



# **Encroachment Permits Presentation to Sonoma County Technical Advisory Committee :**

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(Sonoma, Solano, Napa & Contra Costa)



# Presentation is motivated by Caltrans Value: Engagement

- Since 1995 Caltrans has promoted partnering meetings in construction contracts.
- CALTRANS values engagement with stakeholders

# Presentation Outline

1. Types of Encroachment Permit (EP)
2. Where to Start?
3. New Processes: Established in June 2020
4. Checklist Review & Explanation
5. New Permit Processes
6. Exception Process for Requesting Alternate EP Process
7. Other Changes: August 2022 : CEPS & Jan 2023: Double Permit not required
8. What is a Quality Plan and Application Submittal?
9. Tips for the Applicants & Permittees
10. Useful Weblinks
11. Q&A



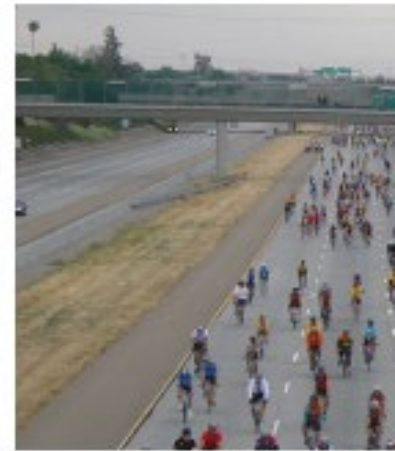


# 1. Types of Permit

## Adopt-A-Highway (AAH) Program



## Special Events





# 1. Types of Permit

## Transportation Art Program

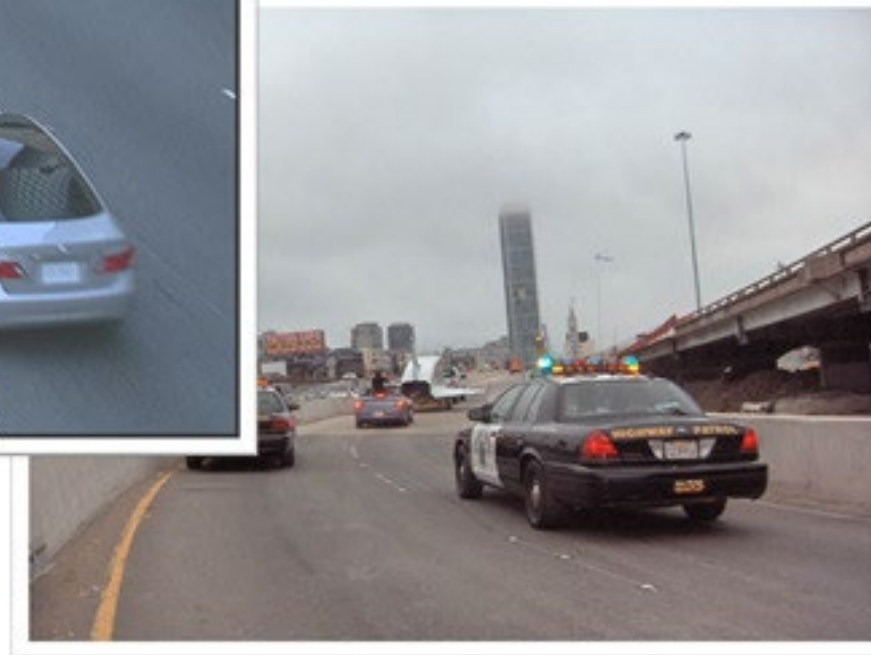


## Airspace Development



# 1. Types of Permit

## Filming Permits





## 2. Where to Start?

- Maintenance
  - Adopt-A-Highway
- Landscape Architecture
  - Transportation Art
  - Gateway Monuments
  - Community Identification
- Right of Way
  - Airspace Lease
- Project Manager
  - Short QMP\* & Standard QMP ( Old Oversight) Projects
- Encroachment Permits

## 3. New Processes – Established in June 2020

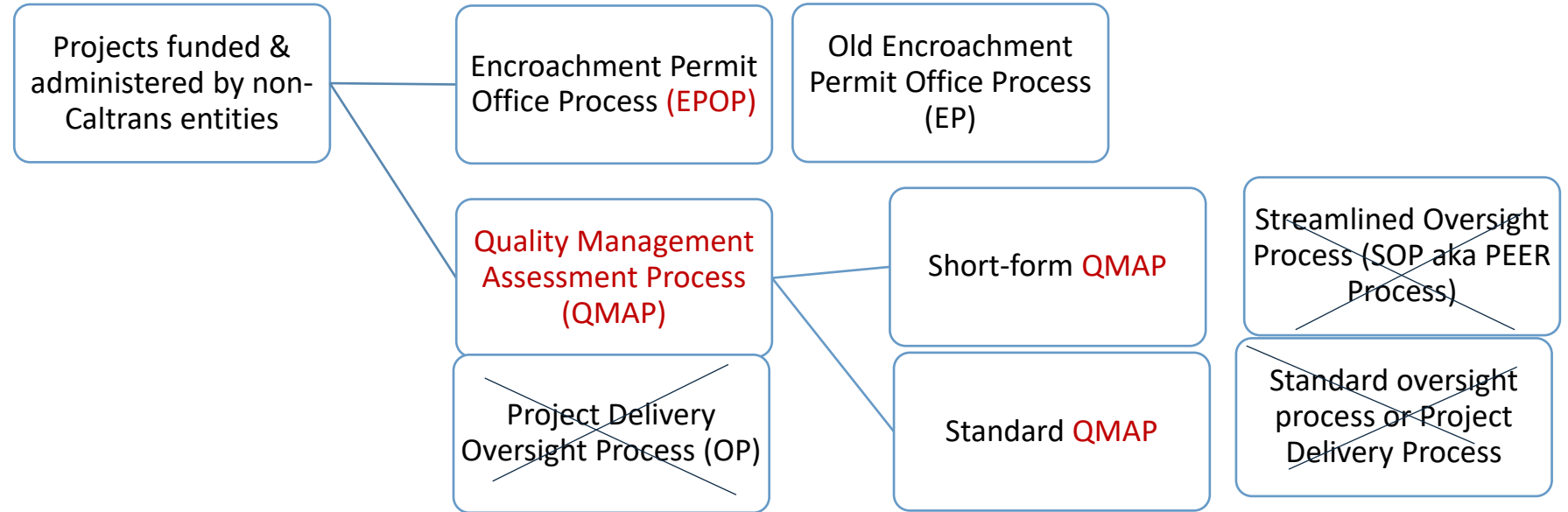
New Processes address following issues old processes had:

- Cost thresholds were arbitrary
- Complexity criteria were not clear and subjective.
- Project proponents complaining about inconsistency and lack of clarity.
- Delays in decision making internally due to disagreements between programs.





### 3. New Processes – Established in June 2020



#### Process determining factor

- ❖ Criteria Based on Project Complexity : In addition of cost
- ❖ TR-0416 Provides Guidance on Complexity

## 3. New Processes – Established in June 2020

### Pros:

- Most of the complexity criteria were pre-existing, but clearly defined now: Minimal subjectivity.
- Defined process for decision making.
- Flexibility integrated through Exception Process.

### Cons:

- Limited flexibility at functional manager's level.
- Additional step of agreements for some medium size projects that are big for EP and small for \*QMAP.



## 3. New Processes – Established in June 2020

### Summary of Changes

- Cost thresholds are not a factor anymore in determination of appropriate review process.
- Three processes still remain:
  - OLD:** EP, PEER, PD; **NEW:** EPOP, Short-Form QMAP, Standard QMAP.
- Distinct Project Approval Documents for each process.
  - EPOP: PEER; Shot-form QMAP: DEER & **Standard QMAP: Project Report**
- No changes in resource sources and charging practices.
- Exception process incorporated to provide flexibility to Districts to deviate from established policy when deemed appropriate based on scope of work.

**PEER:**(TR-0112)\*

**Project Engineering Evaluation Report** **DEER:** Design Engineering Evaluation Report



# 4. Checklist Review and Explanation

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
 APPLICANT'S CHECKLIST TO DETERMINE APPLICABLE REVIEW PROCESS  
 Form: TR 0416

No.	Scope	True	False
1	Project has an approved environmental document (CE, ND, EIR, EIS, etc.) or project is CE by CEQA and/or NEPA and has completed studies or public outreach.		
2	Project design and submittal is complete (at 100%) and the EPAP includes all required supporting documents, reports, etc.		
3	Project doesn't involve any ROW conveyances (e.g., dedications, relinquishments, modifications to ROW limits, etc.).		
4	Project doesn't propose constructing new structures (e.g., earth retaining structures such as retaining walls, tie backs, soil nails, sound walls, culverts, etc.) that are not per Caltrans Standard Plans.		
5	Project doesn't propose conduits greater than 60" in diameter to be installed by trenchless methods or tunneling (diameter 30" and above) with depth of cover less than 15 feet.		
6	Project doesn't propose high priority utilities, liquid and gas carrier pipes on or through bridges/structures.		
7	Project doesn't propose structural modifications of Caltrans structures (certain superficial attachments are not considered structural modifications).		
8	Project doesn't propose new permanent stormwater treatment facilities, create 5000 sq. ft. or more of new non-highway impervious surface or create 1 acre or more of newer highway impervious surface.		
9	Project is not proposed in known slip/slide prone areas and proposed work will not adversely impact geological stability.		
10	Project doesn't require agreements to be executed with Caltrans, or, an agreement is required but Caltrans standard templates can be used (e.g., maintenance, lease, Joint Use Agreements, etc.).		
11	Project doesn't propose non-standard roadway design features (lane widths, super elevation, etc.) requiring a Design Standard Decision Document (Not applicable to utility-only projects).		
12	Project doesn't require CTC action for other than funding approval (e.g., relinquishments, new public road connections, etc.).		
13	Project doesn't propose new sound walls on bridges or modifications to existing sound walls on bridges.		
14	Project doesn't propose increasing highway capacity or converting operational nature of highway lanes (e.g. converting to HOT or Toll lanes, etc.).		
15	Project's total construction costs within the existing or future State highway right-of-way is \$1 million or less. (Not applicable to utility-only projects)		

## 4. Checklist Review and Explanation

### Statutes

In accordance with California Code, Streets and Highways Code-SHC 671.5, projects must have environmental clearance and be design complete (at 100%) with all required supporting reports, analysis and documents (e.g. Geotechnical Reports, Traffic Studies, Warrants, Agreements, etc.) to be accepted and managed through the EPOP.





## 4. Checklist Review and Explanation

### Criterion 1: Environmental Approval

❖ **EPOP:** An encroachment project must:

- ✓ Have an approved environmental document
  - Categorically or Statutorily exempt (CE)
  - Negative Declaration (ND) or Mitigated ND
  - Environmental Impact Report
  - Environmental Impact Study
- ✓ Or, is CE by CEQA and/or NEPA and does not require additional studies or public hearings.



## 4. Checklist Review and Explanation

### Criterion 1: Environmental Approval (Contd...)

- If the project doesn't have an approved environmental document and is not a simple CE/CE, Applicant will have to seek a Lead Agency and obtain Environmental Approval before submitting the permit request.
- If Caltrans has to be the Lead Agency and District Environmental Concurs, Project shall be managed through QMAP.



## 4. Checklist Review and Explanation

### Criterion 2: Project design

- ❖ **EPOP:** An encroachment project must be design complete:
  - ✓ Design must be 100%
  - ✓ All required supporting reports, analysis and documents.
  
- ❖ If the Encroachment Permit Application Package (EPAP) is incomplete, the applicant should complete the design and resubmit to the District Encroachment Permit Office (DEPO).



## 4. Checklist Review and Explanation

### Criterion 3: Right-of-Way (ROW) conveyance

❖ **EPOP:** Project that only requires:

- ✓ Verification or Validation of ROW

❖ **QMAP:** An encroachment project that involves ROW conveyances:

- ✓ Modifications to ROW limits
- ✓ Easements
- ✓ Modifications to pre-existing rights through agreements



## 4. Checklist Review and Explanation

### Criterion 4: New earth retaining structures

- ❖ **EPOP:** An encroachment project that utilizes Caltrans Standard Plans for proposed new structures such as:
  - ✓ Retaining walls
  - ✓ Sound walls
  - ✓ Culverts
  
- ❖ **QMAP:** If a non-standard structure is pursued, the project is managed through the QMAP to facilitate and guide the project development process through the project design and construction phases. 35%, 60%, 90% reviews may be needed.





## 4. Checklist Review and Explanation

### Criterion 5: Installation of conduits/ Tunneling

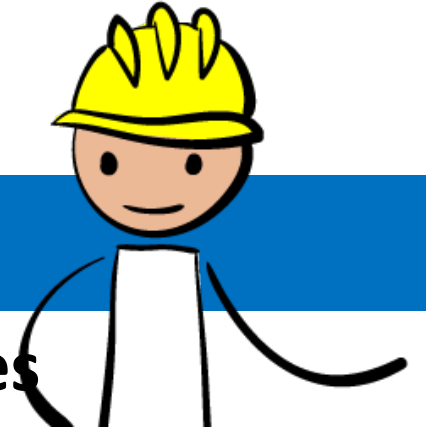
- ❖ **EPOP:** An encroachment project that proposes trenchless installation of conduits that are:
  - ✓ Less than 30 inches in diameter; &
  - ✓ Between 30" to 60" diameter with depth of cover greater than 15 feet
  
- ❖ **QMAP:** An encroachment permit that proposes trenchless installation of conduits that are:
  - ✓ 30 inches or greater in diameter with less than 15 feet dept of cover
  - ✓ All conduits 60 inches or greater in diameter irrespective of depth of cover

## 4. Checklist Review and Explanation



### Criterion 6: High priority utilities on or through bridges

- ❖ **EPOP:** An encroachment project that does not propose high priority utilities, liquid and gas carrier pipes on or through bridges/structures.
- ❖ **QMAP:** High priority utility projects on bridges are managed through QMAP due to the safety and liability concerns associated with the potential for disaster due to seismic impacts.
  - ❖ Seismic Analysis Required.



## 4. Checklist Review and Explanation

### Criterion 7: Structural modifications of Caltrans structures

- ❖ **EPOP:** Minor modifications, attachments to structures etc. that doesn't impact the integrity of the structure in its current condition.
- ❖ **QMAP:** An encroachment project that proposes significant load increase or design mitigations due to impact to the core structure.

**\* Consult with Structures experts when in question.**



## 4. Checklist Review and Explanation

### Criterion 8: Stormwater treatment facilities

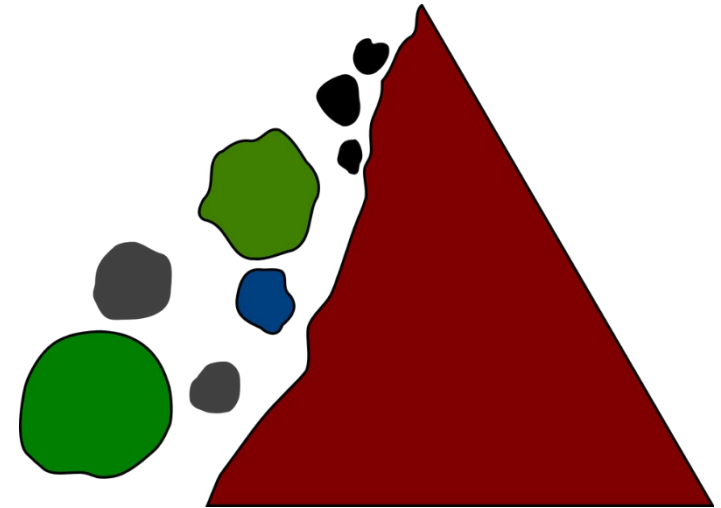
- ❖ **EPOP:** An encroachment project that does not propose any of the following:
  - ✓ New permanent stormwater treatment facilities
  - ✓ Create 5000 sq. ft. or more of new non-highway impervious surface
  - ✓ Create 1 acre or more of newer highway impervious surface
  
- ❖ **QMAP:** Project that requires the following:
  - ✓ Meet the Regional Water Quality Control Boards' reporting requirements and monitoring requirements.
  - ✓ Develop Stormwater Data Report and analysis to evaluate and report per the Caltrans Stormwater Management Plan

## 4. Checklist Review and Explanation

### Criterion 9: Geological stability

Projects impacting the ground stability and roadway integrity are not allowed.

- ❖ **EPOP:** An encroachment project that :
  - ✓ Will not adversely impact geological stability
- ❖ **QMAP:** Some highway improvement or utility installation projects may be allowed with enhanced mitigations when no other alternative exists. These projects when allowed are considered complex due to the level of oversight needed to identify, document, implement and monitor the authorized activities including mitigations.





## 4. Checklist Review and Explanation



### Criterion 10: Agreements with Caltrans

❖ **EPOP:** An encroachment project that either:

- ✓ Does **not** require agreements to be executed with Caltrans
- ✓ An agreement is required for which Caltrans standard templates must be used and executed within 60 days

❖ **QMAP:** An encroachment project that **involves** in developing either:

- ✓ An agreement different than the Caltrans standard templates
- ✓ An agreement based on extensive modifications to the Caltrans standard templates.

## 4. Checklist Review and Explanation

### Criterion 11: Design Standard Decision Document (DSDD)

- ❖ **EPOP:** An encroachment project that:
  - ✓ Does **not** propose non-standard roadway design features
  - ✓ Is a **utility only** project that requires DSDD
  
- ❖ **QMAP:** A highway improvement project that proposes non-standard roadway design features requiring DSDD.

## 4. Checklist Review and Explanation

### Criterion 12: California Transportation Commission (CTC) action

❖ **EPOP:** An encroachment project that either:

- ✓ Does **not** require CTC action
- ✓ Requires a CTC action for **funding only**

❖ **QMAP:** An encroachment project that requires CTC action, such as:

- ✓ Relinquishments
- ✓ Breaks in access control
- ✓ New public road connections



## 4. Checklist Review and Explanation

### Criterion 13: Sound walls on bridges

❖ **EPOP:** An encroachment project that:

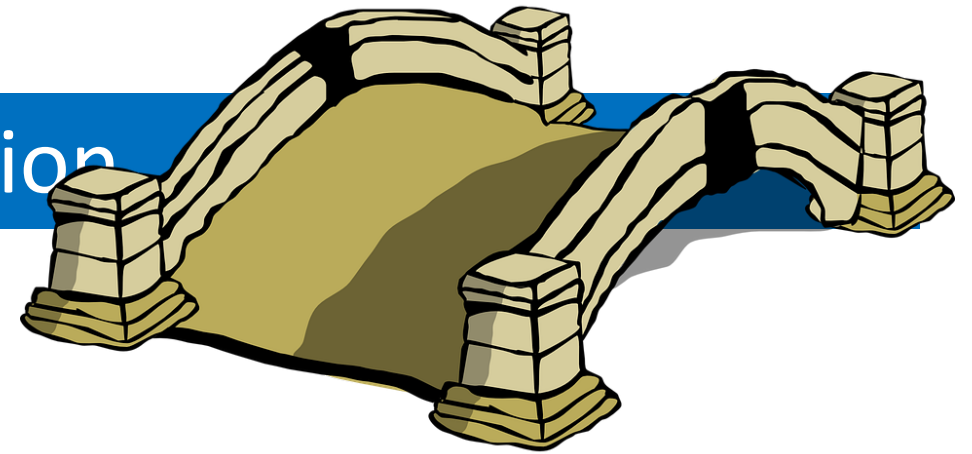
- ✓ Does **not** propose new sound walls on bridges
- ✓ Does **not** propose modifications to existing sound walls on bridges

❖ **QMAP:** An encroachment project that proposes either:

- ✓ New sound walls on bridges
- ✓ Modifications to existing sound walls on bridges

❖ Those projects are complex due to the studies and design requirements involved to ensure compliance with all laws, regulations and requirements.

**\*Refer to criterion 11 for sound walls at other locations**



## 4. Checklist Review and Explanation

### Criterion 14: Highway capacity and operation

❖ **EPOP:** An encroachment project that proposes:

- ✓ Intersection improvements
- ✓ Signal upgrades
- ✓ New signalization
- ✓ Channelization

❖ **QMAP:** An encroachment project that requires evaluation of the impacts to the State Highway System and the establishment of responsibilities via agreements, such as:

- ✓ Increasing highway capacity
- ✓ Converting operational nature of highway lanes (e.g. Converting to toll or hot lanes etc.)



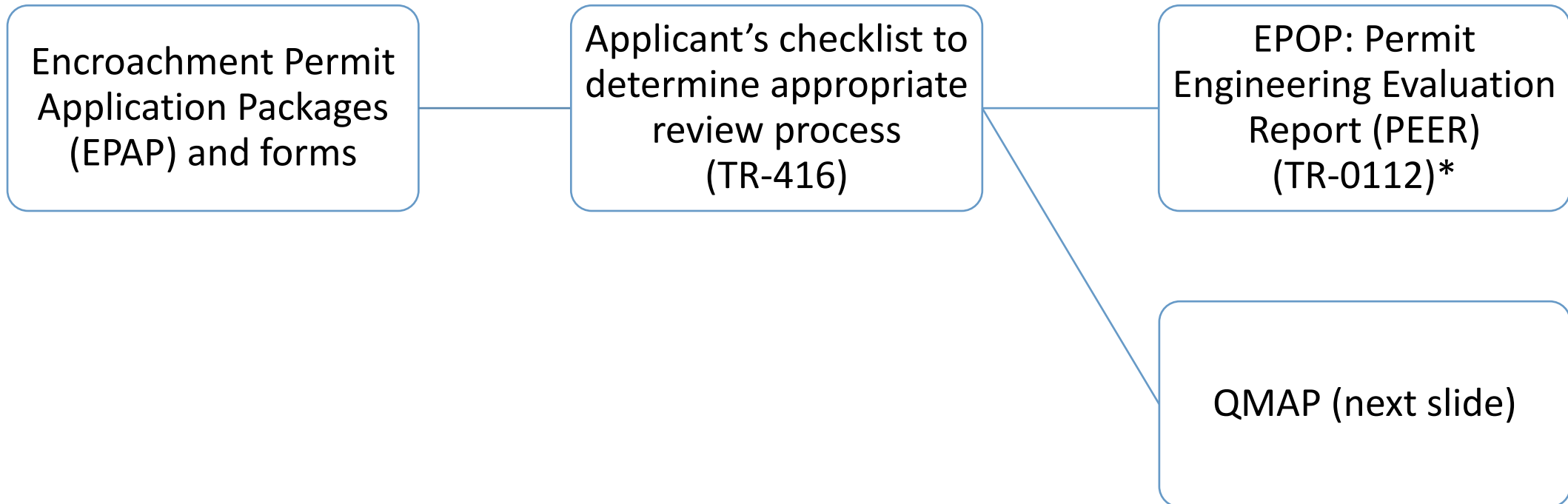
## 4. Checklist Review and Explanation

### Criterion 15: Construction cost

#### \$1 Million dollars:

- ❖ This criterion should only be used as an indicator to review the project scope, instead of a primary factor in determining the appropriate review process.
- ❖ If there is disagreement on the appropriate process, it should be elevated to the Deputy District Directors of Traffic Operations and Project Management. If consensus can not be reached, District Director will make the determination.
- ❖ This will be phased out.

## 7. Implementation of the New Processes



\* PEER is required only when applicable as defined in EP manual.



## 5. New Permit Processes

### QMAP



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graph TD; QMAP[QMAP] --> ShortForm[Short-form QMAP]; QMAP --> Standard[Standard QMAP];
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#### Short-form QMAP: Design Engineering Evaluation Report (DEER)

- Project has approved environmental document or project is CE by CEQA and/or NEPA and has completed studies or public outreach.
- Project only has a Single-Build Alternative
- Project does not require CTC action
- Project doesn't involve any ROW conveyances from the Department to the local agencies
- Project doesn't require FHWA approval for relinquishments or **NPRCs** involving a modification to the access control
- Project doesn't involve construction of new structures or bridge widenings.

**NPRC: NEW PUBLIC ROAD CONNECTION REQUIRES CTC ACTION**

#### Standard QMAP: Project Report (PR)

- All projects that do not qualify for EPOP or Short-Form QMAP.



# 6. Exception Process:

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

## Encroachment Project Review Process Change Approval

Form: TR-0417

DIST/CO/RTE/PM: \_\_\_\_\_

Project Proponent: \_\_\_\_\_

Project Description:

Instead of reviewing the Project through the (Applicable process by policy):

Encroachment Permits Office Process  Short-Form QMA Process  Standard QMA Process

The Project is recommended to be reviewed through:

Encroachment Permits Office Process  Short-Form QMA Process  Standard QMA Process

Note: Projects moved to Encroachment Permits Office Process from the QMA process must be approved within 60 calendar days from date of encroachment permit application acceptance.

For the following reasons (List which criterion/criteria is/are being requested to be exempted):

Requested By:

Date:

\_\_\_\_\_

\_\_\_\_\_

Deputy District Director (Traffic Operations/ Design/ Project Management)

Approved By:

Date:

\_\_\_\_\_

\_\_\_\_\_

District Director

REMARKS: SEND COPIES OF APPROVED FORM TO OFFICE OF PROJECT SUPPORT, DIVISION OF DESIGN AND OFFICE OF ENCROACHMENT PERMITS, DIVISION OF TRAFFIC OPERATIONS IN HEADQUARTERS (See Instructions for more details).

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

## Encroachment Project Review Process Change Approval

Form: TR-0417

### Instructions:

1. Request must be prepared by the Division in the District requesting the exception to policy. Deputy District Directors for the programs being impacted (Design, Project Management and/or Traffic Operations) must be notified of the proposal before requesting District Director's approval.
2. District Director must approve any deviation from the policy.
3. Final determination on the process must be made and if necessary, exception approved by the District Director within 5 calendar days from the receipt date of the project proposal.
4. Encroachment Project Review Process Change Approval must be included in the project file. A copy of the approved form must be sent to **Chief, Office of Project Support, Headquarters Division of Design** and **Chief, Office of Encroachment Permits, Headquarters Division of Traffic Operations**.
5. Projects must comply with all applicable policies, requirements, statutes, laws and regulations irrespective of the process.

### Acronym:

QMA: Quality Management Assessment

## 6. Exception Process for Using Alternate EP Process

Encroachment Project Review Process Change Approval (Form TR-0417)

- ❖ Provide a project summary (location, description, proponent, etc.)
- ❖ Indicate the policy which determined the review process
- ❖ Indicate the recommended review process and basis of this recommendation
- ❖ Request must be prepared by the Division in the District requesting the exception to policy (Design, Project Management and/or Traffic Operations)
- ❖ District Director must approve any deviation from the policy
- ❖ If an exception is made to manage a project through EPOP, Caltrans must approve or deny such projects within the statutory 60 calendar days.





## 7. Other Changes to EP Process

1. Rolled out in 2022 a New “Caltrans Encroachment Permit System” (CEPS). Old EPMS (Encroachment Permit Management System) is also functional.
2. Beginning January 2023: No more Double Permit required

## 7. Other Changes to EP Process

1. Caltrans Encroachment Permit System (CEPS) implemented last year 2022 for internal use only.
2. The CEPS will replace EPMS that provides online functionality for all program staff and external customers to manage day-to-day tasks of processing and issuing encroachment permits effectively and efficiently.
3. Caltrans Strategic Plan's general areas of improvement are addressed to capitalize on and meet the objectives. These areas include:
  - Engage customers with web-based application, payment, and communication
  - Drive efficiency and advance equity with an automated, standardized business process to increase the 30-day performance measure
  - Planet friendly, paperless, and contact free solution



## 7. Other Changes to EP Process

Beginning January 1, 2023:

Caltrans no longer issues Double Permits (DP).

The new process:

The Permittee and the Contractor must together submit a Form TR-0429.

If there are any additional required submittals, such as TCP, WPCP, etc., the Permittee must request a Rider Permit to clear the conditional requirements, by submitting a Rider Request to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov) to be reviewed and approved.

The Contractor may choose to submit the Rider Permit request on behalf of the Permittee, however, they would need to submit a Letter Of Authorization (LOA) signed by the Permittee.

## 8. What is a Quality Plan & Application Submittal?

- **Submittal that uses the Checklist TR- 0402**
- **Designer includes following documents with the application :**
  - a) Design Standard Decision Document (DSDD), if Necessary  
( 3 to 6 months to get approval)
  - b) Encroachment Exception Approval, if necessary.
  - c) Applicant enters into a maintenance agreement with Caltrans, if necessary.
  - d) Right-of-Way Dedication, if necessary
  - e) Airspace Lease, if necessary
  - f) Applicant completes 100% plans, specifications, and estimate





## 9. Tips to Applicants & Permittees

1. A transmittal letter via email must include following information:
  - a) List files attached with their file names
  - b) Total number of files attached
2. Don't combine files
3. Quality scans (300 dpi min) or true PDF conversion for email submission of plans that are signed, stamped, dated and with **PE (Expiration Date)**
4. Provide itemized responses to the review comments within 10 Calendar days
5. Must provide good number to call with extension number
6. Apply for a rider if work is not completed by **expiration date**
7. Read permit in entirety and contact info. of the State Representative.
8. Apply for lane closure 7 days in advance.
9. Bonds are required for private entities and substantiation for Govt. agency
10. Contractor must call radio room to inform lane closure status

## 10. Useful Weblinks:

- ❖ Encroachment Permit Application Packages (EPAP) and forms including TR-0416  
<https://dot.ca.gov/programs/traffic-operations/ep/applications>
- ❖ Permit Engineering Evaluation Report (PEER) (TR-0112)  
<https://dot.ca.gov/programs/traffic-operations/ep/applications>
- ❖ Design Engineering Evaluation Report (DEER)  
[https://traffic.onramp.dot.ca.gov/downloads/traffic/files/permits/ep\\_process\\_review.pdf](https://traffic.onramp.dot.ca.gov/downloads/traffic/files/permits/ep_process_review.pdf)
- ❖ Project Report (PR) (Chapter 17 is dedicated to encroachment policies).  
<https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>
- ❖ Encroachment Project Review Process Change Approval (Form TR-0417)  
[https://traffic.onramp.dot.ca.gov/downloads/traffic/files/permits/ep\\_process\\_review.pdf](https://traffic.onramp.dot.ca.gov/downloads/traffic/files/permits/ep_process_review.pdf)

# Questions?





The hands of fate play our game.  
We the player are given a name.  
Some are tame, other gain fame.  
Yet in the end, we are all the same.

**Omar Khayyam**

Let us add to this :  
'cause we go back from where we came!!