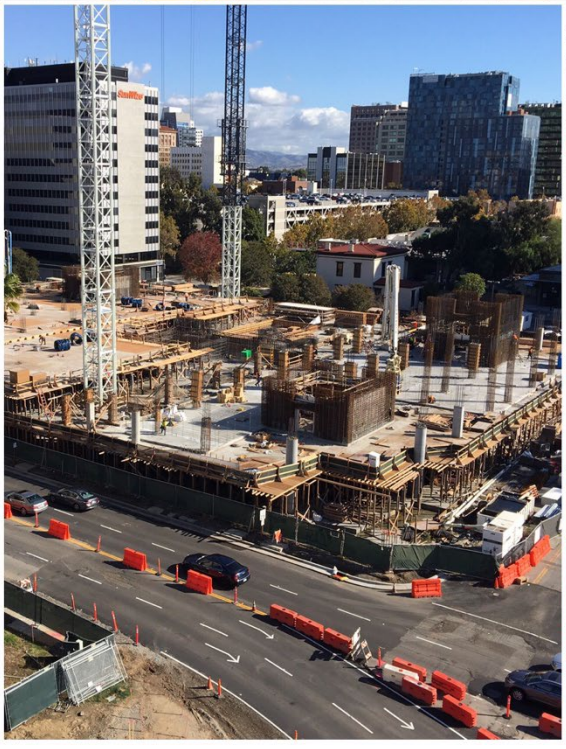
CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Public Works

DOWNTOWN CONSTRUCTION GUIDELINES FOR WORK IN THE PUBLIC RIGHT-OF-WAY



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1.0 Introduction

1.1 Purpose

The purpose of these Downtown Construction Guidelines for Work in the Public Right-of-Way (Downtown Construction Guidelines) is to support the safe and orderly movement of people and goods by providing standards and guidelines related to permits, coordination, and traffic control devices to entities performing work in downtown streets.

The Department of Public Works (DPW) regulates the temporary occupancy of the streets and sidewalks. This applies to projects on private property or within the public right-of-way. Private development, utility, and interagency projects with construction activities in the public right-of-way require a permit from DPW. DPW reviews and approves revocable encroachment permits and traffic control plans governing the safe routing of all modes of transportation (pedestrians, bicycles, buses, and vehicles) through and around construction work zones. This document provides basic principles that govern the design and use of traffic control devices to promote safety and efficiency for the orderly movement of all road users on streets.

The design and use of traffic control devices shall:

- **Prioritize the safety of pedestrians, bicyclists, and micromobility users while providing clear access for transit and vehicles during construction.**
- Conform to the latest California Manual on Uniform Traffic Control Devices (CA MUTCD) as well as other applicable city, state, and federal codes and regulations.

1.2 Downtown Boundary

For the purpose and applicability of these Downtown Construction Guidelines, the downtown boundary consists of the combined boundaries of the General Plan Downtown Growth Area and the Diridon Station Area Plan as shown in Figure 1. The area is generally bounded by Julian Street, North 4th Street, East St. John Street, 7th Street, East San Fernando Street, South 4th Street, Interstate 280, the Union Pacific Railroad line, Auzerais Avenue, Los Gatos Creek, San Carlos Street, VTA Light Rail Transit line, Sunol Street, Park Avenue, Laurel Grove Lane, Diridon Station, White Street, The Alameda, Sunol Street, Julian Street, North Morrison Avenue, Cinnabar Street, Stockton Avenue, Taylor Street, and Coleman Avenue.

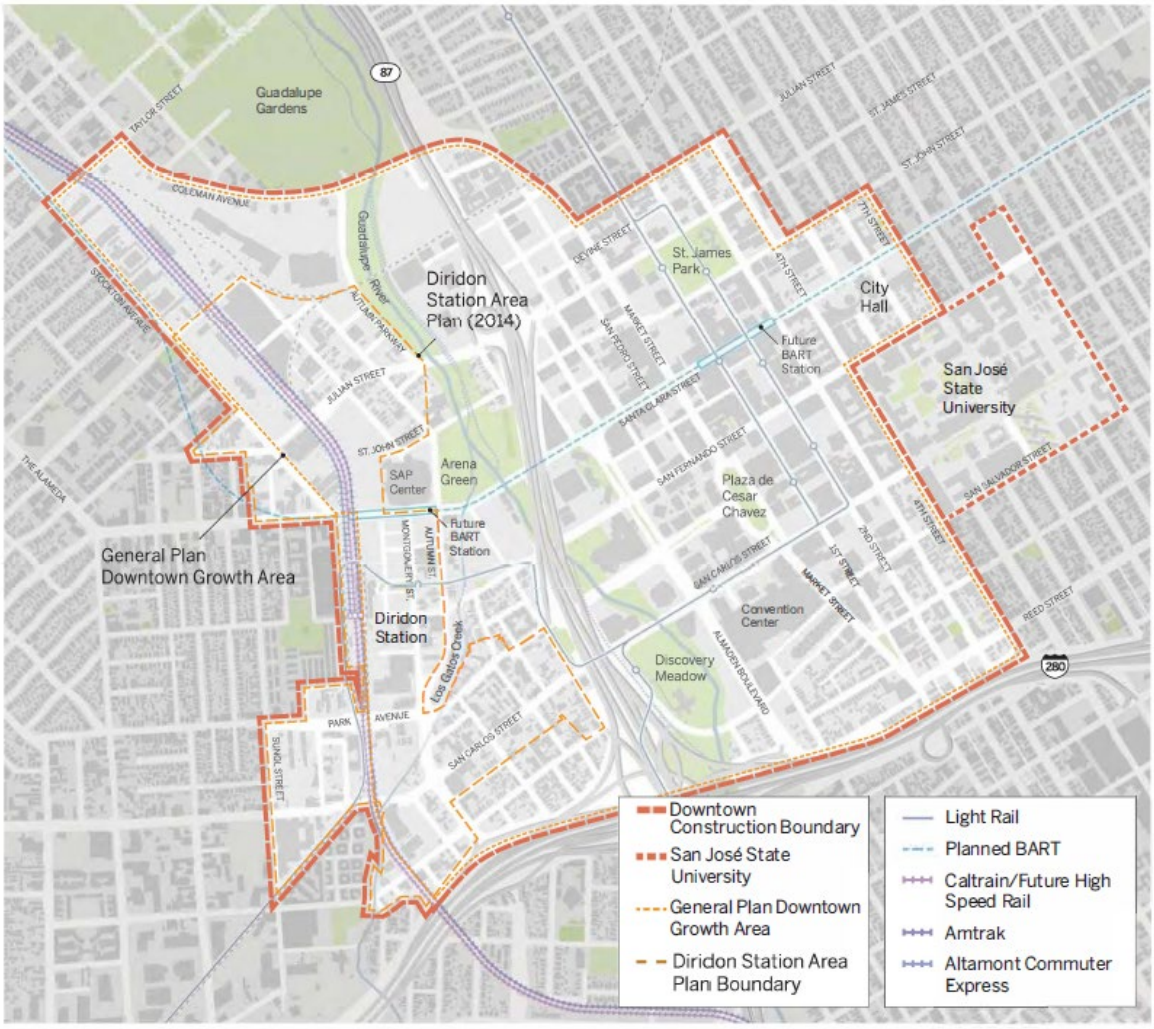

Figure 1: Downtown Boundary Map

2.0 Required Permits

2.1 Permits

The Department of Public Works (DPW) in partnership with the Department of Transportation (DOT) regulates the temporary occupancy of the City of San Jose's public right-of-way. Projects performing construction related activities in public streets or sidewalks require at least one if not several permits as shown in Table 1.

Table 1. Permits by project type

Permit	Project Type					Issued By
	Small Private Development	Large Private Development	Capital Improvement	Utility Company	Interagency	
Public Street Improvement	○	●				DPW
Private Utility (Joint Trench)	○	●		○		DPW
Revocable Encroachment	○	●				DPW
Sewer Lateral	○					DPW
Utility				●		DPW
Interagency					●	DPW
Driveway	○					DPW
Haul Route		●				DOT
Tow Away	○	●	○			DOT
Street Tree	○	●				DOT
Downtown Lane Closure	○	●	○	○	○	DOT
VTA Construction Access	○	○	○	○	○	VTA
VTA Restricted Access	○	○	○	○	○	VTA
Caltrans Encroachment	○	○	○	○	○	Caltrans
UPRR Right-of-Entry	○	○	○	○	○	UPRR
Caltrain Right-of Entry	○	○	○	○	○	Caltrain

● Typically Required ○ May be required

2.2 Department of Public Works (DPW) Permits

a. Public Street Improvement Permit

This permit is required when a private development project proposes construction of public improvements such as construction of sidewalks, curb & gutter, wheelchair ramps, driveways, storm/sanitary sewer laterals and/or mains, sewer manholes, streetlights, traffic signals, roadways, medians, crosswalks, etc.

b. Private Utility Permit (Joint Trench)

In the past, utility companies performed their own trench construction. However, today utility companies sometimes allow private contractors to construct the trench and install the facilities with the utility company inspecting and accepting the work. This permit is for those situations.

c. Revocable Encroachment Permit

This permit is required whenever temporary use of public right-of-way is needed to support private construction work. Typical examples of work include:

- Street/sidewalk closure lasting more than one day (full or partial)
- Covered pedestrian walkways
- Potholing for utilities
- Tie-backs for retaining wall/shoring
- Scaffolding, façade improvements, sign installation
- Construction fence/wall, debris chute
- Crane erection within the public right-of-way (if the crane is too large to be erected on-site). Letters must be submitted to the City of San Jose from adjacent property owners if the crane arm swings over the properties. The letter must state they are aware of the situation.
- Water monitoring and extraction wells
- Monitoring well installation or removal (requires a Well Permit from Valley Water)
- Underground storage tank (requires Hazmat Permit from San Jose Fire Department)
- Soil sampling borings and soil penetration tests
- Installation of privately owned trenches across public right-of-way

d. Sewer Lateral

This permit is required when a resident or business proposes to construct a lateral connection to the storm or sanitary sewer system with no other proposed public improvements. This permit is only for construction of the pipe from the sewer main to the property line (i.e. public right-of-way).

e. Driveway Permit

This permit is required when a homeowner of a single family residence proposes to construct a new driveway, modify an existing driveway, or construct new sidewalk where none exists now. This permit only applies to single family homes. A driveway

permit for any other land use (commercial, industrial, multi-family, etc.) requires Planning Department approval and a Public Street Improvement permit.

f. Utility Permit
This permit is required when a utility company or contractor/agent working ***directly*** for the utility company performs work such as construction/installation of pipes, poles, transformers, conduits, cables, cabinets, underground vaults, etc. This permit is applicable when the utility company serves as both the applicant and the permittee.

g. Interagency Permit
This permit is required when a governmental agency or contractor/agent working ***directly*** for the governmental agency performs the work. This permit is applicable when the governmental agency serves as both the applicant and the permittee.

2.3 Department of Transportation (DOT) Permits

a. Haul Route Permit – A Haul Route Permit application must be reviewed and approved by DOT prior to any hauling. The application form must be submitted along with a map of the highlighted route(s).

Prior to the application request being submitted to DOT, a request letter for the proposed haul routes must be submitted to DPW for initial review and coordination. The proposal should describe the purpose of the haul route (haul-off demolition, excavated soil, import of required materials, etc.). A map of the project site should be shown with all entrances and exit routes, how many trucks per hour, hours requested, and an estimated duration. The map should list all highways, freeways and city streets being utilized. With each route a detailed description must be submitted as to why each route is being used. The Haul Route Permit can be found here: https://www.sanjoseca.gov/your-government/departments-offices/transportation/permits

b. Downtown Lane Closure Form – A Downtown Lane Closure Request Form must be submitted and approved by DOT for all lane closures prior to approval of a revocable encroachment permit.

Lane closure requests affecting parking meters and/or other revenue generating devices may be subject to additional fees. Contact Anh Nguyen (DOT) for additional lane closure information at 408-975-3722 or by email at Anh.H.Nguyen@sanjoseca.gov. Contact the Traffic Management Center (TMC) at Traffic.Signals@sanjoseca.gov for lane closure requests and approvals.

The Lane Closure Request form can be found here: https://www.sanjoseca.gov/your-government/departments-offices/transportation/permits/.

c. **Tow Away Permit –** A Tow-Away permit must be submitted and approved by DOT for all removal of metered and non-metered parking spaces. Tow-Away permits affecting parking meters and/or other revenue generating devices may be subject to additional fees. The Tow-Away permit application and instructions can be found here: https://www.sanjoseca.gov/your-government/departments-offices/transportation/permits/.

d. **Street Tree Permit –** A Street Tree permit is required to plant, prune, or remove street trees. This permit is also required for all construction work or activity that may affect the critical root zone of a street tree. The permit may require planting a replacement tree as stated in the Municipal Code. Permits are issued free of charge by DOT.

   To apply for a tree permit, send an email to treesandsidewalks@sanjoseca.gov, and include your name, email address, property address, and a brief description of your request. Contact the Arborist Office at 408-277-2762 or by email at arborist@sanjoseca.gov for further information.

e. Bike Share – Docking stations for the City's Bay Area Bike Share program (currently branded as "Bay Wheels," with branding subject to change) are located in the public right-of-way. The stations are privately owned and operated through a public-private partnership under contract with the City.

   If the construction site is located near a bike share docking station and the project proposes to close the sidewalk or roadway where the station is located, or if construction will impede user or operator access to the station, then the contractor shall coordinate with the private owner-operator and the City to discuss the station's temporary relocation. The contractor shall pay for any costs to the City or to the bike share owner-operator that arise due to temporary relocation and for relocation back to the original location following construction. Examples of these costs include any necessary encroachment, tow-zone, or other permits from the City; traffic control; and use of a crane or other equipment to move the station.

   Bay Area Bike Share/Bay Wheels is currently owned and operated by Lyft. For coordination, the contractor shall contact the following:

   City of San Jose: Ryan Smith, Bicycle, and Pedestrian Program
   Department of Transportation
   ryan.smith@sanjoseca.gov

   Lyft: Bay Wheels Planning Team
   planning@baywheels.com
   Bay Wheels relocation request form
   https://docs.google.com/forms/d/e/1FAIpQLSftnGX52r635w5Gh-hXh-9CpCFUxNmRW6Ky-SNCS4dVFspSFA/viewform

   The contractor shall allow sufficient time for planning, design, outreach, permitting, and installation to occur.

f. Zipcars – The City has a parking agreement with Zipcars, Inc. for a car sharing program. The location of the on-street parking spaces is subject to change on a temporary or permanent basis at the sole reasonable direction of the Director of DOT upon no less than seven (7) days prior written notice to Zipcar for temporary relocations and fifteen (15) days prior written notice for permanent relocations.

Project-related activities which propose to relocate on-street parking spaces designated for Zipcar vehicles shall be reviewed with the Site Utilization Plan and approved by the City. If approved, the project is responsible for notifying Zipcar, Inc. about the relocation. In addition, the project is also responsible for obtaining a Tow-Away permit from DOT and posting the signs at the parking spaces.
The notices for removal/relocation of parking spaces shall be in writing and personally delivered or mailed by registered or certified United States mail postage prepaid, to the following addresses:

To CITY: City of San José – Department of Transportation
200 E. Santa Clara St., 8th Floor Tower
San Jose, CA 95113
ATTN: Elias Khoury, Parking Administrator

To ZIPCAR: Zipcar, Inc.
191 2nd Street,
San Francisco, CA 94105
ATTN: General Manager

2.4 Valley Transportation Authority (VTA) Permits

a. Construction Access Permit

A Construction Access Permit (CAP) issued by VTA is required prior to starting any surface, underground, or overhead construction work located in the following areas:

- Within VTA properties or facilities
- Within 10 feet of any rail that is part of VTA's Light Rail System, including the Overhead Catenary System
- Within areas which have the potential of affecting VTA property, services, or assets.

Common construction work requiring a CAP may include but are not limited to the following:

- Excavating or trenching through an existing VTA concrete bus stop pad
- Excavating or boring across VTA's Light Rail System, Communication System Ducts, or properties.
- Performing any work over, under or within VTA property or facilities, park and ride lots, light rail, transit centers, bus stops, etc.

The permitting process includes an online application, fees, VTA plan review, and required compliance with VTA insurance and background security check standards. Once a CAP is issued, a VTA construction inspector will be assigned to inspect portions of the project covered by the permit. The CAP application can be found here: https://www.vta.org/business-center/construction-access-permits.

b. Restricted Access Permit

A Restricted Access Permit (RAP) issued by VTA is required when workers or equipment work within or have the potential to work within ten feet (10') of the Light Rail Tracks/System, over/under any Overhead Catenary System, or other VTA rail. A RAP may be required in lieu of or in addition to a CAP. Railway Worker Protection (RWP) training is required. Call (408) 546-7667 for information on how to apply for a RAP.

At-grade Light Rail Transit tracks are located on 1st St. and 2nd St. as well as Woz Way, San Carlos St., San Fernando St., and Delmas Ave. within Downtown San Jose.

2.5 Caltrans Permits

a. Encroachment Permit

An Encroachment Permit issued by Caltrans is required prior to conducting any activity within, under, or over the State highway right-of-way. Within Downtown San Jose, Caltrans right-of-way includes and extends along streets adjacent to State Route 87 and Interstate 280. See Figure 2 for general Caltrans boundaries. The Caltrans Encroachment Permit application can be found here: https://dot.ca.gov/programs/traffic-operations/ep

Caltrans right-of-way maps can be found here: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=04efb9a9f14c4da2aabd9ce36b7dda48.

Figure 2. Exhibit of general boundaries of Caltrans right-of-way

2.6 UPRR and Caltrain Permits

a. UPRR Right-of-Entry Permit

A Right of Entry Permit issued by UPRR is required prior to conducting any activity within the UPRR right-of-way. The Right of Entry application can be found here: https://www.up.com/real_estate/tempuse/index.htm

b. Caltrain Right-of-Entry Permit Agreement

A Right-of-Entry Permit Agreement issued by Caltrain is required during the design/permitting phase to conduct any activity within the Caltrain right-of-way. To apply for a Right-of-Entry Permit Agreement, send an email to development@samtrans.com.

Additionally, contractors are required to complete Roadway Worker Protection (RWP) training. More information can be found here: http://www.caltrain.com/about/doingbusiness/engineering/Third-party_Projects.html

UPRR and Caltrain tracks are located on the west side of Downtown San Jose and run north-south parallel with Sunol St. and Stockton Ave. See Figure 3 for the general alignment of UPRR and Caltrain tracks.

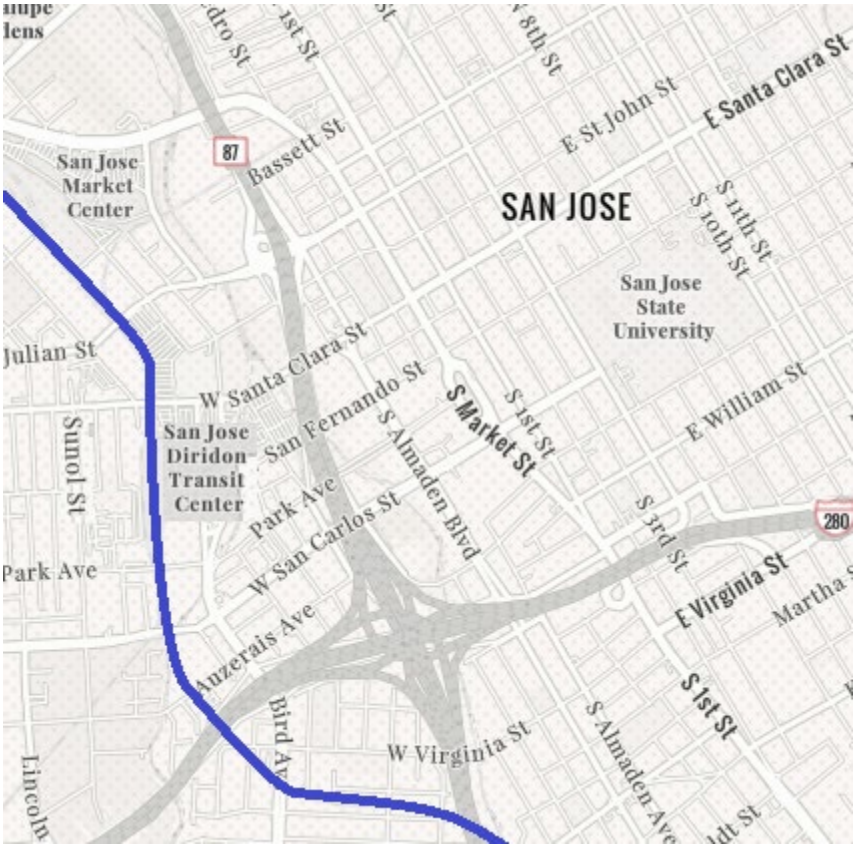

Figure 3. Exhibit of UPRR and Caltrain track alignment

3.0 Coordination and Construction

3.1 Coordination

All entities performing work in downtown streets including capital improvement projects shall coordinate with the City's Downtown Construction Coordinator, Eilbret Zomaya, by phone at (408) 793-5505 or email at Eilbret.Zomaya@sanjoseca.gov as early as possible and well in advance of construction activities.

a. **Outreach and Notifications –** Construction may be disruptive to businesses and residential communities. The Downtown Construction Coordinator, San Jose Downtown Association (SJDA), and Council District 3 work closely as liaisons to help address community issues and concerns.

   Private development and utility construction projects shall provide weekly notifications/emails to the surrounding community describing potential neighborhood impacts including but not limited to roadway closures, crosswalk removal or relocation, parking restrictions, sidewalk closures or detours, noise, special hours of operation, significant construction activities, etc. The notification must also list a contact from construction staff who can be phoned directly or emailed for construction complaints. The Downtown Construction Coordinator, SJDA, and Council District 3 shall be copied on all notifications. Projects with larger impacts to communities and businesses may be required to attend community meetings to present updates as needed.

   Additionally, contractors shall attend a monthly construction coordination meeting at City Hall. Meetings are generally held on the second Wednesday of the month. Please contact the Downtown Construction Coordinator for more information.

b. **Significant Construction Activity/Event –** Contact the Downtown Construction Coordinator in advance of any significant construction activities.

3.2 Pre-Construction

a. **Site Utilization Plans During Planning Permit Phase –** A conceptual Site Utilization Plan shall be provided by the developer during the Planning permit phase of the project for any proposed sidewalk and lane closure to supplement the onsite construction activities for evaluation and discussion. DPW strives to work with developers early in the project schedule to lay out expectations regarding use of the public right-of-way as support for onsite construction. Developers shall address any potential impacts to circulation and access within the public right-of-way due to construction early in the project. The City strives to minimize impacts to pedestrians and bicyclists due to construction activities. Reasonable accommodations such as maintaining minimum sidewalk and bike lane widths or providing diversions along the project frontage for pedestrians and bicyclists are to be implemented by the subject project.

   The site utilization plan shall provide a detailed plan of the location of temporary facilities within the boundary of the construction site. Along with the conceptual site utilization plan, a letter of intent must be provided for review/comment and acceptance by the city. The Letter of intent must provide a description of operations that are proposed within the Public right-of-way and why these operations cannot occur within the construction site. These include the use of the public right-of-way for temporary facilities and activities.

   The site utilization plan shall include conceptual Multi-Phased Site Specific Sketches. These sketches must show the phased closures during the course of construction with an estimated timeframe of when each phase would be implemented. These sketches should include the type and location of the work to be accomplished within the public right-of-way. Furthermore, exhibits should be created to show in detail the vehicular and/or pedestrian diversion routes that specify the appropriate safety equipment used such as barricades, cones, arrow boards, signage, etc. As needed, these exhibits shall also provide cross-sections showing any reduction of lanes (vehicle or bicycle lanes) or sidewalk widths.

b. **Traffic Control Plans** - Traffic Control Plans (TCP) also known as Detour Plans are reviewed and managed by the City Engineer and Inspector and are required for all construction work within the public right-of-way which modify pedestrian, bicycle, transit, and/or vehicular traffic patterns and are necessary to ensure the safe and efficient movement of traffic patterns through construction work zones. Each project site is unique and is subject to external factors such as events, surrounding stakeholders, etc. The Traffic Control Plans shall be designed in accordance with the latest CA MUTCD. Street, travel way, and parking lane closures shall be implemented with a combination of barricades, cones, flaggers, police presence, signage, and any additional requirement of DPW. In addition to motorized vehicles, the TCP should prioritize and provide traffic control for the following road users:

   i. **Pedestrian Control Plans -** A Pedestrian Control Plan shall be submitted with the TCPs for any proposed closures. The pedestrian control plan must highlight the

location of the sidewalk, crosswalks, closures, work zone, method of sidewalk closure (barricades, cones, etc.), method of crosswalk closure/relocation, and signage, and is subject to review by the Director of Public Works. To minimize closure of the sidewalk and crosswalks, a phased pedestrian control plan is required. For projects with multiple frontages, sidewalk closures on all frontages are not allowed.

Pedestrians should be provided with reasonably safe, convenient, and accessible paths that replicate as nearly as practical and most desirable characteristics of the existing sidewalks or footpaths. It is essential to recognize that pedestrians are reluctant to retrace their steps to a prior intersection for a crossing, or to add distance or out-of-the-way travel to a destination. In pedestrian-encouraged zones of the City, such as downtown, closure of the sidewalk is not a preferred course of action. In such circumstances where closures are not recommended, a Pedestrian Corridor Plan should be implemented as part of the TCPs. When sidewalk closures are necessary, an alternative accessible pedestrian path via the adjacent parking lane should be considered.

ii. **Bikes/Scooters/Micromobility –** Contractor shall maintain all existing bike lanes providing access for bikes, scooters, and other micromobility modes. Under state law, e-scooters must be ridden on-street and should be accommodated in the same fashion as bikes. During construction, temporary bike lanes may be delineated by cones but at no time shall the clear width of a bike lane be less than five (5) feet. Any bike lane that is effectively narrowed below five (5) feet is considered a bike lane closure. Closure of existing bike lanes should be avoided wherever possible. However, if bike lanes are to be temporarily closed, an approved Revocable Encroachment Permit is required consistent with the approved Site Utilization Plan. The Revocable Encroachment Permit may require additional bike signs such as "Bicyclists Allowed Use of Full Lane" or "Bicyclists Share the Road" or "Bicycle Route Detour" signs be posted and additional pavement markings placed as part of the conditions of the permit.

c. **Streetlight Removal/Relocation -** If the proposed site utilization plan for a construction site includes removal or relocation of street lights (or other electrical facilities) then the proposal must be reviewed by City staff. Maintaining existing and temporary electrical systems shall conform to the provisions of Section 86-1.05, "Maintaining Existing and Temporary Electrical Systems," of the City Standard Specifications.

Where facilities are to remain open to the public use, existing street lights or approved temporary replacement thereof, shall be kept in effective operation for the benefit of the public during the progress of the work, except when a shutdown is permitted to allow for alterations or final removal of the existing street light. Street lighting systems shutdown shall not interfere with the regular lighting schedule, unless otherwise permitted by DPW.

Working drawing(s) for temporary electrical systems necessary to complete the work and maintain existing streetlights and their function shall be submitted for review. Working drawing(s) shall show all materials, the layout and details necessary to understand the scheme of the drawing(s). Materials shall include poles, conductors, and conduits, pull boxes, luminaires, and any other material needed to build the temporary electrical system.

Temporary electrical systems shall be built per all the requirements for a permanent electrical installation. Materials to be used shall be the same as for the permanent installation and should have been previously reviewed and allowed to be used by DPW. If there are materials to be used that have not been reviewed, material submittals shall be provided for review prior to installation.

The engineer's review of the working drawings of the temporary electrical system shall not relieve the contractor of any responsibility to conform to the City's requirements.

3.3 Construction Standards

a. Hours of Operation and Construction Noise - The following include limitations for construction hours and noise in the downtown area.

i. Lane Closure Hours - All lane closures in the downtown core shall be restricted to 9:00AM-3:30PM Monday thru Friday and 8:00AM-4:30PM Saturday and Sunday. A lane closure request form must be submitted to and approved by DOT.

ii. On-Site Hours of Operation – Unless otherwise allowed by a Planning permit, on-site construction and grading activities shall be limited to the hours of 7:00AM-7:00PM Monday through Friday if construction activity will occur on a site located within 500 feet of a residential unit. This includes the staging of activities and construction personnel. Depending on the conditions of approval of the Planning permit and proximity to residential buildings, interior construction activities that do not generate any audible noise impacts at residential properties may be allowed on Saturday between 9:00AM and 5:00PM.

iii. Lunch Hour – On-site and off-site construction activities resulting in noise levels exceeding the non-construction ambient noise (e.g., jackhammer, pavement or saw cutting, etc.) shall be prohibited within 150 feet of restaurants and cafes during the weekday lunch hour from 11:59AM-1:00PM.

iv. Holiday Construction Moratorium – No Street, lane, sidewalk, or bicycle lane closures are permitted in the downtown area as bounded by Julian Street, 11th Street, Interstate 280, Stockton Avenue, The Alameda, Cahill Street, San Fernando Street, and Delmas Avenue from Thanksgiving Day thru New Year's Day.

b. Signage - Proper signage must be provided in the construction area to inform pedestrians and bicyclists of sidewalk closures, bike lane closures, detours, or delays.

Advanced signage shall be placed to sufficiently notify pedestrians of any midblock sidewalk closures at the beginning of said block.

c. **Barriers** - Where required, traffic barriers shall be used to provide a secure separation from a vehicular zone, project work zone, and pedestrian access. All water barriers shall be black in color. Caution tape shall NOT be used by itself to delineate the path of travel or create a barricade.

d. **Construction Fencing-** A plywood construction security fence shall be installed around a private development project site. Fences shall comply with the requirements stated in Section 4.0 Detailed Construction Requirements.

e. **Covered Walkways -** Covered walkways are recommended to protect pedestrian traffic from debris from the work zone. At minimum, covered walkways shall comply with California Building Code regulations as described in Section 4.0 Detailed Construction Requirements.

f. **Barrier Beautification -** Coordination with the San Jose Downtown Association's (SJDA) Love DTSJ program is required. The program is further discussed in section 4.0 Detailed Construction Requirements.

g. **Graffiti Abatement -** All construction materials shall be maintained free of postings or graffiti, and any such items shall be removed or appropriately covered by the permit holder within 24 hours or the next business day.

3.4 Post-Construction

a. **Inspection –** At least 24 hours prior to completion of construction, the permit holder must notify the DPW designated Inspector, identified on the permit and arrange for inspection of the work by the City. The PW Inspector will create a punch-list of any outstanding items and or sign off on the permit.

b. **Restoration** – Upon completion of the permitted work, including restoration notification to the DPW designated Inspector is required. Restoration may include the repaving of streets, removal of barricades, removal of signs or markings, or obstructions and excavation material and the installation of appropriate vegetation. The permit holder is liable for any damage done in the execution of work within the City street and is responsible for restoring the City street.

4.0 Detailed Construction Requirements

4.1 Closures and Public Safety

Public safety shall be prioritized through and around work zones. Projects proposing construction related activities in the public right-of-way shall prepare traffic control plans (TCP) in conformance with the latest CA MUTCD. The TCP shall be reviewed and approved by the City prior to implementation**. Pedestrians and bicyclists shall be prioritized during the preparation of the TCP and Site Utilization Plans.** Impacts to all users of the public right-of-way should be minimized by limiting closures through implementation of phased TCPs which are consistent with phases of construction.

All private development projects which obstruct the use of streets, lanes, or sidewalks for more than one (1) work day shall obtain a Revocable Encroachment Permit from DPW. The closing of a City street to restrict vehicular, pedestrian, or bicycle traffic will be thoroughly evaluated and will be approved only after a full review of less restrictive options and alterations.

a. Pedestrian Safety

i. Sidewalk and Access Routes

A sidewalk closure is considered any partial or full closure of public access to a sidewalk. Adequate pedestrian access and walkways shall be provided if temporary traffic control (TTC) zones affect pedestrian movement. Pedestrian access around work zones shall be prioritized in the following order:

1. Maintain existing sidewalk access
2. Maintain 5’ minimum clear sidewalk width (i.e. partial closure)
3. Provide sidewalk diversion along project frontage with temporary curb ramps and covered walkways as needed. See Figures 4, 5 and 6 for examples.
4. Provide sidewalk detour

Sidewalk detours are not supported but may be considered on a case-by-case basis. For example, a detour may be allowed for project frontages which span the length of an entire block and where pedestrians can safely cross at street corners using marked crosswalks. Temporary facilities should provide similar features and accessibility as existing walkway facilities when possible, including sidewalk width. Additionally, if the TTC zone affects an accessible and detectable pedestrian facility, the accessibility and detectability shall be maintained along the alternate pedestrian route.

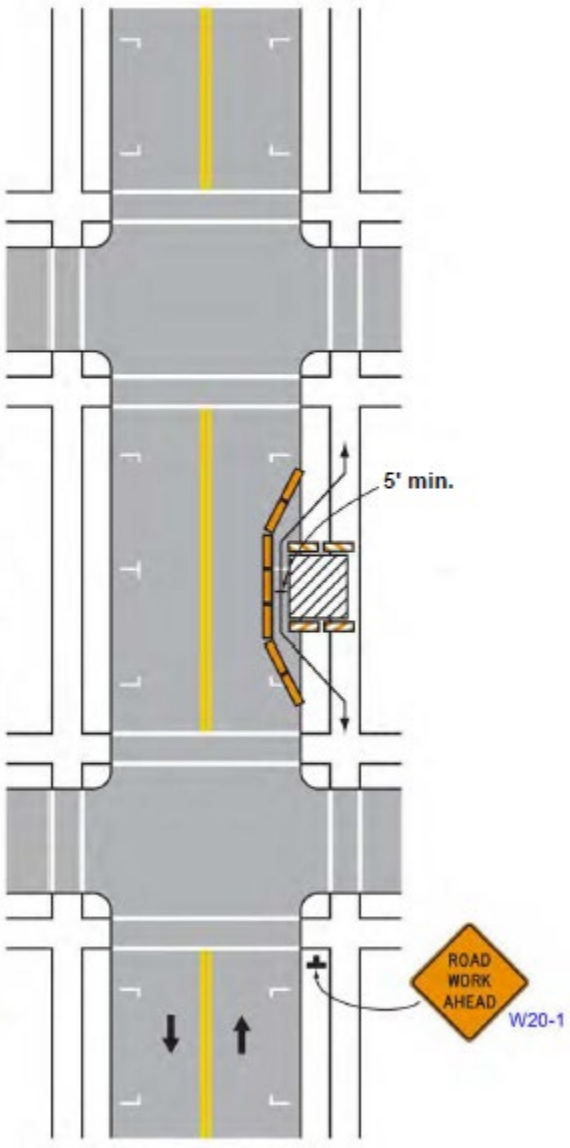

Figure 4. Sidewalk diversion along project frontage

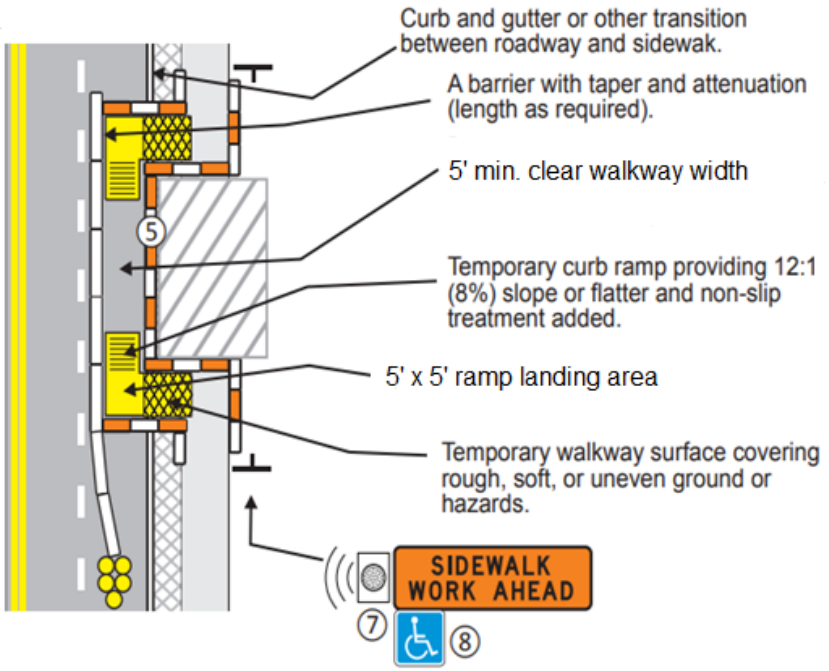

Figure 5. Example of sidewalk diversion with temporary curb ramps

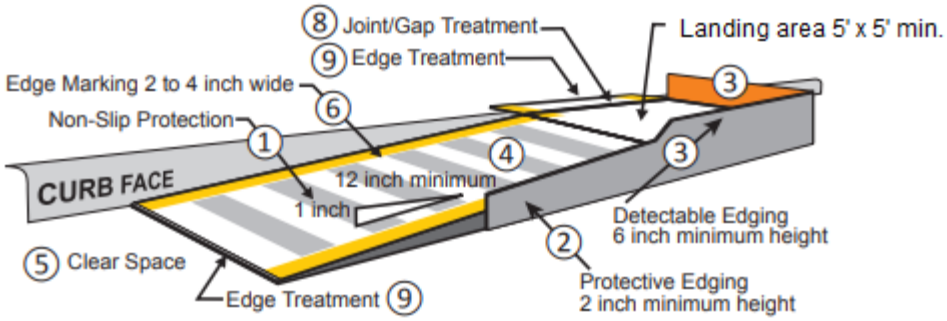

Figure 6. Example of temporary curb ramp parallel to sidewalk

Downtown Sidewalk Standards:

a. Maintain 5' minimum clear sidewalk/walkway width at all times.
b. Pedestrians shall not be led into direct conflict with work site vehicles, equipment, or operations.
c. Pedestrians shall not be led into direct conflicts with mainline traffic moving through or around the work site.
d. Pedestrians shall be provided with a convenient and accessible path that replicates, as nearly as possible, the most desirable characteristics of the existing sidewalk(s) or footpath(s).
e. Maintain access to crosswalks and pedestrian push buttons. If access cannot be maintained, put the pedestrian phase on recall.

f. Mark temporary crosswalks at signalized intersections if they are relocated from their previous location, and provide curb ramps.
g. Include pedestrian phases in temporary signals.
h. Maintain pedestrian signage and provide advance notification of closures.
i. Maintain sidewalk access to bus stops and light rail stations unless otherwise coordinated with the City and VTA. The 5' minimum clear zone shall be maintained through bus stop/station areas.
j. Maintain sidewalk access to businesses.

ii. Crosswalks and Street Crossings

Sidewalk closures or detours that would eliminate pedestrian access to the safest nearby street crossing are strongly discouraged. Where a safer crossing exists, such as a signalized intersection or a crosswalk enhanced with flashing beacons, access to that crossing from all directions shall be maintained. In the event a crosswalk must be closed (or its access restricted), a nearby, convenient, and realistic alternative shall be provided. This alternative must provide a safe crossing that pedestrians can easily access. Signage shall be provided directing pedestrians to the safest street crossing.

In the event that a sidewalk closure is needed, signage shall be provided at closest intersections to alert pedestrians of the sidewalk closure and direct them to the detour. Advance notification to pedestrians of any sidewalk detours or diversions shall be provided at the nearest crosswalk that meets minimum safety requirements on either side of the detour or diversion. The contractor shall verify daily that all signage is in place per the approved TCP and replace damaged and/or missing signs as needed.

iii. Covered Walkways, Barriers, and Railings

The use of covered walkways, barriers, and railings is highly recommended along project frontages to protect pedestrians from construction, remodeling, and demolition activities. At a minimum, they shall be provided as required by Chapter 33 of the California Building Code and as referenced below. As a general guideline, construction of buildings with setbacks of less than five feet (5') from the front property line typically require both barriers and covered walkways. See Table 2 and Figure 7 for additional information.

Table 2. Pedestrian protection requirements per California Building Code

HEIGHT OF CONSTRUCTION	DISTANCE FROM CONSTRUCTION TO LOT LINE	TYPE OF PROTECTION REQUIRED
8 feet or less	Less than 5 feet	Construction Railing
	5 feet of more	None
More than 8 feet	Less than 5 feet	Barrier and covered walkway
	5 feet or more, bit not more than one-fourth the height of construction	Barrier and covered walkway
	5 feet of more, but between one-fourth and one-half the height of construction	Barrier
	5 feet or mor, but exceeding one-half the height of construction	None

Covered Walkway Standards:

a. Maintain five feet (5') minimum clear sidewalk/walkway width
b. Maintain eight feet (8') minimum vertical clearance from walking surface to bottom side of canopy
c. Provide eight feet (8') tall minimum barrier located on the side nearest the construction site
d. Provide wood barriers with artwork (see Section 4.2e for coordination with Love DTSJ) and openings protected by doors which swing inward and are normally kept closed
e. Provide durable walking surface
f. Provide adequate lighting for night time use. Lighting units shall be inspected daily, and burned out or inoperative units shall be replaced or repaired immediately.
g. Provide appropriate way-finding signage directing pedestrians to an accessible route
h. Provide continuous detectable edging and handrails
i. Where the covered walkway is located in the roadway, provide traffic barriers on the vehicular lane side with continuous reflector system
j. Maintain unobstructed view of street intersections as determined by DOT
k. All construction materials shall be maintained free of postings or graffiti of any type. Any such materials shall be removed or appropriately covered by the permit holder within 24 hours or the next business day

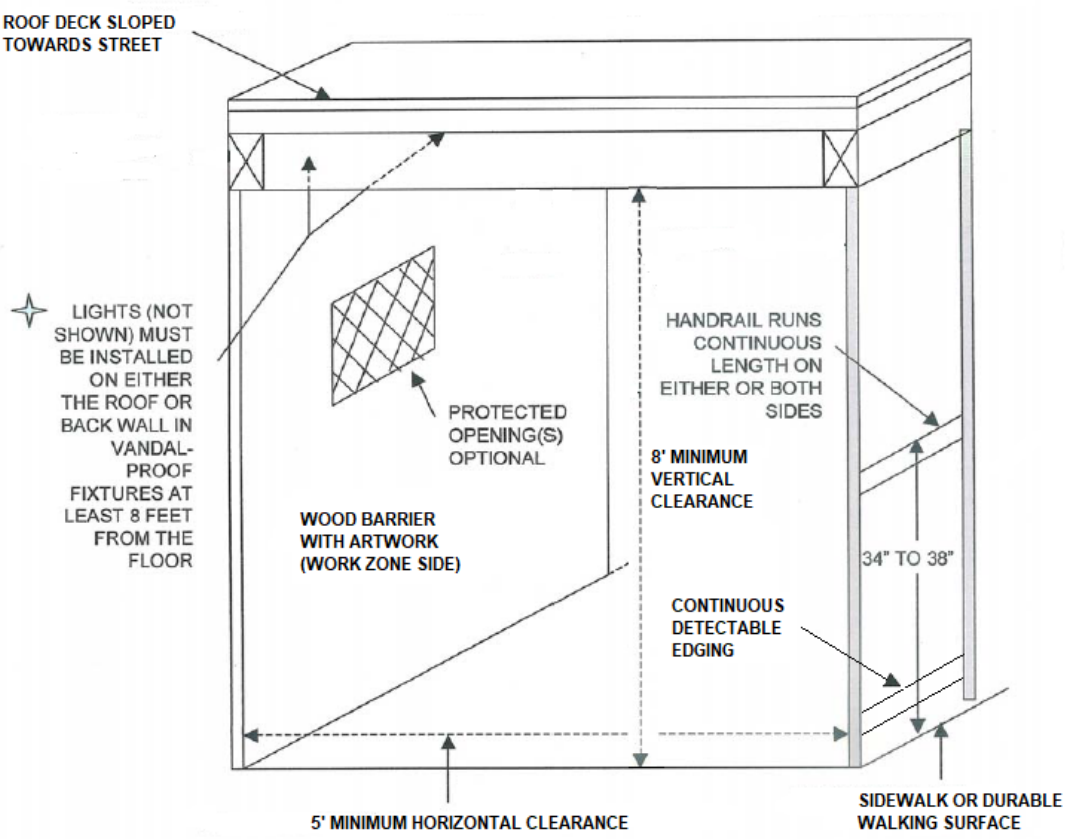

Figure 7. Covered walkway section view

iv. Street and Pedestrian Lighting

Existing street or pedestrian level lights in the right-of-way shall be maintained throughout the duration of construction. If removal or relocation of lights is necessary to accommodate construction activities, then temporary lighting shall be provided. See Section 3 for requirements.

b. Bicyclists

i. Bike Lanes

Construction work in the downtown area may interrupt exclusive bike lanes or bicycle traffic. Contractor shall provide and maintain a safe and adequate means of channelizing bicycle traffic around all work zones throughout the periods of construction when existing bicycle trails, lanes, or routes are designated. Closure of existing bike lanes should be avoided wherever possible. However, if bike lane closures are allowed after review and approval of a Revocable Encroachment Permit, bicycle pavement markings and signs, including "Bicyclists Share the Road" and "Bicycles May Use Full Lane" shall be installed. See Figure 8. When adequate space is not available to provide for the existing bicycle facility, the facility shall be detoured around the construction site per the approved Site Utilization Plan by minimizing out-of-direction travel distance, and being sufficiently signed and directed.

Downtown Bike Lane Standards:

a. Existing bike lanes must remain clear (5' minimum width). Signage, channelizing devices, barriers, and other equipment shall not be placed in bike lanes or in locations that would block bicyclists' path of travel.
b. Closure of existing bike lanes should be avoided wherever possible. Bike lanes shall not be closed for construction activities unless the closure is documented and approved in the Revocable Encroachment Permit and TCPs.
c. Before approving the closure of a bike lane, the following options shall be evaluated:
    i. Narrow vehicle travel lanes (11' minimum for VTA bus routes, 10' minimum for all other travel lanes with 11' preferred);
    ii. Close the adjoining travel lane to automobile traffic on multilane roadways;
    iii. Remove on street parking and loading zones;
    iv. Remove existing bike lane buffer.
d. TCPs shall indicate the physical length and time duration of all bike lane closures or modifications.
e. Where bike lanes must be closed, advance notification and tapers shall be provided with sufficient length to allow bicyclists to merge into the adjoining travel lane in advance of the bike lane closure.
f. TCPs that include bike lane closures shall post construction zone speed limits of 25 mph or less for streets with existing speed limits of 25 mph or greater and 20 mph or less for streets with existing speed limits of less than 25 mph.
g. All bicycle-related signage shall be as permanent as other signage in the construction zone.
h. Roadway striping, temporary bike lanes, and/or sharrows shall be installed only after approval of the TCP and temporary striping by DPW in coordination with DOT.

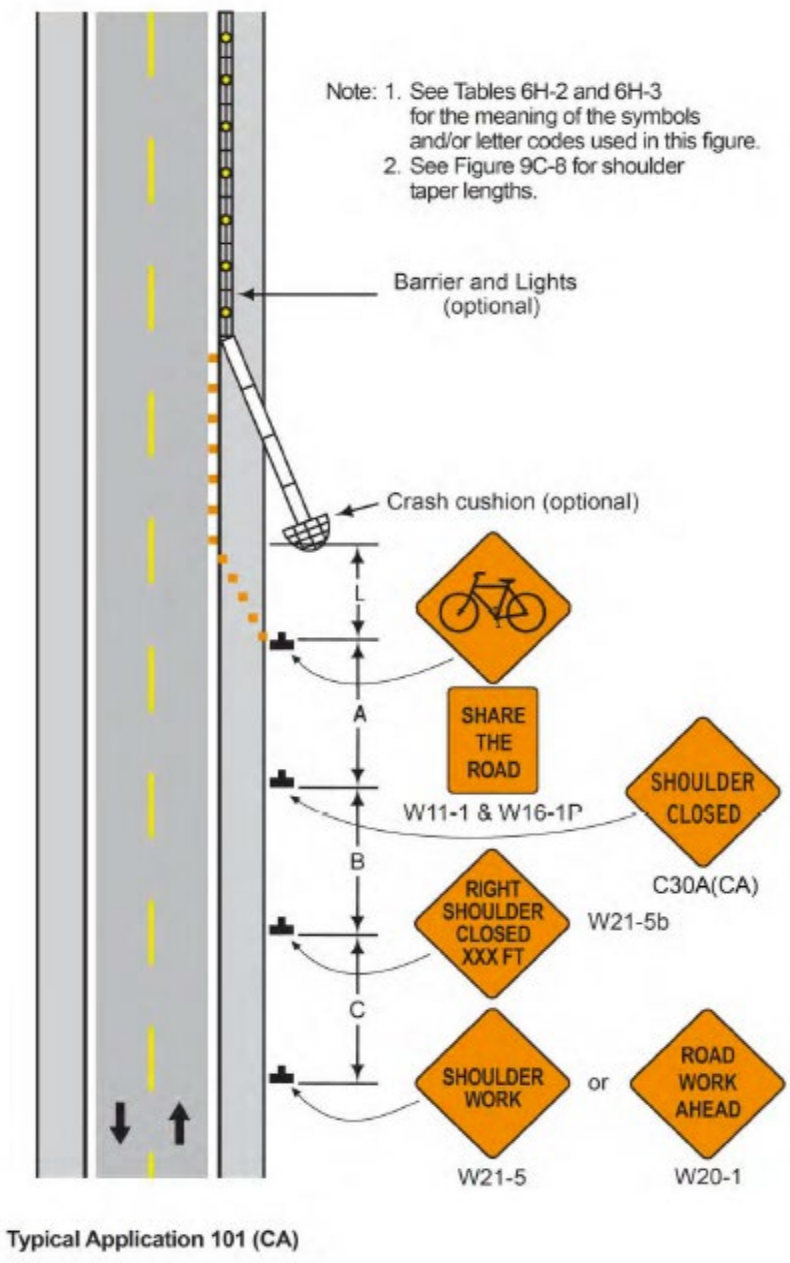

Figure 8. Shoulder closure to accommodate bicyclists per CA MUTCD

c. Motorists

i. Parking and Shoulder Lanes

A parking lane/shoulder closure shall be considered any full or partial closure of roadway between the travel way and sidewalk/bicycle lane. To clear the parking lane of parked cars for any construction work, the Contractor is required to apply for a "Tow-Away Permit" and post "Tow-Away" signs. Existing street parking shall remain in locations unaffected by construction activity. Construction tow-away zones are for construction activities only. No part of the right-of-way will be

permitted to be closed for the purposes of storage of construction material or equipment unless such is not feasible on private property or other facilities in the vicinity of the project.

ii. Streets and Lanes

A street closure shall be considered any impediment of vehicular access to utilize the travel way of a street. A lane closure request form must be approved by DOT prior to any street closures for daily closures. For long-term lane closures a Revocable Encroachment Permit is required.

No street closure will be permitted unless the applicant submits reason for the street closure, stating other alternatives that have been explored. The convenience of construction and cost savings techniques will not outweigh the importance of keeping a street open to all roadway users. The applicant may be required to provide evidence and proof that there are no other viable alternatives to perform the construction project without closure of any of the City street.

Street closure requests for the purpose of building construction and rehabilitation will require an in-depth review by DPW of other feasible construction alternatives and methods prior to the approval of a street closure and issuance of a Revocable Encroachment Permit.

Temporary lane closures will only be approved for the hours of 9AM-3:30PM Monday thru Friday and 8:00AM-4:30PM Saturday and Sunday. Temporary travel lanes through a construction zone shall be a minimum of ten feet (10') unless in a VTA corridor which will require an eleven (11') wide lane. Temporary travel lanes shall be clearly delineated with cones or delineators, temporary striping, markers, and signage, including reduced 25 mph speed limit signage for construction zone in non-25 mph zones. Room for temporary traffic lane(s) may be made available by temporarily prohibiting parking by applying for a Tow-Away permit. Contractor may be asked to provide a separate left (or right) turn lane if there is an existing left (or right) turn lane.

To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time is allowed work on any one block. Each submittal for a lane closure must be coordinated with events at SAP Center, marathons, and other events, along with other construction in the downtown area.

Construction activities within 150' of a signalized intersection shall have police officers present to direct traffic. Additionally, flaggers or police officers shall be present to direct traffic when at grade railroad or LRT tracks are located within the vicinity of temporary traffic control zones which could potentially cause vehicles to stop on the tracks, regardless of presence of automatic warning devices.

4.2 Construction Materials

The Contractor shall provide and maintain all traffic control and safety materials. The Contractor assumes sole and complete responsibility for the job and site conditions during the course of construction, including safety of persons and property.

a. Signage and Striping – Proper signage and striping must be provided in the construction area to inform pedestrians and bicyclists of sidewalk closures, bike lane closures, detours, or delays. If necessary, signage and striping will be placed at established crossings in advance of closure area to direct road users around a work zone. Signage and striping shall be consistent with the approved Site Utilization Plan.

b. Temporary Traffic Barriers – Where required, temporary traffic barriers such as concrete k-rails or reinforced water-filled barriers meeting NCHRP 350 standards shall be used to provide a secure separation from a vehicular zone, project work zone, and pedestrian access. All temporary traffic barriers shall be of light color for increased visibility.

c. Barricades - Construction barricades shall be maintained for as long as necessary and shall be checked for their positon location at the close of each day's activity and more often as necessary. Barricades shall have warning lights in areas where existing street lighting is subpar. Caution tape shall NOT be used by itself to delineate the path of travel or create a barricade.

d. Construction Fencing – A plywood construction security fence shall be installed around a private development project site. Fences shall comply with the following requirements and these requirements shall be detailed on the TCPs submitted for the Revocable Encroachment permit.

1. A six (6) foot high plywood fence with artwork shall be placed around the entire perimeter of the site.
2. The fence shall be placed on or adjacent to the property line unless permitted otherwise.
3. The fence shall be built solid for their entire length, except for openings with solid sliding or in swinging gates as are required for the proper prosecution of the work.
4. A viewing hole (preferably at varying heights) is required to allow the public to view on-site construction activities. Viewing panels shall be 12 x 12 inches in size and shall be blocked with Plexiglas or equivalent non-frangible material.
5. All construction materials shall be maintained free of postings or graffiti of any type. Any such materials shall be removed or appropriately covered by the permit holder within 24 hours or the next business day.

e. **Love DTSJ: Barrier Beautification –** As part of SJDA's Love DTSJ program, this barrier beautification focus aims to reduce graffiti and vandalism on construction barriers and reduce the overall maintenance costs for contractors and developers. Contractors will pay for the cost of creation and installation of artwork, and SJDA will manage the artist/artwork selection and installation process. Dependent on the location of the artwork and products used, SJDA can maintain and remove graffiti from the artwork. Contractors shall contact Lou Jimenez with information on the type of barricade, dimensions of the barricade and type of artwork requested. Lou can be reached at ljimenez@sjdowntown.com or (971) 280-7332. Additionally, SJDA staff may be contacted at https://sjdowntown.com/sjda/.

Figure 9. Example of artwork on barrier

f. **Graffiti Abatement –** All construction materials shall be maintained free of postings or graffiti of any type. Any such materials shall be removed or appropriately covered by the permit holder within 24 hours or the next business day. Failure to remove or cover the material may result in suspension or revocation of the encroachment permit and/or stop work order for the site until the area is brought into compliance.

5.0 Revocable Encroachment Permit Requirements

5.1 Purpose

A Revocable Encroachment Permit is required for any use of the right-of-way in support of construction activities related to the City approved project. Revocable encroachment permits are approved for a 3-month, 6-month, or 1-year period, dependent on the project size and type of construction activities. The revocable encroachment permit shall be tailored to the time frame necessary to perform the specific work activity.

5.2 Requirements

The following items are required for a Revocable Encroachment Permit application. However, additional requirements may be required on a case-by-case basis. For further information on encroachment permits, please visit: https://www.sanjoseca.gov/devresources.

a. **Letter of Intent –** A written description of the type of closure requested, the reason for encroachment, project location, duration of encroachment, anticipated equipment within the public right-of-way, and hours of operation shall be submitted to DPW. An application shall be considered incomplete without a Letter of Intent.

b. **Site Utilization Plan –** The Site Utilization Plan should provide a detailed plan of the location of the temporary facilities within the boundary of the construction site. The Letter of Intent mentioned in Section 3.2.a should provide a description of operations of the site as well as the reasons for the sidewalk/lane closures and why the activities/uses that are proposed within the Public right-of-way cannot occur within the construction site. This includes the use of the right-of-way for temporary facilities and activities such as man lifts, baker tanks, staging area, concrete pumping activities, etc. This would also provide a discussion as to the reasons why a covered pedestrian

walkway will not be provided (ex. Swinging loads over a sidewalk is not safe for a pedestrian).

The Site Utilization Plan shall at minimum include the following elements:

1. All denotations shall be illustrated in a legend on each Site Utilization Plan.
2. Denotation of construction limits by area of work with commencement and completion dates for each.
3. Denotation of limits of construction and required construction fencing.
4. Denotation of required covered pedestrian walkways.
5. Denotation of areas proposed for staging purposes: construction personnel parking, material storage, and construction trailer.
6. Denotation of areas proposed for site access and equipment including but not limited to gates, cranes, scaffolding, trailers, dumpsters, wheel washers, storage, etc.
7. Construction worker ingress/egress, material staging areas, etc.
8. Denotation of temporary exists and path of travel by pedestrian and vehicular traffic.
9. Project location – indicate street name(s) and address(es) if possible. In addition, indicate major cross street(s).

c. Location – Specifically describe the location of work giving the street name(s) and address(es) if possible. In addition, indicate the major cross street(s).

Some project locations may require additional coordination with DOT, Caltrans, VTA, County, State, etc. In such cases, the permit will not be issued until proof of such coordination has been submitted.

Certain areas in Downtown San Jose have enhanced sidewalk treatments, it is important to note the project location and the sidewalk treatments on the site-utilization plan. An example of enhanced sidewalk treatments includes the granite pavers along the Transit Mall, decorative and non-decorative pavers in SoFA district, brick sidewalks on Almaden Boulevard, etc. All enhanced sidewalk and roadways must be returned to existing conditions once construction is completed.

d. Duration – An encroachment permit may be issued to cover multiple scenarios of closures including single day, multiple non-continuous days, or multiple continuous days. Identify the day(s) and hours requested for the encroachment permit.

The single day closure or multiple single day closures may be accommodated for up to a 3-month time frame. Activities with longer durations may be permitted for a 6-month to 1-year time frame.

All work shall take place within the permitted hours of operation. The work zone shall be secured and the right-of-way shall be made available to the public outside of permitted hours.

Prior to the permits expiration date, DPW will reach out to the permittee to verify if a permit extension will be requested from permittee. If an extension is requested, DPW will review the closures and try to open as much of the public right-of-way and limit the closures only to what is needed for construction.

e. **Phased Encroachments –** Contractor may apply for one encroachment permit to cover multiple phases of a project (demo, grading, improvements, etc.). All items mentioned in Section 3 are required for each and every phase. The permit will distinguish when each closure is approved for and the length of each closure. City Inspector will verify that the closures reflect what is implemented in the permit.

f. **Surety** – A security deposit will be held for the duration of the work to guarantee repair and/or replacement of any public improvements damaged during work initiated by this permit. The actual amount will be calculated by staff upon application for the permit. The surety will need to be submitted prior to issuance of the permit.

   The security deposit shall be in the form of a Cashier's check, with no expiration date imprinted on the check and made out to the City of San Jose.

g. **Insurance –** A certificate of insurance must be submitted prior to issuance of a revocable permit. The insurance must meet City Requirements and must be maintained for the duration of the project. To see City requirements for insurance please visit: https://www.sanjoseca.gov/home/showdocument?id=32761.

h. **Fees –** Each revocable permit will require a fee to be paid prior to issuance of permit. The permit fee schedule can be found here: https://www.sanjoseca.gov/home/showdocument?id=33099. The fees can be paid in person on the first floor of City Hall at the Cashier's Counter or over the phone with a credit card at 408-535-3555.

i. **Hours of Operation –** Construction activities performed under a short-term revocable encroachment permit shall strictly adhere to the 9AM-3:00 PM Monday through Friday hours of operation. This includes one day or multiple day permits that temporarily will close the sidewalk or roadway. Construction hours for on-site construction shall adhere to the projects approved Planning permit.

   Construction activities with noise levels exceeding the non-construction ambient noise (e.g.; jackhammer, pavement or saw cutting, etc.) shall be prohibited within 100 feet of restaurants and cafes during the weekday lunch hour from 11:59AM-1:00PM.

j. **Revocation, Suspension, Modification –** Encroachment permits may be revoked by the City upon giving a 5-day written notice to the Permittee by mail, at the address shown in the application. The City may revoke the permit without notice during an emergency or if the Permittee violates any of the conditions or terms.

If permittee fails to remove the permitted encroachment(s) and restore said right-of-way to its previous conditions within said 5-day period, or in an emergency, in a reasonable time, the City at its option may remove the same and restore said right-of-way to its previous condition and permittee shall pay the cost and expense thereof to the City. A permit may be revoked for the following reasons:

- A violation of any conditions of the Encroachment Permit was not abated, corrected, or rectified within the time specified on the notice of violation.
- A violation of any City ordinances or State Laws was not abated, corrected, or rectified within the time specified on the notice of violation; or
- The use as presently conducted creates a nuisance.

Definitions

Sidewalk - A sidewalk shall be considered any designated public path of travel accessible for pedestrian use.

Parking Lane - A parking lane shall be considered any dedicated roadway space for motor vehicles which is typically located between a travel lane and a sidewalk/bike lane. A parking lane may be designated by striped markings on the ground, parking meters, and/or allowable parking signage.

Shoulder - A shoulder shall be considered any remaining roadway between a travel lane and sidewalk. A shoulder shall be considered differentiated from a parking lane by signage or curb markings restricting parking.

Travel Lane - A travel lane shall be considered any designated public travel way for motor vehicles.

Bike Lane - Bike lanes shall be considered any dedicated roadway space for bicyclists which are separated from vehicle travel lanes and parking lanes through the use of signs, pavement striping, and in some cases, vertical separation devices.