

EXHIBIT A



CITY OF WEST HOLLYWOOD

**DEPARTMENT OF TRANSPORTATION
AND PUBLIC WORKS**

**RIGHT-OF-WAY GOALS
AND
REQUIREMENTS**

TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGE NO.</u>
Right of Way Management Goals.....	3
Right of Way Requirements.....	4
Preliminary Project Organization Requirements.....	5
Plan Requirements.....	5
Permit Requirements.....	6
Construction Requirements.....	7
Storm Runoff Requirements.....	8
Job Safety Requirements.....	9
Public Notification Requirements.....	9
Emergency Use of Facilities.....	10
Inspection Requirements.....	10
Criteria for Placement of Above Ground Structures.....	Attachment A

**CITY OF WEST HOLLYWOOD
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS
TELECOMMUNICATION/UTILITY PUBLIC WORKS REQUIREMENTS**

This document is intended to establish management standards for the public right of way to the maximum extent permitted under the City's police powers, except as may be precluded by State or federal law.

RIGHT-OF-WAY MANAGEMENT GOALS

- To ensure the public health, safety and welfare
- To exercise the authority of the City of West Hollywood to manage the public right-of-way as to the manner in which the right of way is accessed.
 - To avoid utility installations in crowded rights-of-way, unless there is no alternative location.
 - To ensure clear pedestrian passageways on public rights-of-way are in compliance with the ADA and streetscape master plans.
 - To minimize utility installations in areas of heavy traffic patterns.
 - To preserve the aesthetic quality of residential neighborhoods and commercial districts.
- To place utilities in areas where there is ease of maintenance, with minimum disruption to vehicular traffic, pedestrian flow and on-street parking.
- To minimize disruption of the right-of-way by coordinating private utility installations with City Projects, Private Land Development Projects, and the City's Pavement Management Program.
- To ensure the structural integrity, public safety, ride quality and aesthetic properties of the existing right-of-way infrastructure, and the surrounding environment.
- To prevent unnecessary financial burden to the taxpayers of City of West Hollywood through management of private facility repairs and excavations in the public right of way.
- To manage the public right of way on a competitively neutral and non-discriminatory basis.
- To ensure compliance with all Municipal, State and Federal Laws, including CEQA, NPDES Permit Requirements, and FCC Emission Standards.
- Promote collaboration and partnership between telecommunications providers and the City to secure public benefits including service expansion and joint trenching of facilities.
- To ensure a uniform level of consistency by which all telecommunications and utility providers must adhere.
- To recover allowable fees for the administration of the public right-of-way.

RIGHT-OF-WAY REQUIREMENTS

Prior to constructing any improvements in the right-of-way a **Utility Encroachment Permit** shall be obtained from the City Engineer in accordance with the procedures and requirements set forth herein.

Emergency Situation shall be defined for purposes of this document as an emergency condition requiring repair of a broken, obstructed or severed pipe, conduit or other facility which is hazardous to life or property. During times when City Hall is closed, the Permittee may respond to an Emergency Situation without issuance of a Utility Encroachment Permit. Follow up construction shall be planned and scheduled in accordance with the procedures and requirements set forth herein.

The following requirements shall be followed in addition to the Standard Requirements for Encroachment Permits identified on the Encroachment Permit Form, the "Standard Specifications for Public Works Construction" (Green Book), and any additional ordinances, agreements, or rules adopted by the City of West Hollywood.

Applicant's failure or refusal to comply with any or all terms and conditions of the permit may result in the following action:

1. Upon demand of City and revocation of the permit, that the Permittee shall remove all improvements completed to date under the permit and restore the street to its pre-existing condition; or
2. Forfeit any or all deposits made in accordance with Municipal Code Section 7.04.110 for work which is subject to the permit. The City reserves the right to stop the work at any time as deemed necessary to insure compliance with permit terms and conditions; or
3. Any other civil or criminal remedies as allowed by law.

The City Engineer has authorization to designate and/or limit the placement of new or additional structures within the public right-of-way. The City Engineer shall strive to the extent possible to accommodate all existing and potential users of the right of way, and shall be guided primarily by:

- Considerations of the public interest;
- The age and condition of the affected portions of the right of way;
- The time of year, but not limited to, holidays;
- The protection of existing facilities in the right of way;
- Future City plans for public improvements and development projects that have been determined to be in the public interest.

The City Engineer has authorization to schedule construction in city right-of-way interfacing with other construction currently underway in the City. The City Engineer has authorization to require phasing of construction projects involving work at multiple locations to reduce the adverse impacts on the public health, safety, and welfare.

PRELIMINARY PROJECT ORGANIZATION REQUIREMENTS

1. The Permittee shall schedule a preliminary meeting with the City Engineer and/or appointed designee and other City staff to review the overall project scope of work, and proposed general concept before proceeding to the permit requirement phase.
2. Permittee may be required at the discretion of the City Engineer to fill out a construction/project review checklist for the proposed project.
3. When feasible, the Permittee shall perform work in cooperation with other utilities, including but not limited to consideration of joint trenching. The City will exercise its best efforts to disclose possible joint trenching opportunities. The burden shall be on the Permittee to research other pending permits. The utility service providers requesting permits shall submit a written statement that describes in detail the attempts put forth to obtain from other utility service providers the right to use excess capacity within existing facilities, in an attempt to avoid the construction of new facilities.

PLAN REQUIREMENTS

1. The Permittee shall be responsible for field checking existing conditions prior to submitting the application for permit plan check.
2. Unless approved otherwise by the City Engineer, the Permittee shall identify locations for placement of above-ground structures in accordance with the criteria in Attachment A.
3. No less than thirty calendar (30) days prior to commencing any work within or upon the public right-of-way in the City of West Hollywood, the Permittee shall provide to the City Engineer construction plans showing the location and details of all facilities proposed to be installed by the Permittee in the City. The plans shall include a list of all affected streets and public rights-of-way, as well as the description of the scope of work to be performed on each affected area of the public right-of-way. The City Engineer has the authority to waive this requirement in the event of emergency situations. The thirty calendar (30) day requirement for advance plan submittal may be waived or modified when determined by the City Engineer the time period would have a significant impact to the Permittee's ability to ensure customer service and contingent upon the City having adequate staffing resources to expedite the plan review.
4. Within thirty (30) calendar days after installation, the Permittee shall submit As-Built plans of any new facilities installed in the public right-of-way.
5. Unless approved otherwise by the City Engineer, the Permittee's plans shall be drawn on a 1:20 scale. Unless otherwise dictated by State law, the plans shall be prepared under the supervision of and stamped by a Civil Engineer Registered to practice in the State of California when determined by the City Engineer to have a significant impact to the public health, safety or welfare.

PERMIT REQUIREMENTS

1. The Permittee shall be responsible for the adherence to the Standard Requirements for Encroachment permits (shown on the reverse side of said permit form).
2. Upon award of the construction contract, the Permittee shall provide the following information to the City Engineer:
 - Name and phone number of the Permittee's Representative who will be responsible for the construction job site during working hours and after hours.
 - Contractor's Name, Address, Phone Number, Emergency Phone Number
 - Contractor's Workers' Compensation Number
 - Contractor's State License Number
 - Contractor's City Business License and/or Franchise Tax Number
 - Certificate of Liability Insurance naming the City of West Hollywood as an additional insured, with the following coverage:

<u>Insurance coverage requirements</u>	<u>Limit Requirements</u>
Comprehensive General Liability	\$1,000,000
Product/Completed Operations Hazard	\$1,000,000
Comprehensive Automobile Liability	\$1,000,000
Contractual General Liability	\$1,000,000

Note: A combined single-limit policy with aggregate limits in the amount of \$2,000,000 will be considered equivalent to the required minimum limits.

3. Prior to issuance of a Permit, the Applicant shall submit a construction schedule showing start and end dates, and project milestones
4. Prior to issuance of the Permit, unless otherwise approved by the City Engineer, the Applicant shall submit cross-sectional details of the proposed excavation and specify the proposed pavement repair method.

CONSTRUCTION REQUIREMENTS

1. The Permittee's working hours shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. The City Engineer has the authority to designate alternative working hours (i.e. nighttime or weekends) to mitigate traffic congestion, noise or other public safety issues. Deviation from designated working hours will not be allowed unless written permission has been duly obtained beforehand from the City Engineer. No work will be authorized on any City holidays.
2. Unless otherwise approved by the City Engineer, a pre-construction meeting with City Engineer and/or appointed City designee shall be required a minimum of ten (10) working days prior to commencement of construction. The Pre-construction meeting will discuss the proposed construction schedule, arrange utility coordination, discuss construction methods, and clarify inspection procedures.
3. Where existing traffic striping, pavement markings, and curb markings are damaged or their reflectivity reduced by the Permittee's operations, such striping or markings shall also be considered as existing improvements and the Permittee shall repaint or replace such improvements to their previous condition.
4. The Permittee shall note the times posted on the City's "No Parking Street Sweeping" signs, and make every effort to provide a curb lane free of construction related obstructions (including parked vehicles and equipment) on each street, each week, during the specified street sweeping hours. In cases where the City street sweeper has passed through the area prior to the end of the specified street sweeping hours, the Permittee may resume construction in the curb lane area.
5. The Permittee shall protect and maintain all existing traffic warning, regulatory, guide signs, street name signs, signals and parking meters. No less than four (4) working days prior to construction, the Permittee shall notify the City Engineer of any signs that will interfere with the completion of its work which cannot be properly protected. The City will remove, relocate, or reinstall signs and parking meter heads at the appropriate times at no expense to the Permittee.
6. The Permittee shall bear the cost of installation by the City of all signs in-place at the start of the construction which are found to be missing or damaged upon the completion of the work under this encroachment permit.
7. Permittee shall accomplish all utility installations in concrete streets, concrete alleys, concrete bus lanes, concrete bus pads or major street crossings by boring, tunneling, or jacking. The City Engineer must approve any deviation.
8. The method of excavation shall be subject to the approval of the City Engineer.

9. The City Engineer shall have the discretion to approve an applicant's deviation from the right-of-way Standards. The applicant must demonstrate to the satisfaction of the City Engineer that such deviation from the standards is in the public interest and is consistent with the right-of-way policy and regulations.
10. Pavement repair methods and trench backfill shall be in accordance with the "Standard Specifications for Public Works Construction" (Green Book).
11. Any utility cut within City streets shall be either perpendicular or parallel to the center of the street. Diagonal cuts will not be allowed.
12. The Permittee shall remove, when requested by the City Engineer, all excavated materials from the site no later than the end of each workday.
13. The Permittee shall be subject to hazardous material guidelines for handling, treating, transporting and disposing of material; worker safety and training; notifications required by law; site remediation; and data collection. The Permittee shall comply with all Law regarding hazardous material. For purposes of this item, hazardous materials shall mean heavy metals, organics, petroleum hydrocarbons, Methyl Butyl Tertiary Ether, asbestos-containing serpentine fibers, and any other substance, waste, or material, which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any Law or authority to pose a present or potential hazard to human health or safety or to the environment. In addition to complying with all laws of the City of West Hollywood, Permittee shall comply with all Law, and shall furnish documentation exhibiting full compliance with FCC Emission Standards.

STORM RUNOFF REQUIREMENTS

1. Storm water/urban runoff discharges to the public storm drainage system shall be prohibited for all discharges not wholly comprised of storm water, or permitted by a valid National Pollution Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. "Storm drain system" includes all roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man made channels, or storm drains. The Permittee shall prevent all non-storm water discharges from the construction site (i.e. mixing and cleaning of construction materials, concrete washout, disposal of paints, adhesives, solvents, and landscape products).
2. Precautions shall be taken to prevent any construction material debris or runoff from entering any City right-of-way or county storm drain. Any saw cut residue must be retained with beams or sand bags and vacuumed to prevent it from entering into any storm drain system.
3. Sandbags are required for erosion control during the rainy season, October 15th through April 15th and may be required at other times.

JOB SAFETY REQUIREMENTS

1. At least seven (7) working days prior to commencement of construction, Permittee shall submit to the Public Works Inspector traffic control and detour plans for all proposed lane closures. These plans shall be prepared in accordance with the latest edition of the "Work Area Traffic Control Handbook" (WATCH Manual). The "WATCH Manual" can be purchased at BNI Books, 3055 Overland Ave., Los Angeles, CA 90034.
2. In all roadway areas and when directed by the City Public Works Inspector, the Permittee shall provide and install steel plates to bridge any excavation in the public right-of-way during non-working hours at the excavation site. Such bridging shall be in accordance with the provisions of the WATCH Manual.
3. The Permittee shall be prohibited from overnight storage of construction vehicles, equipment and material stockpiles within the public right-of-way without prior written approval by the City Public Works Inspector.
4. Proper barricades shall be placed around any construction site within the Public right-of-way. These barricades shall comply with the requirements of the "Work Area Traffic Control Handbook" (WATCH Manual).
5. Any public sidewalk damage to the point of causing a trip hazard during construction that panel of concrete shall be removed immediately and patched with a temporary asphalt patch which must be kept in good repair until the permanent sidewalk is constructed.

PUBLIC NOTIFICATION REQUIREMENTS

1. At least four (4) working days in advance of construction lane closures, all emergency (i.e. Sheriff and Fire Departments), public transportation, garbage collection, and bus service shall be notified by the Permittee in writing of the locations, time and date of closures. In case of a schedule change, these services shall be notified by telephone at least two (2) days in advance of the street closure. A copy of all written notices shall be provided to the City Engineer/City Public Works Inspector prior to distribution for review and approval.
2. The Permittee shall prepare and distribute a notification to businesses and residents of all affected properties at least 48-hours prior to any temporary obstruction of access and street parking. Such notification shall identify potential impacts to the public, including work hours, pedestrian and vehicular access, construction noise, a 24-hour "hotline" phone number for both the applicant's contractor and city must be provided. The text of the notification shall be approved in advance by the City Engineer prior to distribution. Vehicular access to property line shall be maintained, except as required for construction for a reasonable period of time. No overnight closure of any driveway will be allowed, except as approved by the City Engineer/City Public Works Inspector.
3. "TEMPORARY NO PARKING" signs shall be posted at least 72 hours in advance of work. The signs shall be placed no more than 50 feet apart on each side of streets and

parking areas, and at shorter intervals if conditions warrant. The Permittee shall provide the signs and will be responsible for adding the dates and hours of closure to the signs. The Permittee shall also purchase any required signs from the City. Removal of signs and furnishing and placing of barricades, if necessary, for posting of signs shall be provided by the Permittee. All signs shall be removed within 48-hours after the effective date.

EMERGENCY USE OF FACILITIES

1. The Permittee shall assign a management level individual to coordinate with, and assist the City Engineer, in the development of Emergency plans. When an Emergency is declared by the Mayor or Governor, the Permittee shall, without cost to the City:
 - a) Ensure the restoration of City Facilities as a priority;
 - b) Provide priority lines for City Emergency services;
 - c) Assign a contact person to work directly with the City's Emergency Operations Center (EOC) through the duration of the Emergency;
 - d) Ensure that resources active in the field assist the EOC in notification and identification of Emergency problems; and
 - e) Direct employees of the Permittee to render assistance pursuant to the City's Emergency Management Plan upon request from any Emergency personnel or EOC representative.

INSPECTION REQUIREMENTS

1. At least one (1) week prior to commencement of construction, the Permittee shall submit a detailed construction schedule as approved from the Pre-construction meeting with the City Engineer to the City Public Works Inspector.
2. The Permittee shall contact the City Public Works Inspector for a final inspection upon completion of the proposed work. The Permittee shall be responsible for maintaining and protecting the construction area until issuance of a Letter of Acceptance by the City Public Works Inspector.
3. All forms and compaction shall be inspected prior to any concrete being poured or asphalt being placed.

Attachment A

Criteria for Placement of New Above Ground Structures (includes boxes, cabinets, power supplies, meters, etc)

The following criteria shall be used to select sites for placement of above ground structures.

No Structures shall be placed on the roadway surface in alleys with public right of way width less than 20-feet wide.

No structures shall be placed within sidewalk/parkway areas less than 7 feet in width between the property line and curb.

No structures shall be placed within:

- 15 feet of a driveway
- 5 feet of a fire hydrant
- 5 feet of a water meter
- 5 feet of a gas meter
- 10 feet of a street tree

No Structures shall be placed in a parkway strip, which is less than 30 inches in width between the sidewalk and curb.

No Structures shall be placed in a location that may block the view of traffic controls.

The following roadways shall be classified as Commercial Routes:

- Sunset Blvd.
- Santa Monica Blvd.
- La Cienega Blvd.
- Melrose Ave.
- Beverly Blvd.
- Robertson Blvd
- Fairfax Ave
- Crescent Heights Blvd
- La Brea Ave.
- San Vicente Blvd.

On Commercial Routes:

- No Structures shall be placed within six feet of the property line or building façade.
- Structures shall not be placed within 50 feet of another structure.
- No Structures shall be placed perpendicular to an entrance doorway to a property
- A clear pedestrian passageway with a minimum width of 5-1/2 feet shall be provided adjacent to Structures.
- On corner properties efforts shall be made to place Structures on the side with lowest pedestrian volume.

All roadways not classified as Commercial Routes shall be classified as Local Routes

On Local Routes:

- Structures shall not be placed within 50 feet of another structure.
- No Structures shall be placed perpendicular to an entrance doorway to a property
- A clear pedestrian passageway with a minimum width of 4 feet shall be provided adjacent to Structures.

The City Engineer shall have the discretion to approve an applicant's deviation from the criteria. The applicant must demonstrate, to the satisfaction of the City Engineer, that the proposed deviation from the criteria is in the public interest and is consistent with the Right of Way Management Goals.