RESOLUTION - ACTION REQUESTED 2015-338

MEETING: July 7, 2015

TO: The Board of Supervisors

FROM: Rick Peresan, Technical Services Director

RE: 2015 Labor Day Fair Parade

RECOMMENDATION AND JUSTIFICATION:
Declare the September 5, 2015, Labor Day Parade a County Sponsored Event; approve issuance of a County insurance certificate to Caltrans; approve the application for a Cal Trans Encroachment Permit in support of closing Hwy 140 11AM - 12:30PM, between Hwy 49 North and Hwy 49 South, on Saturday, September 5, 2015; and authorize the Board of Supervisors Chair to sign the letter and encroachment permit documenting the Board’s support and approval.

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

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Cal Trans will likely deny the Encroachment Permit Application and endanger the traditional Labor Day Parade.

ATTACHMENTS:
2015 Labor Day Parade Caltrans Letter (PDF)
Caltrans application (PDF)
2015 PWD Encroachment Permit (PDF)
Parade Map (PDF)
2015 CHP Labor Day Fair Parade Letter (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson, CAO 7/2/2015
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier
July 7, 2015

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

Dear Mr. Gill,

On July 7, 2015, the Mariposa County Board of Supervisors adopted a Resolution approving the detour of traffic from state routes to Mariposa County roadways on September 5, 2015 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,

Merlin Jones  
Chair, Mariposa County Board of Supervisors

cc: Board of Supervisors
1. COUNTY
Mariposa County

2. ROUTE
140

3. POSTMILE

5. CITY
Mariposa

6. CROSS STREET (Distance and direction from project site)

7. PORTION OF RIGHT-OF-WAY
Hwy 140

8. WORK TO BE PERFORMED BY
☐ OWN FORCES ☑ CONTRACTOR

9. ESTIMATED START DATE
September 5, 2015

10. ESTIMATED COMPLETION DATE

11. EXCAVATION
MAX. DEPTH
AVG. DEPTH

AVG. WIDTH
LENGTH

SURFACE TYPE

12. ESTIMATED COST WITHIN STATE HIGHWAY RIGHT-OF-WAY
FUNDING SOURCE(S)
□ FEDERAL ☑ STATE ☐ LOCAL ☐ PRIVATE

13. PIPES
PRODUCT TYPE
DIAMETER

VOLTAGE / FSIG

14. CALTRANS’ PROJECT CODE (ID)

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:

Detour Traffic on Hwy 140 between HWY 49 North and HWY 49 South in the Town of Mariposa on September 5, 2015 10:50 am - 12:30 PM for the annual Labor Day Fair Parade.

18. Is a City, County or other public 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 answer questions A - K on page 2)

☐ DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE OR RESURFACING ☑ FENCE

☐ PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS ☑ MAILBOX

☐ FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS ☑ EROSION CONTROL

☐ OTHER ☑ LANDSCAPING

ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.
The following questions must be completed when a City, County or other public agency is not involved in the approval of this project.

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 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 and 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.).

A. Will any existing vegetation and/or landscaping within State Highway right-of-way be disturbed?  
NO

B. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or State Highway right-of-way?  
NO

C. Is the proposed project located within five miles of the coast line?  
NO

D. Will the proposed project generate construction noise levels greater than 86 dBA (e.g. jack-hammering, pile driving)?  
NO

E. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public?  
NO

F. Are there any recreational trails or paths within the limits of the proposed project or State Highway right-of-way?  
NO

G. Will the proposed project impact any structures, buildings, rail lines or bridges within State Highway right-of-way?  
NO

H. Will the proposed project impact access to any businesses, or residences?  
NO

I. Will the proposed project impact any existing public utilities or public services?  
NO

J. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks or overcrossings?  
NO

K. Will new lighting be constructed within or adjacent to State Highway right-of-way?  
NO

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

20. Is this project on an existing State 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 the applicant's property?  
☐ YES  ☑ NO  (If "YES", attach 6 complete sets of site and grading plans.)

22. Will the 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 the proposed project require dewatering?  
☐ YES  ☑ NO

If "YES", estimate total gallons AND gallons/month. ______________________ (gallons) AND ______________________ (gallons/month)

SOURCE: ☐ STORM WATER ☐ NON-STORM WATER


24. How will any storm water or ground water be disposed of from within or near the limits of the 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 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 the California Department of Transportation's (Department) 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 (Indemnities) 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 and 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.

An encroachment permit is not a property right and does not transfer with the property to a new owner.

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990: All work within State Highway right-of-way shall be conducted in compliance with all applicable Federal, State and Local Access laws, regulations and guidelines including but not limited to the Americans with Disabilities Act Accessibility Guidelines (ADAAQ), the Public Rights-of-Way Guidelines (PROWG), the Department's current Design Information Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects", the Department's Encroachment Permits Manual and encroachment permit.

DISCHARGES OF STORM WATER AND NON-STORM WATER: All 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, 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 Department's 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:

http://www.dot.ca.gov/hq/constr/stormwater

25. NAME OF APPLICANT OR ORGANIZATION
Mariaposa County

26. NAME OF AUTHORIZED AGENT / ENGINEER (A "Letter of authorization" is required if different from #25)
Merlin Jones

27. NAME OF BILLING CONTACT (Same as #25 ☐ Same as #26 ☐)

28. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT
Merlin Jones

29. PRINT OR TYPE NAME
Merlin Jones

30. TITLE
Board Chair

31. DATE
7/7/15
MARIPOSA COUNTY
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT       DATE: 6/24/15       BUILDING PERMIT: N/A
4639 BEN HUR ROAD
MARIPOSA, CA 95338

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO EXCAVATE, CONSTRUCT, AND/OR
OTHERWISE 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
   ___ ROAD CROSSING
   ___ WATER PIPE, CULVERT, ETC.
   ___ LDA ROAD

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

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

_ON SEPTEMBER 5, 2015 THE COUNTY WILL HOLD THE ANNUAL LABOR DAY PARADE
BETWEEN 11 AM AND 12:30 PM. HWY 140 WILL BE CLOSED TO TRAFFIC DURING THAT TIME.
THIS REQUIRES A DETOUR ON 3RD TO BULLION TO JONES. THE CALTRANS ENCROACHMENT
PERMIT WAS APPROVED FOR THE HWY 140 CLOSEURE. ASSISTANCE FROM THE PUBLIC
WORKS ROADS DIVISON IS REQUIRED FOR DEPLOYMENT OF BARACADES, CONES AND NO
PARKING SIGNS.

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.

   __x__ MAP ATTACHED.

5. ASSESSOR’S PARCEL NUMBER: __N/A_________________

6. ADDRESS OF PARCEL: ________________ N/A______________

APPLICANT IS REQUIRED TO STAKE THE ENCROACHMENT WITH THE PINK CARD PROVIDED
AND/OR NEW MAILBOX LOCATION WITH THE GREEN 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._________________        __________________________
DATE ISSUED_________________        OWNERS NAME (Please print)

______________________________
SIGNATURE OF OWNER/APPLICANT
PO BOX 801
OWNERS MAILING ADDRESS
MARIPOSA   CA    95338
CITY    STATE    ZIP
966 8029
PHONE NUMBER
June 24, 2015

File No.: File No.: 455.116393.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 September 5, 2015. 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) 356-2929.

We appreciate you allowing us the opportunity to respond to the potential concerns we foresee. 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,

R. I. HAGEN, Lieutenant
Commander
Mariposa Area