RESOLUTION - ACTION REQUESTED 2012-379

MEETING: July 17, 2012

TO: The Board of Supervisors

FROM: Rick Peresan, Technical Services Director

RE: Declare the Labor Day Fair Parade a County Sponsored Event

RECOMMENDATION AND JUSTIFICATION:

Declare the September 1, 2012, 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 Hwy 140 11 AM- 12:30 PM, between Hwy 49 North and Hwy 49 South, Saturday September 1, 2012, and authorize the Board of Supervisors Chair to sign a letter documenting the Board's support and approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has always supported the Labor Day Fair Parade.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Caltrans will likely deny the encroachment permit application and endanger the traditional parade.

ATTACHMENTS:

Parade Package Cover Letter (PDF)
2012 Labor Day Parade Caltrans Letter on Letterhead (PDF)
2012 Labor Day Parade EP (PDF)
CHP Letter (PDF)
Parade Map (PDF)

CAO RECOMMENDATION

Requested Action Recommended
RESULT:      ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:      Lee Stetson, District I Supervisor
SECONDER:   Kevin Cann, District IV Supervisor
AYES:       Stetson, Turpin, Bibby, Cann, Allen
July 17, 2012

Steve Waldron
Permit Engineer
Department of Transportation
PO Box 2048
Stockton California 95201

Dear Mr. Waldron,

Attached is the Standard Encroachment Permit Application for the annual Mariposa County Labor Day Parade, schedule September 1, 2012.

The package includes a letter from our Board of Supervisors agreeing to hold Cal Trans and the State of California harmless for any damages to County roadways as a result of the detour. Also included is a letter from the Mariposa office of the California Highway Patrol and a map of the staging area, parade route and detour.

The CHP office will provide cones and detour ahead signs as they have in the past. Our County public works department will provide road barricades and detour signs. They are identified by number on the map. No Parking signs will be posted along the parade route 48 hours in advance (at minimum).

Our County Insurance Certificate, covering the event, is included in the permit application.

If you require further information please do not hesitate to contact me at 209 966 8029 or rperesan@mariposacounty.org

Thank you for your help.

Regards,

Rick Peresan
Mariposa County Technical Services Director
July 17, 2012

Steve Waldron
Department of Transportation District 10
PO Box 2048
Stockton California 95201

Dear Mr. Waldron,

On July 17, 2012, the Mariposa County Board of Supervisors adopted a Resolution approving the detour of traffic from state routes to Mariposa County roadways on September 1, 2012 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,

Janet Bibby
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]). This application is not complete until all requirements have been approved.

1. COUNTY
Mariposa County

2. ROUTE 3. POSTMILE
140

4. ADDRESS OR STREET NAME
5. CITY
5100 Bullion St
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
September 1, 2012

10. EST. COMPLETION DATE
September 1, 2012

11. EXCAVATION
Max. Depth
Avg. Depth
Avg. Width
Length

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 E.A. 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 September 1, 2012 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 ☐ FENCE
☐ PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS ☐ MAILBOX
☐ FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS ☐ EROSION CONTROL
☐ OTHER ☐ LANDSCAPING

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 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) 654-3880 or write to Records and Forms Management, 1120 N Street, MS-89, 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: [ ] STORMWATER [ ] NON-STORMWATER

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: ____________________________ )

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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 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 Indemnitees. The Applicant, however, shall not be obligated to indemnify Indemnitees 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: http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm

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

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

PHONE NUMBER 209 966 3222
FAX NUMBER 209 966 5147

26. NAME of AUTHORIZED AGENT / ENGINEER (Print or Type)
Janet Bibby

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

PHONE NUMBER 209 966 3222
FAX NUMBER 209 966 5147

27. SIGNATURE of APPLICANT or AUTHORIZED AGENT
Janet Bibby

28. PRINT OR TYPE NAME
Janet Bibby

29. TITLE
Board Chair

30. DATE 7/24/12
### 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.

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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 88 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
June 11, 2012

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 September 1, 2012. 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 interfering 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,

[Signature]

D. M. Troxell, Lieutenant Commander
Mariposa Area
CERTIFICATE OF COVERAGE

CSAC Excess Insurance Authority
C/O ALLIANT INSURANCE SERVICES, INC.
PO BOX 6450
NEWPORT BEACH, CA. 92658-6450
PHONE (949) 756-0271 / FAX (810) 999-0901
LICENSE #C36861

Member:
MARIPOSA COUNTY
ATTN: MARY HODSON
P.O. BOX 764
MARIPOSA, CA 95338-0189

Coverage:
This is to certify that the Memorandums of Coverage listed below have been issued to the member named above for the period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The coverage afforded by the Memorandums described herein is subject to all the terms, exclusions, and conditions of such Memorandums. Limits shown may have been reduced by paid claims.

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<th>MEMORANDUM NUMBER</th>
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<th>COVERAGE EXPIRATION DATE (MM/DD/YYYY)</th>
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<td>07/01/2013</td>
<td>Difference between $1,000,000 and the Member's Self-Insured Retention of $100,000</td>
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Description of Operations/Locations/Vehicles/Special Items:

As respects evidence of coverage for the Labor Day Parade which will be held on September 1, 2012.

Certificate Holder

DEPARTMENT OF TRANSPORTATION DISTRICT 10
ATTN: STEVE WALDRON
P.O. BOX 2048
STOCKTON, CA. 95201

Cancellation

Should any of the above described Memorandums of Coverages be cancelled before the expiration date thereof, notice will be delivered in accordance with the Memorandums of Coverage provisions.

Authorized Representative

CSAC EXCESS INSURANCE AUTHORITY