



## RIGHT-OF-WAY PERMIT SUBMITTAL

FORM RS-1 thru RS-4

### HOW TO SUBMIT

ROW permit applications can be submitted either online through “eTRAKiT” or via email to [engineeringdivision@san-marcos.net](mailto:engineeringdivision@san-marcos.net). **Compile all required submittal documents into one PDF** and submit application in accordance with the standards outlined in this document.

Please contact [engineeringdivision@san-marcos.net](mailto:engineeringdivision@san-marcos.net) or call (760) 744-1050 ext. 3252 with any questions about the submittal requirements or process.

Fees can be paid by check delivered to the attention of the Engineering Division at City Hall (1 Civic Center Dr) or by phone ((760)744-1050 ext. 3252). Please note, card payments have a 2% transaction fee.

### REQUIREMENTS FOR RIGHT-OF-WAY PERMIT SUBMITTAL

Submittal checklists identify typical items required as part of a complete application for right-of-way (ROW) permit submittal. There are 3 categories for ROW permit applications. Please select the applicable submittal checklist under FORM RS-2 based on scope of work outlined below.

**The following are required for City’s review of the ROW permit application:**

FORM RS-1     Right-of-Way Permit Application

FORM RS-2     Submittal Checklists:

FORM RS-2A     Utility/Standard (paving, trenching, utility repair/access/upgrade, tree trimming)

FORM RS-2B     Sidewalk Vending (chairs, tables, carts placed in ROW)

FORM RS-2C     Encroachment (PODs, EDCO dumpsters, portable toilets, dining)

FORM RS-3     Right-of-Way Insurance Requirements

FORM RS-4     Right-of-Way Permit Conditions

### GENERAL SUBMITTAL INFORMATION

- Utilizing a container or bin from another company besides EDCO is a violation of the City’s franchise agreement and will result in right-of-way permit being revoked.
- All work performed within the public right-of-way requires a Certificate of Insurance in accordance with City’s insurance requirements, Form RS-3.
- Traffic Control plans shall be prepared per the San Diego Regional Standard Drawings (SDRSD), California Manual on Uniform Traffic Control Devices (CAMUTCD), and Work Area Traffic Control Handbook (WATCH), and stamped by a certified Traffic Engineer, or by a traffic control company with proof that the Traffic Control plans meet or exceed the SDRSD, CAMUTCD, and WATCH.
- Temporary encroachments may be allowed only for up to 10 days. (PODs, EDCO dumpsters, portable toilets)

### HELPFUL LINKS

[Sidewalk Vending Conditions](#)

[Encroachment Permit Application Form EP-1](#)

[Municipal Code](#)

[Fee Schedule](#)



## RIGHT-OF-WAY PERMIT APPLICATION

FORM RS-1

### APPLICANT INFORMATION

APPLICANT NAME:

COMPANY:

APPLICANT ADDRESS:

Number

Street

Suite (if applicable)

City

State

Zip Code

PHONE #:

E-MAIL:

### CONTRACTOR INFORMATION

CONTRACTOR NAME:

COMPANY:

STATE LICENSE #:

LICENSE CLASS:

CITY BUSINESS LICENSE #:

BUSINESS ADDRESS:

Number

Street

Suite (if applicable)

City

State

Zip Code

24-HR PHONE #:

E-MAIL:

### PERMIT INFORMATION

LOCATION(S) OF WORK:

EXPECTED DATE(S) OF WORK:

EXPECTED DURATION OF WORK:

TYPE OF ROW PERMIT

Utility/Standard

Sidewalk Vending

Temporary Encroachment

DESCRIPTION OF WORK TO BE PERFORMED:

### ASSOCIATED DEVELOPMENT INFORMATION

NAME OF ASSOCIATED LARGER DEVELOPMENT:

N/A

PERMIT NUMBER(S) OF ASSOCIATED LARGER DEVELOPMENT:

N/A

### SIGNATURE AND ACKNOWLEDGEMENT

The approval and/or acceptance of this permit does not guarantee the final acceptance of the work to be performed. The City reserves the right to require, as necessary, additional submittals for work to be performed. By signing this permit the Applicant/PERMITTEE hereby states that they are the authorized person to perform the work and agree to perform work in compliance with all federal, state, and local code, as well as any attached conditions.

I hereby acknowledge that I have read the instructions, and all the information provided is correct. I agree to comply with all federal, state, and City laws, ordinances, regulations, and policies relating to the permit being processed. I understand and acknowledge that I am fully responsible for garnering all approvals for the Permit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## RIGHT-OF-WAY PERMIT SUBMITTAL CHECKLISTS

FORM RS-2

### UTILITY FRANCHISEE / STANDARD SUBMITTAL CHECKLIST

FORM RS-2A

Required if Checked	Submittal Items		Accepted by City
	1	Pay review fee invoiced by City staff*	
	2	Right-of-Way Application Form RS-1	
	3	Right-of-Way Submittal Checklist Form RS-2 (this form)	
	4	Traffic Control Plans	
	5	Certificate of Insurance per City requirements Form RS-3	
	6	Scope of Work Plans (inc. Regional or City Standard Detail)	
	7	Site Plan in accordance with City's Municipal Code <a href="#">14.16.50</a>	
	8	Other:	

\*Minor Utility Franchisee: \$1,320. Major Utility Franchisee: \$1,810 + 2.5% of estimate for inspected work. Standard: \$750.

### SIDEWALK VENDING SUBMITTAL REQUIREMENTS

FORM RS-2B

Required if Checked	Submittal Items		Accepted by City
	1	Pay \$700 review fee	
	2	Right-of-Way Application Form RS-1	
	3	Right-of-Way Submittal Checklist Form RS-2 (this form)	
	4	Certificate of Insurance per City requirements Form RS-3	
	5	Site Plan in accordance with <a href="#">Sidewalk Vending Standards</a>	
	6	Other:	

### ENCROACHMENT INTO ROW SUBMITTAL REQUIREMENTS

FORM RS-2C

Required if Checked	Submittal Items		Accepted by City
	1	Pay review fee invoiced by City staff*	
	2	Right-of-Way Application Form RS-1	
	3	Right-of-Way Submittal Checklist Form RS-2 (this form)	
	4	Site Plan	
	5	Other:	

\*Dinning: \$1,010. Dining Renewal: \$405. Temporary: \$290. Standard: \$750 + EMRA cost.



## RIGHT-OF-WAY PERMIT INSURANCE REQUIREMENTS

FORM RS-3

Permittee is required to obtain and maintain during the entire term of the Permit the following insurance policies from companies admitted or authorized to issue insurance in the State of California to transact the insurance business in the class of the type provided and shall have a general policyholder's rating of not less than an "A" and a financial size of ten million dollars (\$10,000,000) (currently Class V) or better in the most current A.M. Best's Key Rating Guide; which standards shall be met by such the issuing company and not by means of the standing or assets of their parent, subsidiary or affiliate entities.

### WORK PERFORMED BY HOMEOWNERS/PROPERTY OWNERS

#### MINIMUM REQUIREMENTS:

- Homeowners Insurance
  - \$500,000 combined single limit; Bodily Injury, Property Damage, and Personal Injury
- Cross-liability exclusions prohibited
  - Defense costs shall be in addition to limits of coverage (no "burning limits" coverages)

### WORK PERFORMED BY CONTRACTOR

#### MINIMUM REQUIREMENTS:

- Commercial General Liability including premises-operations, products/completed operations, broad form property damage, bodily injury, and blanket contractual liability with the following coverages:
  - \$1,000,000 per occurrence (property damage and bodily injury);
  - \$2,000,000 general aggregate; \$2,000,000 products/completed operations aggregate
- Automobile Liability, including owned, hired, and non-owned vehicles with the following coverages:
  - \$1,000,000 per accident combined single limit (bodily injury and property damage);
- Cross-liability exclusions prohibited
  - Defense costs shall be in addition to limits of coverage (no "burning limits" coverages)
- Workers' Compensation, insurance in amounts in accordance with statutory requirements.
  - Employer's Liability, (*where applicable*) \$1,000,000 per accident or disease
- Umbrella/excess liability, sufficient coverage that meets or exceeds the specified coverage requirements and may be applied only once to meet the insurance coverage requirement for only one line of deficient underlying insurance.



## RIGHT-OF-WAY PERMIT INSURANCE REQUIREMENTS CONT.

### TERMS APPLICABLE REGARDLESS OF WHO IS PERFORMING THE WORK

**RIGHT TO REVISE.** City reserves the right to change the limit amounts and types of insurance required based on the nature or scope of the risk, complexity, experience, or events during performance, regulatory actions or changes, statutory or case law changes, insurer's actions, coverage restrictions, coverage availability, or other special circumstances and shall notify Permittee and/or Contractor prior to commencement of this Permit.

**ENDORSEMENTS** shall be obtained so that each policy contains the following provisions, the wording for which shall be to the satisfaction of the City, and must be submitted to and approved by the City prior to the commencement of this Permit:

- a) **Additional Insured.** (Not required for Professional Errors and Omissions Liability Insurance, Auto Liability or Workers' Compensation.) "City of San Marcos and their elected and appointed boards, officers, agents and employees are additional insureds with respect to this subject project and contract with City."
- b) **Preferred Forms.** General Liability: CG 2010 11 85, CG 2037 10 01 or equivalent
- c) **Notice.** "Said policy shall not terminate, nor shall it be canceled or reduced in coverage without thirty (30) days' written notice to City of San Marcos."
- d) **Primary Coverage.** "The policy provides primary coverage to City of San Marcos and its elected and appointed boards, officers, agents, and employees. It is not secondary or in any way subordinate to any other insurance or coverage maintained by City of San Marcos."
- e) **Waiver of Subrogation.** "We waive any right of recovery we may have against the City of San Marcos and its elected and appointed boards, officers and employees because of payments we make for injury or damages arising or of your ongoing operations or your work done under contract with the City of San Marcos."

Failure to comply with insurance requirements under this Permit shall be a material breach of this Permit.

## RIGHT-OF-WAY PERMIT STANDARD CONDITIONS

FORM RS-4

### PRE-CONSTRUCTION MEETING

Before any work begins, contact the City to schedule a pre-construction meeting. All inspection requests relating to the project are to be called-in to the **Inspection hotline @ 760-744-1050 Ext. 3306**. The ROW Permit number, type of inspection, and contact information must be referenced in the inspection request.

### STANDARD CONDITIONS

The City issues permission by way of integration of the following conditions with the referenced permit to conduct operations in the City of San Marcos right-of-way at the locations indicated on the attached permit contingent upon compliance with applicable conditions listed herein, but not limited to the following:

- Work hours: 8:30 AM to 4:30PM, Monday - Friday. Traffic control shall be set up prior to starting work per the City-approved traffic control plans. Traffic control set-up and tear down shall only occur during work hours. No work on holidays, weekends, or after hours unless written permission is granted from the City. No work or additional traffic control outside of the approved set will be permitted.
- For work on San Marcos Boulevard the following limited work hours apply:
  - Work hours: Night work (9:00 PM to 6:00AM, Sunday night thru Friday morning) or weekend work is required on San Marcos Blvd in accordance with City Council Resolution 2002-5865. Traffic control shall be setup prior to starting work per the approved traffic control plans. Traffic control set-up and tear down shall only occur during work hours. No work on holidays, weekends or after hours unless written permission is granted from the COSM.
  - Applicant is responsible for additional inspections fees for night and/ or weekend work. The fees will cover the fully burdened rate of the inspector.
- No work shall proceed without first consulting the assigned City Inspector for verification of work times.
- No work shall occur during wet street conditions or inclement weather.
- If work is to be performed at night, the traffic control devices shall be retroreflective and must have functional flashing warning beacons attached for visibility.
- Traffic control implementation must be performed by an appropriately licensed contractor (A or C-31) and must have the required training per California Municipal Uniform Control Traffic Devices (CAMUTCD).
- Traffic control subject to minor field modifications by the City Inspector. As deemed necessary by the Inspector, a revised traffic control plan shall be submitted.
- Traffic control devices and signage shall be legible and in acceptable working condition (no excess scratches, or bent or broken signs).
- The issued ROW Permit is void if work has not started within 60 days of permit issuance date. The ROW Permit expires six months after the date of issuance.
- Location and placement of any and all underground conduit, vaults, etc. shall be installed per that site plan which was discussed and approved at the Pre-Construction meeting.





## RIGHT-OF-WAY PERMIT STANDARD CONDITIONS CONT.

- The CONTRACTOR is responsible for staking existing facilities and location of future facilities based on approved plans.
- Restorations of City right-of-way shall conform to all City standards.
- Street and sidewalk restoration limits shall be approved by the City prior to AC and/or concrete placement
- All backfill outside of the pipe zone shall conform with the City's Backfill Ordinance.
- All trenching must be backfilled and cold patched or plated using skid-proof traffic-rated plates, with asphalt ground to allow plates to be set flush with existing pavement. Plates are pinned and welded in place. All trenching must be properly supported and shores set in place after working hours.
- For trenching operations, erosion and sediment control BMPs are required at the downstream storm drain inlets, and streets shall be swept daily to prevent illicit discharges from entering the City's storm drain system.
- Existing traffic signal detector loops damaged during construction shall be replaced within 48 hours of damaging the loops or temporary video detection shall be installed until the damaged loops are replaced.
- Refer to the City's Ordinance No. 2003-1196 (Street Excavation) for backfill and slurry seal requirements.
- One or more acre of land disturbance requires a Storm Water Pollution Prevention Plan (SWPPP) and WDID issued by California Water Quality Resources Control Board.
- There is an Excavation Limitation for the street segments surrounding Bradley Park. Prior City approval is required before any work can occur.
- To extend the duration of the ROW permit, permission must be granted by the inspector, and the applicant is responsible for additional fees.
- Fire Department access shall be maintained at all times with a minimum unobstructed width of 24 feet.
- Upon Completion of the work, CONTRACTOR shall call for a final inspection.

### WHO TO NOTIFY

- CONTRACTOR shall call 811 to notify DigAlert, Underground Services Alert (USA). Utilities must be marked prior to beginning work.
- CONTRACTOR shall notify City of San Marcos a minimum of 48 hours prior to commencing any work or 72 hours prior to commencing any night work in the City's ROW. Work requests are to be called into the Inspection Hotline (760)744-1050 ext. 3306. Provide the issued ROW #, location of work, date requested, and full contact information.
- CONTRACTOR shall notify North County Transit District (NCTD) at least seven (7) days in advance when impacting any transit services. Notifications shall be made to NCTD Operations Control Center at (760) 966-6700.
- CONTRACTOR shall notify San Marcos Unified School District (SMUSD) at least three (3) days in advance when work is within 1,000 feet of a school or school facility. Notifications shall be made to Tova Corman at (760)752-1227.