


# Memorandum

To: DISTRICT PERMIT ENGINEERS

Date: December 28, 2021

From: Dwarakeswar Penubolu   
Chief, Office of Encroachment & Outdoor Advertising Permits  
Division of Traffic Operations

Subject: **ASSEMBLY BILL 955 - ENCROACHMENT PERMITS FOR BROADBAND FACILITIES**

Assembly Bill 955 (Quirk) amends Streets & Highways Code Section 671.5 (effective January 1, 2022) by establishing additional procedures to the California Department of Transportation's (Department) current process of reviewing encroachment permit applications for all broadband facilities.

These additional procedures will require the Department to:

- (1) Specify in writing all Broadband Facilities Permit Application criteria.
- (2) Within thirty (30) days after an application for an encroachment permit for a broadband facility is submitted, the Department shall notify the applicant in writing whether the permit application is deemed complete. If the Department does not notify the applicant within that 30-day period that the application is incomplete, the failure to notify shall be deemed to constitute a finding that the permit application is complete.
- (3) If the Department deems a permit application incomplete, the Department shall do all of the following:
  - (A) At the time of notifying the applicant that the application is incomplete, furnish to the applicant a detailed explanation why the application is incomplete, with reference to the specific application criteria that the application does not meet.
  - (B) Identify all supplemental information necessary to complete the application.
  - (C) In a timely manner and no later than fourteen (14) days after a meeting is requested by the applicant, meet with the applicant to discuss any outstanding supplemental information necessary to complete the

application. The Department shall not be required to participate in more than three (3) individual meetings with the applicant and shall not be required to meet in excess of four (4) hours for each permit application.

(D) Provide the applicant with no less than thirty (30) days to resubmit its application with the supplemental information that the Department identified in the notice. The applicant's failure to respond with additional information during that period shall be deemed to constitute a withdrawal of the application.

(4) Within thirty (30) days after receiving supplemental information from an applicant pursuant to paragraph (3), the Department shall approve or deny the application.

### **Implementation:**

All broadband permit requests received effective January 1, 2022, must be processed as follows to comply with these additional procedures:

- District Encroachment Permit Engineers should continue to screen all broadband facility applications for completeness within four (4) business days as currently required, despite the statute now providing for thirty (30) days.
- If the submittal is deemed complete upon screening, the statutory timeline of sixty (60) days still applies for issuing determination (approval or denial) for the permit request. But District Encroachment Permit Engineers should continue to strive for providing determinations within the current performance target of thirty (30) days.
- If the submittal is deemed incomplete upon screening, a rejection notification letter must be issued to the applicant and the letter should provide a detailed explanation on why the application is incomplete, with reference to the specific application criteria that the application does not meet. Applicants must be provided thirty (30) days to address the deficiencies and resubmit complete package.
- If a broadband permit applicant requests a meeting, meet with the applicant within fourteen (14) days from the request date. Applicant can

request up to three (3) meetings and not to exceed four (4) hours in total for the three (3) meetings combined, for each permit application.

- For resubmitted packages addressing deficiencies from the rejection letter, reviews must be completed, and determinations (approval or denial) must be issued within thirty (30) days from the date of receiving the supplemental information and a complete application package.
- All permit requests that are related to broadband facility on the State Highway System must be coded as "BB" irrespective of the size, scope, location, or method of installation.
- All permit processing and the meetings timelines associated with broadband facility related encroachment permit requests must be logged in the Encroachment Permit Management System (EPMS) database.

The Encroachment Permits Manual and other publications will be updated in the next manual revisions (currently anticipated for July 2022) to reflect the above-described additional procedures applicable to broadband permit application requests.

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