



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: January 25, 2011

Subject: Approve Encroachment Permit for Countywide Arterial Microsurface Project by City of Walnut Creek, Martinez, Town of Danville, City of Pleasant Hill...

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Roadway Encroachment Permits issued by the Cities of Martinez, Orinda, Pinole, Pleasant Hill, Richmond, and Walnut Creek, the Town of Danville, and Caltrans for the above construction project and to arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits.

**FISCAL IMPACT:**

There will be no impact to the County General Fund. The estimated project costs is \$2,100,000. The permits will be funded 88.5% by Federal funds and 11.5% by local road funds.

**BACKGROUND:**

The Public Works Department is preparing to construct the Countywide Arterial Microsurface Project. The purpose of this project is to apply microsurface treatment to 21 miles of roadway on ten roads at seven separate locations to prolong the useful life of each roadway. Work will include surface preparation, stripe removal, and placement of thermoplastic striping. Three

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/25/2011** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Gayle B. Uilkema, District II  
Supervisor  
Mary N. Piepho, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor  
Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 25, 2011

David Twa, County Administrator and Clerk of the Board of Supervisors

By: EMY L. SHARP, Deputy

Contact: Larry Theis,  
313-2166

cc:



### BACKGROUND: (CONT'D)

roads are to be re-striped and signed for Class II bike lanes. The estimated cost of this project is \$2,100,000, funded 88.5% by Federal funds and 11.5% from local road funds.

As part of the project work, temporary traffic control and warning signs will need to be placed on adjacent roadways located within the City limits of the Cities of Martinez, Orinda, Pinole, Pleasant Hill, Richmond, and Walnut Creek and the Town limits of the Town of Danville and on adjacent State highways under the jurisdiction of Caltrans. Normally, the County would leave it to the general contractor to apply for and obtain roadway encroachment permits covering the traffic control activities and signs in the adjacent jurisdictions. However, in this case, as part of the Federal funding, Caltrans and the Federal Highway Administration (FHWA) have required that the County initially obtain the roadway encroachment permits in its name and not delegate this solely to the general contractor.

For the roadway encroachment permit applications, the above agencies require the County to sign indemnification language that would generally require the County to defend and indemnify the agencies for any accidents or damages resulting from the traffic control activities. Given the minor and temporary nature of the traffic control activities, the indemnification requirements would involve relatively low risk to the County and, in any event, would be covered by the general contractor's liability insurance. In addition, County staff plans to work with the above agencies to replace the roadway encroachment permits initially obtained by the County with those subsequently obtained by the County's general contractor for this project.

To meet the expected tight deadlines to construct this project, it is necessary for the County to promptly obtain the roadway encroachment permits prior to approval of the Federal funds. The roadway encroachment permits are an essential part of the County's project submittal package to Caltrans. Under the circumstances, the Public Works Director recommends that the Board authorize staff to execute roadway encroachment permits issued by the above agencies and arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits.

### CONSEQUENCE OF NEGATIVE ACTION:

Without these permits, Federal funding will be in jeopardy.

### CHILDREN'S IMPACT STATEMENT:

Not Applicable.