

INTRODUCTION

This booklet provides an overview of the encroachment permit process and instructions in filling out the “Standard Encroachment Permit Application” (form TR-0100).

It contains information as to the locations statewide of where you can apply for an encroachment permit. It also describes the information that you will be required to submit to obtain an encroachment permit, and what your responsibilities will be as a permittee.

All additional information regarding the encroachment permit process is provided within the Department’s Encroachment Permits Manual. This manual is available at:

<http://www.dot.ca.gov/trafficops/ep/manual.html>

The California Streets and Highways Code, Sections 660 to 734, grant the authority to the Department to permit improvements and other activities on the State’s highway system rights-of-way by others.

These statutes can be viewed at:

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

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DEPARTMENT OF TRANSPORTATION

Encroachment Permits

The California Department of Transportation (Department) is committed to the protection of the California State Highway System. The safety of the traveling public and of those who perform work within the State's highway right-of-way (State of California property) is the Department's primary concern. The Department cooperates with all public agencies and private parties in promoting the safe use and operation of the State's highway system.

The use of State highways for other than normal transportation purposes **may** require written authorization from the Department, through an encroachment permit. These activities may include but are not limited to: construction of highway frontage improvements by a commercial developer or private land owner, such as sidewalk, curb and gutter, fencing, driveways, new road intersections, drainage facilities and erosion control; commercial filming; special events such as parades, sidewalk festivals, marathons and other community sponsored activities.

Entering onto State highway rights-of-way under these circumstances is defined as an encroachment and will require an encroachment permit.

I. WHAT IS AN ENCROACHMENT?

An "encroachment" is defined in Section 660 of the California Streets and Highways Code as "any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building, or any structure, object of any kind or character not particularly mentioned in the section, or special event, which is in, under, or over any portion of the State highway rights of way. "Special event" means any street festival, sidewalk sale, community-sponsored activity, or community-approved activity."

Anyone that wants to conduct an activity within State highway right-of-way, for example: If you own or buy property adjacent to State property and want to do improvements, whether to put up a fence or install a mailbox, or have an activity that may encroach onto the State's property you may be required to obtain an encroachment permit.

II. WHAT IS AN ENCROACHMENT PERMIT?

An encroachment permit is a contract between the Department and an encroachment permit holder, (permittee), that describes the terms and conditions under which you are granted permissive authority to enter onto State right-of-way to perform the activity.

An encroachment permit grants permission to the permittee or their agent (a contractor) to perform the within the State's right-of-way, and assignment to another party is prohibited.

An encroachment permit is not a property right, such as an easement, nor does it confer a property right. It cannot be transferred with the sale of real personal property. A new property owner must apply for and obtain a new encroachment permit for any activity to be performed, as listed in the example paragraphs below.

"When a private property owner applies for an encroachment permit to build a driveway, the permit is issued for a reasonable amount of time, generally six months, to allow the property owner to construct, or have the driveway constructed by a contractor."

“If the property owner sells the property three years later, the permit is not transferable to the new property owner. The new property owner(s) is required to apply for and obtain their own permit to either reconstruct or maintain the existing driveway.”

III. WHY IS AN ENCROACHMENT PERMIT NEEDED?

Encroachment permits are necessary for the Department to:

- Ensure the safety of the traveling public, highway workers and permittees,
- Protect, maintain, and enhance the quality of the State highway system during and after permitted work,
- Ensure that the proposed encroachment is compatible with the primary uses of the State highway system,
- Protect the State’s and public’s investment in the highway facility, and
- Ensure that temporary uses of State highway right-of-way for special events, filming, etc. are conducted safely and with minimum inconvenience to the traveling public.

IV. WHO CAN APPLY FOR AN ENCROACHMENT PERMIT?

Applicants (or their authorized representatives whose authority is validated by a letter or contract) for an encroachment permit can be individuals, corporations, utility companies, cities, counties, other governmental agencies and contractors when working as an authorized agent for the property owner.

V. ACTIVITIES REQUIRING AN ENCROACHMENT PERMIT.

Some of the activities requiring an Encroachment Permit include:

- Advertising Displays, holiday decorations, banners, or signs.
- Frontage improvements: sidewalk, curb and gutter, mailbox, fencing, driveways, new road intersections, drainage facilities and erosion control.
- Commercial filming.
- Landscaping, planting or modifying vegetation.
- Miscellaneous activities: mowing, grading, excavations.
- Utility installations.
- Special Events: parades, sidewalk festivals, marathons and other community sponsored activities.

To view all of the identified activities requiring an encroachment permit, please view the Encroachment Permits Manual.

VI. COST OF AN ENCROACHMENT PERMIT

Encroachment permit costs may include the actual time that is expended in the process of reviewing the proposed improvement or activity, processing and issuance of the permit, field work performed by the Department and the actual time that will be expended in the inspection of the proposed activity.

The Standard Hourly Rate that is charged for encroachment permits is assessed on a yearly basis. When an encroachment permit application package is submitted to the district permits office, you are required to pay a deposit/fee at that time, unless the permit is exempt from fees. This deposit/fee is only an estimate to start

the permit process. Additional fees may be required prior to your permit being issued, to reimburse actual time expended in the review process and/or additional proposed time to be expended on inspection that your initial deposit/fee did not cover.

VII. THE STANDARD ENCROACHMENT PERMIT APPLICATION

The “Standard Encroachment Permit Application” (form TR-0100), instructions, plan set requirements, “EP Application Checklist” (form TR-0402) and all other related forms can be found at:

<http://www.dot.ca.gov/trafficops/ep/apps.html>

Additional supporting documentation may be required depending on the scope of work such as: construction plans, location map, traffic control plans, letter of authorization, environmental documentation, storm water permit(s), certification of compliance with Americans with Disabilities Act, surety bonds, liability insurance, etc.

It is critical that all spaces on the application **are filled in**. If the space does not apply to you or your proposed activity, then you need to place “N/A” in that space. The more information that you provide better assists us in the review and processing of your submittal.

Once you complete your application package, please submit it to the appropriate District Encroachment Permits Office having jurisdictional authority over the proposed encroachment site. Their contact information can be found at:

[http://www.dot.ca.gov/trafficops/ep/docs/Appendix_G_\(WEB\).pdf](http://www.dot.ca.gov/trafficops/ep/docs/Appendix_G_(WEB).pdf)

A. INFORMATION REQUIRED WITH SUBMITTAL – CONSTRUCTION PROJECTS

The type and scope of the proposed activity will dictate the additional information and/or plans that will be needed with your application submittal.

If your proposed activity requires you to obtain approval from a city, county or other entity, a document indicating their approval (permit, letter, etc.) must be included with your encroachment permit application submittal.

Plan sets (6 folded copies) will be required, including part and/or all of the items listed below:

- ◆ Location and/or Index Map
- ◆ Site plan
- ◆ Grading plan
 - Contour grading plan
 - Profile and super-elevation plan
- ◆ Street improvement plan
 - Striping plan
 - Signal & Lighting plan
 - Traffic control plans with proposed closure date(s) & hours on each sheet. The Departments’ Standard Plans can be used where feasible upon approval from the Permit Engineer (see Standard Plans T-9 – T17)
- ◆ Structural plan and calculations

- ◆ Drainage plan
- ◆ Utility plan
- ◆ Hydrology map and calculations
- ◆ Cross sections
- ◆ Planting and irrigation plans
- ◆ Electrical plans
- ◆ Traffic impact data
- ◆ Contingency plans – dealing with encounters of hazardous waste
- ◆ Storm Water Pollution Control plans
- ◆ Environmental documentation
- ◆ “Certification of Compliance with the Americans with Disabilities Act (ADA)” (form TR-0405)

B. PLAN CONTENT REQUIRED

The Department’s “Plans Preparation Manual” establishes uniform standards and procedures to be used when preparing right of way maps, preliminary exhibits and the development of project plans. It is available at:

<http://www.dot.ca.gov/design/cadd/manuals/ppm.html>

All plans must be in compliance with the provisions of the California Business and Professions Code. (See sections 202.5 and 202.5A of the Encroachment Permits Manual for Registered Engineer's Seal and Signature requirements)

As a minimum, the following information is required on construction plan sets:

- ◆ North Arrow, scale and index
- ◆ Existing pavement
 - Lane lines
 - Shoulders
 - Curbs & gutters
 - Sidewalks
 - Elevations, invert and top
- ◆ Existing and proposed utilities
 - Differentiation between existing and proposed
 - Elevations, invert and top (profile)
 - Clearances
- ◆ Distances
 - Centerline to edge of pavement
 - Centerline to proposed improvement
 - Property lines
 - State highway right-of-way lines
- ◆ Length and size of proposed conduits, pipes or improvements
- ◆ Landscaping
 - Differentiation between existing and proposed
- ◆ Cross sections and profiles of trenches, roadway or other improvements
- ◆ Identification of existing landscaping and irrigation facilities
- ◆ Notes

- General notes
- Construction notes
- Material notes
 - Types
 - Quantities
 - Locations
- Legend
- ◆ Construction details

VIII. POLICIES AND PROCEDURES FOR ENCROACHMENTS AND UTILITIES

Chapter 17 of the Project Development Procedures Manual addresses the policies and procedures for administration of encroachments, as well as the placement and protection of utilities within the State highway right-of-way. There are three sections in this chapter.

- ◆ Section 1, “Encroachments,” presents the Department’s encroachment policies and specific prohibitions to encroachments within the Department’s right-of-way.
- ◆ Section 2, “Utility Policies,” addresses the policies and procedures for ensuring that transportation projects have a clear and safe right-of-way through the proper placement, protection, relocation, abandonment, or removal of utilities.
- ◆ Section 3, “Exception Requests,” covers the requirements for obtaining a policy exception.

The Project Development Procedures Manual is available at:

<http://www.dot.ca.gov/design/manuals/pdpm.html>

IX. PERMITTEE’S RESPONSIBILITIES

The permittee is responsible for maintaining public safety, the integrity of the highway, and protection of other permitted facilities.

The permittee is also responsible for reading and understanding all permit conditions, special provisions and general provisions. Any three (3) violations of permit conditions or provisions within the time of the permit will constitute revocation of your permit.

The permittee is responsible for the filing of the “Notice of Intent and Notice of Completion” with the Regional Water Quality Control Board (RWQCB).

Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work.

DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of stormwater and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department’s Encroachment Permits Manual and encroachment permit. Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution

Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:

<http://www.dot.ca.gov/env/stormwater/>

X. DEPARTMENT'S RESPONSIBILITIES

The Department is responsible for ensuring the permittee maintains public safety and the integrity of the highway system. The Department or any of its representatives may revoke or suspend a permit and order removal of the encroachment for the following reasons:

- ◆ Non-compliance with permit conditions or provisions
- ◆ Unsafe conditions created by the project
- ◆ Incompatibility with highway usage
- ◆ Conflict of interest with a proposed State project

Future highway construction or maintenance may require the removal or relocation of the encroachment entirely at the permittees expense.

Section 671.5 (a) of the California Streets and Highways Code requires that the Department either approves or denies an Encroachment Permit Application submittal within 60 calendar days, upon determination that the submittal is complete. This section grants the Department the authority in what constitutes a completed Encroachment Permit Application submittal.

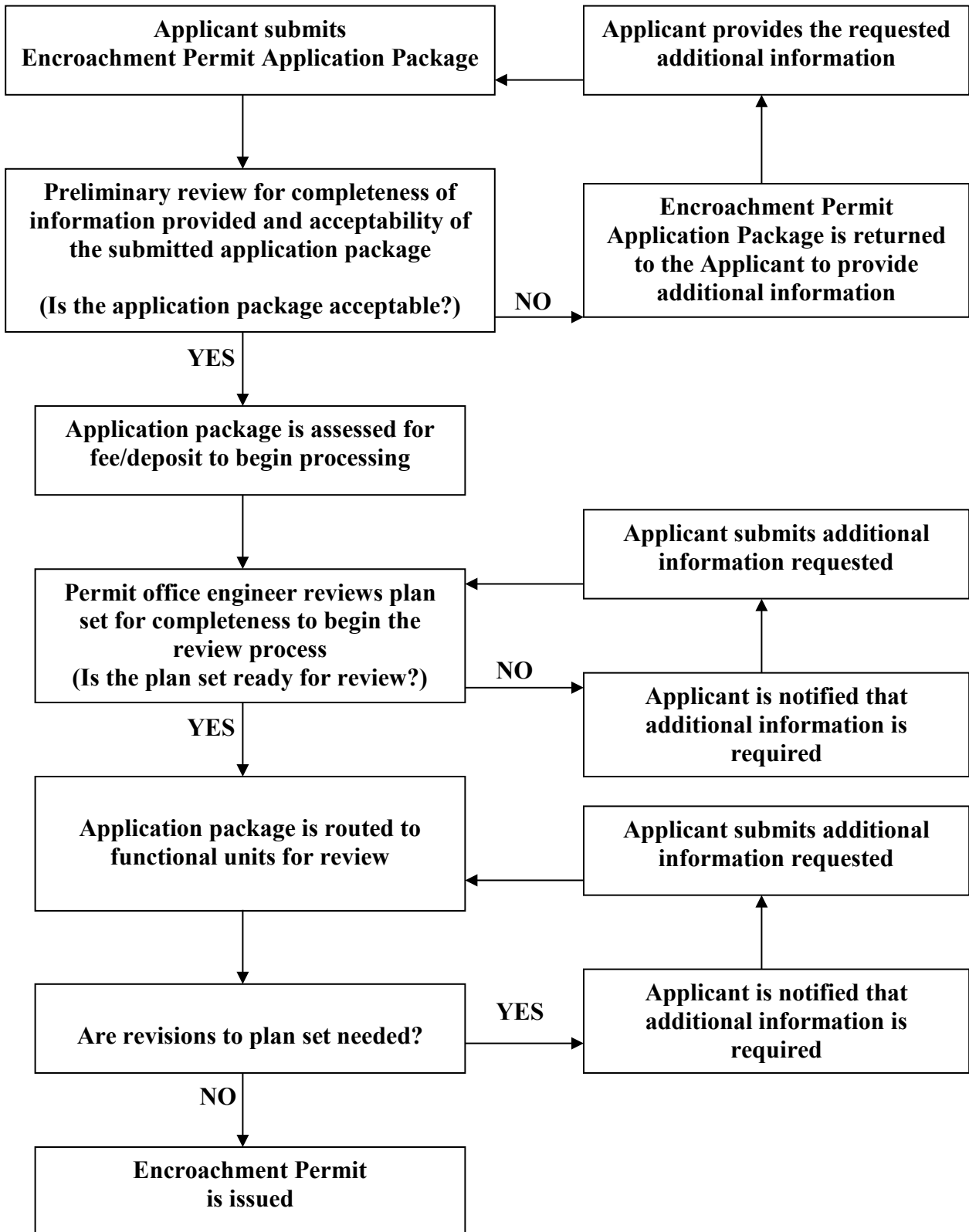
It also stipulates that an Encroachment Permit Application submittal is complete when all other statutory requirements, including (CEQA), have been complied with. The term statutory requirement includes both federal and California statutes. The actual time needed to review and approve your application will depend on the completeness of your submittal, scope, and complexity of the proposed work.

Submitting applications well in advance of the proposed project or special event could avoid costly delays in permit issuance.

XI. RIGHTS OF APPEAL ON A PERMIT DENIAL

The Department has an appeal process in the event an applicant chooses to contest the denial of an encroachment permit. For additional details, please see Chapter 300 of the Encroachment Permits Manual.

ENCROACHMENT PERMIT APPLICATION REVIEW PROCESS





District Encroachment Permit Offices



District 01
 1656 Union Street (95501)
 P. O. Box 3700
 Eureka, CA 95502-3700
 (707) 445-6385
 (707) 445-6317 FAX

D01- Satellite Office
 90 W. Lake Mendocino Dr.
 Ukiah, CA 95482
 (707) 463-4743
 (707) 463-4736 FAX

District 02
 1657 Riverside Drive
 Redding, CA 96001
 (530) 225-3400
 (530) 225-3097 FAX
 D2epermit@dot.ca.gov

District 03
 703 "B" Street
 Marysville, CA 95901
 (530) 741-4403
 (530) 741-4236 FAX

District 04
 111 Grand Avenue, 6th Floor MS 5E
 P. O. Box 23660
 Oakland, CA 94623-0660
 (510) 286-4401
 (510) 286-4712 FAX

District 05
 50 Higuera Street
 San Luis Obispo, CA 93401
 (805) 549-3152
 (805) 549-3062 FAX

District 06
 1352 W. Olive Avenue
 Fresno, CA 93728
 (559) 488-4058
 (559) 445-6510 FAX

District 07
 100 South Main Street, Suite 100
 Los Angeles, CA 90012
 (213) 897-3631
 (213) 897-0420 FAX

District 08
 464 W4th Street MS 619
 San Bernardino, CA 92401-1400
 (909) 383-4526
 (909) 383-4224 FAX

District 09
 500 South Main Street
 Bishop, CA 93514
 (760) 872-0674
 (760) 872-5215 FAX

District 10
 1976 E. Charter Way/MLK Jr Blvd (95205)
 P. O. Box 2048
 Stockton, CA 95201
 (209) 948-7891
 (209) 948-7232 FAX

District 11
 4050 Taylor St MS 110
 San Diego, CA 92110
 (619) 688-6158
 (619) 688-6157 FAX

District 12
 1750 East 4th. Street
 Santa Ana, CA 92705
 (657) 328-6246
 (657) 328-6504 FAX

* Eastern Kern County and Northern San Bernardino County fall under D09's jurisdiction. Please contact the office if you have any questions.