



STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS
1010 10th Street, Suite 4204
Modesto, CA 95354
Phone: (209) 525-4130
Fax: (209) 525-6507
pwpermits@stancounty.com
<http://www.stancounty.com/publicworks/>

ENCROACHMENT PERMITS

► **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 road right-of-ways by home owners, private developers, contractors, utility companies and local governmental agencies. A request for a road closure and/or road detours also requires an Encroachment Permit.

Issuing the permit assures that the work or activities performed in the encroachment area will be done in accordance to the Public Works Standard Designs and Specifications 2007 Edition, in accordance to the requirements of the Stanislaus County Code and to the project's Conditions of Approval, if any (i.e. in association to a Building Permit, Use Permit, Tentative /Vested/Final Subdivision Map, Development Plans for off-site street improvements, etc).

► **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 road right-of-ways. Some examples of work requiring an Encroachment Permit may include but are not limited to the following:

- Excavations
- Installation of sidewalk
- Installation of driveways
- Installation of curb & gutter
- Monuments and surveys
- Public utility installation, maintenance, and repair (i.e. AT&T, PG&E, Cable TV)
- Installation of part-width or full-width street improvements
- Storm drain installations and/or connections
- Sanitary sewer installations and/or connections
- Water services and water main installations and/or connections
- Monitoring well (installation, monitoring and/or abandonment)

An Encroachment Permit is also required for road closures or road detours for construction work or activities that may impede the traveling public. Prior to any road closures or detours, a copy of a traffic control plan must be reviewed and approved by the County Traffic Division before an Encroachment Permit is issued.

► **Do I need an Encroachment Permit for surface or overhead installation in County roadways?**

It depends. Unless you are working under a franchise agreement, an Encroachment Permit is required for surface or overhead installation in County roadways. Any person having permission (i.e. a franchise or other authority of law) to install such surface or overhead installations shall do so by first consulting with and fully advising the Encroachment Inspector.



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► **Is it against the law to perform work in the County right-of-ways without obtaining an Encroachment Permit?**

Yes. According to the Stanislaus County Code (Chapter 13.04 EXCAVATIONS AND INSTALLATIONS), it is unlawful for any person not having a franchise or other authority of law to perform any activity or construction work in the County's road right-of-ways without authorization from the County Road Commissioner. It is also unlawful to make any excavation in or upon any county highway or other public place or to construct, install, or make a new or different use of any siphon, bridge, pipeline, conduit or similar structure in, along, upon or across any county highway, or other public place without first obtaining an Encroachment Permit.

► **How & where do I apply for an Encroachment Permit?**

You can apply for an Encroachment Permit online or by visiting the permitting office located at 1010 10th Street, Modesto, CA 95354, Suite 4204. You may also contact 209-525-7594 for general Encroachment Permit information or to schedule an appointment.

The permit application can be found on the County web site located at:

<http://www.stancounty.com/publicworks/pdf/EncroachmentApplication.pdf>

► **What are the Steps in Applying for an Encroachment Permit?**

There are currently six basic steps in obtaining an Encroachment Permit through the Stanislaus County's permitting department. The process begins by submitting an application to the Encroachment Engineer and ends after the one-year warranty period of the installed improvements (if any). Typically the warranty period begins after the Encroachment Inspector has signed off on the permit and accepted the improvements. The six steps are summarized below:

1. **Application Submittal:** The applicant or permittee will submit a completed application along with any required construction plans and traffic control plans.
2. **Review & Approval:** Depending on the type of project, the Encroachment Engineer may either review and approve the application or refer the application to the Traffic and Engineering Divisions for a more in-depth review to determine if all design standards have been met and to ensure safety to the public.

Depending on the scope and detail of the work or activity to be performed, supporting documentation (such as plans, profiles, topography, environmental documentation, drainage calculations, will serve letters, surety bonds, and/or liability insurance) may be required.
3. **Permit Issuance:** Upon permit approval and payment of permit fees, the Encroachment Engineer will issue the approved Encroachment Permit to the applicant.
4. **Construction Inspection:** The applicant will need to contact the Encroachment Inspector to request an inspection. When calling to schedule an inspection, the applicant must provide the permit number, job address, contact person's name, telephone number, and type of inspection to be performed.

The Encroachment Inspector's contact information can be found on your encroachment permit.



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All work performed within County Road right-of-ways shall be inspected by the Encroachment Inspector. The Encroachment Inspector will need to be notified 48-hours prior to beginning any construction work.

5. **Final Improvement Acceptance:** The Encroachment Inspector will sign-off and accept the improvements once all the work or activities have been performed per the conditions of the permit.

6. **One-Year Warranty:** The applicant warrants all of the improvements as to material quality and workmanship for one year. Should any failure of the improvements or any part thereof occur within a period of one year after the final acceptance date, the applicant shall make the needed repairs as directed by the Encroachment Inspector without any incurring expense or cost to the County.

► **How long will it take to process an Encroachment Permit application?**

The Encroachment Engineer will either approve or deny an Encroachment Permit Application upon determination that the application submittal is complete or incomplete. The Encroachment Engineer has the authority in what constitutes a completed Encroachment Permit Application submittal. The actual time needed to review and approve the application will depend on the completeness of the initial submittal, scope of the work, and the level of complexity of the proposed work.

Most simple permits can typically be issued over-the-counter. However, permits that are more complex may require additional time to perform and coordinate adequate plan review with the County Engineering Design and Traffic Divisions.

► **How much does an Encroachment Permit cost?**

The basic Encroachment Permit fee is \$40.00 and covers the administration and permit processing charges. Additional cost may be applicable to the permit to cover plan reviews, field reviews, construction inspections, re-inspections (if required), National Pollutant Discharge Elimination System (NPDES) storm water quality review, and other fees as determined by the Encroachment Inspector.

The total cost will be determined in accordance to the latest [Fee Schedule](#) adopted by the Board. The fee schedule can be found at the following website:

www.stancounty.com/publicworks/pdf/fee-schedule.pdf

Fees may vary depending on the type of encroachment that is requested. For larger projects (i.e. full street improvements, subdivision type work, etc...) a financial security deposit may be required.

The permit application shall be accompanied by a personal check, certified check, cashier's check, letter of credit, performance bond executed in favor of the county by a surety company or, other payment method acceptable to the Encroachment Inspector. The check should be made out and payable to "Stanislaus County". The amount shall be in a sum not less than the amount estimated in the application as the cost of faithfully performing all work to be done under the permit applied for, and conforming to all conditions or restrictions which may be specified in the permit.



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In lieu of the payment required with each application, any applicant may make a blanket deposit in a form and amount acceptable to the Encroachment Engineer. Any remaining funds in the deposit balance will be returned to the applicant or exonerated by the Encroachment Inspector at the end of the one-year warranty period.

Please note that currently Stanislaus County does not accept credit card payments for Encroachment Permits.

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

The Stanislaus County Code requires that all applications for permits shall be made in writing in such form as may be prescribed by the Road Commissioner. The current Permit Application Form adopted by the Road Commissioner is available online at the following web site:

<http://www.stancounty.com/publicworks/pdf/EncroachmentApplication.pdf>

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

1. A description for the necessity of performing encroachment work or activity within a County's road right-of-ways.
2. A brief description of the proposed work or activity to be performed.
3. Location of the proposed encroachment work or activity.
4. Estimated time necessary to complete the proposed encroachment work or activity.
5. Proposed date of commencement of work or activity.
6. Estimated date of completion of work or activity.
7. Estimated cost for the proposed work or activities to be performed.
8. Photographs of the crossing and street around the work site, if available.
9. Improvement plans or a drawing of the work site, if required. Minor permits typically do not require plans (i.e. for constructing driveway approaches, sidewalks, bell holes, installation of sewer lateral repairs, water main connections, etc). However, for larger or more complex projects, the Encroachment Permit 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).
10. The Encroachment Permit fee, as determined by the Encroachment Engineer, shall be paid.
11. A Certificate of Liability Insurance must be provided (or be on file with the Encroachment Engineer) at the time the permit is issued.
12. A contractor must have possession of a current and valid state license certifying either a Class A certification or a certification as a Specialty Contractor for the type of work performed (as defined by the Business & Professions Code Division 3, Chapter 9. Contractors, Article 4 "Classifications").

► **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 Encroachment Engineer) at the time the permit is issued. The applicant or contractor shall provide a Certificate of Insurance with general liability insurance of single coverage of \$1,000,000 (which is typically the minimum amount of coverage needed for large and complex projects such as full road improvements or underground trench construction). However, for smaller and less complex projects, the amount of liability coverage required



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may be less. On certain occasions, a Home Owner Insurance policy may also be used depending on the type of work performed and scope of the project (i.e. driveway installations, curb & gutter, etc). The amount of the liability insurance necessary for your permit will be determined by the Encroachment Engineer at the time the Encroachment Permit is applied for.

Said policy shall name the Stanislaus County as an additional insured (A separate endorsement sheet may be required with the insurance policy and the location and job description must be included on the policy).

At a minimum, the Certificate of Liability Insurance must show the policy number; policy effective date; policy expiration date; dates of the insurance coverage; the dollar amount of the liability coverage; the insurance company name; and the name of the insured company. The certificate can be sent via email, surface mail or fax by the insurance company or broker, or can be presented over-the-counter by the applicant pulling the permit.

► Do I need to possess a State Contractor License to perform construction work or activity in the County Right-of-Ways?

Yes. The applicant or contractor performing the work must possess a current state license certifying a Class A certification (or a certification as a Specialty Contractor as defined by the Business & Professions Code Division 3, Chapter 9. Contractors, Article 4. "Classifications"). The applicant or contractor performing the work shall also comply with Section 3800 of California Labor Code.

The following licenses are acceptable for the scope of work as described. All other class licenses will only be issued a permit upon approval by the County Road Commissioner.

- C8 Concrete Contractor may perform driveway approach and sidewalk project.
- C12 Earthwork and Paving Contractors may perform grading work.
- C16 Fire Protection Engineering Contractors may perform installation of fire service lines.
- C27 Landscaping Contractors may perform landscaping related work.
- C31 Construction Zone Traffic Control Contractor for traffic control
- C32 Parking and Highway Improvement Contractors may perform parking lot pavement work including installation of protective vehicle signage and/or device.
- C34 Pipeline Contractor may perform water and gas line work including trenching, compacting and surface paving.
- C42 Sanitation System Contractors may perform sanitary sewer line work including trenching, compacting and surface paving. Under no circumstance shall the C36 Plumbing Contractors be allowed to perform sewer line work in the public right-of-ways.
- C57 Water Well Drilling Contractor may perform installation and repairs of water wells and pumps by boring, drilling, excavating, casing, cementing and cleaning to provide a supply of uncontaminated water.

Please note that the State of California only allows the "owner" of a property or a licensed contractor to obtain an Encroachment Permit.

► Is an Inspection required?



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Yes. The Encroachment Inspector shall have the right to inspect the work or activity to be performed within the County right-of-ways and to prescribe any and all conditions pertaining to such work or activity.

Written notice or a telephone call/message shall be provided to the Encroachment Inspector not less than two work days (48-hours) prior to the commencement of any work under the permit granted unless the date of commencement has been specified in the application or permit.

The permittee shall be responsible for all liability for personal injury or property damage which may arise out of work permitted and done under a permit or which may arise out of failure on the permittee's part to perform his or her obligations under any permit in respect to public safety and traffic control. In the event any claim of liability is made against the County, or any department, officer, or employee therefore, permittee shall defend, indemnify and hold them and the County harmless from such claim.

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

Unless the improvements are accepted by the County, the permittee shall remain responsible for maintaining the work or activities performed in the encroached area(s). The permittee may also be required to execute a maintenance 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 and accepted on behalf of the County by the Road Commissioner.

►Is a Traffic Control Plan required?

It depends. The Encroachment Engineer may require a traffic control plan to be submitted along with the permit application depending on the type of work or activity to be performed in the road right-of-ways. The traffic plan may require warning signs, lights, appropriate control devices, flagmen, or other items to help control and direct the flow of traffic.

Pursuant to Vehicle Code Section 21367, the Road Commissioner or designee may restrict the use of and regulate the movement of traffic through or around areas affected by construction, maintenance, or repair of any county roadway while engaged in the performance of such work whenever the traffic would endanger the safety of workers or the work would interfere with or endanger the movement of traffic through the area.

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 Encroachment Inspector, 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 right-of-ways.

An Encroachment Permit is also required for road closures or road detours for construction work or proposed activities that may impede the traveling public. Prior to any road closures or detours, a copy of a traffic control plan must be reviewed and approved by the County Traffic Division before an Encroachment Permit is issued.



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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

www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/index.htm

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

Yes. All Encroachment Permits issued in Stanislaus County shall comply with the requirements of the Stanislaus County Department of Public Works Standard & Specifications – 2007 Edition (Standards). These standards can be found at the following website:

www.stancounty.com/publicworks/pdf/2007_imp_stand.pdf

► **Will I be required to install and maintain erosion and sediment control Best Management Practices (BMPs) if I am not required to file for a Notice of Intent (NOI) with the State Regional Water Quality Control Board (SRWQCB)?**

Yes. Although the applicant may be exempt from filing a 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 accordance to the [Stanislaus County Storm Water Management Plan](#) and the [Stanislaus County Storm Water Discharge Ordinance](#) as described in [County Code Section 14.14](#).

The storm water management plan and discharge control ordinance can be found at the following web address under the "Helpful Downloads" section:

www.stancounty.com/publicworks/storm

If a permit is required under the National Pollutant Discharge Elimination System (NPDES) program, all construction shall be done in accordance to the project's Storm Water Pollution Prevention Plan (SWPPP).

► **Who do I contact if...**

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

For more information on questions relating to the Encroachment Permit process, please visit our permitting office located at 1010 10th Street, Modesto, CA 95354, Suite 4204.

You may also contact (209) 525-4130 for general Encroachment Permit information.



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Call USA North 1-800-227-2600
Two (2) working days prior to excavating, digging, or in an emergency