



**SAN BENITO COUNTY
PUBLIC WORKS DEPARTMENT**

**Certificate of Compliance with California Labor Code
Section 3800 for use with Encroachment Permits**

One of the mandatory conditions for the issuance of any permit from the San Benito County Public Works Department for the construction, alteration, improvement, demolition or repair of any road or structure in the County right of way requires completion of the following certificate of compliance with the California Labor Code Section 3800.

INSTRUCTIONS: Complete either Section 1 or Section 2, as appropriate, and sign the certificate at the bottom of the page.

Section 1 (Check if applicable)

_____ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workman's compensation laws of California.

Section 2 (Check and complete either A, B, or C, THEN check and complete either D or E).

A _____ I certify that I am contracting with a licensed contractor to construct the project, said contractor being: (Name) _____

B _____ I, as owner of the property, certify that I will be employing persons to perform the work for which this permit is issued and am subject to the workman's compensation laws of California.

C _____ I certify that I am licensed under the provisions of the Contractor's License Laws and further that my License Number _____ in Classification _____ is in full force and effect.

D _____ A certificate of consent to self-insure issued by the Director of Industrial Relations, or an exact copy or duplicate thereof certified by the Director is (___ hereby furnished to) (___ on file with) the San Benito County Public Works Department.

E _____ A certificate of workman's compensation insurance issued by an admitted insurer or an exact copy or duplicate thereof certified by the insurer, is (___ hereby furnished to) (___ on file with) the San Benito County Public Works Department.
Company Name: _____

- (1) Policy number: _____ Expiration date: _____
- (2) Indicates San Benito County as certificate holder for the insurer
- (3) States coverage is provided for construction permits in accordance with the California Labor Code Section 3800
- (4) And states that the insurer shall give San Benito County 30 days advance notice of the cancellation of the policy.

WARNING

If, after making the above certification, the applicant should become subject to the workman's compensation provision of the California Labor Code, the applicant shall forthwith comply with the provision of the California Code, Section 3700 and file a certificate with the San Benito County Public Works Department or this permit shall be deemed revoked.

Signature: _____ Date: _____

ENCROACHMENT PERMIT GENERAL PROVISIONS

The Department of Public Works shall receive notice at least forty-eight (48) hours prior to beginning any work within the County right of way. All work performed under this permit shall conform to the rules and regulations pertaining to safety established by the California Division of Industrial Safety and Cal-OSHA.

The job site shall be kept in a safe condition at all times by the daily removal of any excess dirt or debris which might be a hazard to either pedestrian or automobile traffic. All necessary traffic convenience and warning devices and personnel shall be provided, placed and maintained by and at the sole expense of the Permittee in accordance with the latest edition of the CalTrans Manual of Traffic Control.

After completion of the work permitted herein, all debris, lumber, barricades, or any excess material shall be removed and the job site left in a neat professional manner.

It is understood and agreed by the Permittee that the performance of any work under this permit shall constitute an acceptance of all the provisions contained herein and failure on the Permittee's part to comply with any provision will be cause for revocation of this permit. Except as otherwise provided for public agencies and franchise holders, this permit is revocable on five (5) days' notice. No material shall be stacked within eight (8) feet of the edge of the pavement or traveled way unless otherwise provided for herein.

The Permittee agrees by the acceptance of this permit to properly maintain any encroachment structure placed by the Permittee on any part of the County road and to immediately repair any injury to any portion of the roadway which occurs as a result of the maintenance of the encroachment structure, until such time as the Permittee may be relieved of the responsibility of such maintenance of the encroachment structure by the Public Works Department.

The Permittee also agrees by the acceptance of this permit to make, at his own expense, such repairs as may be deemed necessary by the Public Works Administrator or his representative.

It is further agreed by the Permittee that whenever construction, reconstruction, or maintenance work upon the road may require, the installation provided for herein shall, upon request of the Public Works Department, be immediately moved by and at the sole expense of the Permittee.

All backfill material is to be moistened as necessary and thoroughly compacted by mechanical means. If required by the Public Works Administrator, such backfill shall consist of gravel or crushed rock. The Permittee shall maintain the surface over structures placed hereunder as may be necessary to ensure the return of the roadway to a completely stable condition and until relieved of such responsibility by the Public Works Department. Wherever a gravel, crushed rock, or asphalt surface is cut or damaged in the work of placing an encroachment structure, such material shall either be separately stored and replaced in the roadway as nearly as possible to its original

state or shall be replaced in kind, and the roadway shall be left in at least as good a condition as it was before the commencement of operations of placing the encroachment structure.

Whenever necessary to secure permission from abutting property owners, such authority must be secured by the Permittee prior to starting work.

SITE DISCOVERED BY EXCAVATION OR CONSTRUCTION UNDER ENCROACHMENT PERMIT

Presence of Artifacts and/or Human Remains: Any holder of an encroachment permit who, at any time in the preparation for or process of excavating or otherwise disturbing the ground, discovers any human remains of any age, or any significant artifact or other evidence of an archaeological site, shall:

1. Cease and desist from all further excavations and disturbances within 200 feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
2. Arrange for staking completely around the area of discovery by visible stakes no more than 10 feet apart, forming a circle having a radius no less than 100 feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Staking shall not include flags or other devices which may attract vandals.
3. Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Planning Director and the Public Works Administrator shall be notified also.
4. Subject to the legal process, grant all duly authorized representatives of the Coroner, Planning Director, and Public Works Administrator permission to enter onto the property and to take all actions consistent with the County Archaeological Ordinance and consistent with Section 7050.5 of the Health and Safety Code and Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 to Title 3 of the Government Code.

Applicant Signature

Date