



UTILITY ENCROACHMENTS PERMIT APPLICATION GUIDE (INCLUDING BROADBAND)

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INTRODUCTION

The California Department of Transportation (Caltrans) is the steward of the California State highway system. The safety of the traveling public, highway workers and permittees is our primary goal. Caltrans is committed to accommodating public utilities including broadband within State highway right-of-way if the utility infrastructures are designed, installed, operated and maintained without adversely impacting the highway safety, integrity and operations.

Working on or installing any infrastructure in State highway right-of-way by non-Caltrans entities requires written authorization from Caltrans. These uses include but are not limited to the installation, operation and maintenance of public utility facilities. Installation of utility encroachments are typically authorized under an encroachment permit.

This booklet provides an overview of the encroachment permit process. Additional information is provided in the “Encroachment Permits Manual” available at:

<https://dot.ca.gov/programs/traffic-operations/ep/ep-manual>

CONTENTS

I.	WHAT IS AN ENCROACHMENT?	4
II.	WHAT IS AN ENCROACHMENT PERMIT?	4
III.	WHY IS AN ENCROACHMENT PERMIT ISSUED?	4
IV.	WHO CAN APPLY FOR AN ENCROACHMENT PERMIT?	4
V.	THE STANDARD ENCROACHMENT PERMIT APPLICATION	5
A.	INFORMATION REQUIRED WITH THE PERMIT APPLICATION SUBMITTAL	5
B.	REQUIRED PLAN CONTENT	5
VI.	GUIDANCE, POLICIES AND PROCEDURES FOR UTILITY ENCROACHMENTS	6
VII.	PRE-PERMIT MEETINGS	8
VIII.	FEE FOR AN ENCROACHMENT PERMIT	8
IX.	PERMITTEE'S RESPONSIBILITIES	8
X.	CALTRANS' RESPONSIBILITIES	8
XI.	RIGHTS OF APPEAL ON A PERMIT DENIAL	9
	FIGURE 1: ENCROACHMENT PERMIT APPLICATION REVIEW PROCESS FLOWCHART	10
	FIGURE 2: DISTRICT ENCROACHMENT PERMITS OFFICES CONTACT INFORMATION	11

I. WHAT IS AN ENCROACHMENT?

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

II. WHAT IS AN ENCROACHMENT PERMIT?

An encroachment permit issued by Caltrans is permissive written authority for the permittee to enter State highway right-of-way to construct, alter, repair, improve facilities or conduct specified activities. Some examples of work activities performed under an encroachment permit are: utilities, excavations, vegetation planting or trimming, surveys, mail boxes, driveways, tire chain installation or removal for compensation, special events, and commercial filming activities.

An encroachment permit is not a property right. It only authorizes the permittee or the permittee's agent to perform work, and the permittee may not transfer or assign a permit to another party. A permit is not transferred with the property to a new owner at the time of sale. New property owners must apply for and obtain a new permit. This new permit should be issued for notice and records purposes.

III. WHY IS AN ENCROACHMENT PERMIT ISSUED?

Caltrans issues encroachment permits to:

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

IV. WHO CAN APPLY FOR AN ENCROACHMENT PERMIT?

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

V. THE STANDARD ENCROACHMENT PERMIT APPLICATION

The “Standard Encroachment Permit Application” (form TR-0100), instructions, plan set requirements, “EP Application Checklist - Utilities” (form TR-0413), an e-How on how to properly submit an application package and all other related forms are available at:

<https://dot.ca.gov/programs/traffic-operations/ep/applications>

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

A. INFORMATION REQUIRED WITH THE PERMIT APPLICATION SUBMITTAL

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

If the proposed activity requires approval from a city, county or other entity, a document indicating their approval (permit, letter, etc.) must be included with the submittal.

The District Encroachment Permits Office can be contacted for any questions. Their contact information is available at:

<https://dot.ca.gov/programs/traffic-operations/ep/district-contacts>

B. REQUIRED PLAN CONTENT

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

<https://dot.ca.gov/programs/design/manual-plans-preparation-manual-ppm>

All plans must comply with the provisions of the California Business and Professions Code. See sections 202.5 and 202.5A of the “Encroachment Permits Manual” for California Registered Engineer’s Seal and Signature requirements.

Minimum information required in plan sets:

- North arrow, scale and index
- Site plan (location)
- Utility plan profiles
- Distances/Dimensions
 - State highway right-of-way lines
 - All clearances and dimensions including:
 - Vertical (depth of installation), elevations, invert and top

- Horizontal (edge of nearest lane lines and right-of-way lines to proposed improvement)
- Existing pavement
 - Identification (A.C. or P.C.C.)
 - Lane lines
 - Location of edge of pavement
 - Shoulder areas
 - Curb & gutters
 - Sidewalks
 - Drainage facilities
- Utilities and facilities
 - Identification between existing and proposed
- Excavations (if required)
 - Length, width and depth
 - Shoring plans (if required)
 - Steel plating (if required)
- Materials
 - Type of proposed carrier product (PVC, HDPE, Steel, etc.)
 - Type of utility? (gas, electrical, sewer, telecommunications, etc.)
 - Classification (psi, voltage, gravity flow, fiber, hard wire, etc.)
 - Length and diameter or size of proposed carrier product, encasement or improvement
 - Quantity
 - Identification of manholes, vaults or splice-boxes
- Landscaping (if required)
 - Identification of existing and proposed
 - Identification of irrigation facilities
- Notes
 - General notes
 - Construction notes
 - Details
 - Material notes
 - Types
 - Quantities
 - Locations

VI. GUIDANCE, POLICIES AND PROCEDURES FOR UTILITY ENCROACHMENTS

Chapter 17 of the “Project Development Procedures Manual” addresses the policies for encroachments, including the placement and protection of utilities within State highway right-of-way. There are four sections in this chapter.

- Section 1, “Definitions and Laws”, addresses the definitions and applicable laws pertaining to encroachments.
- Section 2, “Encroachments”, addresses the encroachment policies and specific prohibitions to encroachments.

- Section 3, “Utility Policies”, addresses the policies and procedures for ensuring that transportation projects have a clear and safe right-of-way through the proper placement, protection, relocation, abandonment, or removal of utilities.
- Section 4, “Exception Requests”, addresses the requirements for obtaining an encroachment policy exception.

The “Project Development Procedures Manual” is available at:

<https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>

Chapter 200 of the “Encroachment Permits Manual” contains guidance on processing permits (including timeline requirements) and is available at:

<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-2-ada.pdf>

Chapter 400 of the “Encroachment Permits Manual” contains guidance on Environmental (CEQA/NEPA) compliance and is available at:

<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-4-ada.pdf>

Chapter 600 of the “Encroachment Permits Manual” contains guidance on utility encroachments* and is available at:

<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada.pdf>

*Guidance applicable to wired broadband facilities is provided in Section 603.2A.

Guidance applicable to wireless facilities is provided in Section 500.3 and Section 601.2

Other publications that can be useful are available at:

<https://dot.ca.gov/programs/traffic-operations/ep/related-publications>

Depending on the proposed project’s complexity, scope, size, etc. additional approval documents may be required and be managed using the Project Delivery Quality Management Assessment Process (QMAP) rather than the Encroachment Permits Office Process (EPOP).

<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/ep-process-review-all1y.pdf>

If the project is determined to be managed through QMAP process, a Complex Utility Project Agreement (CUPA) will be required to be executed for Caltrans to help with the development and delivery of the project.

VII. PRE-PERMIT MEETINGS

For projects that are large in scope/size or have other challenges (including but not limited to exceptions to policy and/or design standards, environmental impacts, involves bridge structures etc.), a pre-permit application meeting is recommended. Applicants may contact the District Permit Engineer requesting a pre-permit application meeting with the applicable Caltrans subject matter experts involved in the review of the proposed project. This will help everybody understand the project's scope, feasibility, unique needs, identify and understand the applicable requirements, review process and everyone's expectations.

VIII. FEE FOR AN ENCROACHMENT PERMIT

The fee for an encroachment permit varies depending on the type of encroachment and the number of staff hours needed to review and inspect it. Unless the utility company has been granted deferred billing, a deposit is required when the application package is submitted.

The amount of deposit is only an estimate to start the permit process. Additional fees may be required prior to the permit being issued, to reimburse for the actual time expended in the review process and for additional proposed time to be expended on inspection of the work.

IX. PERMITTEE'S RESPONSIBILITIES

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

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

X. CALTRANS' RESPONSIBILITIES

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

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

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

Section 671.5 (a) of the California Streets and Highways Code requires the Department to either approve or deny an Encroachment Permit Application submittal within 60

calendar days, upon determination that the submittal is complete. This section grants the Department the authority to determine what constitutes a completed Encroachment Permit Application submittal. It also stipulates that an Encroachment Permit Application submittal is complete when all statutory requirements have been complied with, including but not limited to Stormwater, Americans with Disabilities Act (ADA), California Environmental Quality Act (CEQA). The term statutory requirement includes both federal and California statutes.

The actual time needed to review and approve the permit application request will depend on the completeness of the submittal, scope, and complexity of the proposed work.

XI. RIGHTS OF APPEAL ON A PERMIT DENIAL

Section 304 of the “Encroachment Permits Manual” outlines the procedure for an applicant to appeal the denial of an encroachment permit application. The costs and allocation of the costs associated with the appeal are stated in section 304.3. This section is based on California Code of Regulations (CCR) Title 21, Division 2, Chapter 8, Article 2, sections 1413 through 1413.4, inclusive.

Section 304 does not apply to a wired broadband facility permit applicant. See the California Code of Regulations (CCR) Title 21, Division 2, Chapter 8, Article 1, sections 1412.1 through 1412.9, inclusive, for wired broadband facility permit appeals.

FIGURE 1: ENCROACHMENT PERMIT APPLICATION REVIEW PROCESS FLOWCHART

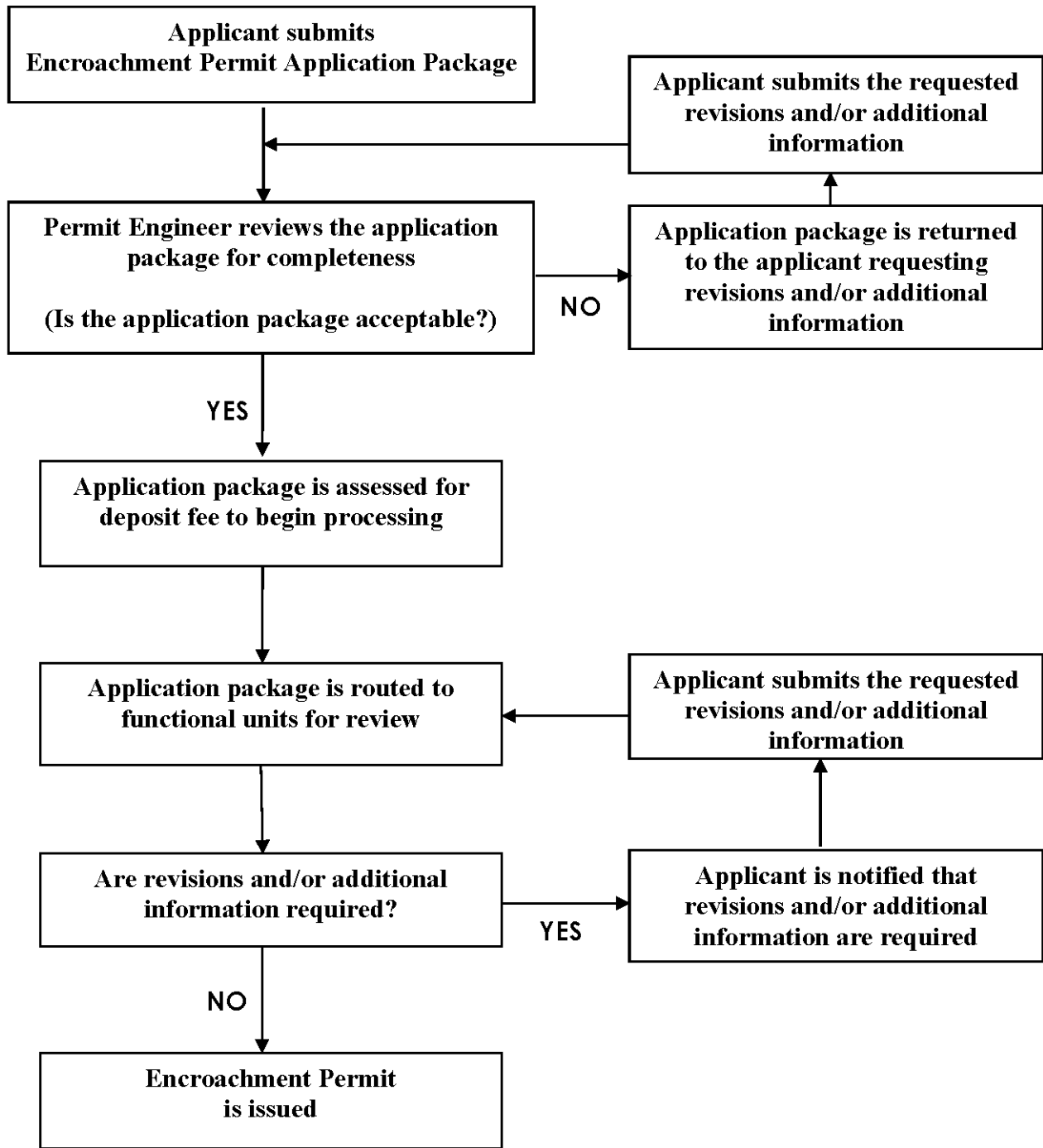


FIGURE 2: DISTRICT ENCROACHMENT PERMITS OFFICES CONTACT INFORMATION

<https://dot.ca.gov/programs/traffic-operations/ep/district-contacts>

