RESOLUTION - ACTION REQUESTED 2013-281

MEETING: July 9, 2013

TO: The Board of Supervisors

FROM: Rick Peresan, Technical Services Director

RE: Labor Day Fair Parade

RECOMMENDATION AND JUSTIFICATION:
Declare the August 31, 2013 Labor Day Fair Parade a County sponsored event, approve issuance of a County insurance certificate to Caltrans, approve the application for a Caltrans Encroachment Permit in support of closing Highway 140 between Highway 49 N and Highway 49 S, on Saturday August 31, 2013 from 10:50 AM - 12:30 PM, and authorize the Chair to sign the attached letter documenting the Board's support and approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has always supported the Labor Day Parade.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Caltrans will likely deny the encroachment permit application and endanger the traditional parade.

ATTACHMENTS:
CalTrans Encroachment Permit (PDF)
2013 CHP letter (PDF)
Parade Map (PDF)
2013 Parade Public Works Encroachment Permit (PDF)
2013 Labor Day Parade Caltrans Letter (PDF)

CAO RECOMMENDATION
Requested Action Recommended

[Signature]
Rick Benson, County Administrative Officer
Resolution - Action Requested 2013-281

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
July 9, 2013

Mr. Bob Gill
Department of Transportation District 10
PO Box 2048
Stockton California 95201

Dear Mr. Gill,

On July 9, 2013, the Mariposa County Board of Supervisors adopted a Resolution approving the detour of traffic from state routes to Mariposa County roadways on August 31, 2013 for the duration of the “Labor Day Fair Parade” that is sponsored by Mariposa County and the Mariposa Lions Club.

Mariposa County agrees to hold Cal Trans and the State of California harmless for any damages to county roadways as a result of the detour.

Thank you for your consideration in this matter.

Sincerely,

Lee Stetson
Chair, Mariposa County Board of Supervisors

cc: Board of Supervisors
Permission is requested to encroach on the State Highway right-of-way as follows:

(Complete all BOXES [write N/A if not applicable] Please print single sided)
This application is not complete until all requirements have been approved.

1. COUNTY:
   Mariposa County

2. ROUTE:
   140

3. POSTMILE:
   140

4. ADDRESS OR STREET NAME:
   5100 Bullion St

5. CITY:
   Mariposa

6. CROSS STREET (Distance and direction from site):
   Hwy 140

7. PORTION OF RIGHT-OF-WAY:
   Hwy 140

8. WORK TO BE PERFORMED BY:
   ✓ OWN FORCES  ❏ CONTRACTOR

9. EST. START DATE:
   August 31, 2013

10. EST. COMPLETION DATE:
    August 31, 2013

11. MAX. DEPTH
    AVG. DEPTH
    AVG. WIDTH
    LENGTH
    SURFACE TYPE

12. EST. COST IN STATE HIGHWAY RIGHT-OF-WAY
    FUNDING SOURCE(S)
    ☐ FEDERAL  ☐ STATE  ☐ LOCAL  ☐ PRIVATE

13. PIPES
    PRODUCT TYPE
    DIAMETER
    VOLTAGE/PSIG

14. CALTRANS PROJECT EA NUMBER

15. ☐ Double Permit  ☐ Parent Permit Number
    Applicant’s Reference Number / Utility Work Order Number

16. Have your plans been reviewed by another Caltrans branch? ✓ NO  ☐ YES (If “YES”, Who?)

17. Completely describe work to be done within STATE highway right-of-way:
    Attach 6 complete sets of FOLDED plans (folded 8.5" x 11"), and any applicable specifications, calculations, maps, etc.
    All dimensions shall be in U.S. Customary (English) Units.

Detour Traffic on Hwy 140 between Hwy 49 North and Hwy 49 South in the Town of Mariposa on August 31st, 2013, 10:50 am - 12:30 pm for the annual Labor Day Fair Parade.

18. Is a city, county, or other agency involved in the approval of this project?
   ☐ YES (If “YES”, check type of project and attach environmental documentation and conditions of approval.)
   ☐ COMMERCIAL DEVELOPMENT  ☐ BUILDING  ☐ GRADING  ☐ OTHER
   ☐ CATEGORICALLY EXEMPT  ☐ NEGATIVE DECLARATION  ☐ ENVIRONMENTAL IMPACT REPORT  ☐ OTHER

   ✓ NO (If “NO”, please check the category below which best describes the project, and complete page 4 of this application.)
   ☐ DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE, OR RESURFACING
   ☐ PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS
   ☐ FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS
   ☐ OTHER

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource?
    (If “YES”, provide a description)
    ☐ YES  ✓ NO

20. Is this project on an existing highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building?
    ☐ YES  ✓ NO (If “YES”, provide a description)

21. Is work being done on applicant’s property?
    ☐ YES  ✓ NO (If “YES”, attach site and grading plans.)

ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-6880 or write to Records and Forms Management, 1120 N Street, MS-80, Sacramento, CA 95814.
22. Will this proposed project require the disturbance of soil?  
☐ YES ☑ NO  
If "YES," estimate the area within State Highway right-of-way in square feet AND acres: ______________________ (ft²) AND ______________________ (acres)  
estimate the area outside of State Highway right-of-way in square feet AND acres: ______________________ (ft²) AND ______________________ (acres)

23. Will this proposed project require dewatering?  
☐ YES ☑ NO  
If "YES," estimate total gallons AND gallons/month: ______________________ (gallons) AND ______________________ (gallons/month)  
SOURCE: ☐ STORM WATER ☐ NON-STORM WATER  
(See Caltrans SWMP for definitions of non-storm water discharge: [link to website])

24. How will any storm water or ground water be disposed of from within or near the limits of this proposed project?  
☐ Storm Drain System ☐ Combined Sewer / Storm System ☐ Storm Water Retention Basin  
☐ Other (explain): ______________________

PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.

The applicant, understands and herein agrees to that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 671.5. All work shall be done in accordance with Caltrans rules and regulations subject to inspection and approval.

The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnitees) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorneys' fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents, employees, the Indemnities, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnities. The Applicant, however, shall not be obligated to indemnify Indemnities for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.

DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at: [link to website]

http://ww.dot.ca.gov/hq/construc/stormwater

25. NAME of APPLICANT or ORGANIZATION (Print or Type)  
Mariposa County

E-MAIL ADDRESS  
rperesan@mariposacounty.org

ADDRESS OF APPLICANT or ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code)  
PO Box 784

PHONE NUMBER  
209 966 3222  
FAX NUMBER

26. NAME of AUTHORIZED AGENT / ENGINEER (Print or Type)  
Lee Stetson

E-LETTER OF AUTHORIZATION ATTACHED  
☑ YES ☐ NO  
E-MAIL ADDRESS  
lstetson@mariposacounty.org

ADDRESS of AUTHORIZED AGENT / ENGINEER (Include City and Zip Code)  
PO Box 784, 5100 Bullion Street Mariposa CA 95338

PHONE NUMBER  
209 966 3222  
FAX NUMBER

27. SIGNATURE of APPLICANT or AUTHORIZED AGENT

Lee Stetson

28. PRINT or TYPE NAME  
Board Chair

29. TITLE  
6/25/13  
DATE
## FEE CALCULATION -- FOR CALTRANS USE

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* The current hourly rate is set annually by Headquarters Accounting. District Office staff do not have authority to modify this rate.*

- PERFORMANCE BOND
  - Date
  - Amount
- PAYMENT BOND
  - Date
  - Amount
- LIABILITY INSURANCE REQUIRED?
  - Yes
  - No
  - Amount
INSTRUCTIONS
for completing page 4

This page needs to be completed when the proposed project **DOES NOT** involve a City, County or other public agency.

Your answers to these questions will assist departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within the State highway right-of-way. And, to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant's responsibility for the production of all required environmental documentation and supporting studies, in some cases this may be costly and time-consuming. If possible, attach photographs of the location of the proposed project.

Please answer these questions to the best of your ability. Provide a description of any "YES" answers (type, name, number, etc.)

| 1. Will any existing vegetation and/or landscaping within the highway right-of-way be disturbed? | **No** |
| 2. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or highway right-of-way? | **No** |
| 3. Is the proposed project located within five miles of the coast line? | **No** |
| 4. Will the proposed project generate construction noise levels greater than 86 dBA [e.g. jack-hammering, pile driving]? | **No** |
| 5. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public? | **No** |
| 6. Are there any recreational trails or paths within the limits of the proposed project or highway right-of-way? | **No** |
| 7. Will the proposed project impact any structures, buildings, rail lines, or bridges within highway right-of-way? | **No** |
| 8. Will the proposed project impact access to any businesses or residences? | **No** |
| 9. Will the proposed project impact any existing public utilities or public services? | **No** |
| 10. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks, or overcrossings? | **No** |
| 11. Will new lighting be constructed within or adjacent to highway right-of-way? | **No** |
MARIPOSA COUNTY
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT  DATE: 6/25/13  BUILDING PERMIT:_______
4639 BENV HUR ROAD
MARIPOSA, CA 95338

GENTLEMEN:

THE UNDERSIGNED HEREBY APPLIIES FOR PERMISSION TO EXCAVATE, CONSTRUCT, AND/OR OTHER WISE ENCROACH ON A COUNTY RIGHT-OF-WAY ON BULLION ST _______ ROAD AND AGREES TO DO THE WORK IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO COUNTY INSPECTION AND APPROVAL, BY PERFORMING THE FOLLOWING WORK: (PLEASE FILL IN ALL BLANKS THAT APPLY).

1. ___ DRIVEWAY
   X ___ ROAD CROSSING
   ___ WATER PIPE, CULVERT, ETC.
   ___ LDA ROAD

2. ___ NEW BUILDING/HOME
   ___ REMODEL EXISTING
   ___ OTHER (EXPLAIN BELOW)

Establish detour on Bullion in support of Hwy 140 road closure for the annual Labor Day Fair Parade on August 31, 2013 from 11 AM to 12:30 PM

3. DRIVING INSTRUCTION FROM A KNOWN LANDMARK TO LOCATION OF ENCROACHMENT, I.E., INTERSECTION OF COUNTY ROADS, STATE HIGHWAYS OR TOWN, ETC.

4. ATTACH MAP SHOWING LOCATION AND SKETCHES SHOWING WHAT IS TO BE DONE, SHOW LOCATION OF THE STAKE MARKING PROPOSED ENCROACHMENT OR WORK TO BE DONE.

5. ASSESSOR’S PARCEL NUMBER:__________________________

6. ADDRESS OF PARCEL:________________________________

APPLICANT IS REQUIRED TO STAKE THE ENCROACHMENT LOCATION WITH THE PINK CARD PROVIDED.

NO PERMIT WILL BE ISSUED UNTIL POSTING HAS BEEN COMPLETED AND APPROPRIATE FEES HAVE BEEN COLLECTED.

WORK WILL NOT BE STARTED UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

PERMIT NO.___________ Rick Peresan  (Lions Club)
OWNERS NAME (Please print)

DATE ISSUED __________

____________________
INSPECTED BY

____________________
DATE APPROVED

____________________
SIGNATURE OF OWNER/APPLICANT
PO Box 801
OWNERS MAILING ADDRESS
Mariposa  CA  95338
CITY  STATE  ZIP
209 966 8029
June 13, 2013

File No.: File No.:455.13163.A13242.Lionsclub

Mariposa County Board of Supervisors
P.O. Box 276
Mariposa, CA 95338

Dear Board Members:

The Mariposa office of the California Highway Patrol has received and reviewed an application from the Mariposa Lions Club for a Labor Day Parade in downtown Mariposa. This event is scheduled for August 31, 2013. We ask that while the event is being held, the responsible individual(s) requesting approval, ensure adequate parking areas are available to both event personnel and attendees to prevent any vehicles from parking or interfacing with traffic on SR 140. In the event more vehicles arrive than anticipated, the responsible individual(s) are asked to immediately notify the CHP at (209) 356-2900.

We appreciate you allowing us the opportunity to respond to the potential concerns we foresee. In the event there is any problems obtaining Cal Trans encroachment permit please contact us. If there is any additional assistance which can be provided by the California Highway Patrol, please contact Sergeant Sam Arrington at (209) 966-3656.

Sincerely,

D. M. Troxell, Lieutenant
Commander
Mariposa Area