



# County of Santa Clara

## Roads and Airports Department

### Encroachment Permits FAQ (frequently asked questions)

VER091222

Got a question? Need an answer fast? The following is a listing of questions frequently asked of the Land Development Unit of the Roads and Airports Department regarding Encroachment Permits. Following this list are the answers to the questions.

- What is the purpose of an Encroachment Permit?
- When is an Encroachment Permit required?
- Where do I apply for an Encroachment Permit?
- What should I know or be prepared to do before applying for an Encroachment Permit?
- How long does it take to process my permit, to actually get it in hand?
- What actually happens after I apply?
- What does it cost to get an Encroachment Permit, and how is payment made?
- Is it against the law to perform work in the County ROW without obtaining an Encroachment Permit?
- What does the Encroachment Permit Application consist of?
- Do I need liability insurance in order to obtain an Encroachment Permit?
- Do I need to possess a State Contractor License to perform construction work or activity in the County Right-of-Way?
- Is an Inspection required?
- Who is responsible for maintaining the work or activity during the Encroachment period?
- Why must I submit a Traffic Control Plan?
- Does the site specific traffic control plan need to be stamped by a Traffic Engineer?
- Could we get County drawings showing County roads and existing utilities on County roads?
- Does my work need to be constructed in compliance to any standards?
- Will I be required to install and maintain erosion and sediment control, construction site or special event Best Management Practices (BMPs)?
- What other types of permits or processes are managed by Roads and Airports Land Development?
- Who do I contact if I have more questions?

#### What is the purpose of an Encroachment Permit?

The purpose of an encroachment permit is to enable the County to monitor work or activities performed within County right-of-way (ROW) by home owners, private developers, contractors, utility companies and local governmental agencies to ensure work is performed in accordance with County standards, as well as ensuring the safety of the public. Another instance where an encroachment permit is required is when work is occurring in another jurisdiction but requires advance notice (traffic control signage) on County roads.

Issuing the permit assures that the work or activities performed in the encroachment area will be done in accordance with County requirements and subject to the permit requirements.

#### When is an Encroachment Permit required?

An Encroachment Permit is required for all construction work and proposed activities that encroach within, under, or over the County right-of-way (ROW). Some examples of work requiring an Encroachment Permit when in or adjacent to the County ROW may include, but are not limited, to the following:

For the homeowner or private developers:

- Replacement or installation of sidewalks
- Replacement or installation of driveways
- Replacement or installation of curb & gutter
- Excavation/ trenching (including connections from property to utilities in the ROW).
- Tree removal for trees in the ROW

For utility companies or private developers:

- Repairs, maintenance or construction of any underground or aboveground Utility Structures

- Public utility installation, maintenance, and repair (i.e. telephone, gas, power, communications, etc.)
- Installation of part-width or full-width street improvements
- Storm drain, sanitary sewer, or water repairs, monitoring, installations and/or connections
- Monitoring well (installation, monitoring and/or abandonment)
- Construction Projects (residential, commercial, industrial) alongside the County ROW.
- Monuments and surveys

Other requirements for Encroachment Permits:

- Filming in County ROW
- Placing dumpsters
- Oversize-overweight vehicles
- Special events (i.e., block parties), Residential Parking, and Adopt-a-Highway

### **Where do I apply for an Encroachment Permit?**

All applications for Encroachment Permits are done on-line. Visit this website for information on the permit process and how to apply online:

<https://countyroads.sccgov.org/encroachment-permits>

### **What should I know or be prepared to do before applying for an Encroachment Permit?**

When you go to the main website/page for County of Santa Clara Encroachment Permits, there is an order of information that provides guidelines or steps to follow along the way.

The information is organized in the following order:

1. Preparations: Provides general information to assist in preparing a plan set for a permit.
2. Standards, Details and Construction Notes: Provides County standards, details and information to be referenced and used when preparing your plan.
3. As-builts and Map Information: Mapping tools and search engines for use when planning your projects. Includes verifying County Maintained Roads and city jurisdictions.
4. Apply for a Permit: Link to the on-line portal, as well as information about steps to sign up for using the on-line portal, applying for a permit, and information about paying fees.
5. Additional References – To learn more about County ordinances applicable to Encroachment Permits.

Utilize the checklists for either preparing your project plan so it is “permit ready”, or for having all information ready when submitting your application for Encroachment Permit.

### **How long does it take to process my permit, to actually get it in hand?**

The actual time needed to review and approve the application will depend on the completeness of the initial submittal, scope of the work, the level of complexity of the proposed work, and whether other documents need processing (i.e., dedication agreements, maintenance and indemnification agreements, etc.). A complete application usually ensures a speedier review. Review time increases due to project complexity.

The normal review time for any application is a minimum of 30 days and a minimum of 14 days for resubmittals. At certain periods, there is an influx of applications and review times are extended. So the sooner you can get plans and a TCP uploaded, staff can start the review process.

All applicants are advised to ensure their application is complete to avoid lengthy resubmittal processes, and to plan time in your project schedule to apply and obtain the permit well in advance of work starting.

### **What actually happens after I apply?**

The permit application will be initially reviewed for completeness. The applicant will be asked to submit a deposit before the application may be routed for review.

Engineers from the Land Development Section of the County Roads and Airports Department will review content and requirements, then route the application for review by the various engineering groups in the Department, which may include: traffic engineers, highway engineers, and signal/electrical systems engineers. Land Development engineers then collect all the comments and inform the applicant if any additional information is needed, or if the application is complete. Additionally, staff will confirm all forms and insurance are in place and recommend permit issuance. After all forms are confirmed, staff will

prepare the actual permit for issuance. Permits are provided electronically, but must be printed and in hard-copy at the job site. Due to the complexity of some projects, complete hard copies of the plans will be required at the job site.

Prior to work occurring, the permit will provide instructions about providing notifications or contacting USA for utility markings if subsurface work will be taking place. The permit includes instructions on contacting the County inspection team in order to schedule a preconstruction meeting and inspect the work. Contact must be made at least 48 hours in advance of the work, as well as periodic inspections for completeness of work, or to sign-off on the permit when work is complete.

### **What does it cost to get an Encroachment Permit, and how is payment made?**

Encroachment Permits are identified as either Minor Permits or a Major Permit. Minor permits generally involve less than six staff hours total to perform the plan check, permit issuance and field inspection activities. The Roads and Airports Department publishes a minor permit fixed fee schedule. Refer to the main page for Encroachment Permits for a link to the most recently Board approved fees.

Major Permits generally involve more than six hours of staff time to perform the plan check, permit issuance and field inspection activities, or consist of work on the busiest County roads and expressways.

For both Minor Permits and Major Permits, an initial deposit is collected at the time when you apply for a permit. Prior to issuance of a Minor Permit, the balance of the fee will be paid. For Major Permits, an initial additional fee may be requested at time of issuance of the fee. At conclusion of the Major Permit work, final fees are assessed based on actual staff hours and expenditure accounting, to achieve full cost recovery.

### **Is it against the law to perform work in the County ROW without obtaining an Encroachment Permit?**

As stated in County Ordinance Section B17-21, no person shall obstruct or encroach upon a County highway or right-of-way without first obtaining a written permit from the Director (of County of Santa Clara Roads and Airports Department). Refer to County ordinance for definitions and requirements.

Often, work may be occurring in the County ROW that may impact adjacent roads under other local, city or state jurisdictions. Applicants are reminded to contact these jurisdictions to obtain a permit to place traffic control signs or to work in those adjacent jurisdictions.

### **What does the Encroachment Permit Application consist of?**

When you go to the main website/page for County of Santa Clara Encroachment Permits, there is an order of information that provides guidelines or steps to follow along the way. These steps include checklists of items to consider to assist in the applicant developing a complete, permit-ready application.

At a minimum, the Encroachment Permit application shall include the following items:

- A description for the necessity of performing encroachment work or activity within County right-of-way.
- A brief description of the proposed work or activity to be performed and entities that will do the work.
- Location of the proposed encroachment work or activity.
- Estimated time necessary to complete the proposed encroachment work or activity.
- Proposed date of commencement of work or activity.
- Estimated date of completion of work or activity.
- Estimated cost for the proposed work or activities to be performed.
- Photographs of the crossing and street around the work site, if available.
- Improvement plans or a drawing of the work site, if required. Large or more complex projects may require construction improvement plans that have been prepared by a licensed Civil Engineer (i.e. for utility trenching, installation/maintenance of water/sewer/storm drain main lines and services, street improvements, subdivision improvements, etc.)
- Payment of the Encroachment Permit deposit/fees
- Completion of the Project Site BMP (best management practices) form.
- Insurance

**Do I need liability insurance in order to obtain an Encroachment Permit?**

Yes. A Certificate of Liability Insurance must be provided (or be on file with the County Roads and Airports Department) at the time the permit is issued and valid for the duration of the construction period. Refer to the link provided on the main website/page for Insurance Requirements.

**Is an Inspection required?**

Yes. The County Inspector and/or County Land Development Engineer shall have the right to inspect the work or activity to be performed within the County ROW and to prescribe any and all conditions pertaining to such work or activity. An inspection prior to starting work is required to ensure that Contractor has adequate safety precautions established at the work site, adequate traffic control, Project Site Best Management Practices (BMP's) placed, and to document any pre-existing site conditions.

The permit will include how to contact the County Inspector. Once the permit is issued, the County Inspector will be your primary contact with the County for the duration of the permit.

**Who is responsible for maintaining the work or activity during the Encroachment period?**

Unless the improvements are accepted by the County, the permittee may be made responsible for maintaining the work or activities performed in the encroached area(s). The permittee may also be required to execute a Maintenance and Indemnification Agreement with the County to provide for future maintenance associated with the Encroachment Permit improvements. The agreement shall be in a form provided by the County.

**Why must I submit a Traffic Control Plan?**

An Encroachment Permit will require submittal of a plan, and often requires a traffic control plan. Traffic Control Plan refers to placement of traffic control signage for the work in the County ROW, or for work in adjacent jurisdictions, road closures or road detours. The County follows California MUTCD standards for ensuring construction signage is in place for the travelling public, for construction work or activities that may impede the traveling public.

The applicant or permittee that is pulling the permit is responsible for the public safety and traffic control during the encroachment work period and until acceptance of the improvements by the County. Unless otherwise expressly permitted by the Director of Roads and Airports, the permittee shall maintain access to traffic over, upon, and across the County roadways and approaches so as not to hinder, render inconvenient, or interfere with the public use of the ROW's.

All construction traffic control shall conform to the latest edition of the California Manual of Uniform Traffic Control Devices (CAMUTCD). These standards can be found at Caltran's website located at <https://dot.ca.gov/programs/safety-programs/camutcd>

Homeowners requiring guidance when preparing a Traffic Control Plan may contact the Land Development Engineer assigned to the permit.

**Does the site specific traffic control plan need to be stamped by a Traffic Engineer?**

Typically, the site specific TCP's do not need to be stamped (exception may apply to complex projects).

**Could we get County drawings showing County roads and existing utilities on County roads?**

County ROW as-built database is available at <https://countyroads.sccgov.org/home>. At this website, you can do record drawings searches or GIS record drawings map searches. Upon request, County will provide County fiber and traffic loop as-builts as part of plan review once you submit an application.

Regarding specific utilities, applicants need to perform site visits for physical evidence that would indicate the presence of an underground utility and/or contact utility companies directly.

To determine if a road is a County maintained road, use the following website, select Interactive Property Assessment, then use the available tools to select Layer "County Maintained Roads":

<https://sccplanning.maps.arcgis.com/home/index.html>

### **Does my work need to be constructed in compliance to any standards?**

Yes. All Encroachment Permits issued shall comply with the requirements of the County of Santa Clara Roads and Airports Department. These standards can be found at the following website:  
<https://countyroads.sccgov.org/do-business-us/published-standards-specifications-documents-and-forms>

### **Will I be required to install and maintain erosion and sediment control, construction site or special event Best Management Practices (BMPs)?**

Yes. Although the applicant may be exempt from filing a Notice of Intent (NOI) and/or obtaining a Waste Discharge Identification Number (WDID), the applicant will still be responsible for managing and controlling erosion and sediment from the work site. The encroachment work shall be done in compliance with all Federal, State, and Local Regulations. For this reason, all applicants shall include, at time of application for an Encroachment Permit, a completed Project Site BMP Form.

Please refer to the Project Site BMP Form FAQ for additional information about the BMP form, and see the form to complete, in the Roads and Airports encroachment permit webpage.

### **What other types of permits or processes are managed by the Roads and Airports Land Development?**

Contact the Land Development Section of the Roads and Airports Department for any questions regarding these additional processes:

- Avigation easements
- ROW dedication
- Maintenance and Indemnification Agreements (MIA's)
- Tree removal permits

### **Who do I contact if I have more questions?**

You may have additional questions. So who do you contact...

- If I have questions regarding my Encroachment Permit application?
- If I need to submit additional information/documentation?
- If I need a time extension?

For more information on questions relating to the Encroachment Permit process, please contact our Permit office: Email ([permits@rda.sccgov.org](mailto:permits@rda.sccgov.org)) or call 408-573-2475.