

Caltrans Guidance for the Preparation of an Encroachment or Utility Policy Exception Request

(Version 10/13/2023)

Encroachments within the Caltrans right-of-way must comply with current encroachment and utility policies as described in the Project Development Procedures Manual (PDPM), Chapter 17, "Encroachments and Utilities." Whenever an encroachment will not comply with one or more of the PDPM Chapter 17 policies, a written request for a policy exception must be submitted for consideration.

A template has been created in two format styles to facilitate this written exception request:

- Memorandum format – Used for Caltrans projects.
- Letter format – Used for a project sponsored by an external entity, such as a city, county, state, federal agency, utility company, property owner, etc.

The information discussed in this document is intended to provide additional guidance and tips on completing a policy exception request. This guidance is organized into two main sections to provide a general overview of the review and approval process for a policy exception and to provide guidance on the content needed in the exception request template.

SECTION 1 – PROCESS FOR REVIEWING POLICY EXCEPTION REQUESTS

All requests for encroachment and/or utility policy exceptions must be reviewed and considered for approval through the exception process as stated in PDPM Chapter 17, Section 4, "Exception Requests." For detailed information regarding the Caltrans district's submittal and review process, contact the local Caltrans District Encroachment Permits Office, Caltrans oversight engineer, or Caltrans District Design Liaison.

Approval Authority for Encroachment and Utility Policy Exceptions

The Caltrans Headquarters Division of Design (HQ DOD) has delegated to the Caltrans District Directors authority for approval of certain design decisions related to encroachment and utility policies. Caltrans District Directors may have further delegated some of their approval authority to other persons within the Caltrans district. When a Caltrans District Director is authorized to approve PDPM Chapter 17 policy exceptions, the Caltrans District Director or the person with sub-delegated authority will provide the final approval.

For those Caltrans District Directors that do not have authorization to approve PDPM Chapter 17 policy exceptions, the Caltrans HQ DOD will be the approval authority. In these situations, the Caltrans district will provide the first level review of the policy exception request and will submit a memorandum with the Caltrans district's recommendation for approval of the policy exception request to the Chief, Office of Project Support, in Caltrans HQ DOD.

For policy exception requests involving Interstate highway right-of-way, approval by the Federal Highway Administration (FHWA) may also be required. Examples of encroachments that require FHWA review and approval include, but are not limited to, locked gate access,

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non-motorized openings, non-utility encroachments, and grading. See PDPM Chapter 17, Section 2, Article 4, “Federal Highway Administration (FHWA) Approvals” for additional information.

For encroachment and utility policy exception requests submitted through the encroachment permit process, consult the local Caltrans District Encroachment Permits Office for information regarding the Caltrans district-specific review and approval process.

SECTION 2 – TEMPLATE OUTLINE AND GUIDANCE

General Information

- Use Century Gothic 12-point font size and 8.5 x 11 paper size for the text section.
- For exhibits and other attachments, use 8.5 x. 11 or 11 x 17 paper sizes. Ensure that all parts of the exception request document that use one or more electronic formats (i.e., Word, PDF format, etc.) will provide hard copy prints with the above-mentioned paper sizes.
- Address the memorandum or letter template to the appointed Caltrans district representative responsible for receiving the policy exception request document. Consult the local Caltrans District Encroachment Permits Office, Caltrans oversight engineer, or Caltrans District Design Liaison.
- For template sections that do not apply to a project, insert the statement “This section is not applicable to this project.” Do not leave the section blank.

Policy Exception Template Guidance

Request Statement

Provide 1-2 sentences to identify the project owner and briefly describe the work proposed within Caltrans right-of-way that requires an encroachment and/or utility policy exception. This information will help to differentiate one policy exception request document from another request document, especially if there are multiple documents submitted to the Caltrans district from the same agency or company.

Example statements:

- Company A seeks review and approval of this encroachment policy exception request to install a new utility line along State Route X with new maintenance access points.
- Submitted for review and approval is an exception request for Agency B’s sewer main replacement project that will rehabilitate an existing sewer segment in Caltrans right-of-way.

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- XYZ Homes needs a policy exception to construct a new residential development, which requires a new water main that will cross into Caltrans right-of-way to connect to the existing transmission main that runs longitudinally along the opposite side of Route Y.
- An encroachment policy exception is requested for an uncased utility crossing, and a utility policy exception is requested for a depth of cover that is less than 42 inches.

Project Description

Provide a detailed overview of the proposed project, highlighting the work that is proposed within Caltrans right-of-way. At minimum, include the following information:

- Project location using geographic information, including the local jurisdiction (e.g., city, county), route numbers, local roadways, postmiles, and other geographical data relevant to the proposed encroachment.
- Purpose and need of the project.
- Major elements of work to be performed within or immediately adjacent to Caltrans right-of-way.
- Project cost – include the total project cost and the cost of work within Caltrans right-of-way.
- Describe if the installation is part of a roadway project sponsored by Caltrans or another local public agency.

Attach a project location and/or vicinity map showing the location of the project within the area of responsibility for the specific Caltrans district, the alignment of the Caltrans highway, crossroads, frontage roads, ramps, and major geographic features along with the postmile range of the proposed project.

Encroachment and/or Utility Policies Addressed in this Exception Request

List the proposed features and cite the applicable policies from PDPM Chapter 17 for which an encroachment or utility policy exception is requested.

The sample text shown below may be used to list the applicable encroachment policy point(s):

- *Per the Project Development Procedures Manual, Chapter 17, Section X, Article Y, an exception is needed for the following policy points:*
- *Use text from PDPM Chapter 17 for each policy point needing an exception.*

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Ingress, Egress, and Potential Impacts to Highway Operations

Briefly describe the method to access the proposed encroachment within Caltrans right-of-way during construction, including a description of traffic control and/or any proposed access through existing fences or gates, and after construction, including the frequency of monitoring, maintenance, and inspection activities for the proposed feature(s) of the installation. Also discuss any potential impacts to the current or future operation of the highway due to proposed construction, maintenance, or inspection activities.

Discussion topics should include:

- List the existing and proposed maintenance access points. Examples include, but are not limited to, manholes, pullboxes, handholes, cabinets, and utility poles.
- Discuss how often any maintenance access points will need to be accessed for routine maintenance, inspection, or monitoring on an annual basis.
- Discuss if an encroachment permit will be required to enter Caltrans right-of-way to perform future routine maintenance, inspection, or monitoring activities.
- Discuss the type of traffic control that will be used (e.g., shoulder closures, lane closures, etc.) when work will be performed in Caltrans right-of-way.
- Describe what types of vehicles and equipment will be used during routine maintenance, inspection, or monitoring activities.
- Describe if work crews will need to cross through Caltrans right-of-way fences/gates or will be required to access features from the traveled way, shoulders, ramps, structures, etc.

Access Control Modifications

Briefly describe if there will be any temporary and/or permanent modifications to the highway access control or locked gate access requests, including, but not limited to, removal or replacement of existing fences, installation of new gates, temporary construction access openings, and non-motorized openings. Access control modifications within Interstate highway right-of-way require FHWA review and approval.

Also include any proposed crossings through the access control for temporary construction purposes.

For Interstate access-controlled right-of-way, all modifications and locked gate exception requests must follow the guidelines in PDPM Chapter 17 and/or Chapter 27 and must be approved by FHWA.

Preferred Design Option Requiring the Exception

For the preferred design option that requires an encroachment or utility policy exception, fully describe the feature and its location within Caltrans right-of-way. Provide complete,

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compelling, and objective justification with backup information and calculations, as the situation warrants. Refer to PDPM Chapter 17, Section 4, Article 1, "Request for an Encroachment Policy" and "Request for a Utility Policy Exception" for additional information.

If the project will not comply with the utility policies described in PDPM Chapter 17, Section 3, ensure the policy is listed in the section titled "Encroachment and/or Utility Policies Addressed in this Exception Request" and provide justifications in this section for requesting a utility policy exception.

At minimum, discussion topics should include:

- The encroachment will not violate any requirements in Chapter 17, Section 2, Article 2, "Encroachments Prohibited on All State Highways."
- The encroachment will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.
- The encroachment will not interfere with or impair the present use or future expansion of the Caltrans right-of-way.
- All design elements that do not comply with the Highway Design Manual or other applicable design guidance manuals and with the approval date for the project's Design Standard Decision Document (DSDD), when applicable.
- A description of any proposed mitigation and/or safety measures to be implemented as part of the encroachment or utility installation that will enhance the safety of the traveling public and highway workers and will maintain the current use, service life, and operation of the Caltrans highway.
- Potential impacts to the project if the policy exception request is not approved.
- Other relevant information that would help justify the preferred design option of the encroachment that is not discussed elsewhere in the document.

List and describe any approved agreements, such as maintenance agreements, joint use agreements, or consent to common use agreements, and provide copies of the documents as attachments.

If the project will modify an existing encroachment, briefly describe the previously approved encroachment permit(s) and/or lease agreements within Caltrans right-of-way.

Design Options Considered to Comply with Encroachment and Utility Policies

Discuss how alternate locations and/or design options may not be viable or cannot be implemented at a reasonable cost and in a manner that is beneficial to the safety, durability, and economy of Caltrans operations and maintenance.

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At minimum, the discussion topics should include:

1. A design option that complies with all encroachment policies and/or relocates the feature outside of the Caltrans right-of-way, such as the consideration of a different alignment or location.
2. A "no build" option that maintains the current condition of the Caltrans right-of-way.
3. Reasons why these alternate design options are not viable and/or do not meet the project's purpose and need.
4. The cost estimates for implementing the alternate design options listed in this section.

Existing Utilities and Utility Conflict Resolution

List each utility owner and their respective facilities that are located within the work area of the proposed encroachment. Show the location of the utility line and/or features within the project area on a plan sheet and/or as a separate exhibit and include as an attachment.

Describe the design options or mitigations that were added to the project to resolve conflicts with any of these existing utility facilities.

Cost, Benefit, and Impacts to the State Highway System

Include a detailed discussion of costs, benefits, and impacts to Caltrans if the request for the policy exception is granted. This section should focus on how the encroachment will affect Caltrans and if there will be a benefit or other compensation received.

Examples of benefits include, but are not limited to:

- Improved sight distance, such as stopping or corner sight distance.
- Improved drainage.
- Increased clear recovery zone and/or removal or shielding of an existing fixed object.
- Reduced maintenance frequency and/or area.
- Upgrade of an existing nonstandard feature to comply with the Highway Design Manual or to achieve an incremental improvement.

Discuss whether Caltrans will have a share in the project cost or in the cost to install the proposed feature.

- Discuss the benefits for the Caltrans State Highway System
- Discuss the consequences if the request is denied.

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This section is recommended to be completed in consultation with the Caltrans District Divisions of Design, Right of Way, Maintenance, and Operations as well as the appropriate Structural unit whenever a structure is involved.

Environmental Determination/Documentation

The final environmental determination must be completed before an encroachment policy exception request can be considered for approval. Provide a brief description of the environmental determination for the preferred design option. Provide names and approval dates of all California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) environmental determinations.

For non-highway projects within any federal-aid highway right-of-way, including Interstate highways, a NEPA determination that is provided by the Caltrans District Environmental Division is required, and a copy shall be attached to the request document.

For highway projects within Interstate highway right-of-way, the project's NEPA determination shall be attached to the exception request.

Structure Involvement and Concurrence

When new structures are proposed or when existing structures may be affected by the proposed encroachment or by construction activities, a review and concurrence signature from one of the Structural units mentioned below is required. Initiation of this review should be discussed with the Caltrans District Encroachment Permits Office or appointed Caltrans District representative.

A concurrence signature from one of the groups listed below must be obtained prior to approval consideration. Any concurrence documentation may be included as an attachment.

- Existing structures – Caltrans Structure Maintenance and Investigations, Division of Maintenance.
- New structures – Caltrans Bridge Design or Special Funded Projects, Division of Engineering Services.

Attachments

All attachments shall be clearly labeled and referenced in the text.

Use sheet sizes of 8.5" x 11" or 11" X 17". This requirement is needed for future prints of the document contents, if needed, so that the sheets will capture the entire image without resizing.

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At a minimum, all exception requests should include the following attachments:

1. Project location map and/or project vicinity map.
2. Proposed typical cross sections, layouts, profiles, and construction details related to the encroachment showing all existing features/utilities within the project limits.
3. Drawings and/or other supporting documentation for other design options that were considered but rejected.

The following attachments should be included when applicable:

- A Caltrans NEPA determination for encroachments located on all federal-aid highways, including Interstates.
- Agreements (e.g., freeway maintenance agreements, easements, joint use agreements, consent to common use agreements, etc.)
- Other attachments related to the exception. Coordinate with the appropriate district representative, when needed.

Attachments should clearly show the location, limits, and nature of the proposed encroachment and should include the limits of the Caltrans right-of-way, the existing highway and existing highway features, including, but not limited to, drainage systems, fencing, access gates, existing utility lines and associated maintenance access points, limits of side slopes, environmental constraints, or other roadway features that may affect the scope of work.

For features adjacent to or on an existing structure, provide a cross section or construction detail showing the proposed feature or construction staging in relation to the structure's foundation and/or above-ground structural feature. Additional documentation may be required by the Caltrans Office of Structures Maintenance and Investigation or Division of Engineering Services.