Chapter 200 – Processing Permits

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Chapter 200
Processing Permits

This chapter describes the requirements and procedures for processing an Encroachment Permit Application Package (EPAP) which includes the “Standard Encroachment Permit Application” (form TR-0100), appropriate checklist(s), associated forms, plans, supporting documentation and applicable fees.

201 APPLICATION PROCEDURE (Rev 04/19)

Applicants (or their authorized representatives whose authority is validated by a letter or contract) must submit their EPAP to the appropriate District Encroachment Permits Office having jurisdictional authority over the proposed encroachment site for processing.

When Caltrans necessitates relocation of an existing utility, the District’s Division of Right of Way initiates the Notice to Owner process described in section 601.

201.1 Application Forms and Documents (Rev 04/19)
The “Standard Encroachment Permit Application” (form TR-0100), instructions, plan set requirements, sample application checklists and 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 plans, location map, letter of authorization, environmental documentation, storm water permit(s), certification of compliance with the Americans with Disabilities Act, surety bonds, liability insurance, etc.

Applications for filming, salvage operations, litter pickup, installation and removal of tire chains, and roadside maintenance within State highway right-of-way are addressed in specific sections of Chapters 500 and 600. The applications and forms for these types of permits vary from the Standard Encroachment Permit forms.

201.2 Permit Application Fee
In accordance with Section 671.1 of the California Streets and Highways Code, Caltrans has established a Fee Schedule (form TR-0166, see Appendix H) and charges a fee for the issuance of encroachment permits, except to public corporations (see Section 201.2A).

Checks for payment of permit fees or deposits shall be made payable to “California Department of Transportation”. The District Encroachment Permits Office shall remit all payments (coin, currency, checks, warrants) to the District Cashier’s Office by the next business day for deposit into the appropriate State bank account per the current “Accounting Bulletin on Cash Handling.
Policy” and must log all payments on the “Encroachment Permit Log” (form TR-0111) (see Section 201.2C).

1. Utility Permits

Utility companies have been granted deferred billing and receive Progress Billing statements from the HQ Division of Accounting on a monthly or quarterly basis when supported by a “Progress Billing/Permit Closure” (form TR-0129). Accounting will not issue Progress Billing invoices to utility companies unless Accounting receives a form TR-0129 from the District Encroachment Permits Office. All staff shall maintain records of their time expended on “Encroachment Permit Report (Diary)” (form TR-0130) for each permit, to assist the District Encroachment Permits Office in maintaining accurate records of all time expended on permits.

A “Progress Billing/Permit Closure” (form TR-0129) is used to record all inspection costs and to close out a permit file. It must be signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable. It is then submitted to the HQ Division of Accounting for billing purposes.

2. Annual / Biennial Permits

These permits are issued on a yearly or two-year basis for conventional highways. Fees for Annual / Biennial Permits are charged a minimum of two hours of review to recover the time expended in the office for processing and administration. This privilege allows public corporations, utility companies, and in some cases private corporations (ex: survey permits) the feasibility of performing everyday routine tasks and installations (service installations, etc.) without having to apply continuously for a permit. This privilege is revocable at any time by Caltrans.

201.2A Fee Exempt Encroachment Permits

The “Encroachment Permit Fee Schedule” (form TR-0166, see Appendix H) shows how fees are assessed for the different types of permits and those permits which are fee exempt. Contractors are to pay a fee under a Double Permit (DP) when working for a fee exempt agency (public corporation). An exception to this policy occurs when the project is subsidized with State and/or Federal Highway funds (see Administratively Exempt Permits below). Fee exemption categories are as follows:

1. Statutorily Fee Exempt Encroachment Permits

Public corporations are statutorily exempt from encroachment permit fees (Streets and Highways Code, section 671.1.). However, contractors working for public corporations are not exempt from fees (see Section 501.14). Caltrans’ expenses for inspection costs are recovered by charging fees to the contractor. Public corporations created for governmental purposes where the whole interest belongs to the government may be billed
directly for inspection costs (as opposed to billing the contractor through the Double Permit) upon the public corporation’s request or when authorized by a cooperative agreement.

A private corporation is organized for private purposes and/or for profit.

Examples of public corporations are listed as follows:

- Federal and State Government
- Counties
- Incorporated cities and towns
- All municipal corporations, including:
  - Community Service districts
  - Road improvement districts
  - Irrigation districts
  - Reclamation districts
  - Utility districts
  - County water districts
  - Incorporated school districts
  - Sanitation and lighting districts
  - Special district libraries
- Agricultural associations

2. **Administratively Fee Exempt Encroachment Permits**

Some encroachment permit fees are waived by Caltrans’ policy. These permits are referred to as administratively exempt. Headquarters approval shall be obtained for administratively exempt permits other than those listed below. Authority to waive fees is delegated to the Districts under the following types of administratively exempt permits and activities:

- Adopt-A-Highway Program
- Airspace rental (AS permits)
- Borrow or disposal areas used by a State contractor with approval in their contract to borrow or dispose within State Highway right–of-way outside of contract limits
- Crop identification signs installed through the California Farm Bureau Federation’s Crop Identification Program
- Double Permits (DP) issued for projects subsidized with any State and/or Federal Highway Funds
- Oversight projects (Project Manager will manage fees through cooperative agreement)
- Double Permit (DP) for utility tree trimming
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- Entities with prior property rights providing for the encroachment (e.g. railroads)
- Environmental Enhancement projects
- Flags of the United States and the State of California displayed on sidewalks
- Landscape Maintenance (LM Permits)
- Locally funded project identification signs
- Mail and newspaper delivery boxes or newspaper vending machines (MB Permits)
- Permits for utility ownership that are installed by developers
- Memorial/Historical plaques and Blue Star memorial highway markers authorized by legislative resolution, at approved location sites
- Native American Tribal Developments or activities (associated with reservations or Rancherias)
- Projects authorized by a “Consent Letter” (Appendix D)
- Railroad crossing maintenance (RX Permits)
- Required construction signs outside State or locally funded contract project limits
- State ordered utility relocation covered by a Notice to Owner issued by District Right of Way (UR Permits)
- Transportation Art Program permits (AP permits)
- Caltrans initiated rider (RD Permits)
- Municipal Parades by community-based nonprofit organizations (see Section 514.1, Special Events) commemorating recognized governmental holidays (e.g., Federal, State, and Local). Any other parade or special event by a nonprofit organization shall require permit fees. With City/County support for this type of special event, the District Permit Engineer may issue a permit. Approval of the parade shall be as described in Section 514.1.

201.2B Fee Calculations
Encroachment permit fees are calculated in the “Encroachment Permit Fee Calculation Sheet” (form TR-0406). The total encroachment permit fee is derived from the following components:

1. Review and Inspection Fee
2. Hourly Rate
3. Field Work Fee
4. Bridge Tolls Fee
5. Miscellaneous Fees

The components are described as follows:

1. **Review and Inspection Fee**

   The hours for review and inspection are established by one of two methods:
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- Set Fee Hours—SF
- Actual Fee Hours--AX

Actual review hours include time expended for review, and all time expended to process and administer the permit application. A minimum charge of one (1) hour applies to all permit applications and is included in the review hours shown on the Fee Schedule.

**Set Fee Hours (SF)**

Numeric hours shown on the Fee Schedule for specific types of permits are set based on previous hours charged for similar permit types. SF Permits have numeric predetermined fixed hours for both review and inspection time.

Districts may change permits from “Set Fee” (SF) to “Actual Fee” (AX) at the discretion of the District Permit Engineer, but under no circumstances should the AX hours be less than the SF hours.

**Actual Cost Permit Fee (AX)**

AX Permits use the actual time expended for project or activity review and inspection. The billing statement used to collect costs for services is an executed “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer, an authorized representative, or the District Oversight Resident Engineer (RE) when applicable. After the permit is issued, progress billings may be sent out for additional actual inspection hours worked.

Encroachment permits having an AX charge code require that a reasonable deposit for project review and inspection be collected at the time the permit application is submitted. The collection of costs for actual review hours expended and estimated inspection hours is required before the permit is issued.

When the initial deposit for inspection fees is expended, subsequent inspection fees are estimated and are collected as costs are incurred during the project or after project completion and before release of the bond.

A final bill for an AX permit is generated from an executed “Progress Billing/Permit Closure” (form TR-0129) and sent to HQ Division of Accounting for billing purposes. The TR-0129 is signed and dated by the District Permit Engineer, an authorized representative, or the District Oversight Resident Engineer (RE) when applicable, indicating that it is for a final bill.

2. **Hourly Rate**

Each fiscal year, the HQ Division of Accounting submits a proposed Hourly Rate to HQ Encroachment Permits. The Hourly Rate is determined by calculating labor and operating expenses posted against the Project IDs designated by HQ Encroachment
Permits to be included in the Hourly Rate calculation. The Indirect Cost Rate is applied to the labor expenses and included in the Hourly Rate calculation by Accounting. The Hourly Rate is used for calculating encroachment permit fees.

3. Field Work Fee (Anticipated by Caltrans’ forces)

A Maintenance crew or a Traffic Operations team performing traffic control as a function of the encroachment permit is an example of field work. The Permit Engineer obtains an estimate of the hours from the appropriate Caltrans unit(s) who will perform the field work. This field work fee or deposit is collected from the applicant after review and before the permit is issued. Payment is required at the conclusion of the field work if there is a balance owed to Caltrans.

Unplanned Caltrans field work costs resulting from spilled loads, traffic control, or emergencies such as ongoing project or traffic accidents, are generally recovered by Maintenance and/or Traffic Management staff by submitting billing forms to the HQ Division of Accounting for processing outside of the encroachment permit process.

4. Bridge Toll Fee

A bridge toll fee is collected for use of a toll bridge during a special event. The bridge toll fee is equivalent to that charged for a seven-axle truck. (see Section 514, Special Events).

5. Miscellaneous Fees

Department-Furnished Materials

The cost of materials purchased or supplied by Caltrans to be used on encroachment permit projects (i.e. traffic signal controllers, lighting, etc.).

Transportation Laboratory Inspection Cost

The fee for inspection work or laboratory testing by the Division of Engineering Services, Office of Materials Engineering and Testing Services (METS), shall be at the hourly rate multiplied by the current “Standard Average Hours” published by the Transportation Laboratory. Districts with work not shown on the “Standard Average Hours” publication shall contact the Transportation Laboratory directly for an estimate.

Oversight Projects

Permits’ staff hours for oversight projects (see Section 108.1 of this Manual) are charged directly to the oversight project’s project code.

Check the Highway Improvement or Cooperative agreement for a fee exemption; many sales tax and local projects are fee exempt.
The total fee is the sum of the fee components. The District Permit Engineer records all hours and calculations on the “Encroachment Permit Fee Calculation Sheet” (form TR-0406). The District Permit Engineer ensures review hours are reported on the “Encroachment Permit Application Review” (form TR-0110) and the “Permit Engineering Evaluation Report” (PEER) (form TR-0112).

### 201.2C Billing and Overdue Accounts

When a progress payment or final payment for an encroachment permit project is due, the Permit Engineer sends a “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer, an authorized representative, or the District Oversight Resident Engineer (RE) when applicable, indicating the billing or refund information and a copy of the performance or payment bond, if any, to the HQ Division of Accounting who then bills or refunds the permittee. The “Progress Billing/Permit Closure” (form TR-0129) should indicate the work completion date. Accounting has four years from the work completion date to bill or refund the permittee per the California Code of Civil Procedure, section 337. Accounting also receives a copy of the “Encroachment Permit Log” (form TR-0111), which the Permit Office uses to chronologically record accepted permit applications, payments, and refunds. Log use is shown in Table 2.1.

<table>
<thead>
<tr>
<th>Table 2.1</th>
<th>Permit Log Form Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A copy of the “Encroachment Permit Log” (form TR-0111) and all billing or refund requests, as listed on the log, should be mailed weekly to Accounts Receivable in the HQ Division of Accounting. It is not necessary to begin a new log sheet each week after sending the copy.</td>
</tr>
<tr>
<td>2.</td>
<td>Continue to use the first column for all encroachment permit numbers assigned to applications when they are accepted (logged in). These will be in chronological order from the beginning of each year. In the designated columns, enter the applicant's name, location of work, payment type, amount of any deposit/fee paid to the District Cashier, and date logged in.</td>
</tr>
<tr>
<td>3.</td>
<td>When a deposit/fee is paid to the District Cashier after the initial deposit, a refund is requested, or a billing document is sent to Accounts Receivable for progress/final billing, use the next available line on the current sheet. Use the second column to enter the permit number for the payment or billing. Use the sixth column for the amount of the billing or payment to the District Cashier. Use the seventh column for the date payment was received by the cashier—for refunds, show a negative amount in the sixth column. No other columns need to be completed.</td>
</tr>
</tbody>
</table>

If the bill is not paid within 30 calendar days from the bill date, the HQ Division of Accounting will send a past due notice to the permittee. If still not paid, a second past due notice is sent after 60 calendar days from the bill date. Both past due notices request payment and inform the...
permittee that if the account remains unpaid, it may be subject to collection activities from a private collection agency. The HQ Division of Accounting monthly sends a list of permittees with past due accounts to the HQ Encroachment Permits Office and the appropriate District Encroachment Permits Office. Each District Office will maintain a list of permittees with past due accounts and inform them when they apply for a new permit that new permits may not be issued until resolution with the HQ Division of Accounting.

The District Permit Engineer is responsible for assisting the Division of Accounting in the collection of encroachment permit fees. For significant backlog of accounts due, the District may:

1. Require upfront payment of fees;
2. Require a payment/performance bond;
3. Revoke annual maintenance permits and require separate permits for each work element;
4. For those not given the right to a permit by law, deny encroachment permit applications.

The District must forward all performance and payment bonds to HQ Division of Accounting. When provided by the District, the performance bond information will be used by the HQ Division of Accounting to attempt to collect the overdue amount from the bonding company before sending the account to a collection agency. Most performance and payment bonds expire a year after Caltrans accepts the work as complete. Therefore, the District should send the “Progress Billing/Permit Closure” (form TR-0129) and the performance/payment bond to HQ Division of Accounting before the bond expires.

All unpaid accounts may be turned over to a collection agency after 180 calendar days from the bill date unless arrangements have been made through the Permit Engineer for payment of the account. The arrangements must be acceptable to the HQ Division of Accounting. After four years have lapsed since the permit completion date, statutes prohibit the invoice and supporting documentation of the “Progress Billing/Permit Closure” (form TR-0129) from being turned over to a collection agency.

201.3 Refunds
A refund is provided when the total deposits exceed Caltrans’ expenses associated with the permit. A minimum cost of one hour's time at the current Hourly Rate is retained as an application-processing fee when a refund is appropriate. The District Encroachment Permits Office shall refund all fees for inappropriately accepted applications (Table 2.2 indicates the refund of permit fees when appropriate for various circumstances of permit applications). Refunds shall be documented on the “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer, an authorized representative, or the District Oversight Resident Engineer (RE) when applicable. The completed “Progress Billing/Permit Closure” (form TR-0129) shall be sent to: HQ Division of Accounting, Attention: Accounts Receivable Branch-Encroachment Permits.
The date and amount of the original transaction, copies of any checks, along with all account information, should be indicated on the “Progress Billing/Permit Closure” (form TR-0129).

The HQ Division of Accounting will issue a refund to the payer, or, in cases where there are multiple parties (permittee, authorized agent/contractor), the refund will be issued to the party who made the payment unless written mutual documentation (between the permittee and their authorized agent/contractor) indicates that the refund should be issued to the other party.

In accordance with California Government Code section 13144, refunds exceeding $10,000 require approval by the California Department of Finance. The following documentation is required:

- Copy of the payment instrument (usually a check)
- Accounting transaction showing check number, name of payer, and dollar amount
- Calculation of refund amount due

If the HQ Division of Accounting cannot locate the payer or the payer’s address, then the refund is deposited back into the State Highway Account.

Table 2.2  
Refunds of Permit Fees

<table>
<thead>
<tr>
<th>Status of Permit Application</th>
<th>Appropriate Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>A SF (Set Hours) permit is denied as a result of the review process.</td>
<td>The unexpended portion of the total fee collected for inspection, field work, bridge tolls, and miscellaneous fees.</td>
</tr>
<tr>
<td>An AX permit is denied as a result of the review process.</td>
<td>That portion of the deposit that represents collected but unexpended review and inspection fees.</td>
</tr>
<tr>
<td>The applicant cancels the permit application before a permit is issued.</td>
<td>The collected but unexpended review and inspection fees.</td>
</tr>
<tr>
<td>The permittee cancels the permit application after the permit is issued but before work has started.</td>
<td>That portion of the total fee collected that represents inspection and field work.</td>
</tr>
<tr>
<td>The permittee cancels the permit application after the permit is issued and after work has started.</td>
<td>None.</td>
</tr>
</tbody>
</table>
**201.4 Permit Number**

A permit number is assigned when an application is accepted as complete. Encroachment permit numbers conform to the following format:

**DISTRICT:** Two-digit District Number (01 through 12).

**YEAR:** Last two digits of the calendar year in which the permit application is assigned a number.

**BILLING TYPE CODE:**

One of four characters:

- **6** for Caltrans fee permits
- **7** for permits issued by Cities and Counties (See Section 500.4)
- **N** for Fee Exempt permits
- **A** for Administrative permits (see Section 500.0 and 600.0)

**PERMIT TYPE CODE:**

A two-alpha character designation the type of encroachment as shown in the Permit Fee Schedule.

**CHRONOLICAL NUMBER:**

A four digit, serially issued number from 0001 to 9999, starting with 0001 each calendar year. A numbering machine (simplex) is used to stamp the application form, with a permit number when the application pays the fee or deposit. The District Accounting Office controls the setting of the machine number.

Each District has a numbering machine (Simplex) to number the permit application in the format illustrated below. The first two of the six digits represents the year the application is accepted. The last four digits are the chronological numbers of the application. The Permit Type Code is entered manually. The Billing Type Code is indicated by manually striking out three of the four symbols 6, 7, N or A.

```
SIMPLEX STAMP

_____ Year _____  _____ Chronological Number _____

_____ District _____  6 7 N A  _____ Permit Type Code _____

Billing Type Code (cross out three)
```
At the start of each calendar year, the Simplex machine must be reset so the correct year is indicated and the chronological number is adjusted back to 0001.

**201.5 Processing Encroachment Permit Applications** (Rev 04/19)

In accordance with California Streets and Highways Code, section 671.5, subdivision (a), Caltrans is required to either approve or deny an EPAP within 60-calendar days, upon determination that the EPAP is complete.

California Streets and Highways Code, section 671.5, grants Caltrans authority to determine what constitutes a complete EPAP. The District Permit Engineer acts on behalf of the District Director in making that determination. All applicable federal and State statutory requirements including but not limited to Storm Water, Americans with Disabilities Act (ADA), and California Environmental Quality Act (CEQA) must be complied with prior to an EPAP being deemed complete. Encroachment Permit Application Checklists are used by both applicants and Encroachment Permits Staff to determine the completeness of an EPAP.

The Encroachment Permit Application Checklists are available at:

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

The Office of Encroachment Permits has established functions to ensure compliance with the 60-calendar day statutory requirement. These functions include:

1. Preliminary meetings,
2. The Encroachment Permits Management System database (EPMS) (see Section 201.6),
3. A response time goal of 30-calendar days or less for most EPAPs. The process, actions and timelines are as follows:

<table>
<thead>
<tr>
<th>PROCESS</th>
<th>ACTIONS</th>
<th>DAYS</th>
<th>TOTAL DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Screen</td>
<td>Permit Engineer accepts or rejects EPAP</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(a) Sends acknowledgement letter (conditionally accepted) if EPAP meets screening criteria</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Sends rejection letter if EPAP fails to meet screening criteria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Login</td>
<td>Permit Engineer enters record into EPMS and EPMS assigns a tracking number</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Circulates EPAP for review by functional units</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Review</td>
<td>Functional units review EPAP and send comments to Permit Engineer</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>4. Notify</td>
<td>Permit Engineer to issue permit, notify applicant or deny EPAP</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>(a) Issue permit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ENCROACHMENT PERMITS MANUAL
CURRENT AS OF: 04/2018
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<table>
<thead>
<tr>
<th>(b) Notify applicant if additional information and/or documentation is required (10-day revision letter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Deny EPAP</td>
</tr>
<tr>
<td><strong>5. Respond</strong>*</td>
</tr>
<tr>
<td>Applicant must respond to notification within 10 days</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td><strong>6. Final</strong></td>
</tr>
<tr>
<td>Permit Engineer to issue, deny or close abandoned permit file</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>(a) Issue permit if applicant meets schedule and required additional information and/or documentation is acceptable</td>
</tr>
<tr>
<td>(b) Deny EPAP if applicant meets schedule but required additional information and/or documentation is not acceptable (firm denial)</td>
</tr>
<tr>
<td>(c) Close abandoned file if applicant does not meet schedule.</td>
</tr>
</tbody>
</table>

*Applicant’s responsibility*

To increase the quality of EPAPs, the District Permit Engineer may approve staff time to meet with prospective applicants to assist in preparing a complete EPAP. Except in the case of some utilities, typically applicants must pay fees prior to Caltrans expending staff resources. However, preliminary meetings should decrease the amount of re-work and ultimately decrease the cost of issuing a permit. The number of staff hours should not exceed one meeting, or a total of six hours. These hours are not charged to the applicant. EPAPs that require more than six hours should be reviewed by the District Permit Engineer to ensure the project is within the definition of an encroachment permit project.

As part of the application intake process, every EPAP submitted to Caltrans must receive an application date stamp. The application date stamp differs from the “Date of Acceptance” and is referenced in EPMS (see Section 201.6) as the “Application Received Date.” The “Application Received Date” reflects the date on which an EPAP is received in the District Encroachment Permit Office or one of its field offices. The Encroachment Permit Office must date-stamp the EPAP upon receipt, regardless of the method by which the application is delivered to Caltrans (ex. by hand or mail). The “Application Received Date,” along with the “Date of Acceptance” recorded in EPMS, provides useful information to monitor District performance, and assists management to ensure that EPAPs receive timely initial screenings. The initial screening review time should not exceed 2 business days.

After initial screening of the EPAP for completeness, the Permit Engineer must email and mail a hard copy of a letter to the applicant, acknowledging receipt of the EPAP and informing the applicant of either a conditionally accepted or rejected application status. The standard acknowledgement letter templates are available on the Encroachment Permits’ intranet site.
If the EPAP was accepted, the Permit Engineer will enter the application information into EPMS and EPMS assigns a tracking number. The EPAP is then distributed to the necessary Caltrans units to review for compliance with policy, design, and construction standards. These reviews and comments are due back to the Permit Engineer within 8 calendar days from the date of distribution. Once the comments are compiled, the Permit Engineer will make a determination as to whether or not an encroachment permit should be issued.

If additional information, revisions, or supporting documentation is needed, the Permit Engineer must email and mail a hard copy of a letter to the applicant informing the applicant the application is denied based upon the need for revisions and/or supplemental information.

The applicant is given a period of 10 calendar days to resubmit with the requested revisions and/or additional information. If a resubmittal or a response is not received from the applicant by the given date, the file will be deemed abandoned and closed.

If the application is denied due to noncompliance with Caltrans’ standards and/or policies, a denial letter will be sent to the applicant detailing the reason(s) for the denial and instructions on the appeal process (see Section 304).

### 201.6 Tracking Permit Applications

The Encroachment Permits Management System (EPMS) is a database system that provides informational reports to Caltrans’ staff regarding the status of existing application packages and ongoing permits. It also provides information on resources expended on each individual permit. The database assists management to ensure that statutory time constraints are complied with, and that reviews are done on time.

Districts are responsible for maintaining the integrity of the information in the database. Any unauthorized modifications to the database could result in non-retrievable functionality and loss of data. Any issues with the database shall be reported immediately to HQ Encroachment Permits.

The District Permit Engineer assigns the responsibility of data input and maintenance of the database to members of their staff. These staff members may provide monthly reports to the District Permit Engineers with the most current information on the progress of application packages, and existing permits that they are responsible for (see Table 2.3).
Table 2.3
Procedures for Maintaining the Permits Database and Tracking Permits

Specific steps for maintaining the permits database and for tracking permits are as follows:

1. Permit applications are logged into the database to create a permit record when the Simplex numbers are stamped on new permit applications. This step starts the 60-calendar day statutory period for permit approval or denial. The record should include pertinent information shown on the application, including:
   - Application Received Date
   - Permit number
   - Name of permittee
   - Date application is Simplex stamped and receives a permit number
   - Project location (county, route, and post mile)
   - Description of proposed work
   - Comments concerning the application (e.g., longitudinal encroachment, etc.)
   - Performance Bond and Payment Bond numbers (when applicable)
   - Estimated cost of work within State highway right-of-way
   - Caltrans’ project code (ID) if applicable to the project
   - Applicant’s Reference Number /Utility Work Order Number
   - Set fee, deposit, or total fee (use as applicable)
   - Permit writer (person coordinating review of the application)
   - Name of inspector (if known)
   - Primary permit number (if record is for a Double Permit “DP” or permit rider)

2. Enter the dates that requests for review are sent to appropriate reviewing functional units.

3. Enter the dates that reviews are returned to Encroachment Permits and request each functional unit log the number of review hours to permits (fee based and fee exempt). Enter the review hours that were charged to the permit’s project code on the database and on the “Progress Billing/Permit Closure” (form TR-0129).

4. Each business day, the person responsible for maintenance of the database prints the list of reviews that are past due and asks reviewing units to respond.

5. Respond in writing to all applications requiring additional information after all reviews are returned. Enter into the database under “letter sent” the date that any letter is sent to an applicant.

6. Issue permit when all reviews are returned and the application is complete, and the issue date and expiration date are entered in the database. Additional fields completed are:
   - Date permit is issued
   - Permit expiration date
   - Performance Bond and Payment Bond Numbers (if applicable)
   - Total fee (if applicable)
   - Date application is complete (the date all reviews are returned as acceptable)
• Name of inspector
• Transportation Laboratory’s standard or estimate of hours

7. Enter the date additional information is received. Review procedures start and are processed as in Steps two (2) through six (6) above.

8. Notify the District Permit Engineer each day of applications older than 45 calendar days that have not been acknowledged by Caltrans. Permit Engineers must respond immediately to these applications to avoid permits being granted by default.

9. Print a weekly list of expired permits and require time extensions or completion notices. Inform permit inspectors regarding permits in their area of responsibility.

10. Enter in the database the completion date, actual inspection hours, and any time expended by other Caltrans units. Submit completed “Progress Billing/Permit Closure” (form TR-0129) to the HQ Division of Accounting for billing. All fields should be filled out indicating hours and total fees/deposits and balance.

11. Enter permit riders through the “Edit Permit” screen of the primary (parent) permit, using a new Simplex number. Manage any reviews required for the rider as in Steps one (1) through six (6) above.

202 REVIEW PROCESS

The “Encroachment Permit Application Review” (form TR-0110) is used for transmitting a proposal for encroachment to other Caltrans units for review. The reviewing unit must fully detail its comments about the proposal and its number of expended review hours.

202.1 General Criteria for Evaluation of Encroachment Permit Applications (Rev 04/18)

The District Permit Engineer is responsible for determining the complexity of proposed projects submitted to Caltrans and for when there is a need for an Agreement between the applicant and Caltrans for maintenance and/or responsibility purposes.

Generally, in most cases the dollar value of the proposed work within the existing or future State highway right-of-way determines responsibility for processing. In some cases, it is the complexity of the proposed project that will dictate responsibility.

The criteria for determining which “Office” is responsible for processing are listed as follows:

1. If the work is routine utility or drainage work, the encroachment permit process is followed.

2. Current policy allows Highway Improvement Projects costing $1,000,000 or less to follow the Encroachment Permit Process. In some cases, proposed projects with a cost value of less than $1,000,000 within State highway right-of-way can become the responsibility of Project Development, due to:
a. Complexity, or
b. Location, in the same area where Caltrans has proposed or has the intent for a future improvement.

3. Highway Improvement Projects costing greater than $1,000,000 but less than $3,000,000 would be allowed to follow a streamlined process similar to the Encroachment Permit Process, except that Capital Outlay Support staff would take the lead in processing. Concept and project approval would be through completion of a Permit Engineering Evaluation Report (PEER). After approval of the PEER, an encroachment permit would be issued.

4. Highway Improvement Projects $3,000,000 or greater would be processed through the normal Project Development Process and would receive an encroachment permit at the end of that process. Exceptions to this policy would require approval of the Chief Engineer.

Existing policy allows Caltrans to require the full Project Development Process for complex projects (e.g. projects that require California Transportation Commission action). Under this new policy, Caltrans will retain the right to increase the level of documentation and processing for those projects that are deemed complex.

Submittals are reviewed to determine the impacts of the encroachment on:

- The safety of motorists, pedestrians, and workers.
- Design, construction, operation, maintenance, or integrity of the highway system.
- Future and on-going highway contracts.
- Aesthetic value of the highway corridor.
- The environment.
- Existing drainage
- Water quality
- The risk of tort liability

Caltrans’ policy is to cooperate with the Reclamation Board regarding submittals for encroachment permits to install underground facilities where a State highway is on or crosses a levee under the jurisdiction of the Reclamation Board. An applicant is required to furnish proof of a Reclamation Board permit before an encroachment permit can be issued.

202.1A Conflicting Permits
A permit applicant may propose work requiring the removal or relocation of conflicting improvements installed under prior encroachment permits, e.g., the removal or relocation of a driveway, curb, or gutter, for a highway widening permit application. The applicant must arrange for any such removal or relocation. The General Provisions (TR-0045, #11) require relocation of
conflicting encroachments at no cost to the State as a condition of the permit. Priority is given to the first encroachment.

202.1B Location of Encroachment within the State Highway Right-of-way
Encroachments should not create a public hazard, disrupt highway operations, pose a maintenance problem, restrict pedestrian facilities, or interfere with future highway construction. Consideration should be given to utility placement located within right-of-way that is planned for expansion.

Care must be taken to prevent encroachments that devalue State highway right-of-way. Potential for airspace leasing within operating right-of-way, future right-of-way, or other potential operating uses of excess lands must be preserved. Permit applications describing work within non-operating right-of-way shall be sent to District Right of Way for review. In some cases, District Right of Way may coordinate the encroachment request.

202.1C Traffic Considerations

GENERAL

When encroachment permit projects impact traffic, the permittee assumes responsibility for financing and constructing traffic control and safety features. Traffic control for day or nighttime lane closures is governed by Caltrans' Standard Plans for Traffic Control Systems. The appropriate traffic plan should be added as a special provision to the encroachment permit.

TRAFFIC DELAYS AND LANE CLOSURES

Encroachment permit projects require a Transportation Management Plan (TMP) if the anticipated traffic delay resulting from the permit operation or lane closure is 30 minutes above the normal recurring traffic delay or the delay threshold set by the District Traffic Manager (DTM), whichever is less.

TMPs and contingency plans for Encroachment Permit projects are developed by the permittee or by Caltrans’ staff. Staff time for development, review, and implementation of TMPs for Encroachment Permits is charged to the permit (see Section 7.2 of the TMP Guidelines). The TMP is developed by the applicant and when implemented, it should minimize or eliminate project-related traffic delays and collisions (see TMP Guidelines and Deputy Directive DD-60, Appendix E).

When lane closures are contemplated within access-controlled right-of-way, and conventional highways, a lane closure request is submitted to the District Lane Closure Review Committee (LCRC) for approval if the closure is estimated to cause additional traffic delay of more than 30 minutes or the delay threshold set by the DTM, whichever is less (see TMP Guidelines, Appendix E). A review is not required for emergency lane closures, i.e., accidents, natural
disasters, earthquakes, storm damage, hazardous material spills, vehicular accidents, etc.; nevertheless, DTM notification is required.

The District Permit Engineer or designee submits the proposed lane closure through the District Traffic Manager for review before sending it on to the District LCRC. If the DTM can reduce the delay to less than 30 minutes, then the District LCRC review is not necessary. The submittal to the DTM should contain information listed in the TMP Guidelines shown in Appendix E. Transportation Management Centers (TMC) in metropolitan areas must be notified at least seven days in advance of any planned lane closures.

In addition to the lane closure submittal, the applicant should develop a contingency plan that identifies actions to be taken to restore or minimize effects on traffic during lane closure operations when the congestion or delay exceeds original estimates. The Contingency Plan should contain information shown in the TMP Guidelines shown in Appendix E.

**Approval**

Proposed lane closure submittals must be sent to the District Traffic Manager (DTM) in sufficient time to allow approval at least 7 days in advance of lane closure operations. The project’s complexity may dictate the amount of lead-time required. LCRC approval is only for lane closure dates and times requested.

The District Permit Engineer assumes responsibility for notifying the DTM if there are changes to the originally approved closure. The DTM shall review approved lane closure plans 3 days before the date and time of the proposed lane closure operation. If in the DTM’s opinion the changes materially alter the nature of the original proposal, the LCRC will reevaluate the revised proposal.

**Evaluation Statement**

The District Permit Engineer shall prepare a statement on projects that exceed expected delay or run outside of the closure window. The statement shall be prepared within 5 working days of exceeding the threshold criteria (for statement explanation see the TMP Guidelines shown in Appendix E).

**Exception**

Unless the traffic delay threshold is exceeded, LCRC approval is not required.

**MOBILE WORK**

Encroachment activities for mobile work (slow continuous motions and/or frequent stops within a traffic lane) must comply with the requirements provided in Conventional Highway Mobile Work Special Provisions (see Appendix K). The activities are:
• Moving operations (work activities, such as striping, sweeping, etc.) that move along the road without stopping, usually at slow speeds.

• Short-term work activities that can be performed during light traffic volumes, do not interfere with traffic, and do not place the employee in jeopardy. Examples of such work include pavement patching, pavement marker replacement, etc.

Several references are made on the standard plans to "approach speed,” which could be a posted speed limit, an off-peak 85-percentile speed, or an estimated speed determined by driving through the job site several times. Many areas are not posted, so this reference is intended to allow judgment in applying the realistic speed of traffic where necessary to determine traffic control devices and requirements.

202.1D Traffic Control System Plan Changes
Requests to use different traffic plans or to revise the approved standard plans should be directed to the District Traffic Engineer for approval.

202.1E Traffic Unit Review
The appropriate District Traffic unit shall review permit applications having traffic or safety impacts, when required by other portions of this manual or if the Permit Engineer determines that such a review is necessary. A Transportation Management Plan (TMP) is required if significant traffic delays and hazards are anticipated during construction (see Appendix E and DD–60.). Procedures and responsibilities detailed in a TMP are addressed during encroachment permit review by District Traffic staff.

202.1F Field Review before Issuing Permit
Pre-inspection of the site sometimes is necessary to ensure that the proposed work is not detrimental to the State highway or the safety of highway users. The Permit Engineer should ensure that the proper personnel are involved in this pre-inspection.

202.1G Other Reviews
Proposals for encroachments may require review by other units. Such reviews ensure coordination with subsequent maintenance operations and planned future development by Caltrans or others.

A permit cannot be issued without environmental clearance. Chapter 400 discusses specific requirements for environmental review of encroachment permit applications.

202.2 Project Report or PEER Document
A Project Report or a “Permit Engineering Evaluation Report” (PEER) (form TR-0112) is required for every action that has a permanent traffic impact and for work that affects the operating capability of a State highway facility.
All Highway Improvement Projects that are between $1,000,000 and $3,000,000 require at least a PEER. These reports, and their preparation, are discussed fully in the Project Development Procedures Manual. Their preparation is either the responsibility of Project Development or Traffic Operations.

However, on projects less than $1,000,000 the District Encroachment Permits Office must verify that the responsible reviewing units have considered the need for the appropriate report and have correctly completed the “Encroachment Permit Application Review” (form TR-0110).

**202.2A Projects Requiring a Permit Engineering Evaluation Report (PEER)**

A “Permit Engineering Evaluation Report” (PEER) (form TR-0112) is prepared to document the engineering analysis of proposed work. The Proponent of the project is responsible for the submittal of the project description/proposal section of the PEER as well as all other necessary documentation. (See Project Development Procedures Manual)

Approval of the PEER is the responsibility of either Project Development or Traffic Operations on all projects up to $3,000,000. The analysis includes review of the proposed work to determine drainage, maintenance, operation, and environmental impacts to the State highway system. All proposed work shall conform to Caltrans’ current standards and practices or be justified by an approved exception.

On proposals that are too complex to be adequately described in a PEER, the District may require that a combined PSR/PR format or a PR format be utilized in lieu of the PEER format.

Exceptions to boldface and underlined design standards must be documented by the approved Design Decision Documents and attached to the PEER. The District Director or the delegated representative is responsible for approving the PEER.

Projects costing $1,000,000 or less and are not financed with local sales taxes may require a PEER.

Projects costing $1,000,000 or less and are financed with local sales taxes require a PEER or a combined PSR/PR to serve as the PSR (Project Study Report or Project Initiation Document); this is required by California Government Code Sections 14526, 14527, and 14529. If there is a Master Cooperative Agreement with a Sales Tax Measure Authority, an additional Cooperative Agreement may not be required.

Permit applications for projects requiring a PEER shall comply with Table 2.4.
Table 2.4  
Permit Procedures for Projects Requiring a PEER

These permit procedures are followed for projects that require a “Permit Engineering Evaluation Report” (PEER):

1. The appropriate fee is determined and the application is accepted.
2. Engineering and technical reviews are performed; additional information is requested from the applicant if it is needed to perform the reviews. A permit may be denied based upon conclusions of the reviews.
3. A “Permit Engineering Evaluation Report” (PEER) (form TR-0112) is prepared.
4. Bonding requirements are determined.
5. Additional fees, if required, are collected.
6. An encroachment permit is issued to the applicant and distributed to other Caltrans’ units.
7. The applicant begins work authorized by the permit. Project work is inspected by Caltrans for compliance with the permit.
8. As-built plans are received, a “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable is issued, and bonds are released.
9. Records are microfilmed and the project is closed out.

202.2B Projects Not Requiring a PEER
Projects not requiring a PEER are usually commercial filming, miscellaneous activities, special events, surveys, and utilities. These permit applications involve the same steps as outlined in Table 2.4 with the omission of Step 3.

202.3 Oversight Projects
Projects located within the existing or proposed State highway system costing over $1,000,000 and financed with revenues from sources other than the State Highway Fund, e.g., a city, county, local transportation authority, local transit agency, or private entity, are called Oversight Projects.

These local and private entities finance improvements on the State highway system using funds obtained from local sales tax measures, local non-sales tax revenues or development mitigation fees, and private sources.
The Office of Special Funded Projects (OSFP) Information and Procedures Guide gives detailed guidance for developing Oversight projects constructed on the State highway system. It is available at:


202.3A Pre-Approved Cooperative Agreements (Rev 04/17)

Caltrans is required to enter into Cooperative Agreements with local entities for all proposed projects to be constructed upon the State highway system costing more than $1,000,000 within existing or future State highway right-of-way, regardless of the source of funding.

By contrast, projects $1,000,000 or less generally do not require a Cooperative Agreement. These agreements do contain a provision requiring the issuance of an encroachment permit.

Caltrans has pre-approved State Independent Quality Assurance (IQA) Agreements to be used for Oversight projects sponsored by a local entity (see Cooperative Agreement Manual).

Caltrans and private developers are required to execute a Highway Improvement Agreement for any State highway project funded by private entities that costs more than $1,000,000 for improvements located within the existing or proposed State highway right-of-way.

Caltrans also has a pre-approved Highway Improvement Agreement and Escrow Agreements that are used with private developers on State highway improvement projects funded by private entities (see Cooperative Agreement Manual).

Double Permits “DP” are required for contractors performing work under these agreements.

202.3B Issuing Encroachment Permits for Oversight Projects

Cooperative Agreements and Highway Improvement Agreements establish the respective responsibilities of Caltrans and the local entity or private developer for all proposed project development work, including environmental studies, documentation, and clearance.

The Project Manager is responsible for developing and executing cooperative agreements.

Encroachment permits shall not be issued for Oversight projects without the District Encroachment Permits Office receiving a copy of the required, fully executed agreement. The agreement will specify whether or not there will be a charge to the local agency and/or its contractor for their encroachment permits.

An “Encroachment Permit Administrative Route Slip” (form TR-0154) is used by the Project Manager to request from the District Permit Engineer the issuance of an encroachment permit. It certifies that the project has been reviewed and approved and does not require any further coordination. The permit usually can be processed and issued shortly after the Permit Engineer receives an application with approved plans and an executed agreement for construction.
202.3C Public Transit Projects
Public transit projects financed by others (other than by the State) and located within existing or future State highway right-of-way and having a construction cost of more than $1,000,000 shall be considered an Oversight project. Responsibilities and costs for project development work, right-of-way, construction, utilities, liability, ownership, operation, and maintenance must be established in a Cooperative Agreement with Caltrans. Project Development is the responsible division to guide the project proponent through the project development process.

A copy of the fully executed agreement and approved plans shall be delivered to the District Encroachment Permits Office before an encroachment permit is issued to the transit agency and its contractor for construction work within State highway right-of-way.

202.3D Project Development Procedures
Caltrans is exposed to tort liability, operational, and possible maintenance responsibilities by any expansion or improvement of State highways using local resources. Therefore, projects that are more than routine must comply with the Project Development Procedures Manual (PDPDM) and the Environmental Handbook (EH). The permit applicant is required to use the project development procedures that Caltrans uses to do the same work. These include the project development teams, project reports, and project development categories described in the PDPM.

Caltrans’ policy is that all State highway improvement projects funded totally by others and having a construction cost of more than $1,000,000 must be approved in concept by a Project Study Report and approved in a Project Report following environmental compliance and public input. Caltrans is normally responsible for the PSR if it can be done on a schedule Caltrans is able to meet, and the local agency or private developer is responsible for preparing the Project Report (except for Sales Tax Measure Projects). This requirement can create special timing problems for applicants and should be pointed out during initial discussions.

An abbreviated process utilizing a Combined PSR/PR format or the PEER is available for projects meeting certain criteria, which enable a local agency or developer to prepare a combined document on their own schedule and at their own expense in lieu of the PSR and the PR. Applicants should be given a copy of the “Procedures Guide for Oversight Projects” and "Guidelines for the Preparations of Combined Project Studies Report/Project Report for State Highway Projects Funded by others” during initial discussion.

202.4 Traffic Controller Assemblies
Caltrans provides Traffic Signal Controller Assemblies for installation on all State highway projects involving signal systems. Caltrans is reimbursed for the controller assembly acquisition, quality assurance testing, and delivery. The method of reimbursement to Caltrans depends upon the type of recipient and contractual relationship. Controller allocation criterion is described as follows:
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JOINTLY FUNDED COOPERATIVE AGREEMENT PROJECTS:
Caltrans provides Traffic Signal Controller Assembly as a contribution to its share of the project cost.

LOCALY FUNDED AND SALES TAX MEASURE COOPERATIVE AGREEMENT PROJECTS
The funding local agency pays the full cost of the controller assembly. If the State is administering the construction contract, the controllers will be provided as State-Furnished Material paid for by the local agency as part of the project costs.

PRIVATELY FUNDED HIGHWAY IMPROVEMENT AGREEMENT PROJECTS
Caltrans provides the controller assembly as State-Furnished Materials paid for by the permittee as part of the project cost.

ENCROACHMENT PERMIT WITHOUT AN AGREEMENT
When an agreement for the project does not exist and construction is authorized only under an encroachment permit, the private party permittee or permitted local agency contractor shall pay the costs for the controller assembly including the related field work and inspection. These costs are collected from the permittee or contractor as a State-Furnished Material fee and added to the deposit collected for other estimated inspection field work costs.

Additional information on State-Furnished Traffic Controller assemblies is shown in Appendices E and K.

202.5 Registered Engineer's Seal and Signature
Caltrans is required to comply with the provisions of the California Business and Professions Code (see Appendix E, Professional Engineers Act). Those provisions require that all final engineering plans, calculations, specifications, and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping.

Assembly Bill 645 deleted but does not prohibit the requirement to include the license expiration date on engineering plans, calculations, specifications, and reports. Caltrans considered the impending changes and determined that the business practice of including the expiration date is consistent with its quality management policies and its desire to perpetuate only the highest quality engineering and surveying documents (see Appendix E, Memorandum from Malcolm Dougherty). All final engineering plans, calculations, specifications, and reports shall bear the signature and seal or stamp of the licensee, the date of signing and sealing or stamping as required by Assembly Bill 645 and license expiration date.
Plans that contain civil engineering elements including those that relate to traffic handling and lane closures shall bear the signature and seal or stamp of the licensee, the date of signing and sealing or stamping and the license expiration date of the licensee responsible for the preparation of those elements.

Environmental documents are not professional engineering documents and therefore do not require preparation by a California Registered Engineer.

**202.5A Registered Engineer's Seal and Signature on Utility Plans**

For utility companies under the jurisdiction of the California Public Utilities Commission, utility plans prepared in connection with products, systems, or services of that utility company are exempt from the signature, registration seal and license number of the California Registered Engineer responsible for their preparation requirement.

Plans that contain civil engineering elements including those that relate to traffic handling and lane closures are not considered utility plans and therefore must bear the signature and seal or stamp of the licensee, the date of signing and sealing or stamping and the license expiration date of the licensee responsible for the preparation of those elements.

**202.6 Materials Testing**

Materials testing is performed by the Division of Engineering Services, Office of Materials Engineering and Testing Services (METS) commonly referred to as the Transportation Laboratory.

Testing is required for manufactured or fabricated materials delivered to a work site if the State will own it upon completion of the work. However, in some cases, the Permit Engineer may determine that very small quantities of materials, although not previously tested by the Transportation Laboratory, are acceptable for installation when they are delivered with a Certificate of Compliance.

The Transportation Laboratory contacts the District Encroachment Permits Office to verify materials when materials inspection is requested by the permittee and the Transportation Laboratory does not receive a “Notice of Materials to be used” (CEM-3101). If District contact is unsuccessful, the Transportation Laboratory may verify materials using permit documents and plans before performing inspection and release.

In all cases, a completed “Report of Inspection of Materials” (form TL-0029) is transmitted from the Transportation Laboratory to the District Encroachment Permits Office. Contact the Transportation Laboratory in your area to verify hours of inspection.

Procedures for materials testing are described in Table 2.5.
Table 2.5

Procedures for Materials Testing

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Permit Engineers and reviewing units evaluating applications must determine if fabricated materials require inspection by Caltrans’ Transportation Laboratory. The Transportation Laboratory unit is required to inspect all electrical components of signals, State-owned lighting, metal poles, mast arms, foundation bolts, and signs. A complete list of items is found at: <a href="http://www.dot.ca.gov/hq/esc/Translab/OSM/smb.htm">http://www.dot.ca.gov/hq/esc/Translab/OSM/smb.htm</a></td>
</tr>
<tr>
<td>2.</td>
<td>Include this statement in the text of the permit: “Your attention is directed to Section 6 of the State Standard Specifications, reference to Engineer in the State Standard Specifications shall include State Representative.”</td>
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<tr>
<td>3.</td>
<td>Send one permit copy (including plans and special provisions) to the Transportation Laboratory in Sacramento when inspection is required.</td>
</tr>
<tr>
<td>4.</td>
<td>When the “Notice of Materials to be used” (form CEM-3101) is received from the permittee, the State representative should review, sign, date, and forward the form to the District Encroachment Permits Office. (Enter the permit number in the space for “Contract Number” on the form.)</td>
</tr>
<tr>
<td>5.</td>
<td>District Encroachment Permits Office then makes copies for their files and transmits form CEM-3101 to the Transportation Laboratory.</td>
</tr>
<tr>
<td>6.</td>
<td>When the CEM-3101 form is received, the Transportation Laboratory inspects materials and returns a “Report of Inspection of Materials” (form TL-0029) to the District Encroachment Permits Office for transmittal to the State representative.</td>
</tr>
<tr>
<td>7.</td>
<td>State representatives must ensure that all material requiring Transportation Laboratory inspection has an inspection release tag and must refuse installation of untagged materials until proper inspection is completed.</td>
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</tbody>
</table>

203 PERMIT FORM AND PROVISIONS

A permit will normally be written to allow six months for the work to be completed, unless the District Permit Engineer determines that a longer or shorter time period is required. The District Encroachment Permits Office may extend the time of or modify any permit within the authority granted, utilizing the appropriate Rider Form.

The “Encroachment Permit General Provisions” (TR-0045) apply to all permits except Adopt-A-Highway, Consent Letter, and Chain Installer Permits. Applicable Special Provisions should be added to cover each particular permit.

Paraphrasing Standard Specifications or General Provisions is prohibited. The preferred method for emphasizing certain items is to direct a permittee to specific items, specifications or provisions, and to state alterations as an amendment. (For example, "Section XXX.X of the Standard Specifications is amended to read _____")

For Adopt-A-Highway Permits, the “Adopt-A-Highway Permit Special Provisions” (TR-0156) shall be included in their entirety without modification by Districts; any deviations shall be approved by headquarters permits. The encroachment permit text should highlight the Special
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Provision requiring notification of State representatives serving areas affected by project work having significant traffic impacts.

203.1 Encroachment Permit General Provisions
The “Encroachment Permit General Provisions” (TR-0045) apply to all permits except Adopt-A-Highway, Consent Letter, and Chain Installer Permits. Permittees must fully comply with them (see Appendix K).

203.2 Encroachment Permit Standard Special Provisions
Encroachment Permit Standard Special Provisions specific to each application usually are added to each permit. Permittees must fully comply with them (see Appendix K).

203.3 Liability Insurance
The General Provisions of the encroachment permit hold the permittee responsible for all liability for personal injury and property damages. When required, the applicant shall show evidence of liability insurance before issuance of the permit. Insurance must be provided by a company authorized to transact business in the State of California.

203.3A Encroachments Requiring Liability Insurance
Liability insurance is required for commercial filming (Section 503) and special events (Section 514.7). The HQ Legal Division determines the need and sets the dollar amount of insurance. Districts shall contact HQ Encroachment Permits and present permit requests for referral to HQ Legal.

203.3B General Requirements for Liability Insurance
When liability insurance is required, the applicant shall furnish an endorsement to the policy naming the State, its officers and employees as additional insured. The applicant also shall furnish evidence of the required insurance by supplying a certificate of insurance naming the State of California, California Department of Transportation, the directors, officers, employees, and/or agents of the State of California and/or of the California Department of Transportation as additionally insured.

A professional liability exclusion is standard in insurance policies. This exclusion provides Caltrans and the State with adequate protection against foreseeable risks as additional insured. An exclusion clause for professional liability that is contained in many insurance policies states:

“This insurance does not apply to any professional liability claims resulting from the actions, direct or indirect, from the executive or legislative branch(s) of any State or municipal government, law enforcement or police officer, security officer, firefighter, emergency medical personnel or any employee of State or local government, unless specifically endorsed hereon. This exclusion does not apply to the original named Insured.”
If a public corporation is self-insured, the permit shall include a clause that states:

“The permittee shall indemnify and save harmless the State of California, California Department of Transportation, the directors, officers, employees, and/or agents of the State of California and/or of the California Department of Transportation thereof connected with the work or activity authorized by this permit, including but not limited to the Director and the Engineer, from all claims, suits or actions of every name, kind, and description, brought forth, or on account of, injuries to or death of any person including but not limited to workmen or participants and the public, or damage to property resulting from the performance of the activity authorized by the permit, except as otherwise provided by statute. The duty of the Permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the California Civil Code.”

“It is the intent of the parties that the permittee will indemnify and hold harmless the State of California, California Department of Transportation, the directors, officers, employees, and/or agents of the State of California and/or of the California Department of Transportation from any and all claims, suits of actions as set forth above regardless of the existence or degree of fault or negligence on the part of the State, the permittee, the employee or volunteer of any of these, other than in the active negligence of the State, its officers and employees.”

Any deviation from the liability insurance requirements must be reviewed by the HQ Legal Division.

Caltrans’ policy requires that all of Caltrans’ employees, volunteers, and visitors to highway work zones follow safety and work procedures outlined in Caltrans’ “Safety Manual,” other Caltrans manuals, and specific written instructions. “Volunteers” include people participating in the Adopt-A-Highway program, and “visitors” include people participating in filming and special events.

203.3C Claims
Claims against permitted work are classified in two primary categories, and guidance by the Caltrans’ Legal Division is necessary in both cases.

1. Public claims by persons not related to Caltrans

Claims made against a permittee or Caltrans for permitted work are referred to the HQ Legal Division immediately. HQ Legal provides direction to Permits for handling inquiries and requests for files.
2. **Caltrans’ claims against a permittee**

Claims by District Encroachment Permits Offices generally are related to incomplete or unacceptable work by permittees and are either claimed or billed against bonds. HQ Legal staff manages actual legal or court action against permittees.

### 203.4 Surety Bonds

Surety bonds ensure the faithful performance of a permittee's permit obligations. Letters of credit and property bonds are not acceptable forms of bonding.

Generally, a cash deposit is not an acceptable form of bonding except for non-Public Works encroachments without the likelihood for latent defects (e.g., landscaping, driveways, monitoring wells, etc.). The cash deposit with a copy of the “Standard Encroachment Permit Application” (form TR-0100) should be forwarded to the District Cashier for deposit in the State Highway Account. In accordance with Government Code Section 13144, refunds exceeding $10,000 require approval by the California Department of Finance (See section 201.3)

Bonds should be calculated as accurately as possible to ensure that the estimated costs of projects within the State highway right-of-way are covered at a minimum of 50% for performance bonds and 100% for payment bonds (Standard Specifications-Section 3-1.05 “Contract Bonds”). Public Works encroachments costing $5000.00 or more should be bonded. Non-Public Works encroachments may be bonded as determined by the District Permit Engineer.

A performance bond ensures completion of permitted work in compliance with plans, specifications, and permit conditions. Section 338 of the California Code of Civil Procedure limits the bringing of an action against a contractor to three (3) years after the discovery of a defect. In addition, Section 337.15 limits the total time to take action to recover damages for latent defects from contractors, developers, or sureties to ten (10) years after the "substantial completion" of a development or improvement.

If a permittee is delinquent in payment of permit fees, the HQ Division of Accounting will attempt to collect from the permittee's bonding company (Section 201.2C, Billing and Overdue Accounts).

A payment bond ensures payment by a contractor to its own labor, subcontractors, and material suppliers.

Bonding requirements are outlined in Table 2.6. Bonding is not required of a local public entity (city, county, public corporation, or political subdivision) that is authorized by law to establish or maintain any works or facilities in, under, or over any public highway and is not normally required of a public utility (California Streets and Highway Code, Sections 678 and 679). However, should local public entities fail to comply with the terms of a previous permit or to pay fees when due, Caltrans may require performance bonding on their next permit.
Chapter 200 – Processing Permits

Bonds for local public entities are limited to $20,000.00 for failure to perform. Under this punitive action, contractors performing the work for any local public entity may be required to post a 100% payment bond and a 50% performance bond of the value of work within the right-of-way prior to the issuance of their Double Permit “DP,” naming the State as sole obligee.

Regardless of the bonding situation, the local public entity permittee shall obtain final construction acceptance and approval from Caltrans before the local public entity gives final construction approval to its contractor (General Provision, Item 9).

Table 2.6
Guidelines for Bonds

<table>
<thead>
<tr>
<th></th>
<th>Use these guidelines when working with bonds for authorized work within State highway right-of-way:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The obligee is the entity receiving benefit from the bonds supplied.</td>
</tr>
<tr>
<td>2.</td>
<td>The obligor is the entity named as owner or payer of the bonds.</td>
</tr>
<tr>
<td>3.</td>
<td>The District Encroachment Permits Office shall require bonding as specified in an executed cooperative or highway improvement agreement for Oversight projects (projects over $1,000,000). Agreements are processed by Caltrans’ Project Manager and copied to the District Encroachment Permits Office for information. Bonds shall name obligee as provided for in the agreement.</td>
</tr>
<tr>
<td>4.</td>
<td>In the absence of a cooperative agreement, bonding requirements shall be specified in the encroachment permit and/or General Provisions for local public entity projects costing $1,000,000 or less. In such cases, the contractor performing work for local public entities who have complied with terms of previous permits, do not require bonding with the State when they execute bonds in favor of the local public entity for at least 100% of the project (General provisions, Item 24). This provision applies only to contractors working for local public entities. It does not apply to private entity bonding.</td>
</tr>
<tr>
<td>5.</td>
<td>Bonding requirements shall be specified in the encroachment permit for privately funded projects costing $1,000,000 or less in the absence of a highway improvement agreement. Under the terms of the permit, either the developer or contractor (preferably, the developer) is bonded at 100% for payment and at 50% for performance of the estimated construction costs for work within the State highway right-of-way. The bond shall name only the State as obligee.</td>
</tr>
<tr>
<td>6.</td>
<td>Performance bonds supplied for privately funded work involving new traffic signal equipment or for work on highway structures shall not be less than $10,000. They are retained until the permittee furnishes accurate as-built plans for permit work.</td>
</tr>
<tr>
<td>7.</td>
<td>Utilities and individuals, their contractors and tree-trimming companies:</td>
</tr>
<tr>
<td>8.</td>
<td>Utility work or private residential improvements not maintained by Caltrans do not require bonding unless prior experience indicates poor performance by owner or contractor, such that work may not be completed in compliance with permit terms. When bonding is required, bonds should reflect Caltrans’ determination of the value for the highway facility that may require repair (roadway, base and surface, sidewalks, lighting, State-maintained landscaping, tree values, etc.). Such determinations should not include equipment owned by others or work outside the State highway right-of-way. The bond shall name only the State as obligee.</td>
</tr>
</tbody>
</table>

203.5   Cal-OSHA Safety Requirements
If the applicant's proposed work falls within one of the provisions of Section 6500 of the Labor Code, the permittee must have a Cal-OSHA permit before starting permitted work.
Section 6500 deals with trenches, excavations, structures, falsework, scaffolding, and demolition and reads as follows:

“6500. For those employments or places of employment that by their nature involve a substantial risk of injury, the division shall require the issuance of a permit prior to the initiation of any practices, work, method, operation or process of employment. The permit requirement of this section is limited to employment or places of employment that are any of the following:

a. Construction of trenches or excavations that are five feet or deeper and into which a person is required to descend.
b. The construction of any building, structure, falsework, or scaffolding more than three stories high or the equivalent height.

Section 6509 states “any person, or agent or officer thereof; who violates this chapter is guilty of a misdemeanor.”

Therefore, the face of each encroachment permit must indicate if a Department of Safety and Health (DOSH) permit is required and the DOSH permit number (if available).

The following agencies and activities are exempt from the requirement to obtain DOSH permits (Construction Safety Orders):

- Government bodies (but not their contractors).
- Public utilities subject to the jurisdiction of the CPUC (but not their contractors).
- Emergency repair work to underground facilities.
- Excavation or trenches where no person will descend.

Caltrans’ employees, volunteers, and visitors to highway work zones shall follow safety procedures described in Caltrans’ “Safety Manual,” other Caltrans’ manuals, and written procedures and instructions designed for specific work.
204 DENYING PERMIT APPLICATIONS

A permit is not issued to an applicant when the safety of the applicant or traveling public, the structural integrity, or operational capability of the State highway may be subject to impairment or endangerment.

The District Director (or designated representative) signs routine letters of denial and may ask headquarters to deny unusual applications. Reasons for denial shall be detailed in writing to the applicant.

Encroachment permits SHALL be denied for:

- Projects that adversely affect the safety, capacity, or integrity of the State highway.
- An encroachment that is an integral structural portion of a building (above or below the surface). This includes roof eaves, new bay windows, and cantilevered upper floors.
- Bungee jumping from State structures, (except when approved for a filming permit).
- Gathering vegetable matter, except for research or education.
- Longitudinal encroachments, except for public utility and franchise facilities.
- Storage tanks, loading platforms, private truck scales.
- Temporary political signs (California Business and Professional Code 5405.3).
- Charging parking fees on a State Highway.
- Encroachments specifically prohibited elsewhere in this manual.

Encroachment permits MAY be denied when:

- The applicant has not complied with the provisions of prior permits.
- The applicant is delinquent with payment on prior permits.
- The project does not have concurrence by a local agency.
- The environmental effects are significant and cannot be mitigated or mitigation is unfeasible.
- A proposed development plan includes an emergency or other access, to access-controlled right-of-way.

Except as otherwise provided for public agencies and franchise holders, encroachment permits are revocable on five (5) days’ notice (California Streets and Highway Code, Section 673). All such notices shall be signed by the District Director or a designated representative. A letter is used to revoke and cancel permits.

Caltrans has no statutory authority to allow private use of State highway right-of-way without compensation. To do so would constitute a gift of public funds under Article 16 of the California Constitution. Consequently, permit applications for grading, excavating, removing materials, or placing an embankment not related to a highway improvement are considered individually.
Requests for these types of encroachments require an approved encroachment policy exception (see Chapter 300). Permit applications are acceptable if all the following items are satisfied:

1. Caltrans is compensated for removal of material or use of the State highway right-of-way.
2. No safety hazard is created.
3. No additional maintenance is created.
4. No additional liability is assumed by the State.
5. No transportation use restriction is created.
6. No unwanted easement or other permanent right-of-way encumbrance is created.
7. Will not create a permanent property right detrimental to our future use or expansion.

These items apply to all State highways and require approvals from Caltrans’ District review units.

204.1 Denial for Time Limit Considerations
A permit application may be denied when additional information is needed but not furnished within the specified time limit. Examples are:

- Information required by the applicant to prepare an adequate environmental document.
- Information necessary to prepare a supplemental environmental impact report in compliance with Public Resources Code Section 21166.
- Substantial evidence for Caltrans’ approval of specific engineering details.
- When Caltrans is conducting environmental studies in the area of the proposed work.

Denial of an encroachment permit for lack of information does not affect the applicant's right to reapply for a permit or to appeal a denial.

204.2 Appeals
During the course of the encroachment permit process, the applicant may not agree with permit requirements that the District supports. If the applicant requests an exception, the District may confer with the appropriate headquarters contact. Procedures to obtain exceptions to design standards, policies and practices, are mentioned in Sections 301 through 303. For the submission of appeals by applicants of District, Headquarters or FHWA decisions, refer to Section 304.
205  APPROVING AND ISSUING PERMITS

The primary encroachment permit for private development work is issued to the developer/property-owner and not issued to a public corporation. When the encroachment is to be maintained later by a public corporation or utility company, a second permit is required of the public corporation or utility company to own and maintain (see Section 604).

205.1  Permits Approved by Districts

Statutes govern the types of encroachments and activities that Caltrans can approve. The Director’s statutory authority is delegated to the Chief, HQ Division of Traffic Operations, through Delegation of Authority letters. The Encroachment Permits Manual, information bulletins, and guidance memoranda provide the Districts with policy, guidance, and authority to issue encroachment permits without concurrence from HQ except for those listed in Section 205.2.

Permit writers prepare, initial, and/or sign, and present the permit package to the approving engineer. The approving engineer, typically the District Permit Engineer, should be the highest ranking within the District Encroachment Permits Office. Approval authority may be delegated by the approving engineer to a permit engineer that is a California-licensed engineer, except that RT permits and DP permits when no engineering review is required may be delegated to an unlicensed engineer. The approving engineer must approve permits with their signature. The permit writer may not be the same person as the approving engineer or as the person delegated approval authority by the approving engineer. The issuance procedure intends to provide a segregation of duties to assure reasonable administrative control over the permit issuance process.

Districts may authorize Maintenance Area Superintendents to issue permits (i.e. chain installer permits) and/or “Consent Letter” (form TR-0131) for one-day litter removal, salvage operations, gathering of donated landscape materials, vegetation control, removal of minor forest products, etc. Superintendents must not exceed this specified authority, and any appropriate fees shall be collected. Approval by the Deputy District Director for Maintenance is required for Consent Letters covering multiple dates (maximum of three consecutive calendar days).

205.1A  Issuing the Permit Package

Permits may be issued after all reviews are returned, all conditions imposed by the lead and responsible agencies have been met, and the application is deemed complete.

The permit is written when the proposed encroachment is compatible with the primary uses and safety of the State highway system and the State’s investment in the highway facility is protected.
Copies of the permit package are provided to the Caltrans inspector(s) who will be inspecting the project, the Office of Maintenance in the vicinity of the project, and any other offices involved in the monitoring of the project.

The Encroachment Permit is a legal document and should include appropriate addenda. When packaged for issuance, the contents of the “Permit Package” may consist of the following:

1. “Encroachment Permit” (form TR-0120) – each permit copy.
4. Copy of the applicant’s completed “Standard Encroachment Permit Application” (form TR-0100) – each permit copy.
5. “Notice of Completion” (postcard) (form TR-0128) – permittee completes form.
6. “Notice to Owner” (Form RW 13-4) – State ordered Utility Relocation, see Section 601).
7. Copy of Cooperative Agreement – each permit copy.
8. Copy of liability insurance policy – Commercial Filming or Special Events.
9. Copy of letter on acceptance of maintenance and liability by city or county – each permit copy.
10. “Certification by Contractor” (form TR-0113) – permittee completes form.
11. Copy of “Payment Bond” (form TR-0018) – each permit copy.
12. Copy of “Performance Bond” (form TR-0001) – each permit copy.
13. “Notice of Materials to be Used” (Form CEM-3101) – permittee completes form.
15. Approved city/county Standard Plans (attachment to # 14) – each permit copy.
16. “Progress Billing/Permit Closure” (form TR-0129) – Encroachment Permits staff completes form.
17. As-Built Plans Submittal Route Slip used for locally advertised structure projects - completed by permittee, see Appendix K.
18. Storm water requirements – to permittee and file copy.

All correspondence related to the permit, one set of all documents that were reviewed and approved (Plans, Application, Reports, Storm water documents, agreements, supporting documentation, etc.), and a copy of the issued permit must be included in the permit file for every permit.
205.2  Permits Requiring Headquarters Approval
These encroachment permit applications require prior approval by the appropriate headquarters office, as indicated in parentheses:

- New public road connections to declared access-controlled right-of-way that have not been previously approved by Caltrans’ Division of Design and California Transportation Commission (CTC).
- Longitudinal encroachments within access-controlled right-of-way (Division of Design).
- Modifications to existing bridges, new bridges, and underground structures [Division of Design, Structures Maintenance, and Structures Office of Oversight Projects (OSFP)]. See Appendix K for additional structure types requiring headquarters permit approval.
- Railroad grade crossings (Division of Design).
- Nonstandard retaining wall, nonstandard noise attenuation facilities (including sound walls on retaining walls), and earth retaining systems within State highway right-of-way (Headquarters Planning and Design Coordinator, Structures Maintenance, and Structures OSFP).
- Overhead sign structures, slope paving under bridges (including any paving or concrete channel lining around bridge columns), pump plants and storage boxes, transit stations, toll plazas, and seal slabs/boat sections (Division of Design, Structures Maintenance, and Structures OSFP).
- Airspace development (Right of Way).
- Exceptions to boldface Caltrans’ design standards, policies, and practices on permits for all projects (see Section 301), if not delegated to Districts (Division of Design).
- First-time events or activities held within access-controlled right-of-way and toll bridges (Division of Design).
- Longitudinal installation of any privately owned non-utility facility in any State highway (Division of Design).

205.3  Federal Highway Administration (FHWA) Approval
The Headquarters Division of Design obtains approval from FHWA for encroachment permit applications listed in Table 2.7. A copy of the Headquarters Division of Design’s approval is submitted to the District Permit Engineer and placed in the permit file before issuing a permit. Installations not in conformance with 23 CFR 645, Subpart B (Appendix C) or Caltrans’ utility accommodation policy (AASHTO’s “Guide for Accommodating Utilities Within Freeway Right-of-Way,” Appendix A) require FHWA approval.
Table 2.7
Projects Requiring Approval by FHWA

Prior concurrence from FHWA is required for proposed work that is located on federal-aid highway systems (access-controlled right-of-way and some conventional highways), including but not limited to the following:

1. Installation of any longitudinal privately owned (not under California Public Utilities Commission (CPUC) regulations) pipeline or other types of utility-like facilities.
2. Placing utilities longitudinally within the median area of all access-controlled highways.
3. Tower Crane Encroachments.

205.4 Amendments to Permits (Riders)

Applicants requesting to amend their permit application or permittees seeking to amend an approved encroachment permit must comply with Caltrans’ requirements and pay additional fees as required. Any new fees and/or estimated inspection costs shall be collected prior to the issuance of the rider.

The District may issue an “Encroachment Permit Rider” (form TR-0122) if the permittee wants to modify the authorized work or cannot complete the authorized work by the date specified in the permit. Riders are not used to change the Caltrans inspector; instead, it is sufficient to send a letter to the permittee, with a copy to the permit file.

Riders to modify authorized work or for time extensions must be requested by the permittee and issued by Caltrans prior to the expiration date of the original permit. Similarly, Caltrans initiated riders must be issued prior to the expiration date of the original permit. If a permit has expired, the permittee is required to stop all work and must obtain a new permit prior to resuming work.

Verification of storm water and all other applicable requirements shall be made prior to issuance of the rider. The rider may not be extended beyond the date of termination of the permit activity when permittee/applicant is operating under the United States Environmental Protection Agency’s (U.S. EPA) small construction Rainfall Erosivity Waiver (REW). A Notice of Intent (NOI) and Waste Discharge Identification (WDID) number are required as a condition of time extensions for permit riders operating under a U.S. EPA REW.

A maximum of two time extension riders may be issued. Each extension shall be for a maximum of 90 calendar days. Longer extension periods may be granted on a case-by-case basis at the discretion of the District Permit Engineer.

The rider form must be Simplex numbered and include a cross-reference to the original permit.
206 PERMIT INSPECTION AND ENFORCEMENT

Although statutes do not require Caltrans to inspect encroachment permit projects, District permit inspectors are assigned to provide inspection when deemed necessary. The District Permit Engineer may require inspections be performed by other Caltrans units, utility companies, local agencies, or private engineers hired by the permittee. The District Permit Engineer retains the authority to approve any non-Caltrans inspector prior to commencement of work.

The scope of encroachment permits varies and will require varying degrees of oversight inspection. Full-time inspection by the Caltrans representative is typically not required. Higher priority for inspection should be given to those encroachments that may affect highway safety, increase Caltrans’ liability, decrease operational efficiency, or negatively impact highway users.

The District Permit Engineer shall furnish a copy of all approved encroachment permits involving structure work to the Structure Construction, Area Bridge Construction Engineer (BCE). The Structure Construction Area BCE shall assign an oversight structure representative to ensure that the permittee abides by the provisions of the encroachment permit pertaining to structures. This review includes the permits issued to allow field investigations during the planning and design phase as well as permits issued to allow construction to commence.

Permittees must ensure that their projects meet Caltrans’ National Pollution Discharge Elimination System (NPDES) Permit requirements as well as the Construction General Permit (CGP) requirements (when applicable). For Caltrans’ NPDES Permit and CGP requirements, see Section 406.

206.A Citing of Permit Violations

The inspector (whether Caltrans staff or not) must use the “Encroachment Permit Report (Diary)” (form TR-0130) or EPMS to document any violation(s) of encroachment permit conditions, Encroachment Permit General Provisions, and/or Encroachment Permit Special Provisions. The inspector may cite the permittee, contractor, or both for non-compliance with the permit conditions, General Provisions, or Special Provisions.

The State’s representative or inspector shall provide a formal notification to both the permittee and the permittee’s representative, that a violation or violations have occurred, by providing a written copy of the recorded violation(s) via mail, fax, or in person.

Upon notification of a “second violation,” for example, non-compliance with the encroachment permit conditions, General Provisions, and/or Special Provisions, the State’s representative/inspector shall notify the permittee and their contractor/representative that, should a “third violation” occur, their permit(s) will be suspended or revoked.

Upon accumulation of a “third violation,” for example, non-compliance with the encroachment permit conditions, General Provisions, and/or Special Provisions, the State’s representative/inspector shall immediately notify the permittee and their
contractor/representative in writing that all work within the State highway right-of-way shall cease immediately, and also immediately attempt to verbally notify the permittee and their contractor/representative to cease work.

During incidents of non-compliance, Caltrans must comply with the provisions of the Caltrans NPDES permit and with Section 16 of Caltrans’ Storm Water Management Plan (SWMP). The District Work Plan will identify the responsible parties for non-compliance reporting within each District. The permittee and/or their contractor/representative shall immediately correct discharges from sudden, unexpected, unpreventable incidents that threaten public health, public safety, property, or the environment. The permittee or contractor (or the authorized field representative) shall prepare the “Notification of Non-Compliance” (form TR-0134) for the State Representative’s review and the State’s Representative will submit to the District NPDES Storm Water Coordinator.

For specific guidance on reporting of noncompliance of construction activities, see Section 9.4 “Noncompliance Reporting Plan” of the Caltrans current Storm Water Management Plan available at:

http://www.dot.ca.gov/hq/env/stormwater/

The District Permit Engineer determines to either suspend or revoke the permit(s) depending upon the severity of the violations or as allowed by statute. Bonds, inspectors, and/or private full-time inspectors not affiliated with the permittee(s) (but paid for by the permittee) may be required.

**206.B Suspension of Permits**

In certain situations, some local entities, franchise holders, and utility companies are granted the right to an encroachment permit by statute, and these permits cannot be revoked by the Districts.

The District Permit Engineer may place the permittee on probation for a period of up to six months. The District Permit Engineer informs the permittee that no work will be allowed to resume until the District can be assured that all conditions of the permit are met.

When a permittee is placed on probation, the District Permit Engineer may elect to suspend all annual permits that bear the name of the permittee. The permittee will be required to submit an application for every instance and location separately, for the duration of probation.

If the District cannot resolve the issues of the violations, and contacts headquarters in regards to this permittee, HQ Office of Encroachment Permits may suspend all permits in that permittee’s name statewide.

The District Permit Engineer shall notify the Maintenance Area Managers of the permittee’s suspension. Maintenance Supervisors shall ensure that any encroachment work within State
highway right-of-way is covered by an encroachment permit, and that any violations are posted and reported immediately to the Area Regional Maintenance Superintendent.

206.C Revocation of Permits
Except for permits required by law to be issued to a local public entity, a franchise holder, or a utility company, any permit can be revoked upon five (5) days’ notice in accordance with California Streets and Highway Code, section 673 and General Provision #2 (form TR-0045).

When a permittee (private property owner) is placed on probation, and again violates permit conditions, the District Permit Engineer may elect to revoke their permit(s) related to that particular project and have their encroachment or facility removed from State highway right-of-way. In addition, the District Permit Engineer has the discretion to revoke all other encroachment permits for the same permittee for which construction has not been initiated.

206.1 Encroachment Permit Report (Diary)
Inspectors must compile and complete the “Encroachment Permit Report (Diary)” (form TR-0130), or use EPMS, for each permit project whether it was inspected or not. Documentation must be included in the permit file. A single form may be used for multiple inspections of the same permit project, with inspection time totaled and noted in the space provided on the form. Inspectors must document the reasons why inspections are not performed, such as routine parades, banners, or other minor encroachments.

The inspector must keep an accurate record of inspection time, record it in three separate places, and all must agree (the Diary, the “Progress Billing/Permit Closure” (form TR-0129), and the inspector’s time sheet in Staff Central).

Use the “Progress Billing/Permit Closure” (form TR-0129) to record all inspection costs and to close out a permit file. It is signed and dated by the District Permit Engineer, an authorized representative, or the District Oversight Resident Engineer (RE) when applicable then submitted to the HQ Division of Accounting for billing purposes.

With AX (Actual Hour) Permits, the District Encroachment Permits Office should submit the “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer or the District Oversight Resident Engineer (RE), when applicable, to the HQ Division of Accounting on a monthly or quarterly basis for billing purposes.

Inspectors should record the following information on the Diary regarding work performed under an annual utility encroachment permit:

- Permit number
- Location of work (county, route, and post mile)
- Date and time of proposed work
- Type of work performed
• Name of utility contact and telephone number
• Utility company work order number

206.2 Responsibilities of Permittee
When performing the work, the permittee must comply with the encroachment permit, General Provisions, Special Provisions, authorized plans, and instructions by the Caltrans representative.

After the permit is issued, some of the permittee’s responsibilities to Caltrans are summarized as follows:

1. Notify the State's representative by phone or in writing at least five (5) business days before beginning work, or as identified in the encroachment permit. When structure-related work is involved, notify the Structure Construction Area Manager at least fourteen (14) calendar days before beginning work.
2. Request shoulder and lane closures at least ten (10) business days in advance of closure or as identified in the encroachment permit.
3. Notify the State representative not less than twenty-five (25) business days and not more than one hundred twenty-five (125) business days before the anticipated start of an activity that will change the vertical or horizontal clearance available to traffic, including shoulders. Refer to Caltrans Standard Specifications section 12-4.02A (3) (b) for additional information.
4. Request approval for encroachment permit changes or time extensions.
5. Notify State representative of any noncompliance with NPDES.
6. Submit a Notice of Completion (form TR-0128) to the State’s representative upon completion of the permitted work.
7. Furnish the State with all required documents, for example as-built plans, post-construction ADA Certification, Maintenance Agreements, etc.
8. Pay all costs associated with permitted activity.

206.2A As-Built Plans and Other Completion Records
The Encroachment Permit General Provisions require submittal of as-built plans (updated original project plan sheets showing changes made during construction) by the permittee when specified in the permit. Utility permittees are required by the CPUC to keep and maintain their own records.

Upon completion of permit work, the permittee also furnishes to the District details of the locations of hidden encroachments so that information may be retained for Caltrans’ future reference. If the permit includes any capital improvement work (whether a Capital Outlay Program or a Permit Program) involving structure-related facilities, then submittals of structure as-built plans and other structure completion records are required as detailed in Structure Work Special Provision (see Appendix K).
Additionally, utility or private entity permittees shall submit accurate, reproducible as-built plans and any other required completion records to Caltrans for approval, before bonds are released. Local agency permittees failing to provide complete, accurate, reproducible, and signed and approved completion records to Caltrans for permit work shall be cause for the State to require performance bonds on future permits. Future permitted work is subject to a bond requirement until the completion records of said previously permitted work are submitted satisfactorily (California Streets and Highways Code, section 678).

As-built plans should conform to requirements stated in Caltrans’ “Plans Preparation Manual,” “Construction Manual,” and “Bridge Design Details Manual.” As-built plans must be stamped, signed, and dated by the permittee’s engineer.

Permit inspectors verify that all as-built plan sheets have been submitted (including Log of Test Boring plan sheets). The originals are sent for microfilming in sets of 500 pages as detailed in the “Encroachment Permit File & Plan Set Microfilming Guidelines” (Appendix F). Table 2.8 indicates the number of copies of microfilmed as-built plans that must be distributed to various units of Caltrans. Additional information is available in the “Encroachment Permit File & Plan Set Microfilming Guidelines” (Appendix F).

### Table 2.8
**Distribution of Copies of As-Built Plans**

<table>
<thead>
<tr>
<th>Type of Permit Work</th>
<th>Number of Copies</th>
<th>Caltrans’ Functional Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical</td>
<td>1</td>
<td>Headquarters Electrical Maintenance</td>
</tr>
<tr>
<td>Electrical</td>
<td>1</td>
<td>District Electrical Maintenance</td>
</tr>
</tbody>
</table>

Permits involving structures or roadway construction (capital improvements—whether Capital Outlay Program or Permit Program) require as-built plans be stamped, signed, and dated by a California licensed engineer. The stamp or the decal shall be similar to and contain the minimum information as shown below:

CONTRACT No. ______________________________

DATE ACCEPTED ______________________________

**AS-BUILT**

STRUCTURE REPRESENTATIVE ____________________

REVISIONS BY ____________ DATE ____________
Instructions for making as-built revisions to the as-advertised plans shall be in accordance with Caltrans’ Structures’ “OSFP Information & Procedures Guide,” in the section titled “Structure As-Built Plans,” and with the “Bridge Design Details Manual,” Section 1-21 As-Built Plan Corrections.

When the permit involves structure work, Caltrans’ Oversight Structure representative shall notify either the District Oversight RE or the District Permit Engineer when the final structure completion records (except as-built plans) have been received and are satisfactory. Similarly, the Caltrans’ Structure OSFP Liaison Engineer will notify the District Permit Engineer, an authorized representative, or the Oversight RE upon receipt of satisfactory structure as-built plans.

206.2B Notice of Completion (form TR-0128)

General Provisions require the permittee to notify the State’s representative when work is completed. Notification is normally provided with a “Notice of Completion” (form TR-0128) (postcard), a letter, or verbally. Caltrans should conduct a final inspection of the project site within one week of notification. If the permittee has not complied with all terms and conditions of the permit, the District Permit Engineer informs the permittee of the discrepancies and requests corrections. On complex projects, corrections should be detailed in writing.

The District notifies the bond company to perform necessary work if the permittee fails to comply with this request. If the bond company fails to do the work, the District may perform the work and recover expenses from the bond company.

206.3 Unauthorized Encroachments

Caltrans’ Division of Maintenance is responsible for the abatement of unauthorized encroachments. District permits staff may assist Maintenance in the abatement activities when appropriate, and when authorized by the District Permit Engineer.

When an unauthorized encroachment is found, Maintenance shall contact the responsible party and explain Caltrans’ encroachment permit requirements. Unless the unauthorized encroachment is work that would normally be permitted, it shall be removed. Caltrans can recover all administrative costs associated with unauthorized encroachments, in addition to statutory penalties. (See California Government Code, sections 720 through 734.)

Unauthorized encroachments that shall be immediately removed from any State highway including but not limited to:

- Anything that obstructs or prevents the use of the highway by the public or creates a potential safety problem.
- Rubbish, trash, refuse.
• Temporary political signs (see California Business and Professions Code, section 5405.3).

If the unauthorized encroachment is an encroachment which Caltrans would normally process for consideration of approval and issuance of a permit, and the only basis for removal would be the lack of a valid encroachment permit, then the work must be discontinued until an encroachment permit application is submitted, reviewed, approved and a permit is issued.

An exception may be given, by the permit inspector for that geographical location or by the Area Maintenance Superintendent with verbal concurrence of the permit inspector, to allow a minor encroachment to remain before a permit is issued if all the following conditions are met:

1. A permit application has been submitted and received;
2. The encroachment conforms to Caltrans’ policies, other than the requirement to obtain a permit before encroaching into State highway right-of-way;
3. It does not adversely affect traffic safety or obstruct or prevent the use of the highway by the public;
4. It does not affect the condition or appearance of the highway;
5. The person or entity causing the unauthorized encroachment agrees to follow the recommendations of the Maintenance superintendent or State representative;
6. It does not involve tree removal or trimming.

The exception process described above does not relieve the encroaching party from any civil or criminal penalties or waive any cause of action or right to recovery or other remedy that Caltrans may have, associated with the encroachment. (See California Streets and Highways Code, sections 722, 723, 724, 727, 729, 730, 730.5, 732, 734.)

Maintenance may request law enforcement assistance when the person placing an unauthorized encroachment refuses the order/demand to discontinue or remove the unauthorized encroachment. It is imperative to keep good documentation, and photos should be taken and kept with the records.

The law enforcement agency should be informed of the specific section of the California Streets and Highways Code being violated. Maintenance should take the steps recommended in Table 2.9 to enable support of its action by Caltrans’ Legal Division.
Table 2.9
Procedures for Resolving Unauthorized Encroachments

These steps should be taken by Maintenance to resolve unauthorized encroachments:

1. Immediately remove rubbish, trash, refuse, advertising signs (exceptions see: Sections 501.3A, 501.7, 501.7A & 501.7B, 501.8, 500.6A, 517.7, 521.1), temporary political signs (see California Business and Professions Code, section 5405.3), and anything that obstructs or prevents the use of the highway by the public or creates a potential safety problem.

2. Immediately give the operator a “Notice of Encroachment” (form TR-0213, aka “red tag”).

3. If the problem is not resolved in a reasonable time, give a second and final violation notice by either:
   - Certified mail with return receipt and posting a copy for five (5) days at the site of the encroachment; or
   - Hand delivery to the owner, occupant, or other person in possession or control of the encroachment or person causing the encroachment.

4. Submit a full written report to the District Maintenance Superintendent and a copy to the District Permit Engineer. If the unauthorized encroachment consists of sediment discharge requiring immediate maintenance of the State facility, also submit a copy of the report and photos to the District NPDES Coordinator.

5. Do not take further removal action without specific instructions by the District Maintenance Superintendent unless the encroachment adversely affects traffic safety.

6. Contact Headquarters or a Regional Legal Office to consider what action should be taken to remove the encroachment, collect costs, enjoin further action, etc.

206.4 Retention of Permit Records
The terms and conditions of Caltrans’ encroachment permits are valid and in force as long as the encroachment remains in, under, or over the State highway, unless revoked or otherwise specified.

Complete copies of permit files shall be microfilmed and the record shall be retained indefinitely. Districts should follow the “Permit File & Plan Set Guidelines” (Appendix F) when preparing permit files and the plan sets for microfilming.

206.4A Closing Out Permit Files
When a permitted encroachment is completed, the file should be closed out and processed for archiving. The permit file should be reviewed to ensure all documentation is completed and is in the file. The permit inspector, or the individual with first-hand knowledge of the permit, is the most likely candidate to review, compile, and close the file. Each District assigns this task to the appropriate staff to ensure that files are closed accurately, efficiently, and expeditiously.
Chapter 200 – Processing Permits

The following is a partial list of what a permit file may contain at the time of closing:

1. The original application with the Simplex stamp
2. An approved plan set or drawing, date stamped
3. Copy of the issued Permit Package
   a. “Encroachment Permit” (form TR-0120)
   b. “Encroachment Permit General Provisions” (form TR-0045)
   c. Permit Special Provisions
   d. Additional attachments
4. Permit Office Engineer’s Encroachment Permit Reports (diaries)
5. District Reviewer’s Encroachment Permit Application Review Sheets
6. District Reviewer’s Comment Sheets
7. Memos and/or Notes
8. “Notice of Materials to be used” (Form CEM-3101)
9. Approved Local Entity Standards (if required)
10. A Performance Bond (if required)
11. A Payment Bond (if required)
12. A Cooperative Agreement (if required)
13. A Letter of Responsibility from a Local Entity (if required)
14. Inspector’s Encroachment Permit Reports (diaries)
15. “Progress Billing/Permit Closure” (form TR-0129)
16. “Certification of Compliance with Americans with Disabilities Act” (form TR-0405, one for design and separate form for post construction certification)

Each “Progress Billing/Permit Closure” (form TR-0129) is to be signed and dated by the District Permit Engineer, an authorized representative, or the District Oversight Resident Engineer (RE) when applicable. The completion notice check box will not be marked until the field work is completed and all as-built plans and other completion records have either been checked “Y” (yes) received, “N” (no) not received, or “N/A” (not applicable).

In some instances, a permit file may contain notes on sticky-notes; these should be collected and taped to an 8-1/2” x 11” piece of paper.

207 TIME REPORTING AND CHARGING INSTRUCTIONS

Caltrans’ staff shall accurately document and report all time expended on permit related activities (review, inspection, etc.).

Caltrans’ staff uses an online time reporting system (Staff Central) to record labor costs as hours worked.
207.1  **Project Code, Phase, Reporting, and Sub Object codes**

Caltrans has established time reporting procedures to categorize and track activities on time sheets. These require the use of project codes, phases, reporting, and sub object codes for all time reporting entries.

Time expended on oversight projects must be charged directly to the oversight project’s project code (ID), phase, reporting, and sub object codes.

Sub object codes are as follows:

- **002** - Supervision
- **003** - Staff Meetings
- **037** – Permit review, issuance and inspection
- **049** - Safety Meetings
- **059** - Training – Student
- **058** - Training – Instructor
- **099** – Administrative Time Off

For additional information and proper time charging procedures, please see the Program Charging Instructions and Norms (PCIN) available on the Division of Traffic Operations’ Intranet site.

207.2  **Specific Instructions for Inspection Staff**

“Progress Billing/Permit Closure” (form TR-0129) is to be signed and dated by the District Permit Engineer or the District Oversight Resident Engineer (RE) when applicable.

Inspectors must accurately report their time to recover fully the costs associated with specific permits.

They must charge the appropriate project code, reporting, sub object codes and complete diaries, “Progress Billing/Permit Closure” (form TR-0129), and permit review sheets in a timely manner.

District Permit Engineers must ensure that inspection staff time is reported correctly and that diaries agree with the hours shown on “Progress Billing/Permit Closure” (form TR-0129). Only in “Set Fee” (SF) permits may the “actual hours” shown on “Progress Billing/Permit Closure” (form TR-0129) and diaries vary from hours charged to permittees.

The hours charged on “Actual Fee” (AX) permits must agree with hours on diaries and “Progress Billing/Permit Closure” (form TR-0129). Field inspectors on a monthly or quarterly basis must submit “Progress Billing/Permit Closure” (form TR-0129), especially for annual or biannual permits.