the State of California Business and Professions Code for the preservation and/or perpetuation of existing land survey monuments.
- 10) Permitted work must comply with the City of El Segundo's Stormwater and Runoff Pollution Control Requirements.
- 11) This permit will be revoked if any pollutant is released into or allowed to remain in any component of the City drainage system.
- 12) Permittee indemnifies, will defend (at City's request and with counsel satisfactory to City), and holds City harmless from and against any claim, action, damages, costs (including without limitation, attorney's fees), injuries, or liability, arising out of or resulting from the acts, errors or omissions, negligence, or wrongful conduct (regardless of CITY's passive negligence, if any) of any party (including but not limited to the conduct of Permittee and its agents, representatives, contractors, subcontractors, employees, and officers) in connection with the project authorized under this Permit. For purposes of this section "City" includes the City of El Segundo's officers, officials, employees, agents, representatives, and volunteers.
- 13) Permittee is responsible to pay the cost of Public Works Department Inspection including any overtime costs or Non-Business Hours (NBH) inspection fees incidental to the work. Permittee must provide a minimum of one week advance written notice with authorization for the contractor to permit the NBH work.
- 14) All work authorized under this permit must be diligently and continuously pursued to complete the work in as short a time as possible; and if not so pursued, this permit may be cancelled.
- 15) Upon completion of work, Permittee must call 310-524-2360 and report that the work has been completed, no later than the next business day.
- 16) Permittee is responsible for restoration and repair of the City's public right-of-way to the same condition as it was in prior to commencement of the permitted work, or such modified condition as has been expressly approved by the Public Works Department, and all surplus soils or waste materials removed from the public right-of-way shall be deposited or disposed of in a manner that complies with applicable federal, state and City laws and regulations.
- 17) Permittee understands and agrees to relocate a permitted installation upon notice by the Public Works Department. Unless under prior property right or agreement, the Permittee must comply with said notice at the Permittee's sole expense.
- 18) Permittee must reimburse the Public Works Department for field work performed on Permittee's behalf to correct or remedy hazards or damaged facilities, or to clear refuse, debris, etc. not attended to by the Permittee.
- 19) The Public Works Department may condition the issuance of this permit on compliance with any special requirements determined necessary to ensure that such encroachment or excavation will be carried out in a manner that does not threaten the safety of persons or property and in a manner that will not unreasonably interfere with the use by the City or general public or any public right-of-way or public service easement in which the encroachment or excavation is to be made.
- 20) It is the Permittee's responsibility to ensure all subcontractors procure and provide to Permittee proof of the requisite insurance for any services being provided pursuant to this permit and that subcontractors comply with all City permit and licensing requirements.

B. Traffic Control

- 1) Permittee must comply with the Work Area Traffic Control Handbook (WATCH) manual. Work hours are Monday through Friday 9:00am to 3:00pm, unless specified on front page of encroachment permit.
- 2) Permittee shall submit a Traffic Control Plan to the City for approval.
- 3) "No Parking" signs must be posted a minimum of 72 hours in advance.
- 4) All traffic control measures shall comply with the current California Manual on Uniform Traffic Control (MUTCD).
- 5) Permittee shall notify the Public Works Department of all approved planned traffic control lane closures 48-hours in advance to being implemented.

C. Streets, Sidewalks, Curb and Gutter

- 1) Sidewalk/concrete must be removed and replaced from score-line to score-line or as directed by the Public Works Director, or designee.
- 2) Minimum concrete PSI to be 2500 for sidewalks and 4000 for concrete in the street.
- 3) Max size aggregate for asphalt is ½" fine.
- 4) New Asphalt for street pavement trench restoration shall be one inch deeper than the existing asphalt removed.
- 5) Gutters installed must be a standard size, as approved by the Public Works Director or designee.
- 6) For trenching or pavement removal on any major arterials/thoroughfares listed below, street resurfacing must be the width of the top 2 inches of the entire traffic lane for the entire length of work.
 - Rosecrans Ave. from Highland Ave. to Aviation Blvd.
 - El Segundo Blvd. from Whiting St. to Aviation Blvd.
 - Aviation Blvd. from Rosecrans Ave. to Imperial Hwy.
 - Grand Ave. from Loma Vista St. to Duley Rd.
 - Nash St. from El Segundo Blvd. to Hughes Way
 - Mariposa Ave. from Pacific Coast Hwy. to Douglas St.
 - Main St. from El Segundo Blvd. to Imperial Hwy.
 - Continental Blvd. from Mariposa Ave. to El Segundo Blvd.
 - Imperial Hwy. from Pacific Coast Hwy. to Aviation Blvd.
 - Pacific Coast Hwy. from Rosecrans Ave. to Imperial Hwy.
 - Douglas St. from Rosecrans Ave. to Imperial Hwy.
 - Nash St. from El Segundo Blvd. to Imperial Hwy.
 - Hughes Way from Nash St. to Pacific Coast Hwy.
 - Maple Ave. from Pacific Coast Hwy. to Douglas St.
 - Vista Del Mar from 45th St. to Grand Ave.
- 7) For trench work in other streets, at the minimum, the contractor must grind and overlay the top 2 inches AC cover forming a T-Cut. If the T-cut distance is less than 36 inches from the existing curb or gutter, the contractor will need to extend the restoration area up to the existing curb or gutter.
- 8) Any concrete removal that is adjacent to asphalt requires a minimum of 36 inches width of asphalt to be removed and replaced for the entire length of concrete removal.
- 9) All traffic signs and/or signals, street striping legends, crosswalk, raised reflective pavement marker or pavement markings, traffic loops damaged by this construction shall be replaced or restored to the Public Works Director's, or designee's, satisfaction.
- 10) Any public irrigation system components damaged by this construction shall be replaced or restored to the Public Works Director's, or designee's, satisfaction.

D. Water

- 1) For all irrigation services a reduced pressure backflow device is required.
- 2) All fire service connections must be installed per the City of El Segundo's Water Standard Details (see WT-3) along with the City's approved material list for approved appurtenances.
- 3) All domestic service connections must be installed per the City of El Segundo's Water Standard Details regardless of size (see WT-1 and WT-4) along with the City's approved material list for approved appurtenances.
- 4) The City of El Segundo Water Division must be notified prior to the commencement of any water related project/construction at h2oinquiries@elsegundo.org or 310-524-2745.

E. Sewer

- 1) Sewer lateral pipes in right-of-way must be made of Vitrified Clay Pipe material.
- 2) A cut-in wye or pre-fabricated saddle must be used for new sewer laterals.
- 3) To install a liner, a post video of the sewer main must be provided to Public Works Department. Liners CANNOT encroach into sewer main line. To access a sewer manhole, please contact the Wastewater Division at 310-524-2796.
- 4) Permittee must provide station location of the lateral being replaced or repaired.
- 5) A sewer lateral to be abandoned must be capped and filled with concrete.

F. Other Underground Utilities

- 1) Only open trench pipe installation method is allowed.
- 2) Minimum space between the outside diameter of proposed pipe/conduit with the existing water main shall be 4'.

G. Temporary use of public right-of-way for Moving PODs and/or Construction Bins

- 1) Moving POD and construction bin will only be allowed in the public right-of-way if there is no room to accommodate within the private property.

- 2) Residents are allowed to place the POD directly adjacent to property no more than 2 weeks in the public right-of-way if approved.
- 3) A building permit must be in place before the Contractor can apply for an encroachment permit for the construction bin.
- 4) Contractors are allowed to place the construction bin directly adjacent to property no more than 4 weeks in the public right-of-way if approved. The bin and materials/equipment stored shall be secured so that they do not constitute a rolling or spilling hazard.

H. Insurance

- 1) **Commercial General Liability:** At all times this Permit is effective, Permittee will procure and maintain commercial general liability insurance with a coverage limit of \$1,000,000. Commercial general liability insurance will meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name City, its officials, and employees as "additional insured" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by City will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to City. Permittee will furnish to City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by City from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII."
- 2) **Automobile:** If applicable, at all times this Permit is effective, Permittee will procure and maintain automobile insurance with a coverage limit of \$1,000,000 per occurrence. Such insurance will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to City. Permittee will furnish to City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by City from time to time.
- 3) **Workers' Compensation:** Permittee and its subcontractors, if any, shall procure and maintain worker's compensation insurance with limits as required by the Labor Code of the State of California and Employer's Liability Insurance of not less than \$1,000,000 per accident for bodily injury or disease. Such insurance will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to City. Permittee will furnish to City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by City from time to time, with a waiver of subrogation stating that the insurer waives all rights of subrogation against the indemnified parties. If Permittee is exempt from worker's compensation insurance, such certificate of exemption must be provided to the City.
- 4) Should evidence of the renewal or replacement of the contractor's insurance policy not be filed with the City's Public Works Department prior to the expiration or cancellation date, the City will stop all work and no further work shall be performed until new insurance coverage has been obtained by the Contractor as per Section 7-3 of the Standard Specifications for Public Works Construction (Greenbook).
- 5) Should City determine it necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the Permittee will be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless City should otherwise agree with Permittee to waive said fees or any part thereof. The foregoing will not apply if the Permittee prevails on every issue in the enforcement proceeding.
- 6) **Signature Required** on the front page of this permit. Permittee, or its representative, must sign. Failure to do so will be deemed a withdrawal of the Permittee's application.

By issuing this permit, the City of El Segundo does not assume responsibility of liability for claims, damages, or injuries, of whatever nature, which may arise from this event.