



County of Santa Clara

Roads and Airports Department

ENCROACHMENT PERMIT SPECIAL PROVISIONS

VER 9-12-22

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AUTHORITIES AND COMPLIANCE

1. **AUTHORITY:** In accordance with Santa Clara County Ordinance Division B17, all work in the County Road right-of-way requires an encroachment permit from the Roads and Airports Department and is subject to the requirements of Division B17. Each individual activity requires a separate permit – i.e. retaining walls, driveway approaches, temporary construction entrances, fences, landscaping, tree removal, storm drainage improvements, all utility operations (relocations, replacements, abandonments, temporary facilities, and/or new facilities for cable, electric, gas, sewer, water), etc.
2. **STANDARDS:** Work is subject to County Standard Specifications, County Standard Plans and Details, California Department of Transportations (Caltrans) Standard Specifications and Standard Plans (latest issue).
3. **DEFINITIONS:** Refer to Santa Clara County Ordinance Division B17 for a complete list of definitions as used in these provisions. The following additional definitions apply:
 - a) Applicant: As used in these provisions, “Applicant” means any person, firm, corporation, business, or governmental agency that executes the necessary forms to request official approval of a project or a permit in order to carry out construction of a project.
 - b) Permittee: As used in these provisions, “Permittee” shall mean any person, firm, corporation, business, or governmental agency to whom a permit has been issued.
 - c) Permit: The permit issued by the County of Santa Clara to an Applicant that is required for commencing a land use, land development activity, or a construction project.

INSPECTION, CONTACT INFORMATION and SAFETY

4. **NOTIFICATIONS:**
 - a) Permittee MUST notify all residents & businesses of pending construction work.
 - b) For inspector notifications and requests for inspection, call 408-573-2429.
 - c) Refer to **Special Provisions Section 17** regarding additional notifications for road closures.
5. **UNDERGROUND SERVICE ALERT:** Notify the Underground Service Alert—Northern California (Call 811 or visit usanorth811.org) 48 hours prior to any trenching or excavation in the road right-of-way.
6. **PRECONSTRUCTION:**
 - a) The Roads and Airports Inspector must be contacted 48 hours (not including weekend days and County holidays) prior to beginning any work in the County right-of-way.
 - b) Prior to construction, Permittee shall conduct a preconstruction meeting involving the County inspector, Permittee’s representatives, and any contractor working on this project.
 - c) No work within the County right-of-way shall be undertaken until all materials, equipment, and labor forces are available to pursue the work to completion.
7. **INITIAL and SUBSEQUENT INSPECTIONS:** The Permittee shall request initial inspection from the County a minimum of forty-eight (48) hours (not including weekend days and County holidays) prior to any work being performed.
8. **FINAL INSPECTION:** The Permittee shall request final inspection from the County within ten (10) business days (not including weekend days and County holidays) from the date of completion of the work.
9. **PERMIT ON SITE:** This Permit shall be kept at the site of work and must be shown to any authorized representative of the County or any law enforcement officer upon demand.
10. **EMERGENCY CONTACTS:** Names and telephone numbers of two responsible persons shall be furnished to the County Inspector prior to start of work to be available as emergency contacts, 24 hours a day, seven days a week. The Permittee or the Contractor shall have a supervisory representative available for contact on the project at all times during the construction.
11. **PRESERVATION OF PROPERTY:**
 - a) Photos: Before and after photos shall be taken by the Permittee and provided to the County for the files and reference as needed. Any costs associated with these photos shall be the sole responsibility of the Permittee.
 - b) Videos: If the permit requires video of the site, the following applies:
 - i) The Contractor shall submit a video of the job site(s) to the County inspector, for file prior to the start of construction, for the purpose of providing a record of existing conditions. Each video file shall be labeled and dated appropriately. Each video shall be completed during full daylight with no presence of shadows. The video shall provide a view encompassing the entire project area for all construction activities, with sufficient clarity and scope to the satisfaction of the County. Video shall include at a minimum:
 - (1) The proposed excavation areas
 - (2) Driveway entrances including condition of culverts.
 - (3) Contractor’s staging area including entrances.
 - (4) Path from contractor’s staging area to the job site.
 - ii) The Contractor shall submit the video file(s) with a written log noting any existing defects or irregularities in the existing pavement. The log shall also state the location (by station), date, and time the videos were made. Videos shall be uploaded to a shared directory for access by the County. Upon receipt by the County, the videos shall become the property of the County.
 - iii) If the Contractor plans to drive sheeting, the Contractor shall video inspect nearby structures prior to driving the sheeting. This video inspection shall be included in the site videos above, and shall be accompanied by a similar log that notes street address and existing defects or irregularities.

- 12. SITE SAFETY:** All construction work shall be performed in accordance with Cal/OSHA Title 8 regulations.
- 13. EQUIPMENT AND MATERIAL STORAGE:** No equipment or materials shall be stored in right-of-way overnight, unless prior written permission is obtained from the Roads and Airports Department. Equipment or materials includes, but not limited to, the following: temporary construction facilities, construction materials, deliveries, hazardous and non-hazardous material storage, equipment, tools, portable toilets, concrete washout, garbage containers, laydown yards, secondary containment areas, etc.

TRAFFIC CONTROL, WORK HOURS and SIGHT DISTANCE

- 14. WORK HOURS:** Hours of work and lane closures shall be in accordance with approved Traffic Control Plans or as further specified in the Permit.
- 15. TEMPORARY TRAFFIC CONTROL:**
- a) The Permittee shall make adequate provisions for the protection of the traveling public, inclusive of pedestrians and bicyclists, and adequately maintain temporary traffic control during the period of the construction.
 - b) Temporary traffic control, including traffic control devices and signs, shall be installed in accordance with Part 2 – Signs, Part 6 – Temporary Traffic Control and any other applicable parts of the latest issue of the California Manual on Uniform Traffic Control Devices for Streets and Highways. Traffic control devices and signs are to be adequately maintained during the period of the construction.
 - c) Flaggers shall be sufficiently trained and equipped in accordance with California Code of Regulations, Title 8, Section 1599. Flaggers shall be required as specified in the Traffic Control Plan or at any time equipment or men are crossing or working within County Expressways.
 - d) Provide a minimum of 4-feet spacing for bikes and pedestrians to go through at portion of road with “SHARE THE ROAD” sign at work zone.
 - e) When called out for in the Traffic Control Plan, pedestrian control shall consist of a dedicated individual assigned the responsibility of escorting pedestrians through the work area in accordance with three major considerations:
 - i) Pedestrians shall not be led into direct conflict with work site vehicles, equipment or operations.
 - ii) Pedestrians should not be led into direct conflict with mainline traffic going through or around the work site.
 - iii) Pedestrians should be provided with a reasonably safe, convenient, and accessible path that replicates as nearly as practical the most desirable characteristics of the existing sidewalk or footpath.
- 16. TRAFFIC LANES:** All traffic lanes shall be open to the traveling public during all hours of darkness, and on all weekends and holidays unless prior written approval is obtained from the County. For non-expressways, a minimum of one (1) traffic lane shall be kept passable under the direction of flaggers at all times during the normal work day, and a minimum of two (2) full traffic lanes shall be safe and passable during hours of darkness (the time between sundown and sunrise shall be considered hours of darkness). One-way traffic may be permitted under the control of not less than two competent flaggers or as required by the latest issue of the California Manual on Uniform Traffic Control Devices for Streets and Highways during normal working hours with prior approval in writing from the County. No variance of the requirements of this section will be allowed without prior written approval from the County.
- 17. ROAD CLOSURES:** Work which requires a road closure and/or a traffic detour of an extended duration requires a detour signage plan to be included in the Traffic Control Plan. The permit will include additional instructions regarding notifications to the County Public Information Officer and to Valley Transportation Authority (VTA) if bus or light rail stops are impacted. In addition to the Traffic Control Plan, Applicant is required to submit a one-page Detour Notification with graphic that includes the following:
- a) Text description of the work occurring, purpose of the detour, and streets affected.
 - b) Simple graphic depicting the detour route and road closures, street names, time and date of closure for each road segment with color legend, and bus stop locations with route numbers along the affected routes.
 - c) Name of garbage collection company that services businesses and residences along affected routes.
 - d) Zip codes for Public Information Officer to send closure notice.
- 18. STAGING AND TRUCK ROUTES:** Work of a significant nature will require inclusion of construction staging areas and truck routes in the Traffic Control Plan or as otherwise provided on the project plans.
- 19. SIGHT DISTANCE:** As related to and affected by the improvements covered by this Permit, Permittee shall provide and maintain adequate sight distance per the latest Caltrans standards. Typical compliance may include, but not limited to, placement of temporary signage or equipment, trimming and/or removal of trees; trimming and/or removal of vegetation; and, grading of embankments to provide for adequate sight distance.
- 20. ADJACENT JURISDICTIONS:** County permit reviews do not include reviewing or commenting on work or traffic control outside of County right-of-way. Applicants are required to contact the appropriate jurisdiction(s) for their concurrent review and approval.

COMMUNICATION, ELECTRICAL FACILITIES and INFRASTRUCTURE AS-BUILTS

- 21. PRESENCE OF UTILITIES:** Applicants will be informed during the permit application process if existing County communication and electrical facilities are located in the project area.
- a) Call 811 before digging. Refer to **Special Provisions Section 5** for additional information.
 - b) Protect County underground traffic signal and fiber optics facilities.

- c) For installation of any new conduit crossing an existing County-owned fiber optic conduit, the Contractor must locate the County fiber optic conduit, via pothole, before installing new conduit. If the conduit cannot be located, the Contractor must call the County, prior to installation, for assistance.
- 22. AS-BUILTS:** When provided, information shown on County as-built plans is subject to change. If applicable, field-verify information and notify the County of any discrepancies.
- 23. DAMAGE NOTIFICATION AND RESPONSIBILITIES:** Notify the County immediately if County infrastructure is damaged. The Permittee is required to repair any damage caused by the Permittee or the Contractors within the time indicated by the County. If the Permittee fails to make the repairs within the time indicated, the County is authorized to repair the damage and recover all cost incurred, including overhead and administrative costs, from the Permittee, the surety or the insurance carrier.
- 24. REPAIR TO FIBER AND DETECTORS**
- a) County traffic signal systems and County fiber optic cable damaged by the contractor's operation shall be temporarily repaired and then shall be replaced in accordance with County Standard Specifications 86.01.06.
- b) Replace any vehicle detection loops damaged by work within 48 hours. If loop detectors cannot be replaced within 48 hours then temporary detection, such as video or microwave, must be provided until the loops are replaced prior to project completion.
- i) Vehicle loops shall be Caltrans Type D and Type B.
- ii) If a bike loop is damaged the replacement shall be a modified Type D.
- iii) Loop slots shall be filled with hot-melt rubberized asphalt sealant.
- c) After completion of temporary repairs, the County will determine whether the end equipment operates satisfactorily. If not, the County may direct the Permittee to replace the temporary splice within 48 hours. This shall be considered an interim repair only to restore service.
- d) The repair shall be undertaken in the nearest junction box, by pulling available slack in the cable. If, in the determination of the County, insufficient slack is available, a new junction box shall be installed as directed.
- e) Within 30 days after the acceptance of the interim repair by the County, the Permittee or its Contractor shall obtain a modified encroachment permit and replace the damaged cable between the system's end-to-end splice points installed during the initial installation (as shown on the County Fiber Splicing Details Map). During this permanent repair process, the fiber-optic cable shall not be disconnected or the equipment communicating on the cable shall not become non-operational for more than 48 hours. A seven (7) day notice shall be given to the Permit Inspection Unit of the Roads and Airports Department by calling (408) 573-2429 prior to any work associated with the repair of the fiber-optic cable. The replacement cable shall be of length and type equivalent to the replaced cable. Cable material, installation and testing shall meet the requirements of the County Standard Specifications as follows:
- Section 86.02.08E "Fiber-optic Cable",
 - Section 86.02.09C "Installation of Fiber-optic Cable",
 - Section 86.02.09O(1) "Fiber-optic Connectors",
 - Section 86.02.09E(2) "Fiber-optic Cable Splicing",
 - Section 86.02.09G "Fiber-optic Splice Enclosure", and
 - Section 86.02.13D "Fiber-optic Cable Testing". OTDR and power meter tests shall be done after the repair to assure that a light loss is within the maximum allowable loss. This loss shall be determined by comparison of the test results with OTDR test results on file at the County, derived from the most recent test on each fiber. The OTDR test shall be performed on each fiber strand. The power meter test shall be performed only on fibers terminated on both ends. Both tests shall be done at 1,550 nm and 1,310 nm. The Permittee or the Contractor shall record all test results and provide the results to the County for review and acceptance. All testing shall be observed by a representative of the County.

PAVEMENT CUTS, TRENCHING AND POTHOLING

- 25. SAWCUTTING AND TRENCHING:** If the permit allows or requires pavement to be cut for pavement trenching or pavement frontage work, the following will apply:
- a) Unless otherwise directed by the County engineer, frontage work shall include full depth sawing, removing, and replacing the existing pavement surface at a line that is offset a minimum 1 (one) foot along driveway approach, project limits, or frontage improvement.
- b) Sawcut the perimeter of the edge of work before any excavation.
- c) Per County details, provide a "T-cut" for trenches.
- d) Trench plates are to be H-20 load rated, skid resistant, and recessed flush to the existing paved surface. Transitions shall be installed with hot-patched asphalt concrete, or a County approved alternative. Trenches shall be adequately shored to support the bridging and traffic loads.
- e) All Trench plates are to be flush with the surrounding pavement on all four sides – shimming may be required to insure this is the case every day. No more than ¼" maximum tolerance will be allowed. The saw-cutting for all plates is to be specific to each individually numbered plate to avoid any gaps between the plate and recessed sides. All plates are to be individually numbered and in a specific order to ensure each plate is replaced each time in the same place. If two or more plates are placed end-to-end, each plate is to be tack-welded in-place as replaced in the pavement in sequentially numbered order in the specifically saw-cut location to insure there is no movement. No cold mix AC is to be used.
- f) All trenches and excavations, where permitted, shall be backfilled in accordance with Section 19.03 of the County Standard Specifications with structural backfill or sand material, having a sand equivalent of not less than 20, and shall

be jetted and/or compacted to 95% relative compaction in accordance with Sate of California test method #216, by rolling or tamping.

- g) Following backfill, trenches shall have a minimum of one (1) foot of Class 2 aggregate base (per Santa Clara County specifications) placed in the trench and compacted to 95% relative compaction.

26. JACK/BORE, BORE PITS, POTHOLING, AND SOIL BORINGS

- a) Installation of pipes and conduits shall be by boring and jacking or direction bore methods. The permit will specify any permitted exceptions.
- b) Any bore pit in the pavement will need to follow County Standard Detail U3/A.
- c) Restoration for utility potholing and soil borings shall consist of the following:
 - i) Backfilling: All soil borings will be backfilled with neat cement grout to capping level. Grout from bottom to top in a continuous operation; density of grout must be consistent.
 - ii) Capping: Capping is to thickness of existing pavement. Borings in paved areas are to be capped with hot-patch asphalt concrete. Caps will conform to existing finished surfaces.
 - iii) Backfilling and capping will take place before the end of each day's work.

27. PAVEMENT RESTORATION

- a) Applicants will be informed during the permit application process if the project area includes County roads that were recently surface treated or repaved, which may require additional pavement restoration methods than stated in this section.
- b) All vertical asphalt cuts must be tack coated prior to asphalt placement.
- c) Cut-back and/or cold mix will not be allowed as temporary roadway surface backfill in travelled ways unless prior approval is given.
- d) Major roads and expressway pavement restoration consists of Type A Asphalt, ¾" coarse asphalt concrete, placed in lifts of 6", 6" and a 3" final lift (surface course) of ½" medium asphalt concrete.
- e) Rural roads pavement restoration consists of 4" thick hot asphalt concrete, placed and compacted in two, 2" lifts with ½" medium asphalt concrete.
- f) Permittee is responsible for restoring pavement to like or better condition. Pavement cracked/depressed by construction equipment or methods shall be removed and replaced in kind.
- g) Temporary or permanent lane realignment requiring removal of pavement stripes, markings/markers, or other construction activities causing pavement surface damage shall be repaired as indicated in the permit, which may consist of asphalt overlay or microsurfacing. When permit requires ,pavement restoration at the project site must be curb to curb/lane line and microsurfaced:
 - i) Use a Type II slurry mix per County standards, "111-12-09 Microsurfacing, Type II",
 - ii) The microsurfacing mixture shall be of the proper consistency at all times, so as to provide the application rate required by the surface condition. The average single application rate, as measured by the County, shall be 15 lb/SY(+/-1 lb/SY).

28. SITE RESTORATION

- a) Temporary Overlay Markers: Unless otherwise defined in the project specifications or plans, or as otherwise approved by the County inspector, the following applies:
 - i) Provide short-term 4" one-way retro-reflective temporary overlay markers ("TOMs") until temporary or final pavement markings may be placed. TOMs shall be placed in approximate location of original markings to identify original lane separation and stop bars.
 - ii) TOMs shall be placed immediately following asphalt pavement work that eliminates existing striping, and prior to opening of the road for traffic. At no time may intersections from, or to, County roads be without any temporary overlay markers or temporary striping.
 - iii) TOMs must be inspected on a routine basis, including night inspections, and replaced as necessary when they become damaged or removed by traffic, or removed if out of place. TOMs may be used for up to 10 days on asphalt overlays.
- b) Pavement Striping
 - i) County traffic engineers must approve the striping layout prior to final installation.
 - ii) Striping in Expressways and urban roads shall be thermoplastic and replaced per existing striping.
 - iii) Striping in rural roads shall be two-coat paint or as specified in the permit. Painted traffic stripes and painted pavement markings used for Painted delineation must comply with Section 84-2 of the State Standard Specifications. Apply two coats. Coats shall be 6" width.
- c) Curb/Gutter/Sidewalk: Replace in kind material for curb/gutter/sidewalk. Slurry from pavement/curb cutting shall be vacuumed and disposed properly.
- d) If removal of existing fence or wall is required, it shall be replaced in kind.
- e) All landscaping removed or damaged shall be replaced in kind and approved by the County Project Inspector in the field.

MONUMENTS AND ARCHAEOLOGICAL SITES

- 29. MONUMENT IDENTIFICATION ON PLANS:** Any property corner stake, street monument or other permanent survey monument that will be disturbed during construction shall be shown on the plans for the work and referenced, removed and reset by competent persons legally qualified to perform this work.

- 30. PERMANENT MONUMENTS/ MONUMENT PRESERVATION:** In accordance with the California Professional Land Surveyors' Act (Business and Professions Code), Chapter 15 Sections 8771 and 8725.1, California Penal Code 605, and California Government Code 27581, the Utility Company, their employees, subcontractors, and/or any person performing construction activities that will or may disturb an existing roadway/ street monument, corner stake, or any other permanent surveyed monument and/or as shown on the plan sheet shall ensure that a Corner Record and/or Record of Survey are filed with the County Surveyor Office prior to disturbing said monuments. All disturbed or destroyed monuments shall be reset and filed in compliance with Section 8771.
- 31. MONUMENT CORNER RECORDS:** Section 8771 of the Business and Professional Code, and Section 732, 149.5, and 810.5 of the Streets and Highways Code, Rev. 1995, mandates that prior to any reconstruction or relocation of streets or highways, all survey monuments are to be located and referenced to stable objects outside the construction area by or under the direction of a person authorized to practice land surveying. A corner record which shows the reference ties is to be filed in the office of the County Surveyor. After construction, permanent monuments are to be reset and a second corner record shall be filed. The Permittee is responsible for the cost of this work.
- 32. ARCHAEOLOGICAL/HISTORICAL:** Upon discovering or unearthing any burial sites as evidenced by human skeletal remains or artifacts, the person making such discovery shall immediately notify the County Coroner at (408) 793-1900, and the Office of Human Relations at (408) 299-2206. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with provisions of state law and Chapter 2, Division B6 of the County Ordinance Code. Upon discovering any human or non-human artifacts, contact the County inspector.

BMP, MATERIALS AND FACILITIES

33. PROJECT SITE BEST MANAGEMENT PRACTICES

- a) Project Site Best Management Practices (BMPs): BMPs shall be in place during the entire construction window.
- i) No dirt/debris/concrete shall be tracked or washed into storm drains.
 - ii) Any stockpile excavated material shall be covered by a tarp.
 - iii) Sweep daily or as directed by County.
 - iv) Excavated materials shall be disposed off-site properly at an approved site.
- b) All Applicants are required to complete and submit the Project Site BMP form and comply with requirements stated in the form. The Applicant and its contractor must implement best management practices (BMPs) to prevent construction materials, excavated materials, waste materials, and sediment caused by erosion during construction activities, on-site or off-site, from entering the storm drain system and waterways or roads.
- c) The work performed under this Permit is subject to the National Pollutant Discharge Elimination System (NPDES) regulations governed by State and regional water quality control boards. Certain projects may require the Applicant to develop and submit Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the County prior to the start of construction. For additional information, refer to the following website: <https://www.sccgov.org/sites/dpd/Programs/Stormwater/Pages/Stormwater.aspx>
- 34. DRAINAGE:** If the work performed by the Permittee interferes with the established surface drainage pattern ample provision shall be made by the Permittee to provide for said drainage with prior approval in writing from the County before any work is performed. If there are any negative impacts to the established surface drainage patterns the Permittee shall take immediate steps to mitigate the negative impacts and restore the surface drainage patterns existing prior to any work being performed to the County's satisfaction and at no cost to the County.
- 35. SIGNAGE:** Any signs to be constructed in the execution of this Permit are to be approved by the County prior to placement of the signs.
- 36. MATERIAL SUBMITTALS:** Permit will state any requirement for material submittals. Material submittals are required, in accordance with the County's Standard Specifications, Section 86.01.04 "Submittals", for work involving County maintained signals, lighting and electrical systems. Submittals shall be furnished to the County Roads and Airports Department's right-of-way Inspector. Material furnished and/or installed without the Roads and Airports Department's prior approval may be subjected to rejection and/or removal at the Permittees' expense.

PERMIT PERIOD AND CHANGES

- 37. PERMIT PERIOD:** This permit is valid for the period designated in the permit, from the date of issuance. If work has not commenced, and the permittee does not request an extension, the permit will be allowed to expire. If work has commenced and work is not complete by the date of permit expiration, the County will renew the permit (and bill the associated extension fee) in six-month increments, until the work is complete and the permittee requests a final inspection.
- 38. NOTICES:** If construction operations are delayed for any reason beyond the duration stipulated in the notices or phasing of work includes dormant periods greater than 1-month intervals, the permittee shall re-issue written notices.
- 39. PERMIT CHANGES:** Deviations from plans, specifications, and/or the permit conditions, inclusive of County comments provided on said documents, are not allowed without prior approval from the County. Once the permit is issued, Permittee shall contact County inspector assigned to the permit to determine courses of action, which may include approved County inspector field changes, a Permit Rider for minor changes, or a Revision for major changes. Permit Rider and Revisions may necessitate assessment of additional fees.

ACCEPTANCE AND WARRANTIES

- 40. PLANS AND REPORTS:** At the conclusion of the project and prior to project close-out, Permittee will provide the following
- a) Red-line as-builts to the County for County records in the form of scanned electronic documents.
 - b) All compaction reports.
- 41. WARRANTY OF WORK**
- a) For fiber or electrical repairs, the Permittee shall guarantee the repair work for a period of one (1) year from the date of acceptance of the work by the County in accordance with Section 5.17 “Correction of Work and Guarantee” of the County Standard Specifications.
 - b) For pavement work, there is a 5-yr warranty when the project is completed (Reference to County Ordinance NS-7039, Section B17-36.4). County’s Roads Operations Engineering will determine what constitutes failure based on acceptable industry standards. At a minimum, cracks and separation in the microsurfacing, settlement where the trench repairs took place, and damaged pavement edges along the trenches are considered failures.