

Resolution #2019 09

ENCROACHMENT PERMIT - PALO ALTO PARK MUTUAL WATER COMPANY
2190 Addison Ave, East Palo Alto, CA 94303 –
Homeowner-owned water service since 1924 –
OFFICE (650) 322-6903 – Niambi Lincoln, manager.

Palo Alto Park Mutual Water Company (the “Company”) issues permits to construct, improve, work on or occupy the sidewalks and roadways the Company owns within its service area. Any activity by a resident, business, government agency, or contractor that encroaches into the right-of-ways of the boundaries within the Palo Alto Park subdivision, and where as construction work that requires in/on street, road, avenue, driveway, gutter, tree removal, fence relocation or sidewalk, requires a permit.

The Company, via a recorded deed, owns all of the roadways, streets and avenues within the boundaries of the subdivision. That ownership was confirmed by the San Mateo County Board of Supervisors, when the subdivision map was accepted and recorded in 1924, and by the report by the County Roads Engineer, submitted to the San Mateo County Board of Supervisors in 1931.

Two of the most common permit types (Encroachment Permit and Utility Trench Permit) are listed below. For more information on these and other encroachment requirements please contact the general manager at (650) 322-6903.

**NOTE: All fees are non-refundable, once the permit is issued.
The fine for working without a permit is \$500.00 per day.**



ENCROACHMENT PERMIT APPLICATION Checklist

To Whom It May Concern:

The undersigned hereby applies for permission to excavate, construct and/or otherwise encroach upon the Right-of-Way of the Palo Alto Park Mutual Water Company’s road(s) listed:

DESCRIBED LOCATION OF PROPOSED ACTIVITY

DESCRIBED PROPOSED ACTIVITY: <Attach site plan and sketch or scaled drawing>.

PERMIT APPLICATION CHECKLIST, provided for the convenience of applicants in gathering the necessary materials, and is not a complete statement of filing requirements.

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___ **Assessor's Parcel Maps** showing the proposed project site, and all properties within 100 feet of the project

___ **Two sets of each: project plan(s), site plan(s), and applicable other plans.**

___ **Copy of any environmental documents** (DRAFT AND FINAL EIRs, EISs, NEGATIVE DECLARATION) if prepared for the project and any comments and responses

___ **Copies of Certificates of Insurance: Comprehensive General Liability and Property Damage insurance in the amount of \$1,000,000 per incident and \$2,000,000 aggregate. The Company shall be named as an additional insured on that policy. The Permittee shall carry Workmen's Compensation Insurance to cover all labor employed on work covered by this Permit.**

___ **When a utility project: gas pipeline, sewer line, underground phone, electric or cable, will the project utilize existing easements, or need to move easements?**

___ **When a utility project: Are your easements recorded at the San Mateo County Recorder's office? If so, please supply a certified copy.**

___ **Permit fee. \$**

___ **NOTE: State of California Government Code Sections 4216 through 4216.9 require an INQUIRY IDENTIFICATION NUMBER be assigned to every person planning to conduct an excavation, including within a Private Easement or Right-of-Way.**

If applicable, the applicant must call the Underground Service Alert ("USA NORTH 811") Regional Notification Center at 800-642-2444 a minimum of two (2) days prior to commencing that excavation.

NO PERMIT TO EXCAVATE ISSUED BY THE COMPANY SHALL BE VALID UNLESS THE APPLICANT HAS OBTAINED AN INQUIRY ID NUMBER FROM "USA NORTH 811."

UTILITY TRENCH PERMIT (Fees as of October 4, 2019)

To dig a utility trench in any right-of-way, roads, avenues, streets within the Company's boundaries, requires an encroachment permit issued by Company management.

PERMIT FEES – UTILITY TRENCHES -

- Behind walkways, paths, sidewalks - \$200
- For laterals and other services in the travel way - \$400
- For a main line or gas line less than or equal to 100 feet - \$2,000

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- For a main line or gas line greater than 100 feet - \$2,000 +\$1.00 per foot of trench beyond 100 feet.

CHECKLIST

Site Plan

___ Drawing or sketch showing the location of proposed utility trench.

Review by the following agencies as applicable

- ___ Sewer District
- ___ Telecom Cable (if underground)
- ___ Gas
- ___ Electric (if underground)
- ___ Other (Specify):

Review Procedures with Water Company Plan Reviewer

___ Completed Encroachment Permit Application

___ **Permit Fee: please make check payable to Palo Alto Park Mutual Water Company**

Please note: In the event the proposed permittee commences work without first obtaining a permit, all permit fees shall be doubled.

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PERMIT TO PAVE STREETS or put in sidewalks or improve or connecting to the STREET driveways.

- 1. Name, mailing address, and telephone number of all applicants.**
- 2. Project Location.** Include street address, and city. If there is no street address, include other description such as nearest cross streets.
- 3. Describe the proposed development in detail.** Include secondary improvements such as grading, trenching, roads, driveways, fences, tree removals, etc. (Attach additional sheets as necessary.)
- 4. Estimated cost of project (not including cost of land) - \$**
- 5. Total number of linear feet and number of square feet involved in project.**

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6. Will your project require the Removal or Addition of tree or other vegetation? If so, number, size and type of trees.

7. Will your project require the relocation of residential fences along the roadsides? Submit written permission from each impacted property owner(s). Note that the cost of relocating that fence is at the expense of the permittee.

PLEASE NOTE: Homeowners have the option of NOT having their fence line changed or their fences moved, so if the project requires moving of fence lines, any homeowner can stop that portion of the project in front of their property. Submit a list of any opt-out homeowners, their addresses and phone number, who have opted-out in having their fences moved.

6. PROPOSED ENCROACHMENT DATE(S):

START date:

--FINISH date:

Applicant agrees to accomplish the described activity in this permit, and to be subject to inspection and approval by the management of the Palo Alto Park Mutual Water Company.

7. Applicant shall indemnify and save harmless the Palo Alto Park Mutual Water Company, its officers, agents, employees and servants from all claims, suits or actions on every name, kind and description, brought for, or on account of, injuries to or death of any person or damage to property resulting from the performance of any work authorized by this permit.

8. Applicant is required to maintain Comprehensive General Liability and Property Damage insurance in the amount of \$1,000,000 per incident and \$2,000,000 aggregate. The Company shall be named as an additional insured on that policy.

9. PAVING, Sidewalk or DRIVEWAY permit fee shall be: \$200 for the first 100 square feet, and 25 cents per square foot, for each additional square foot.

The legal venue of this permit is San Mateo County, California.

APPLICANT COMPLETE:

“USA NORTH 811” Inquiry

Date _____

USA NORTH Inquiry ID Number _____

PLEASE PRINT

Applicant Name _____

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Mailing Address _____
City _____
State _____ Zip _____
Area Code & Phone _____
Email _____
Applicant Signature _____
Date signed: _____

=====PERMIT PROVISIONS=====

1. **ACCEPTANCE OF THE FOLLOWING PERMIT PROVISIONS.** It is understood and agreed by the Permittee that the doing of any work under this permit shall constitute acceptance of the provisions contained herein. This permit shall not be construed to convey to the Permittee any ownership or other property rights in the project area or anywhere else in the company's service area.
2. **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 to be constructed within right of way of Palo Alto Park Mutual Water Company streets, roads, highways or other areas.
3. **NOTICE PRIOR TO STARTING WORK.** Before starting work, the Permittee shall notify the Company at (650) 322-6903.
4. **NOTICE 48 HOURS before work begins.** Such notice, as required under Section 3, above, shall be given at least 48 hours in advance of the date work is to begin. Any work performed prior to said notification shall be subject to rejection, and/or removal for noncompliance with the notification requirement.
5. **KEEP PERMIT ON THE SITE.** This Permit or a copy thereof shall be kept at the site of work and must be shown to any Company representative or any law enforcement officer on demand.
6. **PERMIT FROM OTHER AGENCIES.** The party or parties to whom this Permit is issued shall, whenever law requires the same, secure any other permit or consent to any work required by any public agency having jurisdiction, and this Permit shall be suspended until such other permit is obtained.
7. **PROTECTION OF TRAFFIC.** Adequate provision shall be made for the protection of the traveling public. Barricades shall be placed with warning lights at night and flaggers employed, as may required by the particular work in progress. All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public.

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8. **STOCKPILING OF MATERIAL.** No construction materials or debris shall be stored within eight feet (8') of the edge of pavement or traveled way, or within any shoulder area where the shoulders are wider than eight feet (8'). In no event will any material be stored in a ditch, gutter, swale or any other type of watercourse.
9. **GENERAL CLEAN UP.** Upon completion of the work, all brush, timber, scraps and material shall be entirely removed from the right-of-way and any areas affected by the work shall be left in a presentable condition, and to the Company's satisfaction.
10. **SUPERVISION BY COMPANY MANAGER.** All the works shall be done subject to the supervision of and to the satisfaction of the Company's Manager. The Company's Manager may appoint an Engineer and/or an Inspector to supervise and approve the work. The terms "Engineer" and "Inspector" shall have the same meaning for purposes of this Permit.
11. **EXPENSE OF INSPECTION.** For work that requires the presence of a licensed Inspector or Engineer, the costs associated with salary, traveling expenses, tests on materials, etc., shall be paid by the Permittee, and the Permittee shall also be responsible to pay any other incidental costs the Company incurs. The Permittee may be required to deposit with the Company cash in an amount determined by the Company's Manager to be sufficient to cover the anticipated costs of inspections. Any remaining balance shall be refunded to the Permittee upon completion and acceptance of the permitted work.
12. **LIABILITY FOR DAMAGES.** The Permittee is responsible for all liability for personal injury or property damage that may arise out of work herein permitted or which may arise out of failure on the Permittee's part to perform Permittee's obligations under this Permit in any regard, including any such liability that may result from Permittee's work performed under this permit. . In the event any claim of such liability is made against the PALO ALTO PARK MUTUAL WATER COMPANY, its officers, or employees thereof, the Permittee shall defend, indemnify and hold each of them harmless from such claim.

This Permit shall not be effective for any purpose unless and until the above named Permittee files with the Company, the following Certificates of Insurance: Comprehensive General Liability and Property Damage in the amount of \$1,000,000 per incident and \$2,000,000 aggregate. The Permittee shall carry Workmen's Compensation Insurance to cover all labor employed on work covered by this Permit. The Company shall be named as an additional insured on that policy.
13. **MAKING REPAIRS.** If the Company's Manager so requires, repairs to paving and other improvements, which have been disturbed, shall be made by Company employees and the expenses therefor shall be borne by the Permittee. The Company's Manager will give reasonable notice of any requirement to make such

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repairs, and if the Manager does not so require, the Permittee shall make such repairs in accordance with the Company's construction standards. In every case, the Permittee shall restore any portion of the street, road, highway or other area which has been excavated or otherwise disturbed, to its former condition, except where the Company's Manager elects to make repairs as provided in this paragraph and except where provision to the contrary is made in this Permit.

- 14. CARE OF DRAINAGE.** If the work item herein contemplated shall interfere with the established drainage, ample provision shall be made by the Permittee to provide for it as may be directed by the Company's Manager. All storm drainage work shall comply with the provisions of the San Mateo County Drainage Policy, the County's National Pollution Discharge Elimination System (NPDES) permit and other applicable regulatory requirements.
- 15. MAINTENANCE.** The Permittee agrees by the acceptance of this Permit to exercise reasonable care to maintain properly any encroachment placed in the street, road, highway or other areas, and to exercise reasonable care in inspecting for and immediately repairing and making good any injury to any portion of the street, road, highway or other areas which occurs as a result of the maintenance of the encroachment, and performance of any work, in the street, road, highway or other areas, or as a result of the work done under this Permit, including any and all injury to the street, road, highway or other areas which would have occurred had such work not been done or such encroachment not placed therein.
- 16. TREES PROTECTED WITHIN THE WORK AREA.** Trunks of trees shall be protected with burlap wrapping while work is conducted around them. No tree roots two inches or more in diameter shall be cut. Material shall be removed from around root system so as to avoid damage thereto. Roots shall be protected with burlap wrapping while exposed.
- 17. TUNNELING.** No tunneling will be permitted, except on major work as may be specifically set forth on the face hereof.
- 18. SAWCUTTING.** All excavation on existing Asphalt Concrete pavement shall be saw-cut with NO exception. Water from saw cutting operations shall not be allowed to enter into any drainage or watercourse.
- 19. WATER POLLUTION CONTROL.** The Permittee is advised that failure to fully comply with the provisions of this Section, and all requirements listed in any resource agency permits obtained for the project, where applicable, shall constitute substantial non-compliance with the requirements of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) and this Permit.

Should the Company be required to provide any after-hours, weekend or holiday repairs to the Permittee's water pollution controls due to the Permittee's failure to respond, all costs associated with providing that response, including overtime wages, equipment and material costs, shall be deducted from the Permittee's deposit

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and/or invoiced to Permittee, as applicable. The Permittee shall also be fully responsible for any fines, penalties or mitigations imposed by any regulatory agency caused by his failure to respond, regardless of whether the Company attempts any repairs or pollution prevention work in the Permittee's absence.

Construction sites are common sources of water pollution. Materials and wastes that blow or wash into a storm drain, gutter, or streets have a direct impact on local creeks and wetlands of the San Francisco Bay and the Pacific Ocean.

The Permittee shall be responsible for any environmental damage caused by its operations and those of its contactors or employees.

“Water pollution” shall be defined as including the introduction of any material, including sediment, trash, or other debris, equipment or vehicles, into any watercourse, including creeks, ponds, ditches, storm drain facilities, and any surfaces immediately tributary to those areas. “Water pollution controls” are materials and measures that prevent the introduction of any material to any watercourse. “Water pollution control materials and measures” may consist of temporary silt fencing; straw mulch/straw logs; spill cleanup materials; pavement sweepers; sand bags or continuous berms; etc.

Water pollution controls shall be applied, maintained and removed by the Permittee as specified herein and as directed by the Company's Manager. For construction activities occurring between June 15 and September 15, sufficient quantities of applicable water pollution control materials shall be available at the work site prior to commencing any work. For construction activities occurring between September 16 and June 14, all applicable water pollution control measures shall be installed and all applicable water pollution control materials shall be available at the work site prior to commencing any work.

If the measures being taken by the Permittee are inadequate to control water pollution effectively, the Inspector may direct the Permittee to revise the operations. No further work shall be performed until the water pollution control measures are adequate and, if also required, a revised water pollution control program has been approved. Attention is directed to "Permittee Response" of this Section for additional provisions relating to correction of the Permittee's water pollution control program, and payment

20. **PERMITTEE RESPONSE.** The Permittee is advised that if may be required to respond to the work site after hours and/or on weekends or holidays to mitigate potential water pollution, soil erosion or sedimentation and/or to repair damaged water pollution controls. Failure to respond within four (4) hours of notification by the Company shall constitute substantial noncompliance with these Permit Provisions.
21. **EXCAVATION AND GRADING.** The Permittee shall not commence any excavation, backfilling, grading or stockpiling operations until water pollution

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control materials have been delivered to the work site. Excavation and grading activities shall be scheduled for dry weather periods. Excavation and grading activities shall not be allowed to commence or continue during periods of rainfall or runoff.

22. **GENERAL HOUSEKEEPING.** The Permittee shall control the amount of runoff entering upon disturbed construction and staging areas, particularly during excavation, to reduce the amount of water pollution controls required. Temporary diversion berms and/or sandbags may be employed to divert runoff from entering upon construction and staging areas as approved by the Inspector.

Paved surfaces shall be dry-swept as necessary to prevent water pollution. If pavement flushing is necessary, silt ponds, gravel sacks or other techniques to trap sediment and other pollutants shall be required.

All wastes shall be disposed of properly outside the right-of-way.

23. **STOCKPILES.** All soil and/or rock stockpiles shall be protected against wind, rainfall and runoff at all times. Plastic sheeting may be used to cover soils (including aggregate base), and shall be securely anchored by sandbags or other suitable means. At no time will any stockpiled materials be allowed to erode into any watercourse or onto any roadway or other tributary surface.

24. **SPILL PREVENTION AND RESPONSE.** Fluid spills shall not be hosed down. The Permittee shall use dry cleanup methods (absorbent materials, cat litter, and/or rags) whenever possible. If water must be used, the Permittee will be required to collect the water and spilled fluids and dispose of them as hazardous waste. Spilled fluids shall not be allowed to soak into the ground or enter into any watercourse.

Spilled dry materials shall be swept up immediately. The Permittee shall not wash down or bury any dry spills. Spills on dirt areas shall be removed by digging up and properly disposing of all contaminated soil. The Permittee shall report significant spills to the Company immediately

When working on sewer lines, raw sewage cannot be pumped into the street or into gutters or storm drains, and that action will result in a \$500 fine.

25. **ROADWORK AND PAVING.** The Permittee shall avoid creating excess dust when breaking and/or removing asphalt or concrete. Broken asphalt and/or concrete pieces shall be completely removed from the site as soon as possible, or shall be stored in a separate, secure stockpile protected against from wind, rainfall and runoff. Material derived from roadway work shall not be allowed to enter any watercourse, or tributary area. Water/slurry resulting from saw cutting operations shall be shoveled or vacuumed and completely removed from the site. The Permittee shall not be permitted to sweep or flush any saw cutting debris or slurry into any drainage, watercourse, or tributary area.

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26. **VALVE COVERS.** In the event any work performed by Permittee pursuant to this permit necessitates that Company valve covers be raised, the Permittee shall bear the cost thereof.

27. **CONCRETE AND MORTAR.** The Permittee shall ensure that concrete and mortar are contained within the lines and grades shown on the Plans and not allowed to leave the construction site. Any excess concrete, mortar and/or mix water placed or spilled beyond the limits of concrete construction as shown on the Plans shall be immediately collected, removed and disposed of properly.

No washout of concrete mixers or trucks will be permitted at the project site. Dry sacks of cement shall be protected against wind, rainfall and runoff. Opened sacks of cement shall be secured and protected from spilling.

28. **SIGNING OFF BY THE COMPANY MANAGER.** This Permit is deemed completed and closed out when the Company's Manager reviews the work and signs off, on the project.

29. **ADDITIONAL PERMIT REQUIREMENTS.** The Permittee shall also comply with the following:

- a. _____
- b. _____
- c. _____

SIGNED _____

Printed _____

Dated _____

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Permit Form dated October 4, 2019