

FOR CONTRACT NO.: 12-0E5704

INFORMATION HANDOUT

ENCROACHMENT PERMITS

ORANGE COUNTY FLOOD CONTROL DISTRICT

PERMIT NO. 2009-00689

ROUTE: 12-Ora-5-8.5/9.4

CONTRACT NO. 12-0E5704
REVISED PER ADDENDUM NO. 1 DATED MAY 6, 2010

COUNTY PROPERTY PERMIT

2009-00689

Verma, Amit 1:15:51 PM
INSPECTION PHONE

714-567-7804

Inspection office shall be notified at least **TWO (2) WORK DAYS PRIOR** to commencing permitted use. **FAILURE TO OBTAIN INSPECTION SHALL VOID THIS PERMIT**

ENCROACHMENT PERMIT

4/22/2010

COUNTY OF ORANGE

OC Public Works

County Property Permits

Main Office: 300 North Flower Street,

Santa Ana, California 92703-5001

or P.O. Box 4048, Santa Ana, California 92702-4048

(714) 834-3474 or (714) 834-5529

Fax: (714) 835-7425

Permit No: **2009-00689**

Effective Date: **3/16/2010**

12:00 AM

Expiration Date: **3/15/2011**

12:00 AM

PERMITTEE

California Department of Transportation, District 12 (Caltrans)

3337 Michelson Drive # 380

Irvine, CA 92612-1692

949-724-2020

Contact Person Roger Kao

Telephone No. 949-724-2020

FACILITY

<u>Type</u>	<u>Facility Name</u>	<u>Number</u>
	SAN JUAN CREEK CHANNEL	L01

Permittee Ref No.: CPP No. 2008-01517

PERMITTED USE:

User of County property is hereby authorized as follows, subject to provisions attached hereto:

To construct and maintain an approximate 16 foot extension of bridge and to reconstruct and maintain the soundwall over the San Juan Creek Channel for the Inter-State Route 5 (I-5) Widening Project over a portion of the Orange County Flood Control District's San Juan Creek Channel (L01) right-of-way, per attached plans, provisions, and to the satisfaction of the assigned County Inspector.

PERMITTED USE NOT EFFECTIVE UNTIL APPROVED BY THE ASSIGNED COUNTY INSPECTOR.

NO WORK (INCLUDING MOBILIZATION) SHALL BEGIN UNTIL THE PROJECT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN REVIEWED AND ACCEPTED BY THE COUNTY OF ORANGE.

THIS PERMIT IS NOT VALID UNTIL THE PERMITTEE FIRST OBTAINS A RIDER TO THIS PERMIT TO ADD THE SELECTED CONTRACTOR AND SUBMIT THE CONTRACTOR'S VALID INSURANCE THAT MEETS COUNTY INSURANCE REQUIREMENTS TO COUNTY PROPERTY PERMITS.

THIS ENCROACHMENT PERMIT IS FOR ACCESS ONLY. IF THE PERMITTEE/CONTRACTOR INTENDS TO STAGE MATERIALS OR EQUIPMENT WITHIN THE COUNTY R/W, A SEPARATE ENCROACHMENT PERMIT MUST BE OBTAINED AND EXECUTED PRIOR TO START OF CONSTRUCTION.

CEQA Code 1

SWPPP: Yes

LOCATION OF WORK:

San Juan Creek Channel (L01) at Inter State 5 (I-5)

Dimension/Type: 16-foot bridge widening, Soundwall

Thomas Brother: 972; C3

Area: San Juan Capistrano

PERMITTEE'S ACCEPTANCE:

SIGNATURE ON FILE

COUNTY APPROVAL:



Uribe, Carolyn

3/16/2010

PERMIT AND APPROVED PLANS SHALL BE MAINTAINED ON JOB SITE. PERMITTEE SHALL COMPLY WITH REGULATIONS PRINTED ON REVERSE SIDE OF PERMIT AND ATTACHMENTS. ALL UNDERGROUND WORK REQUIRES PRIOR 'UNDERGROUND SERVICE ALERT' COMPLIANCE. THIS PERMIT IS NON-TRANSFERABLE.

Note: Surety will not be refunded until Final Inspection is performed and submitted to County Property Permits.

ENCROACHMENT PERMIT

CONSIDERATION:

<u>Types</u>	<u>PWO#</u>	<u>Permit Fees</u>	<u>Surety</u>	<u>Penalty</u>	<u>Total</u>	Total Fees: 0.00
FE	EF68120	0.00 (2071)	0.00 (2091)	0.00	0.00	

Surety Paid By:

TUF Invoice Paid By:

Contractor: TBD

Engineer:

Inspection: Subdivision & Permits Inspection

CC: Operations & Maintenance

PERMIT INSPECTORS REPORT:

DATE WORK COMPLETED: _____

The permitted work was completed in satisfactory manner per instructions and/or the as-built plans and inspectors report submitted herewith for county files

Remarks:

Inspector:

Date

Permit Superintendent:

Date

Refund Recommended By:

Date

Refund Approved By:

Date:

**Orange County Flood Control District
Right-of-Way Encroachment Permit
Special Provision Attachment
2009-00689**

1. All Orange County Flood Control District (hereinafter “District”) improvements disturbed, damaged, vandalized or removed as a result of Permittee’s activities within, upon, under or over District Right-of-Way (ROW) shall be repaired, restored or replaced at Permittee’s expense in conformance with Orange County Public Works (hereinafter “OC Public Works”) Standard Plans and to the satisfaction of the Director of OC Public Works or his designee (hereinafter “Director”) within sixty (60) calendar days of the issuance of written notice by Director. If Permittee fails to repair, restore or replace District’s improvements within 60 calendar days, Director may, in his sole and absolute discretion, cause the repair, restoration or replacement of District’s improvements to be completed by District personnel or outside contractors and Permittee shall be solely responsible for these cost and expenses. Permittee agrees that in an emergency situation which threatens the public’s health, safety or welfare as determined by Director in his sole absolute discretion, Director shall be permitted to cause the repair, replacement or restoration of District’s improvements without prior notice to and Permittee shall be solely responsible for the cost of such repair, restoration or replacement in accordance with the procedures described above.
2. Permittee agrees that if any of Permittee’s improvements are disturbed, damaged or removed by District during the course of District’s operating, maintaining, repairing, improving, restoring, or enlarging District’s improvements within, upon, over or under District’s ROW Permittee shall be responsible for replacing, repairing , restoring or removing Permittee’s improvements to the satisfaction of Director solely at Permittee’s expense within sixty (60) calendar days of receiving written notice from Director.
3. Permittee’s activities within District ROW allowed by this permit shall be performed during the NON-STORM-SEASON (May 1st through September 30th). No work shall be performed between October 1st and April 30th without prior authorization and approval obtained from the assigned County inspector.
4. Permittee, its assigns or successors shall be solely responsible for the operation, maintenance, repair and/or replacement of Permittee’s improvements within District ROW.
5. Permittee agrees that it shall indemnify, defend with counsel approved in writing by District, and hold District, the County of Orange, their elected and appointed officials, officers employees agents and contractors (hereinafter “District/County Indemnities”) harmless from any and all liability for injury or damage to third persons or property arising from Permittee’s activities and/or improvements placed within, upon, under or over District’s ROW unless such injury or damage is caused by the gross negligence or willful misconduct of District, County or the District/County Indemnities.

6. If any approved permit activity within a bikeway or trail area is anticipated to have an impact or disruption upon normal recreation use, prior to Permittee's activities within, upon, under or over District's ROW, Permittee shall submit in writing a detailed Traffic Control Plan for the written approval of Director. Upon receipt of Director's written approval, Permittee shall implement the approved Traffic Control Plan. Permittee shall not conduct any activity within, upon, under or over District's ROW until it has implemented the approved Traffic Control Plan.
7. All RCP bedding installed within District ROW shall comply with OC Public Works Standard Plan 1319.
8. Permittee shall maintain 90% relative compaction within District ROW.
9. RCP storm drain channel entry shall comply with OC Public Works Standard Plan 1314-modified or 1326.
10. Permittee shall ensure that all laws and regulations are enforced and obeyed during event by Permittee and all participants.
11. Any chain link fencing including gates that are damaged during the approved permit activities are to be restored, repaired or replaced by Permittee to satisfaction of Director and in compliance with OC Public Works Standard Plan 600-1-OC.
12. Permittee acknowledges that the improvement installed within District ROW approved under the provisions of the permit is non-transferable. Therefore, the Permittee agrees that upon sale or transfer of the subject property the Permittee shall be required to remove improvements installed within the District's ROW and restore the District's ROW to an acceptable pre-existing condition meeting the satisfaction of the assigned District inspector. If the Permittee's assign and/or successor desires to continue to operate and maintain the approved permit improvements, the assign and/or successor will be required to obtain a new encroachment permit from OC Public Works/OC Engineering/County Property Permits.
13. If at anytime, District intends to modify, enlarge, reconstruct, repair and/or replace District facilities, Permittee agrees to remove and/or relocate interfering portions of Permittee's improvements within sixty (60) calendar days of the date of District's written notification to Permittee. Upon receipt of written notification from District, Permittee shall obtain an encroachment permit from District covering Permittee's plans to remove and relocate Permittee's interfering improvements. District agrees to expedite review of Permittee's encroachment permit application. Permittee shall be responsible for all financial charges associated with satisfying this permit special provision. If Permittee fails to remove its interfering improvements within the time period required, Director, in his sole and absolute discretion, may cause the removal of Permittee's interfering improvement to be completed by District staff or by outside contractor. Permittee agrees that it shall be solely responsible for the cost of such removal and shall reimburse District

for all of its cost and expenses within sixty (60) calendar days of the mailing of an invoice by Director.

14. Nothing in this Permit is intended nor shall anything in this permit be construed to transfer to District or its successors and assigns or to relieve Permittee or their successors and assigns or predecessors in title of any responsibility or liability Permittee now has, has had, or comes to have with respect to human health or the environment, including, but not limited to responsibility or liability related to hazardous or toxic substances or materials (as such terms as those used in this sentence are defined by statute, ordinance, case law, governmental regulation other provision of the law). Furthermore, District may exercise its right under law to bring action, if necessary, to recover clean up costs and penalties paid, if any, from Permittee or any others who are ultimately determined to have responsibility for said toxic or hazardous materials.
15. Permittee's use of District ROW which includes material deliveries shall be coordinated with the assigned inspector. NO VEHICULAR ACCESS WITHIN DISTRICT ROW IS APPROVED EXCEPT FOR MAKING CONSTRUCTION MATERIAL DELIVERIES. ANY VIOLATION OF THIS PROVISION SHALL VOID PERMIT.
16. No construction materials are to be stored in a way that impedes and/or interferes with bikeway use, channel inspection or maintenance operations.
17. **PERMITTEE ACKNOWLEDGES THAT IT SHALL BE RESPONSIBLE FOR OBTAINING ALL APPLICABLE REGULATORY PERMIT AGREEMENTS AND SATIFYING ALL RESOURCE AGENCY REQUIREMENTS. FUTHERMORE PERMITTEE ACKNOWLEDGES THAT NEITHER THE COUNTY OF ORANGE NOR THE DISTRICT SHALL BE CO-NAMED IN ANY REGULATORY PERMIT AGREEMENTS OR OBLIGATED TO SATISFY ANY OF THE TERMS, CONDITIONS, PROVISIONS MITIGATION, OR MONITORING REQUIRED BY THE RESOURCE AGENCIES VIA THE REGULATORY PERMIT AGREEMENTS. PERMITTEE SHALL PROVIDE OC PUBLIC WORKS/OC ENGINEERING/COUNTY PROPERTY PERMITS WITH COPIES OF ALL REGULATORY PERMIT AGREEMENTS AND CONDITIONS AND MAINTAIN COPIES AT THE JOB SITE FOR INSPECTION PURPOSES.**
18. In the event of an emergency, the Permittee acknowledges that the District retains the right at the District's sole and absolute discretion to remove sediment and debris, perform channel repairs or conduct other maintenance activities within the approved permit area. In such cases, Permittee acknowledges that the District will not be required to restore the Permittee's approved improvements within the District's ROW, nor will the District be obligated to satisfy any of the Permittee's regulatory permit agreement terms, conditions or mitigation requirements.
19. Permittee shall provide emergency access to Police, Fire and District personnel during permit period.

20. District access gates are to be immediately locked upon entering or exiting District channel ROW.
21. Vehicular speeds on District access roads shall not exceed a maximum of 10 MPH.
22. Permittee shall be required to yield the right-of-way to recreational users in cases where the District access road is also designated as a bikeway or riding/hiking trail. In such cases, the Permittee shall drive vehicles off to the right side of the access road/bikeway/trail improvement, stop, and allow the recreational users to pass by prior to commencing to the Permittee's desired location.
23. Permittee acknowledges that the use of earthen District access roads is prohibited during rainstorm conditions or when the District's earthen access roads are wet. When Districts earthen access roads are wet the Permittee's access will be limited to pedestrian access only. **IN CASES WHEN THE EARTHEN ACCESS ROAD BECOMES WET AUTHORIZED VEHICULAR ACCESS SHALL NOT BE COMMENCED PRIOR TO THE EARTHEN ACCESS ROAD DRYING SUFFICIENTLY TO THE SATISFACTION OF THE ASSIGNED DISTRICT INSPECTOR. ANY DAMAGE TO DISTRICT EARTHEN ACCESS ROADS CAUSED BY PERMITTEE'S MISUSE OF SUCH ROADS SHALL BE REPAIRED PROMPTLY BY PERMITTEE AT ITS SOLE EXPENSE. IF PERMITTEE FAILS TO PROMPTLY REPAIR DISTRICTS EARTHEN ACCESS ROADS, DIRECTOR, IN HIS SOLE AND ABSOLUTE DISCRETION, MAY CAUSE THE REPAIR OF THE DISTRICT'S EARTHEN ACCESS ROAD TO BE COMPLETED BY DISTRICT STAFF OR BY OUTSIDE CONTRACTOR. PERMITTEE AGREES THAT IT SHALL BE SOLEY RESPONSIBLE FOR THE COST OF SUCH REPAIR AND SHALL REIMBURSE DISTRICT FOR ALL OF ITS COSTS AND EXPENSES WITHIN SIXTY (60) CALENDAR DAYS OF THE MAILING OF AN INVOICE BY DIRECTOR.**
24. Any violation of the permit provision by Permittee and/or assigned contractor shall be adequate cause for immediate revocation of the permit by District.
25. Permittee shall comply with the requirements of State, County, and City Water Quality Ordinances and shall implement Best Management Practices (BMP's) to prevent all materials, including debris associated with the proposed project, from entering into the channel and/or District maintained areas.
26. The permit applicant shall submit copies of the construction project's Stormwater Pollution Prevention Plan (SWPPP) for the area to be drained to OC Public Works/Environmental Resources. The plan shall be consistent with NPDES requirements.
27. To ensure that the post-construction contribution of polluted runoff to OCFCD right-of-way is minimized and prevented to the maximum extent practicable through the implementation of Best Management Practices (BMPs), the permit applicant shall

provide a copy of an approved Water Quality Management Plan (WQMP) for the project, detailing post-construction BMP implementation.

28. Any spillage of fuel, oil or hazardous materials from construction equipment or vehicles or significant releases of sediment due to construction activities or BMP failures impacting downstream areas must be immediately and properly cleaned up and removed from the County's right-of-way. For spills of significant volume, notifications must be immediately made to OC Public Works/Environmental Resources for assessment of best corrective action. Contaminated water, soil, sand or material and hazardous wastes generated from the cleanup must be disposed by approved methods. Permittee assumes full responsibility for costs to investigate extent of contamination, cleanup, waste removal and implementation of an approved remedial action plan for the release of any wastes or hazardous materials that result in soil and groundwater contamination. Notifications of spills and significant releases of sediment due to construction activities or BMP failures impacting downstream areas or stormdrains must be immediately made to OC Public Works/Environmental Resources, Attention: Duc Nguyen (714) 955-0676 or (877) 89-SPILL. For emergency or after-hours spill notification, call (877) 89-SPILL, or contact Orange County Sheriff's Communications Control 1 by dialing 911.
29. Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.
30. Stockpiles of soil shall be properly contained to eliminate or reduce sediment transport from the site to the streets, drainage of facilities or adjacent properties via runoff, vehicle tracking, or wind.
31. Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.
32. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.
33. All construction contractor and subcontractor personnel are to be made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.
34. At the end of each day of construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.
35. Construction sites shall be maintained in such a condition that a storm does not carry wastes or pollutants off the site. Dischargers other than stormwater (non-stormwater discharges) are authorized under California's General Permit for Storm Water Discharges Associated with Construction Activity only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of

appropriate BMPs for elimination or reduction of pollutants. Non-stormwater discharges must be eliminated or reduced to the extent feasible.

36. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, solvents, detergents, glues, lime, pesticides, herbicides, fertilizers, wood, preservatives, and asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants and hydraulic, radiator or battery fluids; concrete and related cutting or curing residues; floatable wastes, wastes from any engine/equipment steam cleaning or chemical degreasing; wastes from street cleaning; and superchlorinated potable water line flushing and testing.
37. During construction, disposal of such materials should occur in a specified and controlled temporary area on-site physically separated from potential stormwater runoff, with ultimate disposal in accordance with local, state and federal requirements.
38. Discharging contaminated groundwater produced by dewatering groundwater that has infiltrated into construction site is prohibited. Discharging of contaminated soils via surface erosion is also prohibited. Discharging of non-contaminated groundwater produced by dewatering activities requires a National Pollutant Discharge Elimination System (NPDES) permit from the San Diego Regional Water Quality Control Board.

STANDARD PROVISIONS

TO BE ATTACHED TO AND MADE A PART OF PERMIT NO. 2009-00689

1. Permits issued by this Department are pursuant to the authority vested by the Board of Supervisors for the County of Orange, Orange County Flood Control District, any one or all of which are hereinafter referred to as County.
2. Permittee agrees to save County, its agencies, districts, 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 County of Orange 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 of 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 numbers:

Permits Inspection (714) 567-7804
1152 E. Fruit Street
Santa Ana, CA 92702

Operations Inspection (714) 955-0213
2301 Glassell
Orange, Ca 92865

3. Should any damage or injury to County 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 County, 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 Director of OC Public Works (OCPW) and his determination shall be final. In the event repair by County is necessary, Permittee shall pay County the cost of such repairs.
4. County 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 County 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 County.
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 County of Orange, the State of California, or others having regulatory 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 County or other regulatory governing agency upon request.
8. No access or work shall be performed within County rights of way without the full knowledge of County's inspector, who shall be given not less than two work days' advance notice of the initiation of permitted use. Failure of Permittee to obtain inspection shall void this permit and necessitate reapplication by Permittee.
9. This permit may be immediately revoked for reasons in the best interest of the County, including violation of permit provisions or other applicable rules and regulations or for the creation of a nuisance upon notice given by the Director of OC Public Works or authorized representative. In the event of such revocation, Permittee shall immediately cease all operations and restore County right of way as directed by County's inspector.
10. Any construction performed within County properties shall be in accordance with OC Public Works (OCPW) Standard Plans and established criteria. Any deviation must be specifically detailed and highlighted on plans in a manner meeting the approval of County Property Permits. 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.

ADDITIONAL STANDARD PROVISIONS

(Codified Ordinances, Title 6, Section 6-1-1, et seq., of the County of Orange)

TO BE ATTACHED TO AND MADE A PART OF PERMIT NO. 2009-00689

11. **RIGHT OF WAY RESERVATIONS:** The permission granted hereby extends only to those which the County of Orange has in the real property and no warranty of any kind is made hereby that the said County possessed any or all of the rights of title necessary for Permittee to accomplish work under this permit, and Permittee is cautioned to satisfy itself that it has obtained all necessary rights or permits prior to commencement of work. This permit shall not constitute a grant of any interest in or to real property belonging to the County of Orange or any other person or entity. References to Director signify the Director, OC Public Works (OCPW), or his assignees.
12. **WORKING HOURS:** All work shall be performed within working hours of Orange County Public Works (OCPW) permit inspection group, unless prior arrangements have been made with the inspection group.
13. **SURVEY MONUMENTS:** It is imperative that Permittees NOTIFY THE SURVEY OFFICE, telephone 714-834-3102, of OC Public Works at least 48 hours prior to removing or replacing any Survey monuments. All monuments shall be replaced at Permittee's expense and MUST be replaced in kind within 0.01 feet of their original horizontal and vertical location, unless otherwise specified in writing.

CONSTRUCTION REQUIREMENTS

14. **RESURFACING BY PERMITTEE OR COUNTY SPECIFICATIONS:** Temporary patching of trench is required on lateral cuts in surfaced streets immediately after backfilling. Permanent pavement shall be placed within 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 inspector, at the end of each work day. The inspector may require any pavement removal to be patched with temporary AC immediately after backfilling.

Where pavement or surfacing has been removed by acceptable method, as determined by inspector, and trench edges sawed, Permittee shall replace it with a structural section the same as that removed plus an additional one inch (1") of AC. In no case shall the replacement structural section be less than 5" AC/NS or 3" AC/6" PMB per Standard Plans. The inspector shall approve all structural sections prior to placement. Where Portland Cement Concrete pavement is removed or damaged, it shall first be sawed at excavation limits, providing distance to the next joint is more than five (5) feet away; if not, then it shall be removed to next joint without damaging adjacent pavement and subsequently replaced with Portland Cement Concrete.
15. **LOCATION OF PIPES AND CONDUITS:** All pipes and conduits laid parallel to the roadway at least five (5) feet from edge of the pavement or graded traveled roadway, unless otherwise authorized in writing by the Director.
16. **MINIMUM COVER:** The uppermost portion of any pipeline or other facility shall be installed NOT LESS THAN thirty (30) inches below the lowest portion of the roadway surface or ditch, unless otherwise authorized in writing by the Director.
17. **STANDARD SPECIFICATIONS:** Unless otherwise indicated on permit, all work shall be done in accordance with OC Public Works (OCPW) Department Standard Plans and the Standard Specifications for Public Works Construction latest issues.
18. **COUNTY PROJECTS:** This permit DOES NOT give Permittee permission to delay or interfere with the construction of County projects. Installation shall be subject to the approval of and at the convenience of County's contractor. Prior to any excavation, written permission must be obtained from said contractor and presented to resident engineer, stating that installation will NOT DELAY or interfere with said contractor's operation. If permission is DENIED, then work shall be delayed until completion of said contract.
19. **TUNNELING OR BORING:** 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 a 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.
20. **OPEN CUT METHOD:** 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.
 - A. Minimum clearance of two (2) feet adjacent to any surface obstruction and a five (5) foot clearance between excavation and traveled way shall be maintained.
 - B. Backfill material shall be subject to OCPW inspector's approval prior to placement. OCPW inspector may require 2-sack cement slurry backfill. PERMANENT A.C. PATCH shall be placed within thirty (30) working days after completion of backfilling operations.

21. **COMPACTION:** All backfill replaced in excavation within road right of way shall be compacted until relative compaction is NOT LESS than ninety percent (90%), as determined by the Relative Compaction Test as specified in the OC Public Works (OCPW) Department Standard Plans. PMB (aggregate base) shall be compacted to a relative compaction of NOT LESS than ninety-five percent (95%).

After completion of backfill and compaction operations and before permanent paving is replaced, contractor shall call for compaction tests to be performed and shall provide for test holes at locations and as directed by the inspector. In lieu of test holes as specified above, contractor may elect to call for compaction tests in successive lifts of backfill not to exceed two (2) feet vertically in time each lift of backfill is placed and compacted.

22. **REPLACING ENTIRE DRIVING AND/OR BIKE LANE:** If surfacing or pavement within driving lanes of a highway, as shown on the Master Plan of Arterial Highways or within a bikeway, is removed or damaged by Permittee's operation, existing surfacing or pavement for width of the driving or bike lane and for the length of the damaged surfacing shall be removed and replaced to a distance of not less than one hundred (100) feet. Such removal and replacement shall be to the satisfaction of the Director.
23. **OIL-MIXED SHOULDERS:** Improved oil-mixed shoulders are to be removed to minimum depth of four (4) inches with an approved oil-mixing machine using approximately ½ gallon to 2½ gallons of SC 800 per square yard as determined by the Director. In lieu of the former, the entire width of the shoulder may be removed to a minimum depth of two (2) inches and replaced with a minimum of two (2) inches of AC.
24. **CONCRETE SIDEWALK OR CURB:** All concrete sidewalks or curbs shall be saw-cut to the nearest control joint and replaced in conformance with applicable provisions of the OC Public Works (OCPW) Department Standard Plans and Standard Specifications for Public Works Construction. Sidewalk removal and replacement shall be to the satisfaction of the Inspector.
25. **CARE OF DRAINAGE:** If the work herein contemplated shall interfere with established drainage, ample provision shall be made by the Permittee to provide for it, as may be required by the Director.

All roadside drainage ditches shall be restored to original grades, and inlet and outlet ends of all culverts shall be left free and clear.

26. **COMPLIANCE WITH TERMS OF PERMIT:** Permittee shall not make or cause to be made any excavation, or construct, place upon, maintain, or leave any obstruction or impediment to travel, or pile or place any material in or upon any highway, under the surface of any highway, at any location or in any manner other than that described in application as approved by the Director, or contrary to terms of permit or of any provision of the Ordinance hereinbefore referenced.

Permittee agrees that if installation of any nature or kind placed in the excavation, fill or obstruction, for which permit is issued, which shall at any time in the future interfere with use, repair, improvements, widening or change of grade of highway, Permittee or his successors or assigns, with ten (10) days after receipt of written notice from the Director to do so, at his own expense, either remove such installation or relocate to a site which may be designated by the Director.

Permittee hereby agrees to do all work and otherwise comply with provisions of Orange County Codified Ordinances Title 6, Section 6-1-1, et seq., as amended, terms and conditions of this permit, and all applicable rules and regulations of the County of Orange. All work shall be performed in accordance with provisions of this Ordinance and of all applicable laws, rules and regulations of Orange County and to the satisfaction of the Director.

After work has been completed, all debris and excess material from excavation and backfill operations shall be removed from right of way and the roadway left in a neat and orderly condition. All approaches to private driveways and intersecting highways and streets shall be kept open to traffic at all times. Excess materials which adhere to roadway surfacing, as a result of construction operations, shall be removed by approved methods to the satisfaction of the Director.

TRAFFIC

27. **ARTERIAL HIGHWAY TRAFFIC LANES:** Two-way traffic shall be maintained at all times. At no time between the hours of 7:00 a.m. and 8:30 a.m. and between the hours of 4:00 p.m. and 6:00 p.m., Monday through Friday (excluding legal holidays), shall there be any obstruction of an arterial highway traffic lane. Said restriction shall apply to vehicles, equipment, material, traffic control devices, excavation, stockpile or any other form of obstruction. Any exceptions must be approved specifically by a traffic control plan and by County-designated Supervising Construction Inspector.
28. **PROTECTION OF TRAVELING PUBLIC:** Permittee shall take adequate precautions for protection of the traveling public. Barricades, flashing amber lights and warning signs, together with flagmen, where necessary, shall be placed and maintained in accordance with the State of California Manual of Traffic Controls, For Construction and Maintenance Work Zones until the excavation is refilled, the obstruction removed, and roadway is safe for use of traveling public. The Director may specify, as a condition of the issuance of the permit, safety devices or measures to be used by Permittee, but failure of Director to so specify the devices or measures to be used shall not relieve Permittee of his obligation hereunder.

Trenching for installation across any intersecting roadway open to traffic shall be progressive. 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 by bridging or backfilling.

29. **SIGNALIZED INTERSECTION:** Permittee shall notify OC Public Works/Traffic Section at 714-834-5961, at least 72 hours in advance of any excavation within one hundred (100) feet of a signalized intersection. Permittee and/or his contractor shall assume cost and responsibility for maintaining existing and temporary electrical systems or any other item or portion of work, as may be deemed necessary or advisable for protection of highway and traveling public and payment of all costs incurred by the County of Orange in repairing facilities damaged during construction. Applicant shall immediately repair or replace any damaged traffic control devices and/or striping facilities.

PERMITTEE'S OBLIGATION

30. **RESTORATION: APPLICANT SHALL RESTORE THE ROADWAY TO ITS ORIGINAL OR BETTER CONDITION AND CAUSE ANY PERMANENT PAVING TO BE COMPLETED AS SOON AS POSSIBLE.** Immediately upon completion of the work necessitating the excavation or obstruction authorized by any permit issued pursuant to the aforementioned Ordinance, Permittee shall promptly, and in a workmanlike manner, refill the excavation or remove the obstruction to the satisfaction of the Director.

If Permittee fails or refuses to refill any excavation which he has made or remove any obstruction which he has placed on any highway, the Director may do so and Permittee shall promptly reimburse County the cost thereof. If any anytime subsequent to first repair of a surface of a highway 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, Permittee shall pay to County the cost of such additional repairs made by the Director. Cost shall be computed by the Director as provided in Section 6-3-47 or Section 6-3-49 of the aforementioned Ordinance, whichever, in the judgment of the Director, will most fairly compensate County for expenses incurred by it.

31. **PERMITTEE TO PAY DEFICIENCY.** If any deposit is insufficient to pay all fees and costs herein provided, Permittee shall, upon demand, pay to the Director an amount equal to the deficiency.
32. **EFFECT OF FAILURE TO PAY COSTS OF DEFICIENCY:** If Permittee, upon demand, fails to pay any deficiency as provided in Section 6-3-77 of the aforementioned Ordinance, or shall fail to pay any other costs due County hereunder for which no deposit has been made, County may recover same by an action in any court or competent jurisdiction. Until such deficiency or costs are paid in full, a permit hereunder shall not thereafter be issued to Permittee.
33. **TAXABLE POSSESSORY INTEREST:** Permittee acknowledges that a taxable possessory interest may have been created by this permit and that Permittee may be subject to payment of property taxes levied on such interest. (Reference is made to California Revenue and Taxation Code, Sections 107, 107.4 and 107.6.)
34. **ADDITIONAL COST:** Any additional cost incurred by Permittee incidental to this work NOT shown on the face of the permit, shall be borne by Permittee.
35. **COMPLIANCE:** Any CONDITIONS shown in regulations, attachments, and/or provisions of Codified Ordinance and all applicable laws, rules and/or regulations of Orange County or any other regulatory governing agency pertinent to work on the face of this permit MUST be complied with.

Section 6424 of the California Labor Code requires contractors planning excavation or trench work to obtain a permit for such work from the State of California, Department of Industrial Relations, DIVISION OF INDUSTRIAL SAFETY.

CONDITION: OC PUBLIC WORKS DOES NOT PERFORM ANY INSPECTION UNDER THIS PERMIT PERTAINING TO THE PROTECTION AND SAFETY OF PERSONNEL OR EQUIPMENT. THIS IS THE RESPONSIBILITY OF PERMITTEE.

The Director may, either at the time of the issuance of the permit or at any time thereafter until completion of the work, prescribe such additional conditions as he may deem reasonably necessary for the protection of the highway or for the prevention of undue interference with traffic or to assure the safety of persons using the highway.

The Permittee shall make proper arrangements satisfactory to the Director for and bear the cost of relocating any structure, public utility, tree or shrub where such relocation is made necessary by the proposed work for which a permit is issued. Permittee is aware of Ordinance No. 2717 concerning the registration and disclosure of lobbyists