

## **ENGINEERING SERVICES DEPARTMENT**

Capital Improvement Projects  
District Support Services  
Field Operations  
Subdivision Engineering  
Traffic Engineering

# **RIGHT-OF-WAY CONSTRUCTION**

## ***APPLICATION & PERMIT PROCEDURE***

*(Ordinances 87-02, 87-12, 87-47, 88-08)*

*(Resolutions re: Public Road Standards)*

**Right-of-way Construction Permits** are issued for the installation, repair, and/or replacement of standard works in the public right-of-way or a public easement. Adherence to some combination of the City of Encinitas *Public Road Standards*, City of Encinitas *Standard Details*, *San Diego Regional Standard Drawings*, and American Public Works Association *Standard Specifications for Public Works Construction* is a typical characteristic. Also, typically, a fully refundable security deposit is to be posted to guarantee performance and, possibly, warranty repair.

Work within a pipe/conduit zone regulated by a Special District, Subsidiary District, or a Public Utility is not within the scope of this procedure and is discussed elsewhere.

Typical examples of construction authorized per this process include as follows:

- a) Driveway approaches constructed of Portland cement concrete (PCC) on fully improved streets or of asphalt cement concrete (AC) on streets in a state of lesser condition,
- b) Excavation/backfill/resurfacing to install, repair, or replace regulated utilities such as for potable water, sanitary sewer, electricity, natural gas, telephone, and community antennae television, or to repair a previous job to install same, and not per a Utility Construction Permit,
- c) PCC curb/gutter/sidewalk or AC berms on streets having engineered line and grade and for projects having no requirement for submittal and approval of an Improvement Drawing, whether repair, replacement, or a new installation,
- d) Other minor appurtenances to existing public road and drainage improvements if an Improvement Drawing is not required (e.g., street light, sidewalk underdrain, pedestrian ramp),
- e) Public road and/or drainage improvements complimentary to a lead Improvement Permit but by a different qualifying construction contractor or if the lead governing jurisdiction is not the City of Encinitas,
- f) Minor public road and drainage improvements as a substitute for an Improvement Permit or if shown on a Grading Drawing,
- g) Capital Improvement Projects,
- h) Assessment Districts,
- i) Construction with private party participation and agreement/settlement with a public agency.

Compliance with the following application procedure is required of the applicant:

1. Complete the part of the *Engineering Development Application* that is not for office use and where pertinent. Please provide an accurate and complete description of work. Sign and date.
2. Pay the non-refundable permit fee of \$150.00, \$250.00, or, in cases of long trenches or emplacements, an inspection deposit based on linear footage (LF). For precise instructions, see the *Schedule of Fees for Engineering Development Projects*. If cost effective and determinable, the fee can be calculated as for an Improvement Permit or, in cases of long trenches or emplacements, \$250.00/500LF non-prorated. Note that applications submitted in reaction to a Notice of Violation require a double permit fee.
3. Submit a site plan drawn on white paper, 8-1/2"X11", ...14", or ...17", that shows the proposed construction as it relates to existing improvements, property lines, and easement lines, calls out dimensions, grades, and materials, and explains the ultimate purpose. A blue-line copy of a Grading Drawing or an Improvement Drawing, modified if needed, is acceptable or, in certain cases, preferred or required. Reference to governing standards should be made if applicable.

The Subdivision Engineering Division will review the proposed construction and may be able to issue the permit at time of application. Depending on the type of work to be authorized, a design or review process of variable timing may be involved. The type of process, and whether short, long, or immediate, is typically obvious. An application may be approved, approved with conditions, or denied.

If an application is approved or approved with conditions, the applicant will be issued a **Right-of-way Construction Permit**. Either one or more of the following items may be conditions that need to be satisfied by the applicant prior to issuance and are generally described:

1. A governing standard or engineered drawing is to be applied.
2. The *Right-of-way Construction Permit Standard Conditions* is to be read, signed and dated.
3. A construction contractor possessing a valid state license of the correct type is always required. The name, address, telephone number, and license number and type will need to be provided. State law as interpreted and enforced by the Contractors State License Board shall govern what type of license is needed for the proposed construction. For example, a Type "A" *General Engineering* license is considered acceptable for any work; a Type "C-8" *Concrete* as noted; a Type "C-12" *Grading and Paving* as noted.
4. Proof of insurance as possessed by the construction contractor will be a condition. See the *Requirements for Proof of Insurance*.
5. Posting of a refundable security deposit will be a condition. See *Ordinance 93-24*.
6. A Traffic Control Plan may be required. Work to be done on or near Circulation Element roads is subject to this condition. The plan should show delineation, signage, barriers, and other warning devices, and schedules, all as needed to separate the job site from the flow of traffic, whether vehicular or pedestrian. The Traffic Engineering Division is charged with finding the plan acceptable. Call (760) 633-2704 for assistance.

Under all circumstances, the date of issuance will be no less than forty-eight hours (i.e, two days that the City is open for normal business) prior to the start (or resumption, if previously in violation) of work. A pre-construction conference may be required. The Engineering Inspector will be assigned and a contact telephone number provided, all at issuance.

The applicant, now the permittee, has the continuing obligation to keep in proper contact with the assigned inspector. Proper contact is defined as follows: a)initial call prior to start of work, b)intermediate calls for inspection when truly ready and at the correct stage of work, and c)final call for inspection when job is complete to the satisfaction of the inspector. As-builts may be required. Problems are better resolved by calling the inspector, leaving messages, and making and keeping appointments in the field, if necessary.

When the assigned Engineering Inspector is satisfied that the job is complete, the permit will be countersigned and filed. Refund of any posted security deposit will then be initiated and may take up to thirty days. A 1-year warranty retention with subsequent warranty inspection may be required. The permit will become part of the City's permanent record.

If an application for a **Right-of-way Construction Permit** is denied (e.g., a conflict with the *Pavement Cut Moratorium* on recently resurfaced streets), the appeal process will be discussed. The applicant will have to submit an appeal request in writing to the Director of Engineering Services who will make a decision on the merits of the appeal. If the appeal is denied, the applicant may further appeal to the City Council through the City Clerk's office. Filing fees and appeal deadlines are applicable.

Any questions or concerns should be directed to the staff at the Engineering Counter, in person, or by telephone at (760) 633-2779/2780.

cc Field Operations Division



## ENGINEERING SERVICES DEPARTMENT RIGHT-OF-WAY CONSTRUCTION PERMIT STANDARD CONDITIONS

The following standard conditions are a part of Permit No. \_\_\_\_\_.

1. No access or work shall be performed within the City right-of-way without the full knowledge of the assigned City Inspector who shall be given not less than 48 hours advance notice of the initiation of permitted use at (760) 633-2796 or 633-2797 as stated on the permit.
2. At least 48 hours prior to starting work, **Underground Service Alert (USA)** shall be notified for location of underground utilities at 1-800-422-4133. The proposed dig area must be premarked in white paint prior to contacting (USA).
3. All work covered by this permit shall be performed by a contractor possessing a valid California contractor's license of the appropriate class.
4. All traffic control within the construction area shall be subject to an approved traffic control plan and shall be flagged and barricaded to the satisfaction of the City Inspector in compliance with the "Work Area Traffic Control Handbook", latest edition published by Building News, Inc. In the event that the Inspector determines proper traffic control is not in place, all work shall cease and permittee authorizes the Director of Engineering Services or his duly authorized representative to order, on the rental basis, such traffic control devices as shall be necessary and proper to protect the public safety and further agrees to pay any and all costs and charges that the City may incur in providing said traffic control.
5. Applicant agrees that it shall be his responsibility to provide the contractor, subcontractor or any other agent responsible for construction of permitted works within the City right-of-way, with a copy of the permit including these standard conditions and a complete set of approved plans. The permit, plans and Work Area Traffic Control Handbook shall be available at the permit site whenever work is in progress.
6. Permitted works shall be constructed in accordance with the City specifications and approved plans subject to inspection and approval by the Director of Engineering Services or his duly authorized representative. Certification for all materials and work, including compaction tests, shall be furnished by the applicant upon request by the City Inspector. Any compaction testing shall be paid for by the permittee. Certification shall be made by a certified testing agency or firm acceptable to the City.
7. No work within the public right-of-way is permitted on Saturdays, Sundays, or holidays. Any deviation from the work schedule presented in these conditions must receive prior, written approval of the Director of Engineering Services or his duly authorized representative. Any questions regarding days City Hall is closed, call (760) 633-2770.
8. No work on any public roadway, excluding prime arterials and major roads, shall be started before 7:30 A.M. or continue after 5:00 P.M. on weekdays.
9. No work shall begin before 9:00 A.M. or continue after 3:00 P.M. on prime arterials and major roads unless authorized on the permit by the Director of Engineering Services. All work on prime arterials and major roads will require an approved traffic control plan by the City Traffic Engineer.
10. The roadway shall be clean and free of all obstructions and completely open to traffic at the end of each working day. (No later than 3:00 P.M. on prime arterials and major roads.)
11. Two-way traffic shall be maintained at all times. If street width prevents maintaining two-way traffic, permittee and Director of Engineering Services shall agree on an adequate traffic control plan prior to starting work.
12. All excavations in existing pavement shall be saw cut to neat lines and AC replacement shall be made to the satisfaction of the Director of Engineering Services or his duly authorized representative.
13. Open trench must be backfilled and capped with at least 2' of cold mix asphalt or metal plated according to City specifications during non-working hours. Metal plates are required to have cold mix asphalt ramps on all (4) sides and must be maintained.
14. Native material may be used upon approval of the Director of Engineering Services or his duly authorized representative.
15. Two sack sand-cement slurry backfill shall be required when tunneling under curb and gutter or other improvements not designated for removal.
16. Two sack sand-cement slurry mix shall be required as backfill on all lateral excavations within prime arterials, major roads and collectors as well as all locations where the inspector deems the native material to be unacceptable for use as backfill.
17. Care shall be exercised to prevent water, soil and debris from depositing in gutters, streets and storm drains. No washing out of mixers or concrete pumps will be allowed on City streets.
18. Any roadway striping damaged or removed during the operations of this permit shall be matched and replaced by the applicant using the latest edition of Cal-Trans specifications for paint to the satisfaction of the Director of Engineering Services or his duly authorized representative.
19. All concrete work shall be transit mixed and conforming to the Standard Specifications for Public Works Construction, Latest Edition, Section 201, and approved by the Director of Engineering Services or his duly authorized representative.
20. Trenching for installations across any intersecting roadway open to traffic shall be progressive. Not more than half of the width of a traveled roadway shall be disturbed at one time and the remaining width shall be kept open to traffic by bridging or backfilling.
21. Where street dimensions and State Health Services Department regulations allow, all pipes and conduits laid parallel to the roadway shall be placed at least five (5) feet from the edge of the pavement or graded traveled roadway, unless otherwise authorized in writing by the Director of Engineering Services. The shallowest portion of any pipeline or other facility shall be installed not less than thirty (30) inches below the roadway surface.

**ENGINEERING SERVICES DEPARTMENT  
RIGHT-OF-WAY CONSTRUCTION PERMIT  
STANDARD CONDITIONS**

- 21(a). Where street dimensions and State Health Services Department regulations allow, all pipes and conduits laid parallel to existing utilities shall maintain a minimum separation of three feet measured from the nearest edge of the facility. Any deviation from this requirement is not allowed unless approved by the Director of Engineering Services or his duly authorized representative.
22. All excavated material shall be cast away from the improved portion of the highway. After the work has been completed, all excess material, including excess excavation, shall be removed from the right-of-way. The roadway shall be left in neat and orderly condition.
23. All roadside drainage ditches shall be restored to true grades and the intake and outlet ends at all culverts shall be left free from all excess materials and debris.
24. All approaches to private driveways and intersecting roads and streets shall be kept open to traffic at all times, unless otherwise approved by the Director of Engineering Services.
25. Clay and earth which adhere to the paved surface of the roadway shall be removed by hand scraping, washing and sweeping, or by any other method which will leave a clean non-skid surface without impairing, injuring or loosening the surface.
26. Permittee shall comply with any and all directives issued by the Director of Engineering Services or his duly authorized representative in order to prevent dust or other materials from becoming a nuisance or annoyance.
27. Temporary patching of trench is required on lateral cuts in surfaced streets immediately after backfilling. After completion of the refilling and compacting of the backfill material in the excavation as specified and the removal of the obstruction, the permittee shall promptly replace with temporary or permanent patching material or repair any portion of the highway surface removed or damaged by the excavation, obstruction or construction operations to the satisfaction of the Director of Engineering Services, and as specified elsewhere herein, or the Director of Engineering Services may, at his option, elect to do the surfacing or repairing himself with the permittee bearing the cost of such work. Temporary patching material may be left in place for up to 30 days, but must be continually maintained.
28. Where the pavement, except Portland Concrete Cement pavement, or surface has been removed by others, the permittee shall replace it with a standard repair of four (4) inches AC over approved backfill or repair section shall be one (1) inch AC greater than existing structural section, whichever is greater.
29. If, after the refilling of an excavation the permittee fails or refuses to resurface or repair that portion of the surface of the roadway damaged by him, or if the Director of Engineering Services has elected to do such resurfacing or repairing the Director of Engineering Services shall cause the repair to occur and the permittee shall be charged with the cost thereof computed by the Director of Engineering Services.
30. When shoring is required, an engineered detail drawing will be required for approval by the Director of Engineering Services. All OSHA regulations shall be met.

31. This permit may be immediately revoked for reasons in the best interest of the City for violation of permit conditions or for the creation of a nuisance upon notice given by the Director of Engineering Services or his authorized representative. In the event of such revocation, applicant shall immediately cease all operations and restore City right-of-way as directed by the Director of Engineering Services or his duly authorized representative. After notification, City may take full possession of the area. Applicant shall pay to the City any and all costs involved in the event restoration of City property or removal of any items installed by the applicant are necessary by the city.
32. This permit may become void in the event the use permitted is not started within sixty (60) calendar days from the date of issuance or in the event the permitted use is abandoned for a period exceeding sixty (60) calendar days after construction has begun. In such event, it shall be necessary to obtain a new permit and pay additional fees. Upon commencement of work, all operations, including cleanup and restoration of City right-of-way, shall be completed within the time limit specified by the permit.
33. The permittee guarantees to save, indemnify and hold harmless the City of Encinitas and all its agents, officers, employers and officials against all liabilities, judgments, costs and expenses which may in any manner or form arise in consequent of the issue of this permit or any work performed in consequence thereof.
34. The permittee guarantees all work constructed, installed and effected under this permit for a period of one year from the date of final inspection. Any repairs required during the guarantee period shall be made at the expense of the permittee. At the option of the Director of Engineering Services, repair work may be performed by either the permittee or the City.
35. Permittee has read, understands and agrees to comply with all construction permit provisions and standard conditions.

Signature:

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Permittee

Date