RESOLUTION - ACTION REQUESTED 2017-462

MEETING: July 11, 2017

TO: The Board of Supervisors

FROM: Rick Peresan, Technical Services Director

RE: 2017 Labor Day Fair Parade

RECOMMENDATION AND JUSTIFICATION:
Declare the September 2, 2017, 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 Highway 140 from 11:00 AM to 12:30 PM, between Highway 49 North and Highway 49 South, on Saturday, September 2, 2017; 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:
CHP Letter (PDF)
Board Letter(PDF)
CalTrans Encroachment Permit (PDF)
PWD Enroachment Permit (PDF)
Parade Application (PDF)
Parade Map (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Rene LaRoche, Clerk of the Board 7/6/2017
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
July 11, 2017

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

Dear Mr. Gill,

On July 11, 2017, the Mariposa County Board of Supervisors adopted a Resolution approving the detour of traffic from state routes to Mariposa County roadways on September 2, 2017 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,

[Signature]

Marshall Long
Chair, Mariposa County Board of Supervisors

cc:   Board of Supervisors
STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

STANDARD ENCROACHMENT PERMIT APPLICATION
TR-0100 (REV. 03/2015)

Please type or print clearly your answers. Complete ALL fields, write "N/A" if not applicable.
This application is not complete until all requirements have been approved.

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

<table>
<thead>
<tr>
<th>1. COUNTY</th>
<th>2. ROUTE</th>
<th>3. POSTMILE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County</td>
<td>140</td>
<td></td>
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</tbody>
</table>

4. ADDRESS OR STREET NAME
5100 Bullion Street

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 2, 2017

10. ESTIMATED COMPLETION DATE

11. EXCAVATION
MAX. DEPTH AVG. DEPTH AVG. WDTH LENGTH

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

13. PIPES
PRODUCT TYPE DIAMETER VOLTAGE / PSIG

14. CALTRANS' PROJECT CODE (ID)

☐ 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 2, 2017 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? □ YES □ 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? □ YES □ NO

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

D. Will the proposed project generate construction noise levels greater than 85 dBA (e.g. jackhammering, pile driving)? □ YES □ NO

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

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

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

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

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

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

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

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource? □ 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): __________________

   (If "YES", provide a description)
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 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 and employees; the Indemnitees, 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 (ADAAG), 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/construct/stormwater

25. NAME OF APPLICANT OR ORGANIZATION
Mariposa County

ADDRESS OF APPLICANT OR ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code)
4639 Ben Hur Road Mariposa CA 95338

E-MAIL ADDRESS
mhealy@mariposacounty.org

PHONE NUMBER
209 966 5356

FAX NUMBER

26. NAME OF AUTHORIZED AGENT / ENGINEER (A “Letter of authorization” is required if different from #25)
Marshall Long

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

E-MAIL ADDRESS
mlong@mariposacounty.org

PHONE NUMBER
209 966 3222

FAX NUMBER

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

BILLING ADDRESS WHERE INVOICE(S) IS/ARE TO BE MAILED (Include City and Zip Code)
4639 Ben Hur Road Mariposa CA 95338

E-MAIL ADDRESS
mhealy@mariposacounty.org

PHONE NUMBER
209 966 5356

FAX NUMBER

28. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

Marshall Long

29. PRINT OR TYPE NAME
Marshall Long

30. TITLE
Board Chair

31. DATE
7/11/17