

# CITY OF ALISO VIEJO ENCROACHMENT PERMIT

## STANDARD CONDITIONS

1. Permits issued by this Department are pursuant to the authority vested by the City Council for the City of Aliso Viejo hereinafter referred to as City.
2. Permittee agrees to save City, its agencies, etc. including its officers, agents or employees, harmless from any and all penalties, liabilities or loss resulting from claims or court actions, arising directly out of any damage or injury to persons or property by reason of the acts or omissions of Permittee, its agents, employees or independent contractors in exercising any of the privileges herein granted or in consequence thereof.

The permittee shall file a written accident report with the City of Aliso Viejo for any property damage, death or injuries on project site within 48 hours after such incident occurs. The accident report shall include, but is not limited to, the following information, if available: time and date, location, nature of accident, names of people injured, description of property damage, police report number, and description or job site condition at the time of accident.

Failure to file an accident report shall be considered a violation of the permit provisions and may cause revocation of this permit.

Accident report shall be filed with the inspection section assigned to the project. Contact can be made at the following telephone number:

City Engineer        949-425-2531

3. Should any damage or injury to City works occur during initial use and/or as a result of this permitted use, either through the acts of agents, servants, or employees of Permittee or by any independent contractor of Permittee in the exercise of the rights herein granted. Permittee shall immediately, upon the written demand of City, restore such works to the condition of same on the date of the occurrence of said damage or injury at Permittee's cost or expense. The question as to whether or not any such damage or injury has been caused to the works shall be determined by the City Engineer and his determination shall be final. In the event repair by City is necessary, Permittee shall pay City the cost of such repairs.
4. City reserves the right unto itself to perform any work, upon any portion or all of the area covered by this permit, or to do any other work necessary at any time. Such work may be performed without incurring any liability of any nature whatsoever to the Permittee. It is further understood and agreed that City reserves unto itself the rights of ingress over all or any portion of the subject area.
5. Neither this permit nor any of the rights herein granted shall be assigned without the prior written approval of the City.
6. By acceptance of this permit, Permittee acknowledges and assumes all responsibility for compliance with requirements of other regulatory governing agencies including, but not limited to, zoning regulations, applicable ordinances and laws, etc., of the City of Aliso Viejo the County of Orange, the State of California, or others having regulator control over the use granted herein.
7. A copy of this permit and approved plans, if applicable, shall be maintained at the site of work and be shown to any authorized representative of the City or other regulatory governing agency upon request.

8. No access or work shall be performed within City right-of-way without written notification to the City not less than two work days' advance notice of the initiation of permitted use. The City shall be notified using the City's "Encroachment Notification" form. The City shall be notified before and after the encroachment to inspect and document the condition of the public right of way. Failure of Permittee to obtain inspections shall void this permit and necessitate reapplication by Permittee.
9. This permit may be immediately revoked for reasons in the best interest of the City, including violation of permit provisions or other applicable rules and regulations or for the creation of a nuisance upon notice given by the City Engineer or authorized representative. In the event of such revocation, Permittee shall immediately cease all operations and restore City right of way as directed by City Engineer.
10. Any construction performed within City properties shall be in accordance with City standards and established criteria. Any deviation must be specifically detailed and highlighted on plans in a manner meeting the approval of City Engineer. No uses other than that as stated on this permit shall be exercised. Public right of way shall not be used for administrative operations or storage of equipment, materials, supplies, etc.
11. Traffic control devices to delineate /protect the work area shall be placed per the WATCH Manual, as a minimum. Lane closures require a traffic control plan approved by the City Engineer.
12. All work shall be performed within working hours as specified by the City Engineer.
13. Temporary patching of trenches is required on lateral cuts surface streets immediately after backfilling. Permanent pavement shall be placed within a maximum of thirty (30) working days after completion of backfilling operations. All excavations shall be backfilled or covered or otherwise protected, in a manner meeting the approval of the City Engineer, at the end of each workday.
14. Unless otherwise indicated on permit, all work shall be done in accordance with City Standards and the *Standard Specification for Public Works Construction* latest issues.
15. All improved streets, as shown on *Master Plan of Arterial Highways*, MUST be bored or tunneled. All boring, tunneling and placing conduits, casing and pipelines shall be done in such a manner that the existing driving lanes will NOT be disturbed. If any casing is installed to receive conduit or pipeline, all voids between casing and conduit shall be filled with grout or sand. Bore pit shall not encroach within five (5) feet from edge of pavement.
16. Open cutting of local streets may be permitted. Not more than one-half (1/2) of the width of a traveled way shall be disturbed at one time and the remaining width shall be kept open to traffic. Two-way traffic shall be maintained on pavement at all times.
17. Remove all signs of construction including but not limited to temporary markings for utilities and construction limits, dust and debris, and traffic control devices.
18. The public right-of-way condition including asphalt pavement or striping and markings shall be returned to their original condition. New roadway pavement, striping, and markings shall be placed if directed by the City Engineer.
19. Best Management Practices (BMP) in accordance with storm water regulations and ordinances shall be utilized in all phases of encroachment.