



CUPERTINO
 10300 Torre Ave
 Cupertino, CA 95014-3255
 PH: (408) 777-3354
 FX: (408) 777-3333

Department of Public Works

Encroachment Permit Application

Permit # _____
 Revised 9/2022

Location of Work _____ Building Permit # _____

Type of Work: check all that apply

- Sidewalk Driveway Approach Curb & Gutter Street Light Curb Ramp
 Paving Utility Trench Monitoring Well Pool Fiber Cable News Rack
 Other: _____

PERMITTEE:

Name: _____
 Address: _____
 Phone: _____
 Start Date: _____
 # of Working days: _____

CONTRACTOR:

Name: _____
 Address: _____
 24 hr. Contact: _____
 24 hr. Phone: _____
 Contractor's Lic. No.: _____
 City Business Lic. No.: _____

ATTACH THE FOLLOWING TO APPLICATION:

- 1) Written Description of Work
- 2) Engineer's Cost Estimate
- 3) Detailed Traffic Control Plan including plan of existing pavement delineation (traffic stripes, pavement markings, and pavement markers) and signs
- 4) Project Plans and Specifications
- 5) Contractors Insurance Certificate (Insurance requirements listed on reverse)

Permittee Signature: _____ Date: _____

Contractor Signature: _____ Date: _____

(CITY USE ONLY)

Permit Fee \$ _____ Bond \$ _____ Type of Bond: Cash Paper Certificate of Deposit

Receipt #: _____

Bond Retention Schedule _____

Approved By: _____

SEE REVERSE FOR PERMIT CONDITIONS

SPECIAL CONDITIONS:

- Work hours limited to Monday – Friday: 7:00 a.m. 8:00 a.m. to 4:30 p.m. 6:00 p.m.
- Work hours in pavement limited to: 8:00 a.m. 9:00 a.m. to 3:30 p.m. 4:30 p.m.
- Any violation of working hours shall result in “STOP WORK” notice
- Two lanes of traffic to be maintained at all times
- Permanent paving must be installed **WITHIN 5 WORKING DAYS** after completion
- Pavement delineation or signs damaged during construction shall be replaced in kind
- Pavement section shall match existing
- Street Cut Moratorium Applies (CMC 14.08.040)
- Slurry Seal Required Half Width Full Width Other
- All Trenching shall be backfilled to a minimum of 95% relative compaction
- Trench plates in the travel way shall be traffic rated, properly secured and shall be recessed upon request
- If trench is 3’ of less from Lip of Gutter, contractor shall repave to Lip of Gutter.
- Jobsite shall be properly posted 48 hours in advance. Barricades must bear the name and phone number (24 hour number) of the contractor or utility performing work. All signs attached to barricades must show the days and dates when work will be performed. Parking may not be restricted on Saturday or Sunday.
- BMP Sheet Attached
- Potholes and bore pits shall be filled to grade with cutback at end of each work day:
- Other _____

General Conditions:

- 1) The Public Works Inspector of the City of Cupertino, (408) 205-6326 or (408) 777-3354, shall be notified at least 48 hours prior to beginning work in the public Right-of-Way or requesting inspection of work. After the work is completed, notify the Public Works Inspector to schedule a final inspection.
- 2) A copy of this permit must be kept on the jobsite.
- 3) The applicant shall notify County Communications, (408) 299-2501, at least 24 hours prior to any work in the traveled way section of a street.
- 4) Permittee shall employ construction best management practices which will prevent pollutants such as mud, silt, chemical residue, and washings from concrete saw-cutting from entering storm drains. Brochures are available at the Public Works counter.
- 5) The applicant agrees that if the encroachment for which this permit is issued which shall at any time in the future interfere with the use, repair, improvement, widening, or change of grade of any street, roadway, highway, sidewalk, curb, drain, or Right-of-Way, applicant or his successor or assigns, shall within 14 days after receipt of written notice from the Director of Public Works to do so, at its own expense either remove such encroachment subject to approval from the Director, or relocate to a site which may be designated by the Director. Any encroachment removed by the City will not be replaced.
- 6) To the fullest extent allowed by law, PERMITEE and CONTRACTOR shall indemnify and hold harmless CITY, its City Council, boards and commissions, officers, officials, agents, employees, servants, consultants and volunteers (hereinafter, “Indemnitees”) from and against any liability, loss, damage, expense, and cost (including reasonable legal fees and costs of litigation or arbitration), resulting from injury to or death of any person, damage to property, or liability for other claims, stop notices, demands, causes of actions and actions, arising out of or in any way related to Contractor’s performance or nonperformance of his/her duties under this Agreement, or from negligent acts or omissions or willful misconduct of Contractor, its agents, employees, or subcontractors. Contractor shall, at his/her own cost and expense, defend any and all claims, actions, suits or legal proceedings that may be brought against the City or any of the Indemnitees (with council acceptable to City) in connection with this Permit or arising out of Developer’s performance or nonperformance of his/her duties and obligations hereunder, except to the extent any of the foregoing is caused by the negligence or willful misconduct of the CITY or the CITY’S agents, employees and independent contractors.
- 7) Should the Permittee provide services which are subject to the City’s Franchise ordinance, Permittee agrees to pay any applicable City franchise fee.
- 8) This encroachment permit shall be terminable at the sole discretion of the City upon 30 days written notice to the Permittee.
- 9) The applicant’s contractor shall carry at all times commercial general liability insurance with a combined single limit of \$2.0 million per occurrence; \$4.0 million aggregate; and provide a Certificate of Insurance and Endorsement naming the City as Additional Insured. Insurers must be licensed to do business within the State of California and have a current Best’s Guide Rating of A, Class VII or better or that is otherwise acceptable to the City. Insurance shall be primary and non-contributory.
- 10) All work within the public Right of Way must be completed by a contractor who holds a current Class A or appropriate Class C license and a current City of Cupertino business license.
- 11) Permittee and Contractor shall comply with Chapter 11.32 of the Cupertino Municipal Code “Truck Traffic Routes” (**See attached Truck Traffic Restrictions Map**). **No person shall operate or drive any truck that exceeds a gross weight of three tons between the hours of 7:00 a.m. and 9:30 am or 2:00 p.m. and 4:00 p.m. on the following roadway segments:**
 - a. any roadway which runs contiguous to and is within 500 feet of any public school (excluding Homestead Rd and Bollinger Rd)
 - b. McClellan Road, between Stelling Road and Bubb Road.