



CITY HALL · 250 EAST L STREET · BENICIA, CA 94510 · (707) 746-4200 · FAX (707) 747-8120

PERMIT VALID: March 18, 2024 TO September 18, 2024

PUBLIC WORKS MAIN #: (707) 746-4240

PUBLIC WORKS INSPECTIONS: (707) 746-4229

ENCROACHMENT PERMIT # ENC-23-135

ENCROACHMENT LOCATION:	890 Southampton Rd	TERM OF PERMIT:	
PERMITTEE:	Nichole Brooks for PG&E 1220 Andersen Dr San Rafael , Ca 94901	START DATE:	March 18, 2024
		EXP. DATE:	September 18, 2024
SCOPE OF WORK:	<i>PG&E to install underground service and pad mount transformer for EV chargers</i>		

JOB/PROJECT #:	35391090		
Proposed Start Date from Applicant:	July 6, 2023	Proposed End Date from Applicant:	January 6, 2024

STREET CUT MORATORIUM:	NO	
ATTENTION: The street(s) listed above (if any) are currently under a street cut moratorium. No cuts are permitted into the asphalt while under moratorium. Failure to comply will result in additional fees, fines, and full resurfacing of the street to the requirements and satisfaction of the City Engineer.		
UPCOMING STREET MAINTENANCE:	NO	
ATTENTION: The street(s) listed above (if any) are scheduled for maintenance. All work associated with this permit, to include restoration, shall be completed no later than January 6, 2024.		

APPROVED CONTRACTORS			
CONTRACTOR NAME	STATE LICENSE #	JOBSITE CONTACT	JOBSITE PHONE #

NOTICE: A pre-construction meeting with the Public Works Inspector is required prior to starting work. Call (707) 746-4229 at least 48 hours in advance to schedule the required pre-construction meeting.
NOTICE: The City of Benicia is closed every other Friday. Information regarding our Holiday closures and alternating Friday closures can be found at https://www.ci.benicia.ca.us/cityholidays .

Permittee has agreed to accept all responsibility for loss or damage to any person or entity and to indemnify, hold harmless, and defend and release the City of Benicia, its agents, and employees from and against any and all liability actions, claims, damages, costs, or expenses which may be asserted by any person or entity, including Permittee, arising out of or in connection with the willful act or negligence of Permittee performing the work associated with the Encroachment Permit, whether or not there is concurrent negligence on the part of the City, but excluding liability due to the sole active negligence or sole willful misconduct of the City.

THE PERMITEE HAS AGREED THAT THE WORK WILL BE DONE IN ACCORDANCE WITH AND SUBJECT TO THIS PERMIT'S TERMS AND CONDITIONS, THE CITY OF BENICIA MUNICIPAL CODE, THE STATE VEHICLE CODE, THE STATE STREETS AND HIGHWAYS CODE, AND IS SUBJECT TO INSPECTION AND APPROVAL.

ENCROACHMENT PERMIT STANDARD CONDITIONS

I. GENERAL

- A. Encroachment – “Encroachment” is defined in Benicia Municipal Code 12.12.010 Definitions.
- B. Encroachment Permit – “Encroachment Permit” is an instrument that authorizes the permittee to perform work, construct approved facilities, or conducts specified activities within the public right of way, public easements, or City property and is issued in accordance with and subject to the provisions of City of Benicia Municipal Code, Chapter 12.12 Encroachments.
- C. Engineer – “Engineer” is the person holding the position of City Engineer or other designee such as the City Inspector.
- D. Permittee – “Permittee” means any person, firm or corporation that proposes to do work or encroach upon a public right of way, public easement, watercourse, or City property as herein defined and has been issued a permit for such encroachment by the Public Works Director.
- E. Acceptance of Provisions – It is understood and agreed by the Permittee performing work, constructing approved facilities, or conducting specified activities under this permit shall constitute an acceptance of the provisions.
- F. 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 erected within the public right of way of any street.
- G. Start of Work – Twenty-four (24) hour prior notice is required before work may commence. This permit is void unless the proper notification is given to the Engineer.
- H. Control of Work
 - i. All work accomplished, and all materials furnished under this permit shall be subject to the inspection and approval of the Engineer. Such inspection and approval of work and materials shall not relieve the Permittee of any obligations to complete the work as specified; and work and materials not meeting these requirements shall be made good and unsuitable work and materials may be rejected notwithstanding that such work and materials have been previously inspected and approved by Engineer.
 - ii. The Engineer, at all times, shall have access to the work, and shall be furnished every reasonable facility for ascertaining that the methods, materials, and workmanship are in accordance with the requirements and intent of this permit.
 - iii. The Engineer may reject defective work and shall require its repair, replacement, or removal by the Permittee at the Permittee's expense. The Permittee or Permittee's authorized agent shall be in charge of all phases of work while it is in progress and shall receive and obey any such orders as the Engineer shall give.
 - iv. Approval of all work shall be necessary at the completion of each of the following stages of work, and such approval must be obtained before subsequent stages of work may be commenced. The Engineer shall be notified at least one working day in advance before any of the following stages of work are commenced. Only that work, which is done in the presence of the Engineer, or lacking such presence at this option, or done with the Engineer's knowledge, will be approved. In addition to the following, the Engineer may require additional notification on these and other stages of work.
 - a. Stage 1: Compaction and preparation of embankments, excavations and subgrade.
 - b. Stage 2:
 - 1. Construction of forms for all concrete structures, including curbs and gutters and sidewalks.
 - 2. Excavation for storm drains, culverts, and utilities.
 - c. Stage 3:
 - 1. Placing of concrete in structures.
 - 2. Placing of bedding materials, and bedding material over pipes
 - 3. Placing of storm drains, culvert pipes, water or sewer mains and services.
 - d. Stage 4: Backfilling of structures, pipes, and utilities.
 - e. Stage 5: Construction of roadside ditches and other drainage ways.
 - f. Stage 6: Placing and compacting base material. If more than one course or type of base or subbase is to be used, approval shall be necessary for each course and/or type.
 - g. Stage 7: Placing of pavement or surfacing material.
 - h. Stage 8: Placing of signage, striping, or markings.
 - i. Stage 9: Final clean up.
- I. Revoked Permit
 - i. This permit may be immediately revoked for reasons in the best interest of the City, for violation of permit conditions or for the creation of a nuisance upon notice given by the Public Works Director, City Manager, City Engineer or their authorized representative.
 - ii. In the event of a permit revocation, applicant shall immediately cease all operations and restore City right-of-way as directed by the City inspector or authorized representative. After notification, City may take full possession of the area. Applicant shall pay to the City all costs incurred by the City to restore the worksite to a safe condition in the event the contractor fails to do so in a timely manner.
- J. Keep Permit on the Work Site – This permit shall be kept at the site of the work and must be shown to Engineer or any law enforcement officer on demand.
- K. Standards – Work shall comply with the latest edition of the Caltrans Standard Plans and Specifications, Benicia Municipal Code, City of Benicia Standard Plans and Specifications, and the requirements herein.
- L. Future Moving of Installation – It is understood by the Permittee that whenever construction, reconstruction, or maintenance work in the public right of way may require the installation provided for herein to be moved, it shall, upon request of the Engineer, be immediately moved by and at the sole expense of the Permittee.
- M. Ownership of Land under City Streets – In many instances, the City does not own the land which its streets traverse, its interest being limited to easement only. Therefore, this permit covers surface operations only at all locations where the City has no subsurface rights and, in such cases, does not purport to authorize any excavation, laying of pipe lines, setting of poles, or other operations below the surface of the right-of-way. In all such cases, it is the responsibility of the Permittee to obtain the consent of the owner or owners of the underlying fee before undertaking any of the below-surface operations.
- N. Storage of Material – No material shall be stored in the street or within five (5) feet from the edge of traveled way, unless allowed by the Engineer. Materials in the right of way will be removed by the City and back charged to the Permittee.
- O. Clean Up Right of Way – Upon completion of the work, all brush, timber, scraps, temporary signage, and other material shall be entirely removed and the right of way in as presentable conditions as before work started. Sweeping or washing of loose soils from the roadway is required.
- P. Maintenance – The Permittee agrees by the acceptance of this permit to exercise reasonable care to maintain public property during encroachment by Permittee. Reasonable care is exercised in inspecting for and immediately repairing and making good any injury to public-owned property, including: street, curb, gutter, sidewalk, landscaping, irrigation, etc. An injury may occur as the result of the maintenance of the encroachment in the right of way or as a result of the work under this permit. This includes any and all injury to public property, which would not have occurred if such work had not been done or such encroachment had not been placed therein.
- Q. Making Repairs – If the Permittee does not repair, upon being directed to do so by the Engineer, existing street facilities within the time period the Engineer has specified, then the City forces may perform the repair work and the cost thereof plus 100 percent for administration and overhead shall be paid by the Permittee within 30 days of Permittee's receipt of invoice of such repair cost.
- R. Conflicting Construction – When construction of this encroachment falls within the limits of a City of Benicia construction project, the construction project has precedence. Work on this encroachment will have to be coordinated with the City of Benicia construction project so as not to cause any conflict with the said project or this permit will be revoked.
- S. PERMITTEE TO PAY DEFICIENCY – If any deposit is insufficient to pay all fees and costs herein provided, the permittee shall, upon demand, pay to the City of Benicia the amount equal to the deficiency.

II. LIABILITY AND BONDING

- A. Liability for Damages – The Permittee is responsible for all liability for property damage which may arise out of work herein permitted, or which may arise out of failure on the Permittee's part to perform the obligations under this permit in respect to maintenance. In the event any claim of such liability is made against the City of Benicia, or any department officer, or employee thereof, Permittee shall defend, indemnify and hold them and each of them harmless from such claim.
- B. Bonding – This permit shall not be effective for any purpose unless and until the above-named Permittee files with the Engineer a surety bond in the form and amount established by the Engineer, unless specifically exempted by applicable codes.

III. TRAFFIC CONTROL

- A. Permittee shall furnish and install all temporary traffic control, including but not limited to, signing, striping, barricades, delineators, etc., in compliance with the latest editions of the California Manual of Uniform Traffic Control Devices (CA MUTCD). Attention is directed to Section 7-1.08, "Public Convenience", Section 7-1.09, "Public Safety", and Section 12, "Construction Area Traffic Control Devices" of the latest edition of the State of California Department of Transportation Standard Plans and Specifications.
- B. No work shall commence until the Engineer approves the temporary traffic control plan.
- C. Permittee shall obtain State or County encroachment permit(s), and/or public utility or private property permission for the placement of signs as necessary.
- D. One 10-foot-wide lane of traffic shall be kept open at all times and two full-width lanes of traffic during the non-working hours, Saturdays, Sundays, and holidays. Flaggers are required any time traffic is reduced to one lane.
- E. Any detouring of traffic shall receive prior approval from the Engineer. Additionally, notice shall be given to the Engineer 48 hours prior to the detour.
- F. All signs shall comply with CA MUTCD or Caltrans Standard Plans and Specifications concerning size, reflectorization, color, et cetera.
- G. Any stenciled construction signs shall be six-inch (6") black letters on orange background.
- H. All signs to be post mounted unless Engineer approves otherwise. Attaching signs to existing City signs is not permissible.
- I. Engineer may require the Permittee to install additional signs as required for public safety.
- J. Permittee shall notify the Engineer and all fronting property owners no less than 24 hours prior to posting "NO PARKING" signs in the proposed work site.
- K. Permittee shall maintain access to all fronting properties at all times and shall not disrupt mail delivery, garbage pickup, or emergency vehicles.

IV. BORING, EXCAVATION, BACKFILL, AND PAVEMENT

- A. Pavement Cuts – Any existing pavement, curb, gutter and sidewalk to be removed shall be sawcut unless the Engineer approves an exemption.
- B. Boring – Boring to be done at a minimum depth of three feet below the edge of traveled way. For private utilities (water, sewer, etc.) see the attached Special Provisions, if any.
- C. Crossing Roadway – Service and other small diameter pipes shall be jacked or otherwise forced underneath pavement without disturbing the pavement. Pavement or roadway shall not be cut unless specifically permitted on the face thereof. Service pipes will not be permitted inside of any culvert pipes used as drainage structures.
- D. Tunneling – No tunneling will be permitted except on major work, as may be specifically set forth in the permit.
- E. Notice Before Backfilling – No backfill within the traveled way shall be placed without one working day prior notice to the Engineer. The Engineer reserves the right to inspect and test backfill and surfacing.
- F. Cover Over Buried Utilities– Minimum depths of cover over buried pipes, conduits, transmission lines and cables shall be either 18 inches, 6 inches below the road's structural section improvements, or the following depths, whichever is greater:
 - Storm drainage conduits: 18 inches
 - Water service laterals: 18 inches
 - Water lines: 30 inches
 - Sewer service laterals: 30 inches
 - Sewer mains: 30 inches
 - Gas lines and service laterals: 36 inches
 - Electrical transmission cables: 36 inches
 - Telephone and television cables: 36 inches
 - Private utilities (water, sewer, etc.): See the attached Special Provisions
- G. Trench Backfill– Trench backfill shall conform to the requirements shown on City Standard Detail No. ST-7 attached hereto:
 - i. Aggregate base backfill and trench surfacing shall be used when the excavation is within the existing pavement and on all driveways.
 - ii. Select backfill and trench surfacing shall be used within sidewalk path and shoulder areas not covered by 7a above.
 - iii. Select backfill shall be used between back of sidewalk, path and shoulder and right of way line.
- H. Backfill Materials– Structure backfill materials shall have a:
 - i. Sand equivalent of not less than 30 (pea gravel not acceptable);
 - ii. Percentage composition by weights as determined by laboratory sieves shall conform to the following grading. No material shall be over 3 inches.
 - 3" Sieve: 100% Passing
 - No. 4 (1/4") Sieve: 35-100% Passing
 - iii. Use of 2 sack slurry back fill shall receive prior approval by the Engineer.
- I. Relative Compaction (field density). . . ASTM D 2922-81 amended as follows:
 - i. Gage calibration will be based on the six California Transportation Laboratory Master Standard Density Blocks (CTLMSDB), located in Sacramento, California. These blocks are the Standard Reference blocks for the California Department of Transportation.
 - ii. Percent Relative compaction shall be calculated using lab curves run for each individual test location unless otherwise permitted by the Engineer. If permitted by the Engineer, composite samples may be taken for certain manufactured or otherwise uniform materials according to California test method 231 - Part II "METHODS OF APPLYING THE AREA CONCEPT AND DETERMINING PERCENT RELATIVE COMPACTION". The use of the sand cone methods (such as ASTM 1557 or CAL 216) for determining field densities will not be allowed as a substitute.
- J. Driveway Trench Crossings
 - i. Trench backfill within driveway crossings shall conform to City Standard Detail No. ST-7.
 - ii. When existing driveway approach material is other than asphalt concrete or aggregate base, the following shall apply. The driveway approach shall be restored with the same finish material in kind and thickness as the existing conditions before construction of permit. Relative compaction of subbase shall be a minimum of 90%.
- K. Temporary Patching – Any trench within the paved roadway left without final paving shall have cold patch material or trench plates with cold patch around the edges added at the end of each day. At the Permittee's expense, the Permittee shall continually maintain the cold patch as directed by the Engineer until the final pavement is placed. Temporary paving shall be completely removed prior to final paving.
- L. Final Paving – Final paving shall be applied no later than ten (10) working days after traffic is allowed to pass over work area or City forces will perform the paving work and the cost thereof plus 100 percent for administration and overhead shall be paid by Permittee within thirty (30) days of Permittee's receipt of invoice of such paving costs. NOTE: Permittee shall restore the roadway to its pre-construction condition (see Special Provisions).
- M. Cost of Future Repairs to be Paid by Permittee – If at any time, subsequent to the first repair of a surface of a road damaged or destroyed by any excavation or obstruction in such highway, it becomes necessary again to repair such surface due to settlement or any other cause directly attributable to such excavation or obstruction, the permittee shall pay to the City the cost of such additional repairs made by the City. The City Engineer will compute the cost.

V. PUBLIC SAFETY

- A. Excavations– In addition to any other measures taken by the Permittee pursuant to the provisions of Section 7-1.09, "Public Safety," of the Caltrans Standard Specifications, the Permittee shall install temporary railing (Type K) between any land carrying public traffic and any excavation when the near edge of the excavation is 12 feet or less from the edge of the lane, except:
 - i. Excavations covered with sheet steel or concrete covers of adequate thickness to prevent accidental entry by traffic or the public.
 - ii. Excavations less than one foot deep.
 - iii. Trenches less than one foot wide for irrigation pipe or electrical conduit or excavations less than one foot in diameter.
 - iv. Excavations in side slopes, where the slope is steeper than 4:1.
 - v. Excavations protected by existing barrier or railing.
- B. Existing Public Signs – Relocation or removal of existing public signs shall not occur until approval has been obtained by the Engineer.

VI. DRAINAGE

- A. Care of Drainage – Drainage shall not be impaired. If the work herein contemplated may interfere with the established drainage, ample provision shall be made by the Permittee to provide for it to the satisfaction of the Engineer.
- B. Maintenance of Drainage – The Permittee shall maintain drainage through the work area. Such work shall include but not be limited to keeping all culverts and inlets clean and open. Natural drainage entering the work site shall not be obstructed in any way.
- C. Pollution, Silt, and Debris – The Permittee shall take any and all measures necessary to prevent the flow of pollutants, silt, and debris from leaving the work site due to the Permittee's operations. Any silt and debris accumulating in drainage facilities off the work site due to the Permittee's operations shall be removed immediately.
- D. See the City's Municipal Code for seasonal grading restrictions.

VII. REMOVAL OR TRIMMING OF STREET TREES

- A. **Removal of Trees** – Tree removal is subject to approval by the Parks and Community Services Department and their approval must be granted prior to issuance of an encroachment permit. When permit is granted for removal of a tree as an independent operation or as a part of other work, the entire stump shall be taken out for a depth of at least two (2) feet below the ground surface unless otherwise specified in the permit. The hole left by the stump shall be backfilled and thoroughly tamped, and the site shall be left in a presentable condition.
- B. **Trimming of Trees** – In general, only light trimming of branches three (3) inches or less in diameter will be permitted unless specifically allowed in the permit. Pruning of branches three (3) inches or greater on Street Trees, Heritage Trees, or Designated Protected Trees requires a separate Tree Trimming Permit from the Parks and Community Services Department. Topping, as defined in BMC 12.24.020, of any protected tree is prohibited.

VIII. WORK HOURS

- A. Working hours shall be between 8:00 a.m. and 5:00 p.m., but in no case from one-half hour before sunset to one-half hour after sunrise.
- B. Inspections are available from 8:00 a.m. to 4:00 p.m. with 24-hour prior notice required.
- C. No work shall be performed on weekends or holidays without approval from the City Manager.
- D. Deviations from the above must be obtained in writing from the City Manager. Requests to work on a weekend shall be submitted by noon on the Thursday before the weekend.

ENCROACHMENT PERMIT SPECIAL CONDITIONS

The following special conditions may apply to this Encroachment Permit (discuss with Public Works Inspector at required pre-construction meeting).

1. Traffic control for a lane closure of _____ shall be per California Manual of Uniform Traffic Control Devices (CA MUTCD) Typical Application 10. Any full closures require a detour plan and prior approval from the Public Works Director.
2. The "Traffic Control Plan" for the closure of the shoulder of _____ shall be per CA MUTCD Typical Application 3 with "Work on Shoulders". If a lane closure is required, then shall be per the CA MUTCD Typical Application 10 with "Lane Closed on a Two-Lane Road Using Flaggers".
3. Traffic control for the closure of _____ shall be per CA MUTCD Typical Application 20 with "Road Closed to Thru Traffic" (R11-4), "Detour" arrow (M4-10) and "End Detour" (M4-8A) signs.
4. The "Traffic Control Plan" for the closure of the sidewalk on _____ shall be per CA MUTCD Typical Application 29 with "Cross Walk Closures and Pedestrian Detours", which will detour pedestrians at the cross walks.
5. If street closure is left overnight, then lighted barricades and cones with reflective tape shall be placed.
6. If the sidewalk or shoulder is closed overnight, then lighted barricades and cones with reflective tape shall be placed.
7. The sidewalk shall be replaced per City Standard Drawing ST-1, 2 and 3 with concrete with two pounds of lamp black per cubic yard of concrete.
8. The new concrete curb shall be placed per City Standard Drawing with two pounds of lamp black per cubic yard of concrete. The face of curb shall be at least 18" from the face of the trees.
9. Any damage shall be repaired to pre-project conditions.
10. No parking signs must be placed with a time and date at minimum of 24 hours in advance.
11. If the plants must be removed, then the plants shall be replaced and they shall be the same size.
12. Sewer lateral shall be with a tap tight fitting to main.
13. Pavement failures and depressed pavement between _____ shall be repaired during the paving.
14. The contractor shall work with AT&T and PG&E to adjust utility vaults to grade.
15. All USA markings will be power washed off concrete or painted over with black paint or slurry seal on asphalt concrete when they are no longer needed.
16. Any subcontractor shall submit an encroachment permit application, insurance and bond information, and obtain a business license.
17. Work is not permitted on _____.
18. Saw cutting, jack hammering, and other high decibel operations shall be limited to 8 AM to 5 PM Monday through Friday unless given special permission by the City per City of Benicia Municipal Code 8.20. No disruption of traffic is allowed on other City streets after 4:00 PM and before 8:00 AM unless specifically approved for these hours per Benicia Municipal Code, Chapter 8.20.
19. The water line shall be cast iron and wrapped in polyethylene per Standard Specification City staff shall be onsite during the hot tap.
20. The fire service line is within five feet of the sewer lateral, so the water line shall be in a plastic pipe sleeve.
21. The storm drainage crossing shall be RCP and the drainage inlet shall be "Type D", per ST-11.
22. The street has been recently resurfaced, so the gas lateral shall be inserted inside the existing pipe casing crossing under the street or directionally drilled under the street to the bell hole.
23. Work will not be allowed on weekends or holidays unless prior written approval is granted by the City Manager.
24. Work will not block the fire station driveway without prior written approval of the Battalion Chief.
25. Six inches of reinforcing bar dowels shall be epoxied into the existing curbs and six inches of the bar shall be poured in the new curb. If the existing asphalt concrete is too damaged to be a form for the new curb, then a two-foot width of existing asphalt concrete shall be removed and replaced in front of the new curb.
26. Contractors shall comply with the Caltrans Encroachment Permit when doing work in the Caltrans Right-of-Way.
27. _____ is an arterial street and _____ is a regional truck route. Traffic closure of _____ or _____ is not permitted. Any revisions to the detour plan shall be in compliance CA MUTCD and shall be submitted to the Public Works Director/City Engineer for approval.
28. There are inadequate pedestrian paths on the east side of _____, so a safe pedestrian path of travel will be available each night. Any sidewalk closure on _____ shall be per CA MUTCD Typical Application 29 "Crosswalk Closure and Pedestrian Detour".
29. The multiuse path along _____ is a section of the Bay Area Ridge Trail, has users going in two directions, and shall not be closed for more than two weeks. Any closures of the path for utility trenching or similar short duration work shall include proper signing and flagging for bike riders and pedestrians. Closures shall not affect special events in the City and should be on a Monday, Tuesday or Wednesday when the path is used the least. A \$5,000 per day penalty will be charged for any closure after _____ at 5 PM.
30. The plans show capping the old sewer lateral. Please include text that the contractor has the option to make a slip line point repair at the opening for the old lateral.
31. Two sac slurry "digable" trench backfill with hot mix asphalt concrete (HMAC) shall be used. If HMAC is used, then the air temperature needs to be 50 degrees and rising. If not, then the HMAC will need to be removed and replaced at a later time.
32. The contractor shall pay a deposit of _____ and submit a .PDF file of the plans to attach to the encroachment permit.
33. The contractor shall submit a bar chart schedule with the duration of each major activities prior to beginning work and submit an updated schedule every two weeks, if there are changes in the schedule.
34. Saw cutting, jack hammering, and other high decibel operations on _____ shall be limited to 9 AM to 4 PM Monday through Friday unless given special permission by the City. Staging and setting up traffic control devices is permitted before 9 AM.
35. For projects lasting six days or longer, the contractor shall post notices and provide notices to property owners along the affected route and the Public Works Director.
36. Work will not be allowed on weekends or holidays unless prior written approval is granted by the City Manager and City Engineer. See attached list of holidays and special events when work is not permitted.
37. No work shall take place on First Street on Fridays.
38. Paving will not be allowed Friday-Sunday unless prior written approval is granted by the City Engineer.