



CITY OF BISHOP

377 West Line Street - Bishop, California 93514

Post Office Box 1236 - Bishop, California 93515

760-873-8458 publicworks@ca-bishop.us

www.ca-bishop.us/CityofBishopPublicWorks.htm

DRAFT Encroachment Permits

General: Permission is needed for many construction, commercial, and special event activities on City of Bishop street, alley, path, and parking lot property. This public City property is usually referred to as "right of way". The reason the permission is required is to ensure public safety, protect City's investment in public improvements, and ensure City standards are followed.

For the purposes of these guidelines right of way excludes City office and park properties which are also called "public areas" in City policy.

Encroachment Permits: The City issues permission for construction, commercial, and special event activities through a permit called an Encroachment Permit. Encroachment permits are issued by the Bishop Department of Public Works. A fee is normally required.

Examples of activities on City right of way that require encroachment permits include:

- Excavations in the pavement, sidewalk, landscaped, or other area of the right of way. Such excavations are often to install or replace a sewer lateral, water service, drain line, or a private utility.
- Construction or repair of the concrete curb, gutter, sidewalk, driveways even when this work is in accordance with a property owner's responsibility for these features.
- Construction of any structure such as a fence, stairway, or a retaining wall.
- Obstruction of a portion of a street, alley, or sidewalk such as required for construction, placement of a sign, or for special events such as parades.
- Planting or commercial maintenance or removal of street trees or other landscaping.
- Placing debris or trash receptacle, including a trash can. The permits required for these items are often obtained by the commercial refuse collector.
- Transportation of extra-legal loads

Right of Way: The right of way for most City of Bishop streets is 60 feet wide. On most streets this means the right of way line, and, since it is the same line, the property line of properties along the street, is about 10 feet from the face of the curb, if one is present. This line is often along the back of any sidewalk. Where no curb or sidewalk is present, the right of way is usually about 10 feet from the edge of the street pavement. The right of way for alleys in the City of Bishop ranges from about 10 to about 20 feet wide.

Information about right of way at a specific location can be obtained from the Bishop Public Works office, or a title company, or the County Clerk. To know exactly where a right of way or property line is requires a licensed surveyor.

Getting a Permit: Encroachment permits are issued by the City of Bishop Department of Public Works at its office at 377 West Line Street (entrance off of Church Street). The first step to obtain an encroachment is to submit an encroachment permit application. There is usually a fee for the permit as provided for in the City's current fee schedule. The fee schedule is available from the City of Bishop website (<http://www.ca-bishop.us/>).

The completed application is submitted for review and to determine what fee and specific provisions, if any, are appropriate for proposed activity. For more complex activities, including most construction activities, there may be more than one review and update cycle necessary.

When the application has been reviewed, found acceptable, any fee paid, an encroachment permit is approved and issued.

In some cases, a Business License issued by the City will serve as an encroachment permit.

Construction Standards: The City of Bishop uses Caltrans Standard Plans and Standard Specifications for most construction in the right of way except that City of Bishop Specifications for Domestic Water and Sanitary Sewer Systems apply to water and sewer work. In addition, the City requires aggregate base to be placed and compacted under curb, gutter, and driveways. Caltrans Standards are available at the Caltrans website (try <http://www.dot.ca.gov/hq/esc/oe/conststand.html>) and the Bishop specifications are available from the Public Works page of the City of Bishop website (<http://www.ca-bishop.us/>).

Other Requirements: Depending on the scope of the activities under the permit and other factors there may be other requirements including environmental review, financial bonds, contractor licenses, and permit specific provisions. These other requirements will be identified once a completed encroachment permit application is received.

Application: An encroachment permit application form is attached to these guidelines and is available from the Public Works page of the City of Bishop website (<http://www.ca-bishop.us/>).

The information requested on the application is necessary to determine the full nature and extent of what is being permitted. The following information is entered on the application:

1. Person or organization permit to be issued to.
2. Date application is prepared.
3. Name and contact information for person completing application.
4. Mailing address of person completing application.
5. Phone number of person completing application.
6. Email address of person completing application.

7. Fax number of person completing application.
8. Signature of person completing application and agreeing to provisions of the permit.
9. Detailed description of activity. If construction work, provide plans drawn to scale
10. Indication if there are attachments to application such as construction plans.
11. Location of encroachment. Include address, cross street, or other information to locate encroachment accurately.
12. Date encroachment will start.
13. Date encroachment will end or note permit is annual or is for a permanent encroachment.
14. Value of construction work on City right of way or gross annual income of activity on City right of way.
15. Application comments.
16. Contractor name if work to be performed by contractor.
17. Contractor contact person.
18. Contractor address.
19. Contractor phone.
20. Contractor email.
21. Contractor fax.
22. Contractor applicable contractor license numbers.
23. Contractor City of Bishop business license number.
24. Contractor workers compensation insurance information.

Permit Provisions:

Encroachment permits include the following provisions. For many activities, additional specific requirements will be established.

1. **Responsible Party:** No party other than the named permittee or their agent is authorized to work under this permit. Authorized agents shall be identified in advance in writing.
2. **Notice Prior to Starting Work:** Permittee shall notify Bishop Public Works 2 working days prior to start of work.
3. **USA Notification:** Permittee shall be responsible for Underground Service Alert (USA) notification rated to the work.
4. **Work Hours:** Unless otherwise permitted, all work shall be performed on weekdays and during normal Public Works working hours.
5. **Standards of Construction:** Construction works shall conform to Caltrans Standard Plans and Standard Specifications and City of Bishop Specifications for Domestic Water and Sanitary Sewer Systems.

6. **Inspection and Approval by City:** All work or activity shall be subject to inspection, and approval by the City. The permittee shall request a final inspection and acceptance of the work within 3 working days from the completion of the work.
7. **Additional Conditions:** At any time the city may prescribe additional conditions necessary for the protection of the public property, for the prevention of undue interference with traffic, to assure public safety, or to otherwise act in the best interest of the city.
8. **Permit on the Work Site:** The Encroachment Permit or a copy shall be kept at the site of the work and must be shown to any representative of the City on demand.
9. **Permits From Other Agencies:** The permittee shall secure the written authorization for any work that must be approved or permitted by any federal, state or local agency having jurisdiction.
10. **Protection of Traffic:** Adequate provisions shall be made for the protection of the traveling public. Warning signs, lights and safety devices and other measures required for the public safety, shall conform to the Caltrans requirements.
11. **Minimum Interference with Traffic:** All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public. Any flagging shall conform to Caltrans standards.
12. **Water Control:** The permittee shall use best practices to prevent contaminated water, debris, or groundwater from entering storm drains or other drainage courses.
13. **Restoration:** All disturbed areas shall be restored to the conditions before disturbance, conditions meeting current City standards, or other conditions approved under this permit.
14. **Work Area Maintenance:** Work area shall be maintained in a safe, orderly, and clean condition.
15. **Inspection Billing:** When the permittee is to be billed for inspections, such costs will be at the current hourly rate established by the City for permits.
16. **Responsibility:** The permittee accepts all responsibility for damage or injury that results from activity under this permit.
17. **Indemnity:** As an express and material term of City's issuance of this Permit, Permittee agrees to indemnify and hold harmless the City, its officers, employees and agents from any and all claims, demands, causes of action, losses or other liabilities for any damage, whether to person or property, whatsoever arising out of or related to the permitted encroachment. Permittee further agrees to indemnify and hold harmless the City, its officers, employees and agents for any injury to persons or property occasioned by reason of or arising out of the acts or omissions of Permittee, his/her/its agents, employees, contractors and subcontractors and/or any other person or entity performing work authorized by this Permit. It is the intent of this condition that Permittee shall be responsible for all liability for design, construction, and maintenance of the improvements installed or activities performed pursuant to this Permit and that the City, its officers, employees and agents shall not be liable for any negligence, whether active or passive in nature, nonfeasance, misfeasance, or malfeasance related to or arising from this Permit, including but not limited to approving, reviewing, checking, or correcting any plans or specifications or in approving, reviewing, or inspecting any work or construction arising from this Permit.

18. **Duty to Defend:** As an express and material term of City's issuance of this Permit, Permittee agrees to defend, at its sole expense, the City, its officers, employees and agents from and against any and all claims, demands, causes of action, losses or other liabilities for any damage, whether to person or property, whatsoever arising out of or related to the permitted encroachment. Permittee's duty to defend shall apply to the City, its officers, employees and agents for any injury to persons or property occasioned by reason of or arising out of the acts or omissions of the City, its officers, employees and/or agents and the acts or omissions of Permittee, his/her/its agents, employees, contractors and subcontractors and/or any other person or entity performing work authorized by this Permit.
19. **Legal Costs:** In the event of any controversy, claim or dispute arising out of or relating to this Permit or the violation of any covenant contained herein, the prevailing party shall be entitled to receive from the losing party reasonable expenses, including attorney's fees and costs.

Significant Permittees Include:

Company or Organization	Encroachments
Southern California Edison	Poles, overhead lines, underground lines, meters
Los Angeles Department of Water and Power	Poles, overhead lines, underground lines, meters
Verizon	Poles, lines, pedestals, underground lines, manholes, pay phones
Suddenlink	Lines, poles, pedestals
Amerigas	Tanks, lines
Eastern Sierra Propane	Tanks, lines
Turner Propane	Tanks, lines
Bishop Waste Disposal	Trash receptacles
Preferred Septic and Disposal	Trash receptacles
Caltrans	Signs, markings, drainage
Chamber of Commerce Businesses	Signs, awnings
Jackson Tree and Stump Grinding	Tree work
Morgan's Tree Service	Tree work
Owens Valley Tree Service	Tree work
S and R Tree Service	Tree work
Steve's Tree Service	Tree work
The Tree Man	Tree work
McMurtrie-Tanksley	Construction
Doug Clair	Construction
Hawkeye Enterprises	Construction
Kendall Engineering	Construction
Chudy Concrete	Concrete
Inyo Mono Concrete	Concrete
Truhls Concrete	Concrete
Ken Milici Concrete	Concrete
Yeager Concrete	Concrete
Chamber of Commerce	Various events