

**NEVADA COUNTY DEPARTMENT OF PUBLIC WORKS
ENCROACHMENT PERMIT CONDITIONS OF APPROVAL**

1. **Definition:** This Permit is issued under Chapter 5.5 of Division 2 of the Streets and Highways Code, and Nevada County Code, Title 16, Chapter V. Except as otherwise provided for public agencies and franchise holders, this Permit is revocable at any time due to a failure to comply with requests, etc. (see Section 16.05.450).
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 within right-of-way of Nevada County highways.
3. **Keep Permit on Work Site:** This Permit shall be kept at the site of the work and must be shown to any representative of Grantor or any law enforcement officer on demand.
4. **Protection of Traffic:** Adequate provision shall be made for protection of the traveling public. Barricades with lights shall be placed at night. All traffic control, including devices and personnel requirements, shall be as required by the current *State of California Manual of Traffic Controls for Construction and Maintenance Work Zones* and as directed by Grantor.
5. **Minimum Interference with Traffic:** All work shall be planned and carried out so there will be the least possible inconvenience to the traveling public. Traffic shall be permitted to pass at all times unless otherwise specified. One-way traffic may be maintained in the area of work only during daylight hours, with a maximum hold time of 20-minutes. Two-way traffic shall be maintained at all times during hours of darkness and, where practical, during daylight hours.
6. **Storage of Material:** No material shall be stored within eight (8') feet of the edge of pavement or traveled way or within shoulder lines where shoulders are wider than eight (8') feet (see Section 16.05.230).
7. **Clean Up of the Right-of-Way:** During construction, the roadway surface shall be kept free of dirt or gravel as much as practical. Any potential hazard, such as mud or gravel, shall be removed immediately and in no case may material be allowed to remain on the surface at the end of the working day. Upon completion of the work, all brush, timber, scraps or other materials shall be entirely removed and the right-of-way left in as presentable a condition as before work started.
8. **Standards of Construction:** All work and material shall conform to applicable Nevada County Department of Public Works Standards and current California Department of Transportation Standard Specifications. Nevada County Standards shall govern should there be a conflict between the two sets of standards.
9. **Supervision of Grantor:** All work shall be done subject to supervision of, and to satisfaction of Grantor.
10. **Care of Drainage:** The permitted work herein shall not interfere with established drainage.
11. **Liability for Damages:** Permittee is responsible for all liability for personal injury or property damage, which may arise out of work herein permitted, or which may arise out of failure on Permittee's part to perform their obligations under this Permit in respect to maintenance. In the event any claim of such liability is made against County of Nevada or any Department, officer, or employee thereof, Permittee shall defend, indemnify and hold them and each of them harmless from such claim. This Permit shall not be effective for any purpose unless and until above named Permittee files with Grantor a certificate of insurance naming the County of Nevada as additional insured when required by said Grantor. Said insurance certificate shall be in form approved by Grantor with minimum coverage of \$1,000,000.00 General Liability and \$2,000,000.00 General Aggregate for construction, driveway, or utility work.

**NEVADA COUNTY DEPARTMENT OF PUBLIC WORKS
ENCROACHMENT PERMIT CONDITIONS OF APPROVAL**

12. **Maintenance:** Permittee agrees by acceptance of the Permit to exercise reasonable care to maintain properly any encroachment placed by it in the highway, and to exercise reasonable care in inspecting for, and immediately repairing and making good any injury to any portion of the highway that occurs as a result of maintenance of encroachment in the highway or as a result of work done under this Permit, including any and all injury to the highway that would not have occurred had such work not been done or such encroachment not placed therein.
13. **Making Repairs:** Permittee shall immediately begin work or effect repairs of maintenance of County improvements that have been disturbed by Permittee. After reasonable notice of the need for such repairs or maintenance, Grantor may elect to perform, or cause to have performed, the needed work and the cost shall be borne by Permittee. With no notice given, and as nearly as possible, any portion of the highway that has been excavated or otherwise disturbed and deemed hazardous may be immediately remedied by Grantor to its former condition. Grantor may elect to require a deposit before starting repairs in amount sufficient to cover estimated costs.
14. **Relocation:** Relocation of facilities or improvements authorized by this encroachment, if required by future road improvements, will be at the sole expense of Permittee in accordance with Section 1463 of the Streets and Highways Code.
15. **Rights Granted:** The rights granted under this Permit are limited to those possessed by County and County does not warrant it as adequate rights for the intended use.
16. **Time of Work:** Any work done from October 15 to May 15 shall be specifically authorized by Grantor. Projects partially completed during this time period shall be "winterized" to minimize erosion and tracking of mud onto roadway, as directed and approved by Grantor.
17. **As Is Condition of County Property; Disclaimer of Representations:** Permittee accepts County property in its "AS IS" condition without representation or warranty of any kind by County, its officers, agents, or employees, including and without limitation, the suitability or safety of County property or any facilities on County property for Permittee's use. Permittee, at its own expense, shall obtain such permission or other approvals from any third parties with existing rights as may be necessary for Permittee to make use of County property in the manner contemplated hereby.
18. **Horizontal Offset** All fixed objects shall be placed a minimum eight (8') feet from the edge of traveled roadway. Fixed objects may be placed six (6') feet from the edge of traveled roadway with pre-approval by Nevada County Public Works.
19. **Traffic Control Plans:** Standard traffic control plans can be found on the Caltrans website. Traffic Control Plans should adequately document where signs, flaggers, cones or other warning devices are placed for oncoming traffic that could be impacted by work being performed and equipment being used that is placed in the County Road right-of-way.
20. **Permittee Insurance Responsibility** It is the permittee's responsibility to ensure the Certificate of Insurance is current throughout the cycle of a valid permit.