

## Chapter 200 – Processing Encroachment Permits

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# Chapter 200

## Processing Encroachment 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 fees as applicable.

### 201 APPLICATION PROCEDURE

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Applicants (or their representatives with a letter of authorization) must submit their EPAP to the appropriate District Encroachment Permits Office having jurisdictional authority over the proposed encroachment site for processing. To reduce processing times, applicants are encouraged to submit their EPAP by email, but may also submit their EPAP by mail or in person.

When Caltrans requires relocation of an existing utility, the District Right-of-Way initiates the Notice to Owner process described in Section 601.

#### 201.1 Application Forms and Documents (Rev. 09/2023)

The “Standard Encroachment Permit Application” (form TR-0100), instructions, plan set requirements, sample application checklists, related forms, and where to submit the EPAP can be found at:

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

Additional supporting documentation may be required depending on the scope of work such as plans, location map, environmental documentation, stormwater permit(s), certification of compliance with the Americans with Disabilities Act, surety bonds, liability insurance, letter of authorization, “Encroachment Permit Applicant: Contractor(s) Authorization Form” (form TR-0429), 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 (Rev. 09/2023)

Caltrans has established an “Encroachment Permit Fee Schedule” (TR-0166) (see Appendix H) and charges a fee for the issuance of encroachment permits, except to public corporations (see Section 201.2A).

Fee charges must originate from the Caltrans Encroachment Permit System (CEPS). An initial deposit is automatically generated in CEPS based on the established fee schedule. The District Encroachment Permits Office provides the “Progress Billing/Permit Closure” (form TR-0129) generated from CEPS to the applicant. The applicant will submit the form and payment to the District Cashier’s Office.

A progress bill is generated in CEPS to recover the costs beyond the initial deposit for managing encroachment permits, inspections, Department-Furnished materials, etc. Only the District Permit Engineer or designee generates a progress bill in CEPS since this serves the same purpose as sending the “Progress Billing/Permit Closure” (form TR-0129) to the HQ Division of Accounting. On a nightly basis, CEPS will send a report containing all bills generated that day to HQ Division of Accounting. HQ Division of Accounting will create a Progress Billing invoice and send it to the applicant.

All payments should be made to the District or Headquarters (HQ) Cashier’s Office for deposit into the State Highway Account. Checks for payment of encroachment permit fees or deposits must be made payable to “California Department of Transportation.” The Cash Handling Policy and Credit Card Security Policy are described in detail in Caltrans Accounting Bulletins. The District Encroachment Permits Office must instruct applicants to submit initial deposit payments (e.g., coin, currency, checks, warrants) to the District Cashier’s Office, and submit the progress bill payments as instructed on the invoice. If a payment is received by the District Encroachment Permits Office, the payment should be recorded on the “Encroachment Permit Log” (form TR-0111), and the payment along with the form be submitted to the District Cashier’s Office by the next business day.

### 1. Utility Encroachment Permits

Utility companies under the jurisdiction of the California Public Utilities Commission (CPUC) 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) provided by the District Encroachment Permits Office or from the nightly CEPS

report. Utility companies in bankruptcy proceedings are not granted deferred billing status and fees are collected prior to encroachment permit issuance. A final bill is sent to HQ Division of Accounting if fees are owed at the end of the project. The HQ Division of Accounting will not issue Progress Billing invoices to a utility company unless HQ Division of Accounting receives a completed “Progress Billing/Permit Closure” (form TR-0129) from the District Encroachment Permits Office or the nightly CEPS report. All staff must record their time expended in CEPS to assist the District Encroachment Permits Office in maintaining accurate records of all time expended on encroachment permits.

## 2. Annual/Biennial Encroachment Permits

These encroachment permits are issued on a yearly or two-year basis for conventional highways. Fees for annual/biennial encroachment permits are charged a minimum of two (2) hours of review to recover the time expended in the office for processing and administration. These encroachment permits allow public corporations, utility companies, and in some cases private corporations (e.g., survey encroachment permits), the ability to perform everyday routine tasks without having to apply continuously for multiple encroachment permits.

### 201.2A Fee Exempt Encroachment Permits (Rev. 09/2023)

The “Encroachment Permit Fee Schedule” (TR-0166) (see Appendix H) indicates how fees are assessed for the different types of encroachment permits and those encroachment permits which are fee-exempt. Fee exemption categories are as follows:

#### 1. Statutorily Fee Exempt Encroachment Permits

Public corporations are statutorily exempt from encroachment permit fees (California Streets and Highways Code, Section 671.1).

A private corporation is organized for private purposes and/or for profit, and not fee exempt.

Examples of public corporations are listed as follows:

- Federal and State Government
- Counties
- Incorporated cities and towns
- All municipal corporations, including but not limited to:
  - Community service districts
  - Road improvement districts
  - Irrigation districts

- Reclamation districts
- Utility districts
- Water districts
- Incorporated school districts
- Maintenance districts (e.g., sanitation, lighting, landscaping, etc.)
- Special districts (e.g., libraries, law enforcement, fire services, etc.)
- Agricultural associations

## **2. Administratively Fee-Exempt Encroachment Permits**

Some encroachment permit fees are waived by Caltrans policy. These encroachment permits are referred to as *administratively exempt*. HQ Encroachment Permits' approval must be obtained prior to waiving fees for any permits other than those listed below. Authority to waive fees is delegated to the Districts under the following types of administratively exempt encroachment permits and activities:

- Adopt-A-Highway Program (AH permits, see Section 500.1)
- Airspace Development (AS permits, see Section 500.3)
- 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
- Projects managed through the Quality Management Assessment Process (QMAP - previously Oversight Process) (District Project Manager will manage fees through a cooperative agreement or highway improvement agreement)
- 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, see Section 506.3C)
- Locally funded project construction identification signs (see Section 517.8)
- Mail and newspaper delivery boxes or newspaper vending machines (MB permits, see Section 507)

- Encroachment permits for utility ownership that are installed by developers (US permits, see Section 603.5)
- Memorial/Historical plaques and Blue Star memorial highway markers authorized by legislative resolution, at approved location sites (MM permits, see Section 500.2D)
- Native American Tribal developments or activities (associated with reservations or Rancherias)
- Projects authorized by a “Consent Letter” (see Section 501.1)
- Railroad crossing maintenance (RX permits, see Section 512)
- Required construction signs outside State or locally funded contract project limits
- State ordered utility relocation covered by a “Notice to Owner” (form RW-13-04) issued by District Right-of-Way (UR permits, see Section 601.1)
- Transportation Art Program (AP permits, see Section 500.2A)
- Caltrans initiated rider encroachment permits (RD permits, see Section 511.1)
- Municipal parades by community-based nonprofit organizations (SE permits, see Section 514) commemorating recognized governmental holidays (Federal, State, and/or local). Any other parade or special event by a nonprofit organization requires encroachment permit fees. With City/County support for this type of special event, the District Permit Engineer may issue an encroachment permit. Approval of the special event must be as described in Section 514.

## **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. Processing, Reviewing 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 processing, reviewing, and inspection are established by one of the following two methods:

- 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 encroachment permit application. A minimum charge of one (1) hour applies to all encroachment permit applications and is included in the review hours shown on the “Encroachment Permit Fee Schedule” (TR-0166).

**a. Set Fee Hours (SF)**

Numeric hours shown on the “Encroachment Permit Fee Schedule” (TR-0166) for specific types of encroachment permits are set based on historical data for similar encroachment permit types. Encroachment permit types using the SF fee method have numeric predetermined fixed hours for both review and inspection time.

Districts may change encroachment 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.

**b. Actual Fee Hours (AX)**

The AX fee method uses the actual time expended for project or activity review and/or inspection.

For encroachment permits under an AX fee method, a deposit for project review and inspection must be collected at the time the encroachment permit application is submitted. Progress bills may be sent out for additional actual review and/or inspection hours expended. Typically, costs accrued for actual review hours expended is collected before the encroachment permit is issued and the progress bill at this phase may also include estimated inspection hours.

A final bill for an encroachment permit using the AX fee method is generated from an executed “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer or designee, or the District Resident Engineer when applicable, and sent to HQ Division of Accounting for billing purposes. All fees incurred for the project are collected before release of the bond.

## **2. Hourly Rate**

Each fiscal year, the HQ Division of Accounting submits a proposed Hourly Rate to the 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 HQ Division of Accounting. The Hourly Rate is used for calculating encroachment permit fees.

## **3. Field Work Fee (Anticipated by Caltrans Workforce)**

A District Maintenance or 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 District unit(s) who will perform the field work. This field work fee or deposit is collected from the applicant after review and before the encroachment 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 projects or traffic collisions, are generally recovered by District 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**

### **a. 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.).

### **b. Transportation Laboratory Inspection Cost**

The fee for inspection work or laboratory testing by the HQ Division of Engineering Services, Materials Engineering and Testing Services (METS), must 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 must contact the Transportation Laboratory directly for an estimate.

**c. Quality Management Assessment Process (QMAP) Projects**

Encroachment permit staff hours for QMAP projects (see Section 108) are charged directly to the QMAP project’s project code. Check the Highway Improvement or Cooperative Agreement for fee details.

The total fee is the sum of the fee components. The District Permit Engineer or the designee records all hours and calculations on the “Encroachment Permit Fee Calculation Sheet” (form TR-0406). The District Permit Engineer or the designee 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 Past Due Accounts** (Rev. 09/2023)

When a bill is required for an encroachment permit project, the District Permit Engineer or designee, sends an electronic “Progress Billing/Permit Closure” (form TR-0129) via CEPS or hard copy to the HQ Division of Accounting, who then generates an invoice and bills or refunds the permittee. Any legal action to recover for the unpaid amounts must be commenced within four years from the accrual of the cause of action (which could be the billing/invoice date, the work completion date, or other date depending on the circumstances), therefore timely billing/invoicing and diligent follow-up to receive payment are important (see California Code of Civil Procedure, Section 337). HQ Division of Accounting receives a copy of the “Encroachment Permit Log” (form TR-0111), which the District Encroachment Permits Office uses to chronologically record accepted encroachment permit applications, payments, and refunds. Log use is shown in Table 2.1.

**Table 2.1** (Rev. 09/2023)  
**Encroachment Permit Log Form Use**

- |   |
|---|
| <ol style="list-style-type: none"><li>1. A copy of the “Encroachment Permit Log” (form TR-0111) and all billing or refund requests, as listed on the log, should be emailed along with a collected payment 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.</li><li>2. For every payment received, 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</li></ol> |
|---|

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.

If the bill is not paid within thirty (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 sixty (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 and the appropriate District Encroachment Permits Office. Each District Encroachment Permits Office will maintain a list of permittees with past due accounts and inform them when they apply for a new encroachment permit that new encroachment permits may not be issued until resolution of past due accounts with the HQ Division of Accounting.

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

1. Require upfront payment of fees,
2. Require a payment/performance bond (see Section 203.4),
3. Revoke annual maintenance encroachment permits and require separate encroachment permits for each work element,
4. Deny encroachment permit applications for those not given the right to an encroachment permit by law.

The District must include the performance and payment bonds with billings sent to HQ Division of Accounting for all past due accounts. When provided by the District, the performance bond information will be used by the HQ Division of Accounting to attempt to collect the past due 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 past due accounts may be turned over to a collection agency after one hundred eighty (180) calendar days from the bill date unless arrangements have been made through the District Permit Engineer for full payment of the account.

The arrangements must be acceptable to the HQ Division of Accounting. After four (4) years have lapsed since the encroachment 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 encroachment 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 must refund all fees for improperly accepted applications as outlined in Table 2.2. Refunds must be documented on the “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer or designee, or the District Resident Engineer when applicable. The completed “Progress Billing/Permit Closure” (form TR- 0129) must be sent to HQ Division of Accounting, to the attention of the 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, or contractor), the refund will be issued to the party who made the payment unless written mutual documentation (between the permittee and their authorized agent or contractor) indicates that the refund should be issued to the other party.

In accordance with California Government Code, Section 13144, refunds exceeding ten thousand dollars (\$10,000) generally require approval by the California Department of Finance and the California State Controller's Office. 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.

Encroachment permit fees may be refunded as shown in Table 2.2, depending upon the status of the encroachment permit application.

**Table 2.2**  
**Refund of Encroachment Permit Fees**

<b>Status of Encroachment Permit Application</b>	<b>Appropriate Refund</b>
A SF (Set Hours) permit is denied as a result of the review process.	The unexpended portion of the total fee collected for inspection, field work, bridge tolls, and miscellaneous fees.
An AX (Actual Hours) permit is denied as a result of the review process.	That portion of the fees that represents collected but unexpended review and inspection fees.
The applicant cancels the encroachment permit application before an encroachment permit is issued.	The collected but unexpended review and inspection fees.
The permittee cancels the encroachment permit after the encroachment permit is issued but before work has started.	That portion of the total fee collected that represents inspection and field work.
The permittee cancels the encroachment permit after the encroachment permit is issued and after work has started.	None.

**201.4 Tracking / Encroachment Permit Number** (Rev. 09/2023)

The Encroachment Permits Program uses the Caltrans Encroachment Permit System (CEPS) to track and manage encroachment permit requests. Immediately upon receiving an Encroachment Permit Application Package (EPAP), a new CEPS record should be created by entering the information from the EPAP into the CEPS. Encroachment Permit Numbers conform to the following format:

DD-YY-B-PP-NNNN Example: 03-20-6-SE-0260

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

Year (YY): Last two digits of the calendar year in which the encroachment permit application is assigned a chronological number.

Billing Type Code (B):

One of four characters:

6	for Caltrans fee encroachment permits
N	for no fee permits such as fee exempt encroachment permits (see Section 201.2A)

Encroachment Permit Type Code (PP):

A two-alpha character designation that describes the type of encroachment, as shown in the “Encroachment Permit Fee Schedule” (TR-0166).

Chronological Number (NNNN):

A four-digit, chronological number from 0001 to 9999, starting with 0001 each calendar year. The CEPS automatically assigns the chronological number when a new encroachment permit record is created.

## 201.5 Processing Encroachment Permit Applications

In accordance with California Streets and Highways Code, Section 671.5, Caltrans is required to either approve or deny an EPAP within an established timespan upon determination by Caltrans that the EPAP is complete. Streets and Highways Code, Section 671.5, Subdivision (a) established a sixty (60)-calendar day timespan for all EPAPs that are deemed complete, where Subdivision (b) specifically addressed broadband facility related EPAPs that are deemed incomplete. Caltrans is required to either approve or deny a resubmitted revised EPAP for a broadband facility, which is complete, within thirty (30) calendar days.

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 environmental documents for the National Environmental Policy Act (NEPA) 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:

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

Processes are established to ensure compliance with the thirty (30) calendar day Encroachment Permit Program performance target and the statutory requirement established by California Streets and Highways Code, Section 671.5. These functions include:

1. Preliminary meetings
2. The CEPS database (see Section 201.6)
3. A response time goal of thirty (30) calendar days or less for most EPAPs.

The process, actions, and timelines are as follows:

<b>PROCESS</b>	<b>ACTIONS</b>	<b>DAYS</b>	<b>TOTAL DAYS</b>
1. Login	Permit Engineer enters EPAP into CEPS and CEPS assigns a tracking number	2	2
2. Screen	Permit Engineer screens the EPAP for completeness	2	4***
(Screen)	(a) Sends Acknowledgement Letter - Acceptance if EPAP is complete, or	0	0
(Screen)	(b) Sends Acknowledgement Letter** - Rejection if EPAP is incomplete, or	0	0
(Screen)	(c) If deemed complete and accepted, circulates EPAP for review by functional units	0	0
3. Review	Functional units review EPAP and send comments to Permit Engineer	8	12
4. Notify	Permit Engineer notifies applicant	2	14
(Notify)	(a) Approves EPAP and issues encroachment permit, or	0	0
(Notify)	(b) Notifies applicant that revisions, additional information, and/or documentation is required (10-day Revision Letter)**, or	0	0
(Notify)	(c) Denies EPAP and sends the Firm Denial/Appeal Letter**	0	0
5. Respond*	Applicant must meet schedule by responding to the notification within ten (10) calendar days if revisions, additional information, and/or documentation is required	10	24
6. Final	Resubmittal with revisions is reviewed and Permit Engineer either approves or denies the EPAP	6	30



(Final)	(a) Approves EPAP and issues encroachment permit if applicant meets schedule <u>and</u> required revisions, additional information, and/or documentation is acceptable, or	0	0
(Final)	(b) Denies EPAP if applicant meets schedule <u>but</u> required revisions, additional information, and/or documentation is not acceptable (Firm Denial/Appeal letter)**, or	0	0
(Final)	(c) Closes abandoned file after sixty (60) calendar days from denial date if applicant does not meet schedule.	0	0

\*Applicant’s responsibility

\*\* Districts must request an acknowledgment of receipt from the applicant by email response and document acknowledgment response in the encroachment permit file. If acknowledgement is not received, the district must follow-up by mailing the notification by certified mail if the letter states the application is denied.

\*\*\*Acknowledgement letter must be sent out within thirty (30) calendar days from the receipt of the encroachment permit application. In the event of an incomplete EPAP for a broadband facility, Districts must provide the applicant with no less than thirty (30) calendar days to resubmit its application with the supplemental information that was identified in the acknowledgment letter.

Applicants are encouraged to submit their EPAP via email. A digital EPAP will enable the District Encroachment Permits Office to enhance our quality service, increase efficiency, and reduce paper waste. All the steps in the process can be completed via email using digital copies of the EPAP and encroachment permit documents. However, the applicant or applicant’s agent must furnish to Caltrans the original completed and signed application in paper format, upon request.

To increase the quality of EPAPs, the District Permit Engineer may approve staff time to meet with prospective applicants to assist in submitting 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 an encroachment permit. This consultation shall not exceed one meeting. The staff time from this consultation are not charged to the applicant. In case of an incomplete EPAP for a broadband facility, California Streets and Highways Code, Section 671.5, Subdivision (b) requires Caltrans to meet with the applicant within fourteen (14) calendar days after a meeting is requested to discuss any

outstanding supplemental information necessary to complete the application. Three (3) individual meetings not exceeding a total of four (4) hours may be spent for each EPAP. The staff time from the meetings are not charged to the applicant.

For projects that are large in scope or have other challenges (including but not limited to intersection improvements, exceptions to policy and/or design standards, environmental impacts, etc.), the applicant must contact the District Permit Engineer for a pre-permit application meeting that will include the applicant, the applicant's engineers, and applicable Caltrans personnel. Prior to the meeting, the applicant will provide the District Encroachment Permits Office draft design plans and supporting documents so Caltrans can understand the project's scope, unique needs, and feasibility, and identify the applicable requirements, review process, and stakeholders' expectations. Encroachment permit type codes of CD, CS, DD, LC, LF, MC, RC, RP, and SN are typically involved (see Chapter 500). Please note that a pre-permit application meeting is to provide direction to the applicant for a successful project and is not a project review meeting for determining approval or denial of a project. District Permit Engineers or designee must schedule this mandatory pre-permit application meeting before an EPAP is accepted if the applicant fails to do so.

**Log in** - As soon as the EPAP is received, the application information must be entered into CEPS, at which time CEPS assigns a tracking number. The date the EPAP was received by Caltrans must be recorded in CEPS as the Received Date.

**Screen** - If the application is delivered in person, the application should be screened for completeness by using an encroachment permit checklist and accepted as complete or rejected as incomplete for specific reasons while the applicant is present, if possible. If the application is received via mail or email, the screening time should not exceed two (2) business days. The screen timeline must not exceed thirty (30) calendar days from the receipt of an EPAP for a broadband facility.

After screening the EPAP for completeness, the District Permit Engineer or designee must send a letter to the applicant, acknowledging receipt of the EPAP and stating whether the application has been deemed complete or incomplete. The standard acknowledgement letter templates are available in CEPS and on the HQ, Encroachment Permits intranet website.

If the EPAP is rejected as incomplete during the screening process, the Permit Engineer must send a letter to the applicant acknowledging receipt of the EPAP and provide a list of reasons why the EPAP is incomplete with reference to the

specific application criteria that the EPAP does not meet. Return or refund the applicant's check or payment deposit and inform the applicant that the hardcopy documents will be discarded unless a request is made for pickup. In the event of an incomplete EPAP for a broadband facility, Districts must provide the applicant with no less than thirty (30) calendar days to resubmit its application with the supplemental information that was identified in the acknowledgment letter. Resubmitted revised EPAP for a broadband facility can be processed and logged into CEPS under the same encroachment permit number.

**Review** - When the EPAP is accepted as complete, the Permit Engineer will distribute the EPAP to the necessary Caltrans functional units to review for compliance with policy, design, and construction standards. The functional units must review the EPAP and provide a permit issuance/denial recommendation and comments to the Permit Engineer within eight (8) calendar days from the date of distribution. Based on the functional units' recommendations, the Permit Engineer compiles the comments and determines to either approve or deny an encroachment permit.

**Notify** - If additional information, revisions, or supporting documentation is needed, the Permit Engineer must send a letter (ten (10)-day Revision Letter) to the applicant informing the applicant the application is denied based upon the need for additional information, revisions and/or supporting documentation. Since the 10-day Revision Letter denies the encroachment permit if a response is not received, verification of the date the letter is sent to the applicant is required to track the sixty (60)-calendar day appeal period.

If the EPAP is approved, the draft encroachment permit package is compiled, reviewed, and approved. The permittee is notified by email that the encroachment permit is approved, and the encroachment permit package is attached.

If the EPAP is denied due to noncompliance with federal or State statutes or Caltrans standards and/or policies, a Firm Denial/Appeal Letter must be sent to the applicant detailing the reason(s) for the denial and instructions on the appeal process (see Section 304). The District Permit Engineer should notify the District Deputy Director and District Director prior to denying an encroachment permit on this basis. The Denial letter is emailed to the applicant and a return receipt is requested.

**Respond** – The applicant is given ten (10) calendar days to resubmit the EPAP with the requested revisions and/or additional information. The ten (10)-day

Revision Letter states that the EPAP is automatically denied unless a response is received within ten (10) calendar days. If a resubmittal or a response is not received from the applicant by the given date, the EPAP will be deemed abandoned and closed. Allow for the appeal period of sixty (60) calendar days after the denial date before closing the permit in CEPS.

**Final** - If the applicant meets the schedule, the Permit Engineer will review and distribute the revised documents to the appropriate functional units for further review. If all documents are approved, the encroachment permit package is compiled, reviewed, and approved. The permittee is notified by email that the encroachment permit is approved, and the encroachment permit package is attached.

If the applicant meets the schedule, but the required revisions, additional information, and/or documentation is not acceptable, the applicant is notified by email that the EPAP has been denied. The Denial letter is emailed to the applicant and a return receipt is requested.

If the applicant does not meet the schedule, the file is considered abandoned and is closed after sixty (60) calendar days from the denial date.

## **201.6 Tracking Encroachment Permit Applications** (Rev. 09/2023)

The Caltrans Encroachment Permit System (CEPS) is a database that contains encroachment permit data, provides efficiency in processing encroachment permits, and provides informational reports to Caltrans staff regarding the status of EPAPs and ongoing encroachment permits. It also provides information on resources expended on each individual encroachment permit. The database assists management to ensure that statutory deadlines are met, reviews are completed on time, and Caltrans recovers the full cost of administering encroachment permits.

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 must be reported immediately to the 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 Engineer with the most current information on the progress of EPAPs and existing permits that they handle. The

CEPS Manual on the CEPS intranet page provides guidance on

## 202 REVIEW PROCESS

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The Caltrans Encroachment Permit System (CEPS) is used to request Caltrans functional units review of an encroachment proposal. The reviewing functional unit uses CEPS to provide detailed comments about the proposal, record the number of expended review hours, and recommend encroachment permit approval or denial.

### 202.1 General Criteria for Evaluation of Encroachment Permit Applications

The District Permit Engineer is typically responsible for determining the appropriate review process for proposed projects submitted to the District Encroachment Permits Office based on the “Encroachment Project Processes Enhancements” policy memorandum issued on June 12, 2020, and for determining when there is a need for an agreement between the applicant and Caltrans for maintenance and/or responsibility purposes.

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

- The safety of motorists, pedestrians, and workers.
- Design, construction, operation, maintenance, and/or integrity of the State Highway System.
- Future and ongoing highway construction work.
- Aesthetic value of the highway corridor.
- The environment.
- Existing drainage.
- Water quality.
- The risk of tort liability.

Caltrans policy is to cooperate with the Central Valley Flood Protection Board (CVFPB) (previously known as Reclamation Board) or others regarding submittals for encroachment permits to install underground facilities where a State Highway is on or crosses a levee under the jurisdiction of the CVFPB or others. An applicant is required to furnish proof of a permit from the CVFPB or others 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., removal or relocation of a driveway, curb, or gutter for a highway widening encroachment permit application). The applicant must arrange and pay for any such removal or relocation. The “Encroachment Permit General Provisions” (TR-0045, General Provisions number 11) require relocation of conflicting encroachments at no cost to Caltrans as a condition of the encroachment permit. Priority is given to the earlier encroachment.

## 202.1B Location of Encroachment within the State Highway Right-of-Way

Encroachments must not create a public hazard, disrupt highway operations, affect maintenance, restrict pedestrian facilities, or interfere with future highway construction. Consideration must be given to utility placement located within right-of-way that is planned for expansion. Refer to the Caltrans Highway Design Manual's clear recovery zone concept (Topic 309) when reviewing proposed placement of utilities.

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. Encroachment permit applications describing work within non-operating right-of-way must be sent to District Right-of-Way for review. In some cases, District Right-of-Way may coordinate the encroachment request.

For activities within an easement, the easement document determines whether an encroachment permit is needed and its cost. The District Permit Engineer or the designee should consult with District Right-of-Way Engineering or Right-of-Way Utilities if there are any questions regarding encroachment permitting or charging fees.

### **Activities within Caltrans Easements:**

For activities within Caltrans easements (e.g., slope or drainage easement) adjacent to the State Highway System, property owners must obtain an encroachment permit to ensure the work does not infringe on Caltrans' easement rights.

When Caltrans has only prescriptive rights and not fee title, the applicant must obtain an encroachment permit from Caltrans and a permit (or approval) from

the landowners (such as the U.S. Forest Service or the U.S. Bureau of Land Management).

**Activities within Easements-Owned-by-Others on the State Highway System:**

For activities within easements-owned-by-others on the State Highway System, such as through prior rights, or a Joint Use Agreement (JUA) or a Consent to Common Use Agreement (CCUA), applicants must obtain an encroachment permit for those activities listed in the easement documents. Applicants must include a CCUA or JUA number in the EPAP. If easement documents are not available, the application should be reviewed by District Right-of-Way Engineering or Right-of-Way Utilities to ensure that the proposed work is authorized under a prior property right.

The District Right-of-Way Engineering or Right-of-Way Utilities must determine when the encroachment permit will be designated as “For Record Purposes Only.” Encroachment permits are only designated as “For Record Purposes Only” when all necessary work by the applicant is within the rights specified in the JUA, CCUA, or other Right-of-Way document. Additional work may be added to the same encroachment permit but is not designated as “For Record Purposes Only,” and the customary encroachment permit fee is charged. Examples of work that may not be included in the rights provided in a Right-of-Way document include expanded project limits, lane closures, or other significant disruptions to highway traffic.

These types of encroachment permits must contain the following clause:

“It is understood that the owner’s easement(s) within the area of common use within the highway or at a new location within the highway may be used for the purpose for which the original easement(s) was acquired subject to Permittee providing advance notification of planned work and adherence to traffic safety and highway integrity requirements as contained elsewhere in this encroachment permit.”

For both activities within Caltrans easement and an easement-owned-by-others, a fee exempt encroachment permit is issued if the scope of work is confined to what is allowed in the easement documents. The encroachment permit is designated as “For Record Purposes Only.” If traffic control is needed or the scope of work is outside the scope defined in the easement documents, then additional fees are charged for processing and inspection.

## 202.1C Traffic Considerations

### GENERAL

When an encroachment permit project is within the roadway or within the clear recovery zone, or will impact traffic, the permittee must submit a Transportation Management Plan (TMP) and assumes responsibility for financing and implementing traffic control and safety features (see the Caltrans TMP Guidelines in Appendix E). The permittee must use construction methods that minimize traffic delay. Lane and shoulder closures are limited to the hours approved by the District traffic reviewer and allowed by the District Traffic Manager (DTM).

Permittees must submit a detailed work description, a list of lanes (or shoulders) that need to be closed, proposed time and duration of closure, and any applicable traffic control plans. Traffic control plans and working hours as determined by the District traffic reviewer are often a sufficient TMP.

Caltrans Standard Plans for Traffic Control Systems may be used for daytime or nighttime closures if the plans are appropriate for the site conditions. The applicant must identify the applicable Caltrans Standard Plan(s) for the proposed work on the encroachment permit application for the review of the District Permit Engineer or designee. If Caltrans Standard Plans are not appropriate for the site conditions, the applicant must retain services of a California Registered Engineer to develop and stamp traffic control plans that are appropriate for the specific site conditions using other Caltrans manuals such as the California Manual on Uniform Traffic Control Devices (CA MUTCD), Caltrans Plans Preparation Manual, and Caltrans Computer Aided Design & Drafting (CADD) Users Manual.

The approved traffic control plans must be made part of the encroachment permit.

### TRAFFIC DELAYS AND LANE CLOSURES

Encroachment permit projects require a major TMP if the anticipated traffic delay resulting from the encroachment permit operation or lane closure is thirty (30) minutes above the normal recurring traffic delay or the delay threshold set by the DTM, whichever is less.

TMPs and contingency plans for encroachment projects are developed by the permittee and when implemented, they should minimize or eliminate project-



related traffic delays. Staff time for review, and inspection of TMPs is charged to the encroachment permit.

When lane closures are contemplated within access-controlled right-of-way or 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 thirty (30) minutes or the delay threshold set by the DTM, whichever is less (see the Caltrans TMP Guidelines in Appendix E). While a review is not required for emergency lane closures, i.e., incidents, natural disasters, earthquakes, storm damage, hazardous material spills, traffic collisions, etc., nevertheless, DTM notification is still required.

The District Permit Engineer or designee submits the proposed lane closure through the DTM for review before sending it to the District LCRC. If the DTM can reduce the delay to less than thirty (30) minutes, then the District LCRC review is not necessary. The submittal to the DTM should contain information listed in the Caltrans TMP Guidelines shown in Appendix E. Transportation Management Centers in metropolitan areas must be notified at least seven (7) calendar 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 impacts on traffic during lane closure operations when the congestion or delay exceeds original estimates. The contingency plan should contain information specified in the Caltrans TMP Guidelines shown in Appendix E.

### **Approval of Lane Closures**

Proposed lane closures must be approved by the DTM before initiating the closure. Refer to the “Encroachment Permit General Provisions” (TR-0045) and Caltrans’ Standard Specifications for specific instructions on the approval process and timelines.

The District Permit Engineer or designee is responsible for notifying the DTM if there are changes to the originally approved closure request. The DTM must review approved lane closure plans three (3) business 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 of Lane Closures**

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

### **Exceptions for Lane Closures**

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 Caltrans Standard Plans and Specifications. 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 does not jeopardize anyone's safety. Examples of such work include pavement patching, pavement marker replacement, etc.

Several references are made on the Caltrans Standard Plans to “approach speed,” which could be a posted speed limit, an off-peak eighty-fifth (85th)-percentile speed, or an estimated speed determined by driving through the job site several times. Many areas are not posted; therefore, 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 revise, alter, or use different traffic control plans than originally approved should be directed to the District Traffic Engineer for approval. Caltrans Standard Plans cannot be revised for individual projects.

### **202.1E Traffic Unit Review**

The appropriate District Traffic unit must review encroachment permit applications having traffic or safety impacts, when required by other portions of this manual or if the District Permit Engineer or designee determines that such a review is necessary. Procedures and responsibilities detailed in a Transportation

Management Plan 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 District Permit Engineer or designee 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.

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

### **202.1H Lane Closure System (LCS)**

Lane closures on the State Highway System are made available to the public via the internet through applications such as Caltrans QuickMap. It is important that the information provided to the public be accurate and current.

With an authorized lane closure request, the permittee or their contractor must use the Caltrans LCS or the LCS Mobile application to update the status of the lane closure at the time of closure. For more information on submitting a lane closure request and how to update a lane closure status, see Caltrans Standard Specifications. The permittee or the permittee's contractor must contact the Caltrans representative at least seven (7) calendar days prior to the closure if the permittee or the permittee's contractor is unable to perform this task.

The internet addresses for LCS training and the mobile LCS application are available through the District Permit Engineer or Caltrans' representative. Within five (5) business days after completing the training, trained representatives will receive an LCS account and a user identification. Each representative must maintain a unique password and current user information in the LCS.

## **202.11 Work Plan for a Temporary Pedestrian Access Route**

If work activities require closure of an existing pedestrian route, the providing, maintaining, and removing of temporary pedestrian access routes must comply with the Caltrans Standard Specifications Section 12-4.04 Temporary Pedestrian Access Routes.

## **202.2 Approval Document**

A Project Report, a Design Engineering Evaluation Report (DEER), 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.

However, on all projects managed through the Encroachment Permits Office Process (EPOP) the District Encroachment Permits Office must verify that the responsible reviewing units have considered the need for the appropriate approval document and the reviewing units 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) and any required additional supporting documentation are prepared by the project proponent to document the engineering analysis of proposed encroachment permit work.

Approval of the PEER is the responsibility of either Project Delivery or Traffic Operations. The analysis includes review of the proposed work to determine safety, drainage, maintenance, operational, and environmental impacts to the State Highway System. All proposed work must conform to Caltrans’ current standards and practices or be justified by an approved exception.

On proposals that cannot be adequately described in a PEER, the District may require that a combined Project Study Report/Project Report (PSR/PR) format or a PR format be utilized in lieu of the PEER format.

Projects which 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.

Encroachment permit applications for projects requiring a PEER must comply with the requirements in Table 2.3.

**Table 2.3**  
**Encroachment Permit Procedures for Projects Requiring a PEER**

These encroachment permit procedures are followed for projects that require a “Permit Engineering Evaluation Report” (PEER) (form TR-0112):

1. The appropriate fee is determined, and the application is accepted as complete.
2. Engineering and technical reviews are performed; additional information is requested from the applicant if it is needed to perform the reviews. An encroachment 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 encroachment permit. Project work is inspected by Caltrans for compliance with the encroachment permit.
8. As-built plans are received, a “Progress Billing/Permit Closure” (form TR-0129) signed and dated by the District Permit Engineer or designee, or the District Resident Engineer when applicable, is issued and bonds are released.
9. Records are kept, and the project is closed out.

## **202.2B Projects Not Requiring a PEER**

Projects not requiring a “Permit Engineering Evaluation Report” (PEER) (form TR-0112) are usually commercial filming, miscellaneous activities, special events, surveys, and utilities. These encroachment permit applications involve the same steps as outlined in Table 2.3 with the omission of step 3.

## **202.3 Quality Management Assessment Process (Previously “Oversight Projects” Process)**

Guidance on Quality Management Assessment Process (QMAP) and applicable requirements are provided in the Caltrans Project Development Procedures Manual (PDPM)). See PDPM Chapter 2, Chapter 9, and Appendix I at:

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

For projects involving structures, the HQ Office of Special Funded Projects (OSFP) Information and Procedures Guide gives detailed guidance for developing QMAP projects constructed on the State Highway System. It is available at:

<https://dot.ca.gov/programs/engineering-services/special-funded-projects-and-local-assistance>

## **202.3A Cooperative and Highway Improvement Agreements**

A cooperative agreement is a formal contract between Caltrans and a city, county, or other public agency such as a transportation authority (collectively local public agencies) through which the parties to the agreement outline their high-level responsibilities regarding an improvement on the State Highway System, including identification of project component(s), sponsor (project advocate and securer of financial resources), implementing agency (responsible for the performance of work), and funding commitments.

A cooperative agreement is required when Caltrans and any other local public agency will exchange effort, funding, materials, or any combination thereof. It requires the local public agency to adhere to the standards, policies, and procedures (or have an approved exception) that Caltrans would normally follow when it plans, designs, and constructs projects on the State Highway System. A cooperative agreement will not commit Caltrans to any arrangement that it does not have legal authority to pursue or the financial capacity to fund.

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

Similarly, a Highway Improvement Agreement (HIA) is executed between Caltrans and a private entity. HIAs are used as a last resort. Working with a local public agency is generally preferable to a private entity. When dealing with a private entity, it is best to have the local public agency represent the private entity and Caltrans will enter into a standard project development agreement with the local public agency. Occasionally the local public agency is not willing to represent the private entity, in which case Caltrans may decide to enter into an HIA with a private entity.

An HIA is a project development agreement with a private entity when the project is managed through the project delivery Quality Management Assessment Process (QMAP). Because there is no legal authority for Caltrans to perform project development and construction work for private projects, the

private entity is required to perform all work and provide all funding. The private entity must fully reimburse Caltrans for all quality management work performed by or on behalf of Caltrans in connection with an HIA.

For additional information, please see the Cooperative Agreement Handbook available on the HQ Office of Delivery Improvement & Agreements (ODIA) intranet website.

### **202.3B Issuing Encroachment Permits for QMAP Projects**

Encroachment permits must not be issued for QMAP projects without the District Encroachment Permits Office receiving a copy of the fully executed agreement. The agreement will specify whether or not there will be a charge to the local public agency and/or its contractors, consultants, and agents for their respective encroachment permits. If an agreement is not required for the project and hence not executed, the District Project Manager or administrator must indicate that in the “Encroachment Permit Administrative Route Slip” (form TR-0154).

An “Encroachment Permit Administrative Route Slip” (form TR-0154) is used by the District Project Manager to request from the District Permit Engineer or designee the issuance of an encroachment permit. The form 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 District Encroachment Permits Office receives a complete application package including approved plans, and a copy of the fully executed agreement or the approved Quality Management Plan (QMP) for construction.

### **202.3C Public Transit Projects** (Rev. 09/2023)

Appropriate project review process for public transit projects financed by others (other than by the State) and located within existing or future State highway right-of-way must be identified using the criteria in [Section 108 \(see Project Development Procedures Manual, Chapter 9, Article 8\)](#).

A copy of the fully executed cooperative agreement and approved plans must be delivered to the District Encroachment Permits Office before encroachment permits can be issued to the transit agency and its contractors, consultants, and agents for construction work within State highway right-of-way.

### **202.3D Project Development Procedures**

Caltrans may be exposed to operational and maintenance responsibilities, and to tort liability, by any expansion or improvement of State highways using local

resources. Therefore, projects that must follow the project development process as identified using the criteria established in the “Encroachment Project Processes Enhancements” memorandum issued on June 12, 2020, must comply with the PDPM, and the Caltrans Standard Environmental Reference (SER). The encroachment 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.

All State highway improvement projects funded entirely by others and following the project development process must be approved in concept by a Project Study Report (PSR) and approved in a Project Report (PR) 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 Design Engineering Evaluation Report (DEER) is available for projects meeting certain criteria, which enable a local public 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.

## 202.4 Traffic Signal 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 assembly allocation criteria are described as follows:

### **JOINTLY FUNDED COOPERATIVE AGREEMENT PROJECTS:**

Caltrans provides the controller assembly as a contribution to its share of the project cost.

### **LOCALLY FUNDED AND SALES TAX MEASURE COOPERATIVE AGREEMENT PROJECTS**



The funding local public agency pays the full cost of the controller assembly. If Caltrans is administering the construction contract, the controller assembly will be provided as Department-Furnished Material paid for by the local public agency as part of the project costs.

### **PRIVATELY FUNDED HIGHWAY IMPROVEMENT AGREEMENT PROJECTS**

Caltrans provides the controller assembly as a Department-Furnished Material 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 public agency must pay for the controller assembly and for the related field work. These costs are collected from the permittee as a Department-Furnished Material fee and added to the deposit collected for other estimated costs prior to encroachment permit issuance.

For additional information, see the “Guidelines for Traffic Signal Controllers and Inspection” in Appendix E and “Traffic Signal Controller Assembly” Special Provisions in Appendix K.

## **202.5 Registered Engineer’s Seal and Signature**

The California Business and Professions Code (see Professional Engineers Act in Appendix E) requires that all final engineering plans, calculations, specifications, and reports shall bear the signature and seal or stamp of the applicable licensed engineer, and the date of signing and sealing or stamping.

The California Business and Professions Code was amended by Assembly Bill 645 in 2009, which 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 Memorandum from Malcolm Dougherty in Appendix E). 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 California Business and Professions Code, Section 6735, and the license expiration date.

For plans that contain engineering elements (including traffic control) with multiple sheets, each sheet 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. For engineering reports, the same information as required on plans must appear at a minimum on the title sheet, cover sheet, or signature sheet.

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 Plan Sheets**

For utility companies under the jurisdiction of the CPUC, utility plan sheets prepared for their products, systems, or services do not require the signature and seal or stamp of a California Registered Engineer (California Business and Professions Code, Section 6747).

However, all plans that include traffic control and/or any engineering elements, calculations, specifications, reports, etc. (i.e., structural, geotechnical, etc.) are not considered utility plan sheets 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 California Registered Engineer responsible for their preparation per the California Business and Professions Code.

When Caltrans issues an encroachment permit for the installation of a public utility, it does not inspect the design nor installation for compliance with CPUC and industry standards. Compliance with CPUC and industry standards is the responsibility of the public utility.

### **202.5B Contractor's License**

All prime contractors, subcontractors, and specialty contractors must be properly licensed by the California Contractors State License Board with a classification appropriate for the work to be performed.

## **202.6 Materials Testing**

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

Testing is required for manufactured or fabricated materials delivered to a work site if Caltrans will own it upon completion of the work. However, in some cases,

the District Permit Engineer may determine that 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” (form CEM-3101). If District contact is unsuccessful, the Transportation Laboratory may verify materials use encroachment permit documents and plans before performing inspection and release.

In all cases, a completed “Report of Inspection of Materials” (form MR-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 2.4.

**Table 2.4**  
**Procedures for Materials Testing**

These procedures should be followed for testing materials to be used in work authorized within State highway right-of-way:

1. District Permit Engineers or designee 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 <https://dot.ca.gov/programs/engineering-services/authorized-materials-lists>.
2. If inspection by the Transportation Laboratory is required, include this statement in the text of the encroachment permit: “Your attention is directed to Section 6 of the Caltrans Standard Specifications, reference to Engineer in the Caltrans Standard Specifications shall include Caltrans Representative.”
3. If inspection by the Transportation Laboratory is required, send one encroachment permit copy (including plans and special provisions) to the Transportation Laboratory.
4. When the “Notice of Materials to Be Used” (form CEM-3101) is received from the permittee, the Caltrans representative should review, sign, date, and forward the form to the District Encroachment Permits Office (Enter the

- encroachment permit number in the space for “Contract Number” on the form.).
5. District Encroachment Permits Office then makes copies for their files and transmits the CEM-3101 to the Transportation Laboratory.
  6. When the CEM-3101 is received, the Transportation Laboratory inspects materials and returns a “Report of Inspection of Materials” (form MR-0029) to the District Encroachment Permits Office for transmittal to the State representative.
  7. 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.

### 203 PERMIT FORM AND PROVISIONS

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

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

Caltrans Standard Specifications and/or “Encroachment Permit General Provisions” (TR-0045) cannot be paraphrased. 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 (e.g., “Section XXX.X of the Caltrans Standard Specifications is amended to read \_\_\_\_.”).

For Adopt-A-Highway permits, the “Adopt-A-Highway Permit Special Provisions” in Appendix K (TR-0156) must be included in their entirety without modification by Districts; any proposed modification must be approved by the Headquarters Division of Maintenance before the District may use the modification. The encroachment permit text should highlight the Special 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 encroachment permits **except** Adopt-A-Highway, Consent Letter, and Chain Installer Permits. Permittees must fully comply with the “Encroachment Permit General Provisions” (TR-0045) (see Appendix K).

## 203.2 Encroachment Permit Special Provisions

Permittees must fully comply with the Encroachment Permit Special Provisions specific to each type of encroachment permit, which usually are added to each encroachment permit (see Appendix K).

## 203.3 Liability Insurance

The “Encroachment Permit General Provisions” (TR-0045) hold the permittee responsible for all liability for personal injury and property damages. When required, the applicant must show evidence of liability insurance before issuance of the encroachment permit. Insurance must be provided by a company authorized to conduct insurance business in the State of California.

### 203.3A Encroachment Permits Requiring Liability Insurance

Liability insurance is required for commercial filming (Section 503), special events (Section 514.7), unmanned aircraft systems (Section 516.9), and tower cranes. The specific insurance requirements for each encroachment permit type are covered in their respective sections of this manual. The HQ Legal Division determines the need and sets the dollar amount of insurance. For questions, Districts must forward a complete EPAP to the HQ Legal Division for recommendation.

### 203.3B General Requirements for Liability Insurance

When liability insurance is required, the applicant must obtain an endorsement to the insurance policy naming the State of California, the 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 additional named insureds. The applicant also must furnish a certificate of insurance and the endorsement showing those additional named insureds.

A professional liability exclusion is standard in most insurance policies. A typical 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.”

Any deviation from the liability insurance requirements must first be reviewed and approved 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, Safety Injury and Illness Prevention Plan, 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.

When proposing to operate an unmanned aircraft system, refer to the Caltrans Unmanned Aircraft Systems Handbook for insurance requirements, available on Caltrans intranet.

When proposing to allow any part of a tower crane to be over any portion of the State highway right-of-way, refer to the Caltrans Memorandum dated December 28, 2016 for insurance requirements, available on HQ Encroachment Permits intranet website.

### **203.3C Claims**

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

#### **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. The HQ Legal Division provides direction to District Encroachment Permits Offices 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. Such claims may also involve damage to the

State Highway caused by the permittee's work. The HQ Legal Division manages actual legal or court action against permittees.

### **203.4 Surety Bonds** (Rev. 09/2023)

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

A performance bond ensures completion of permitted work in compliance with plans, specifications, and encroachment permit conditions. A lawsuit for a patent (obvious) defect must be brought no later than four (4) years after discovery of the defect (California Code of Civil Procedure, Section 337.1). A lawsuit for a latent (hidden) defect must be brought no later than ten (10) years after "substantial completion" of a development or improvement (California Code of Civil Procedure, Section 337.15).

Generally, a cash deposit is not an acceptable form of bonding except for non-Public Works encroachments where latent defects are unlikely (e.g., landscaping, driveways, 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 ten thousand dollars (\$10,000) generally require approval by the California Department of Finance (see Section 201.3).

Bond amounts 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 fifty percent (50%) for performance bonds and one hundred percent (100%) for payment bonds (see Caltrans Standard Specifications, Section 3-1.05 "Contract Bonds"). Public Works encroachments costing five thousand dollars (\$5,000) or more should be bonded (except for most public agency projects as stated in this section). Non-Public Works encroachments may be bonded as determined by the District Permit Engineer or designee.

Bonds for local public entities are limited to twenty thousand dollars (\$20,000) for failure to perform. Under this punitive action, contractors performing the work for any local public entity may be required to post a one hundred percent (100%) payment bond and a fifty percent (50%) performance bond of the value of work within the right-of-way, naming the State as sole obligee on the bonds.

Regardless of the bonding situation, a local public entity permittee must obtain final construction acceptance and approval from Caltrans before the local

public entity gives final construction approval to its contractor (see “Encroachment Permit General Provisions” (TR-0045) number 9).

If a permittee is delinquent in payment of encroachment permit fees, the HQ Division of Accounting will attempt to collect from the permittee’s bonding company (see 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 2.5. 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 State highway and is not normally required of a public utility (California Streets and Highways Code, Sections 678 and 679). However, should a local public entity fail to comply with the terms of a previous encroachment permit or to pay fees when due, Caltrans may require performance bonding on that entity’s next encroachment permit or as specified in Section 206.2A.

**Table 2.5  
Guidelines for Bonds**

Use these guidelines when working with bonds for authorized work within State highway right-of-way:

1. The obligee is the entity receiving benefit from the bonds supplied.
2. The obligor is the entity named as owner or payer of the bonds.
3. The District Encroachment Permits Office shall verify bonding as specified in an executed cooperative or highway improvement agreement for Quality Management Assessment Process (QMAP) projects. Agreements are processed by District Project Managers and copied to the District Encroachment Permits Office for information. Bonds shall name obligee(s) as provided for in the agreement.
4. Bonding requirements shall be specified in the encroachment permit and/or “Encroachment Permit General Provisions” (TR-0045) number 24, for local public entity projects. In such cases, the contractor performing work for a local public entity, which local public entity has complied with the terms of previous encroachment permits, does not require bonding when the contractor executes bonds in favor of the local public entity for at least one hundred percent (100%) of the project. This provision applies only to contractors working for local public entities. It does not apply to private entity bonding.



5. Bonding requirements shall be specified in the encroachment permit for privately funded projects in the absence of a highway improvement agreement. Under the terms of the encroachment permit, either the developer or contractor (preferably, the developer) is bonded at one hundred percent (100%) for payment bond and at fifty percent (50%) for performance bond of the estimated construction costs for work within the State highway right-of-way. The bonds shall name only the State as obligee. Performance bonds supplied for privately funded work involving new traffic signal equipment or for work on highway structures shall not be less than ten thousand dollars (\$10,000). They are retained until the permittee furnishes accurate as-built plans for encroachment permit work.
6. Utilities and individuals, their contractors, and tree-trimming companies: 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 encroachment 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 bonds shall name only the State as obligee.

### **203.5 Cal/OSHA Safety Requirements** (Rev. 09/2023)

If the applicant's proposed work falls within one of the provisions of Section 6500 of the California Labor Code, the permittee must have a permit from the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), or better known as Cal/OSHA, before starting permitted work.

California Labor Code, Section 6500 deals with trenches, excavations, structures, falsework, scaffolding, and demolition, and in relevant part reads as follows:

“6500. (a) 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:

- (1) Construction of trenches or excavations that are five feet or deeper and into which a person is required to descend.

- (2) The construction of any building, structure, falsework, or scaffolding more than three stories high or the equivalent height.
- (3) The demolition of any building, structure, falsework, or scaffold more than three stories high or the equivalent height.
- (4) The underground use of diesel engines in work in mines and tunnels.”

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 must follow safety procedures described in the Caltrans Safety Manual, other manuals, and written procedures and instructions for the specific work.

## **204 DENYING ENCROACHMENT PERMIT APPLICATIONS**

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

The District Director (or designated representative) signs letters of denial. Reasons for denial must be described in writing to the applicant. The Districts can view the letter templates on the HQ Encroachment Permits intranet website.

Encroachment permits **MUST** 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 under a filming permit).
- Gathering plant 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 Professions Code, Section 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 permits, approvals, and concurrences from other agencies and/or entities.
- 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) business days' written notice (California Streets and Highways Code, Section 673(b)). All such notices must be signed by the District Director or a designated representative. A written document is used to revoke and cancel permits.

Private use of State highway right-of-way without compensation is prohibited (see California Constitution, Article XVI, Section 6). 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). An encroachment policy exception is typically approved if the permit application satisfies all the following:

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. No permanent property right detrimental to Caltrans future use or expansion is created.

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

## 204.1 Denial for Time Limit Considerations

An encroachment 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 California Public Resources Code, Section 21166.
- Information needed for Caltrans' evaluation of specific engineering details.
- When Caltrans is conducting environmental studies in the area of the proposed work.

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

## 204.2 Appeals

During 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 contacts. Procedures to obtain exceptions to design standards, policies, and practices are discussed in Sections 301 through 303. The applicant may appeal a denied permit application (see Section 304).

## 205 APPROVING AND ISSUING PERMITS

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The primary encroachment permit for private development work is issued to the developer or 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 the encroachment (see Section 604).

### 205.1 Permits Approved by Districts

Federal law, State law, and Caltrans policies 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 a Delegation of Authority letter. The Caltrans Encroachment Permits Manual, information bulletins, and guidance memoranda provide the Districts with policy, guidance, and authority to issue encroachment permits. Most encroachment permits can be issued without concurrence from HQ Encroachment Permits (see 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 engineer 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. Time extension (RT) permits and permits that do not require engineering review may be delegated to an unlicensed engineer. The approving engineer must use their signature to approve the permit. The permit writer cannot be the same person as the approving engineer or as the person delegated approval authority by the approving engineer. This procedure is intended to separate the various parts of the process to assure reasonable administrative control over the encroachment permit approval and issuance process.

Districts may authorize Maintenance Area Superintendents to issue certain permits (i.e., chain installer permits) and/or “Consent Letters” (form TR-0131) for one-day litter removal, salvage operations, gathering of donated landscape materials, vegetation control, removal of minor forest products, etc.

Maintenance Area Superintendents must not exceed this specified authority, and any appropriate fees must be collected. Approval by the Deputy District Director for Maintenance is required for Consent Letters covering multiple dates (maximum of three (3) consecutive calendar days).

### **205.1A Issuing the Permit Package**

Encroachment permits may be issued after all reviews are returned, all reviewers recommend encroachment permit approval, and all conditions imposed by the lead and responsible agencies have been met.

Copies of the encroachment permit package are provided to the District encroachment permit inspector(s) who will be inspecting the project, the Field Maintenance Office in the vicinity of the project, and any other offices involved in monitoring the project.

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

1. “Encroachment Permit” (form TR-0120) – each permit copy.
2. “Encroachment Permit General Provisions” (TR-0045) – each permit copy.
3. Encroachment Permit Special Provisions – each permit copy.
4. Copy of the applicant’s completed “Standard Encroachment Permit Application” (form TR-0100) – each permit copy.
5. “Notice of Completion” (form TR-0128) permittee completes form.
6. “Notice to Owner” (form RW-13-04) – State-ordered Utility Relocation, see Section 601.
7. Copy of Cooperative Agreement – each permit copy.
8. Copies of liability insurance policies – Commercial Filming, Special Events, or other permit requiring insurance.
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.
14. Approved plan set – each permit copy.
15. Approved city/county Standard Plans (attachment to item 14 above) – each permit copy.
16. “Progress Billing/Permit Closure” (form TR-0129) – District Encroachment Permits Office completes form.
17. “Structure 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.
19. “Certification of Compliance with Americans with Disabilities Act” (form TR-0405) – permittee completes form once during package submittal and again after construction.

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 This section was left blank intentionally** (Rev. 09/2023)

## **205.3 Federal Highway Administration (FHWA) Approval** (Rev. 09/2023)

FHWA has delegated approval to Caltrans for encroachments on conventional highways and access-controlled, non-Interstate highways (Stewardship and Oversight (S&O) Agreement, Project Action Responsibility Matrix, as of February 6, 2015).

<https://www.fhwa.dot.gov/federalaid/stewardship/agreements/ca.pdf>

An access-controlled highway is any route listed in the California Streets and Highways Code, Division 1, Chapter 2, Article 2, "The California Freeway and Expressway System" (see PDPM, Chapter 17, Section 2, Article 2), and all other highways are conventional highways.

For certain encroachments on the Interstate system, the Headquarters (HQ) Division of Design obtains approval from FHWA. A copy of the HQ Division of Design's approval is submitted to the District Permit Engineer or designee and placed in the permit file before issuing a permit. The Right of Way Manual exhibit 15-EX-17 shows the matrix that was created in partnership with FHWA for encroachments requiring FHWA approval on the Interstate System. The exhibit 15-EX-17 is available at:

<https://dot.ca.gov/-/media/dot-media/programs/right-of-way/documents/rw-manual-exhibits/chapter-15/15-ex-17-a11y.pdf>

FHWA requires approved NEPA documentation to be included in the submittal for their approval. District environmental program will support with the NEPA documentation, and the applicant will have to provide required information/data or reports requested by District environmental to complete the NEPA determination.

For additional information and questions, contact Division of Design, Office of Project Support.

## **205.4 Amendments to Permits (Riders)**

Riders are issued to amend or modify previously issued encroachment permits. Applicants requesting to amend their encroachment 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 must be collected prior to the issuance of the rider. For more information, see Sections 511 and 503.5D.

The District Encroachment Permits Office may issue an “Encroachment Permit Rider” (form TR-0122) if the permittee wants to modify the authorized work or needs to extend the encroachment permit expiration date because the work cannot be completed by the date specified in the encroachment permit. Riders are not used to change the Caltrans inspector; instead, it is sufficient to send a letter to the permittee (and their authorized agent), with a copy to the encroachment permit file.

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

The District Permit Engineer or designee must check the validity of stormwater documents and all other applicable requirements prior to issuance of the rider. A rider cannot be issued to extend an encroachment permit's expiration date beyond the expiration date of a small construction Rainfall Erosivity Waiver (REW) issued by the United States Environmental Protection Agency (U.S. EPA). A Notice of Intent (NOI) and Waste Discharge Identification (WDID) number are required as a condition of time extension riders for encroachment permits operating under a U.S. EPA REW.

A maximum of two (2) time extension riders may be issued. Each extension may be for a period up to ninety (90) calendar days. Longer extension periods may be granted on a case-by-case basis at the discretion of the District Permit Engineer or designee.

The rider must be issued from within the parent encroachment permit in CEPS, so it is assigned an encroachment permit number that is cross-referenced to the parent encroachment permit number.

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## **206 PERMIT INSPECTION AND ENFORCEMENT**

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Although statutes do not require Caltrans to inspect encroachment permit projects, District permit inspectors are assigned to provide oversight inspection for projects with construction costs of three hundred thousand dollars (\$300,000) within the State highway right-of-way or less and Construction staff (District



Resident Engineer) are assigned for projects over three hundred thousand dollars (\$300,000) when deemed necessary. The District Permit Engineer or designee may require inspections be performed by non-Caltrans staff such as utility companies, local agencies, or third-party private engineers hired by the permittee. The third-party inspections must be done by a licensed engineering firm hired at the permittee's expense but must be independent of the permittee, designer, or construction firm. The independent inspectors will submit reports and provide information to the Caltrans representative. The District Permit Engineer or designee retains the authority to approve or reject any non-Caltrans inspector.

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, decrease operational efficiency, affect maintenance, negatively impact highway users other than safety issues, or potentially increase Caltrans' liability.

The District Permit Engineer or designee must 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 must 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 encroachment 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 document in CEPS any violation(s) of encroachment permit conditions in "Encroachment Permit General Provisions" (TR-0045) and Encroachment Permit Special Provisions. The inspector may cite the permittee, contractor, or both for non-compliance with the permit conditions of Encroachment Permit General and Special Provisions.

The State's representative or inspector must provide written 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 of Encroachment Permit General and Special Provisions, the State’s representative/inspector must 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 of Encroachment Permit General and Special Provisions, the State’s representative/inspector must immediately notify the permittee and their contractor/representative in writing that all work within the State highway right-of-way must 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 National Pollution Discharge Elimination System (NPDES) permit and with Section 16 of Caltrans Stormwater Management Plan (SWMP). The Caltrans Stormwater Management Program District Work Plan will identify the responsible parties for non-compliance reporting within each District. The permittee and/or their contractor/representative must 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) must 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 Coordinator.

For specific guidance on reporting of noncompliance of construction activities, see Section 16.2 “Non-Compliance Reporting” of the SWMP available at:

<https://dot.ca.gov/programs/environmental-analysis/stormwater-management-program>

The District Permit Engineer or designee makes the determination whether 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 public 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 or designee 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, the District should contact Headquarters (HQ) Encroachment Permits. HQ Encroachment Permits may suspend all encroachment permits in that permittee's name statewide.

The District Permit Engineer or designee must notify the District Maintenance Area Managers of the permittee's suspension. District Maintenance Supervisors must 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 District Maintenance Area Superintendent.

## 206.C Revocation of Permits

Except for encroachment permits required by law to be issued to a local public entity, a franchise holder, or a utility company, any encroachment permit can be revoked upon five (5) business days' notice in accordance with California Streets and Highways Code, Section 673 and "Encroachment Permit General Provisions" (TR-0045) number 2.

When a permittee is on probation but has another violation, the District Permit Engineer has the discretion to revoke the encroachment permit(s) related to that particular project and have the encroachment or facility removed from the State highway right-of-way. In addition, the District Permit Engineer has the discretion to revoke all other encroachment permits in that District for the same permittee for which construction has not been initiated.

## 206.1 Encroachment Permit Report (Diary) (Rev. 09/2023)

Inspectors (whether Caltrans staff or not) must compile and complete the “Encroachment Permit Report (Diary)” (form TR-0130), or use the inspections in CEPS, for each encroachment permit project whether it was inspected or not. Documentation must be included in the encroachment permit file. A single form may be used for multiple inspections of the same encroachment 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 hours, record the hours in three separate places, and all three records must agree (the “Encroachment Permit Report (Diary)” (form TR-0130), the “Progress Billing/Permit Closure” (form TR-0129), and the inspector’s timesheet in Staff Central). If inspection hours are recorded in the CEPS inspections, the program will automatically track and update the Time and Expense Tracking detail page.

Use the “Progress Billing/Permit Closure” (form TR-0129), or the Time and Expense Tracking detail page in CEPS, to record all final costs and to close out a permit file. The “Progress Billing/Permit Closure” (form TR-0129) is signed and dated by the District Permit Engineer or designee, or the District Resident Engineer when applicable, then submitted to the HQ Division of Accounting for billing purposes. If CEPS is used, the bills are submitted to HQ Division of Accounting on a nightly basis.

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 designee, or the District Resident Engineer, when applicable, to the HQ Division of Accounting on a monthly or quarterly basis for billing purposes. Submitting a “Progress Billing/Permit Closure” (form TR-0129) is not required if the progress bill is generated in CEPS.

Inspectors should record the following information on the “Encroachment Permit Report (Diary)” (form TR-0130) or in the CEPS regarding work performed under an annual utility encroachment permit:

- Encroachment 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, “Encroachment Permit General Provisions” (TR-0045), Encroachment Permit Special Provisions, authorized plans, and instructions by the Caltrans representative.

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

1. Notify the State 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 and time extensions prior to permit expiration date.
5. Notify State representative of any noncompliance with the NPDES requirements.
6. Submit a “Notice of Completion” (form TR-0128) to the State’s representative upon completion of the permitted work.
7. Furnish Caltrans with all required documents, for example as-built plans, post-construction ADA Certification (form TR-0405), Maintenance Agreements, etc.
8. Pay all costs associated with the permit and/or the permitted activity.

### 206.2A As-Built Plans and Other Completion Records

It is imperative that Caltrans maintains complete and accurate permit records, including as-built plans. As-built plans (updated original project plan sheets showing changes made during construction) must be completed and submitted for all Highway Improvement projects, utility projects, and for any project with a

permanent improvement on the State Highway System. The permit writer must state in the encroachment permit that as-built plans are required and the inspector must ensure this requirement is understood by the permittee prior to the begin of work. As-built plans represent the field conditions at the completion of a project. As-built plans are the “As-awarded” or “As-approved” project plan sheets that have been updated to reflect the changes, if any, which occurred during construction. It is essential to preserve documents showing the improvements or changes to the State Highway System for storage on the Caltrans Document Retrieval System (DRS). The as-built plans and data requirements vary depending on the type of project.

The Encroachment Permit General Provisions require submittal of as-built plans by the permittee when specified in the permit. Each sheet of all utility, roadway, and structure construction (all projects) plans must be legibly marked by the permittee with “as-built,” printed first and last name, signature, and date. The individual whose name is on the as-built plan certifies that the project was constructed as shown on the plans. Each plan sheet will contain this information whether there are any changes from the approved plans or not. An example is below.

### **As-Built**

Certified by: *Print First and Last Name and Signature*

Date:

The person signing the plans as “as-built” does not need to be a California Registered Engineer (California Business and Professions Code, Section 6735.6) but may be called to court to verify that the as-constructed field conditions match the as-built plans. Caltrans encroachment permit representatives do not stamp, sign, or date as-built plans for encroachment permit projects.

Upon completion of encroachment permit work, the permittee also furnishes the District Encroachment Permits Office, details of the locations of underground and/or hidden encroachments so the information may be retained for Caltrans’ future reference. If the encroachment permit includes any capital improvement work (whether a Capital Outlay Program or an Encroachment Permit Program) involving structure-related facilities, then submittals of structure as-built plans and structure completion records are required as detailed in the Structure Work Special Provision (see Appendix K).

Additionally, utility or private entity permittees must submit accurate as-built plans and any other required completion records to Caltrans for approval

before bonds are released. If a local public agency permittee fails to provide complete and accurate as-built plans to Caltrans, Caltrans may require performance bonds on future permits and such bonds may be required until the as-built plans and completion records of the previously permitted work are submitted to Caltrans' satisfaction (California Streets and Highways Code, Section 678).

The State representative assigned to the encroachment permit verifies that all as-built plan sheets have been received (including Log of Test Boring plan sheets). The originals are sent for scanning and Table 2.6 indicates the number of copies of scanned as-built plans that must be distributed to various units of Caltrans. For scanning details, see the "Encroachment Permit File & Plan Set Archiving Guidelines" (Appendix F).

**Table 2.6  
Distribution of As-Built Plans**

Type of Encroachment Permit Work	Number of Copies	Caltrans Functional Unit
Electrical	1	District Electrical Maintenance
Roadway	1	District Traffic Accident Surveillance and Analysis System (TASAS) Coordinator
Utility	1	District Utility Engineering Workgroup (UEW) Coordinator

Permits involving structures require as-built plans be signed and dated. The stamp or the decal shall be similar to and contain the minimum information as shown below:

CONTRACT No. _____
DATE ACCEPTED _____
<b>AS-BUILT</b>
STRUCTURE REPRESENTATIVE _____
REVISIONS BY _____ DATE _____

Permittees must ensure as-built data conforms to requirements stated in Caltrans CADD Users Manual, Survey Manual, Plans Preparation Manual, Construction Manual, Headquarters (HQ) Division of Engineering Services' "OSFP Information & Procedures Guide" in Section 5.5 "Structure As-Built Plans," and the Bridge Design Details guidelines in Section 1-21 "As-Built Plan Corrections."

When the permit involves structure work, Caltrans Oversight Structure Representative must notify either the District Resident Engineer, or the District Permit Engineer or designee, when the final structure completion records (except as-built plans) have been received and are satisfactory. Similarly, the Caltrans Structure OSFP Liaison Engineer must notify the District Permit Engineer or designee, or the Resident Engineer upon receipt of satisfactory structure as-built plans.

For all projects that may alter the Transportation System Network (TSN) data (anything within the roadway from edge of shoulder to edge of shoulder, or from curb to curb), the District Permit Engineer or designee must forward a copy of as-built plans to the District Traffic Accident Surveillance and Analysis System (TASAS) Coordinator. The individual that closes the encroachment permit file should ensure the as-built plans have been forwarded. The preferred as-built file formats are a vector data file or portable document format (PDF) file.

When closing the project, the District Permit Engineer or designee will review as-built plans to determine if construction will modify the roadway, ramp, or intersection elements (see examples below) and then forward relevant plans to the District TASAS Coordinator. Also, the District TASAS Coordinator will review the plans to ensure the roadway attributes are relevant to the TSN data. Lastly, the District TASAS Coordinator will forward all relevant plans to the HQ TASAS Coordinator by submitting the electronic copy to the district sub-folder. Examples of roadway modifications that warrant forwarding to the District TASAS Coordinator include, but are not limited to, the following:

1. Road realignment
2. Road name change
3. Median
  - a. Curb and Landscape: curbed with trees, curbed with shrubs, no median
  - b. Type: reversible peak hour, two-way left turn, separate grades, railroad, ditch, bus lane
  - c. Barrier: cable, metal beam, concrete, thrie beam (a standard guardrail panel)
  - d. Width: undivided, divided, variable
4. Roadway (left and right)
  - a. Portland Cement Concrete (PCC), Asphalt Concrete (AC), unpaved
  - b. Number of lanes



- c. Special features: turnouts, passing or truck climbing lanes, tunnels, High Occupancy Vehicle (HOV) lanes, reversible peak hour lanes, bike lanes
- d. Width: outside shoulder, traveled way, inside shoulder
- 5. Intersection type (standard, main line, intersecting street)
  - a. Control type: no control, stop signs, flashers, yield, signals
  - b. Lighting
  - c. Signal mast arm
  - d. Left-turn channelization, right-turn channelization, number of lanes
- 6. Railroad crossing

## **206.2B Notice of Completion (Form TR-0128)**

The “Encroachment Permit General Provisions” (TR-0045) 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 format), a letter, email, or verbally. The Caltrans inspector must record a verbal notice from the permittee in CEPS. 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 have the work performed in a satisfactory manner, the District may perform the work and seek to recover the expenses from the bond company, contractor, or permittee.

## **206.3 Unauthorized Encroachments**

District Maintenance is responsible for the abatement of unauthorized encroachments. The District Encroachment Permits Office may assist District Maintenance in the abatement activities when appropriate, and when approved by the District Permit Engineer.

When an unauthorized encroachment is found, District Maintenance must contact the responsible party and explain Caltrans encroachment permit requirements. Unless the unauthorized encroachment is work that would normally be permitted, it must 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 must be immediately removed from any State highway include but are 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.
- Advertising signs (for exceptions, see Sections 500.6A, 501.3A, 501.7, 501.7A & B, 501.8, 517.7, and 521.1).
- 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 an encroachment permit, and the only basis for removal would be the lack of a valid encroachment permit, then the work must be discontinued immediately, and the owner, contractor, etc., as applicable, may apply for an encroachment permit within the time period determined by the District Encroachment Permits Office to be appropriate for the situation. If an EPAP is not submitted within the time period given by the District Encroachment Permits Office, the District Encroachment Permits Office should follow the encroachment removal process in Table 2.7 (see California Streets and Highways Code, Sections 720 through 734).

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

1. The District Encroachment Permits Office has received an EPAP.
2. The encroachment conforms to Caltrans policies, other than the requirement to obtain a permit before encroaching onto 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 or allowing the unauthorized encroachment agrees to follow the recommendations of the District Maintenance Area 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 related to 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 to document the encroachment, location, proximity to the State highway, effects on the State highway right-of-way, etc.

The law enforcement agency should be informed of the specific section of the California Streets and Highways Code being violated. District Maintenance should take the steps recommended in Table 2.7 to enable support of its action by Caltrans Legal Division.

**Table 2.7**  
**Procedures for Resolving Unauthorized Encroachments**

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

1. Immediately remove rubbish, trash, refuse, advertising signs (for exceptions, see Sections 500.6A, 501.3A, 501.7, 501.7A & B, 501.8, 517.7, and 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 encroacher/operator a “Notice of Encroachment” (form TR-0213), also known as “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) calendar 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 Area Superintendent and a copy to the District Permit Engineer or designee. 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 Area Superintendent unless the encroachment adversely affects traffic safety.

6. Contact Headquarters or a regional Caltrans 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 right-of-way, unless revoked or otherwise specified.

Complete copies of encroachment permit files must be retained indefinitely. Districts should follow the “Encroachment Permit File & Plan Set Archiving Guidelines” (Appendix F) when preparing permit files and the plan sets for archiving. Section 206.4A provides information on closing permit files.

Closing an encroachment permit file ensures all fees have been processed and all pertinent documents are retained in the file. The process for archiving a file includes combining all encroachment permit documents into two (2) read-only PDF files: one PDF containing the as-built plans (or Approved plans if as-built plans are not available) and the second containing the rest of the encroachment permit file documents. See “Encroachment Permit File & Plan Set Archiving Guidelines” (Appendix F) and Section 206.4A.

### 206.4A Closing Permit Files

When a permitted encroachment is completed, the file should be closed and processed for archiving.

The permit file should be reviewed to ensure all billing and payments are complete and all documentation is completed and in the file. The encroachment permit inspector, or the individual with first-hand knowledge of the encroachment 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.

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

1. The original encroachment permit application with the encroachment permit number
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” (TR-0045)

- c. Permit Special Provisions
- d. Additional attachments
- 4. District Encroachment Permits Office Engineer's Encroachment Permit Reports (diaries)
- 5. District Reviewer's Encroachment Permit Application Review Sheets
- 6. Internal and external correspondence with the applicant, authorized agent, and/or external agencies
- 7. Permit Engineering Evaluation Report (PEER)
- 8. Design Standard Decision Document (DSDD)
- 9. Encroachment Policy Exceptions
- 10. Memorandums
- 11. "Notice of Materials to Be Used" (form CEM-3101)
- 12. Approved Local Entity Standards (if required)
- 13. Performance Bond (if required)
- 14. Payment Bond (if required)
- 15. Cooperative Agreement (if required)
- 16. Letter of Responsibility from a Local Entity (if required)
- 17. Inspector's Encroachment Permit Reports (diaries)
- 18. "Progress Billing/Permit Closure" (form TR-0129)
- 19. "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 or designee, or the District Resident Engineer 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).

## **207 TIME REPORTING AND CHARGING INSTRUCTIONS**

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Caltrans staff must accurately document and report all time expended on encroachment 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 QMAP projects must be charged directly to the QMAP project's project code (ID), phase, reporting, and sub object codes.

Commonly used sub object codes are as follows:

- 002** – Supervision
- 003** – Staff/Administration Services and Meetings
- 037** – Permit review, issuance and inspection
- 049** – Safety Meetings
- 058** – Training – Instructor
- 059** – Training – Trainee

For additional information and proper time charging procedures, please see the Program Charging Instructions and Norms (PCIN) available on the HQ Division of Traffic Operations' intranet website.

## 207.2 Specific Instructions for Inspection Staff (Rev. 09/2023)

Inspectors must accurately report their time to recover the costs associated with specific encroachment permits fully. They must charge to the appropriate project code, reporting code, sub object code and record all inspections in CEPS.

District Permit Engineers or designee must ensure that inspection staff time is reported correctly and that inspection hours in CEPS 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 CEPS inspections vary from hours charged to permittees.

The hours charged on "Actual Fee" (AX) permits must agree with hours in CEPS and "Progress Billing/Permit Closure" (form TR-0129). Field inspectors must record and maintain their hours expended for each encroachment permit project in CEPS inspections.