

## GENERAL INSTRUCTIONS

### PERMITS

#### NOTES CONCERNING THIS ADDENDUM

This Addendum supplements Section G10.201 with a copy of the regulations relating to utility encroachment on California State Highways.

The cross-reference "See Addendum" should be written in Section G10.201 following Paragraph 4.01 to indicate the addition of new information.

#### 5. REGULATIONS RELATING TO UTILITY ENCROACHMENTS (On the California State Highways)

5.01 The following is a copy, except as noted, of the REGULATIONS RELATING to UTILITY ENCROACHMENTS as issued by the Division of Highways, State of California and as revised in accordance with their letter of March 15, 1950. Its provisions govern the installation and maintenance of facilities on state highways.

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

TERMS AND CONDITIONS RELATING TO  
UTILITY ENCROACHMENTS

All Encroachment Permits Issued by the Division of Highways to Private or Publicly Owned Utilities, Relating to Poles, Wires, Cables and Cverhead Structures, Pipes, Conduits, Manholes, Miscellaneous Facilities, Railroad Crossings, and Minor Work, Are Subject to The Terms and Conditions Herein Contained, Except as Otherwise Specifically Provided on the Face of the Permit.

G. T. McCOY  
STATE HIGHWAY ENGINEER

October 1, 1949 (Revised July 1, 1950)

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GENERAL PROVISIONS

1. Definitions. Each Utility Encroachment Permit is issued under Chapter 3 of Division 1 of the Streets and Highways Code. The term "encroachment" as used herein and in encroachment permits is defined in Section 660 of said Chapter 3 of said code. Said permit is hereinafter sometimes referred to as "permit," "Encroachment Permit" or "Utility Encroachment Permit." "Division of Highways" is sometimes herein called "division." Except as otherwise provided for public agencies and franchise holders, Encroachment Permits shall be revocable as hereinafter provided.

2. Revocation. These terms and conditions and any Encroachment Permits issued hereunder are revocable or subject to modification or abrogation at any time, without prejudice, however, to prior rights, including those evidenced by joint use agreement, franchise rights, or reserved right for operating purposes in a grant of highway easement.

2.1 Permits for Record Only. If occupation of highway right of way is under joint use agreement or under prior easement, encroachment permits will be issued to the permittee for the purpose of providing the Division with Notice and a Record of work, and for the terms and conditions relating to public safety. No new or different rights or obligations are intended to be created by the permit in such cases, and all such prior rights shall be fully protected. Encroachment permits issued in such cases shall have designated across the face thereof "For Notice and Record Purposes Only."

3. Acceptance of Provisions. It is understood and agreed by the permittee that the doing of any work under a Utility Encroachment Permit shall constitute an acceptance of the terms and conditions.

4. No Precedent Established. Utility Encroachment Permits are issued with the understanding that any particular action is not to be considered as establishing any precedent (1) on the question of the expediency of permitting any certain kind of encroachment to be erected within right of way of state highways, or (2) as to any utility, of the acceptability of any such permits as to any other or future situation.

5. Notice Prior to Starting Work. Before starting work on which full inspection is required, by the Utility Encroachment Permit, the permittee shall notify the district engineer or other designated employee three days in advance of the day work is to begin. Twenty-four (24) hours' notice shall be given to the designated employee on permits where partial inspection is specified on the permit.

6. Keep Permit on the Work. The Utility Encroachment Permit or a conformed copy thereof shall be kept at the site of the work and must be shown to any representative of the Division of Highways or any law enforcement officer on demand.

7. Permits From Other Agencies. The party or parties to whom a permit is issued shall, whenever the same is required by law, secure the written order or consent to any work under a permit from the Public Utilities Commission of the State of California or any other public agency having jurisdiction and any permit shall not be valid until such order or consent is obtained.

8. Protection of Traffic. Adequate provisions shall be made for the protection of the traveling public. The warning signs, lights and other safety devices and other measures required for the public safety, shall conform to and follow the requirements of Section 465.7 of the Vehicle Code and of any sign manual issued or to be issued by the Department of Public Works or Division of Highways and the current Standard Specifications of the Division of Highways. Nothing in the permit is intended, as to third parties, to impose on permittee any duty, or standard of care, greater than or different than, the duty or standard of care imposed by law.

Note: With reference to Section 8 above: Our standard warning signs, lights and devices meet the requirements of the Division of Highways as covered in their manual of Warning Signs, Lights and Devices, For Use in Performance of Work Upon Highways, dated 1949 including revisions being considered by the State Highway Engineers in accordance with their letter dated March 15, 1950.

9. Minimum Interference With Traffic. All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public. Permittee is authorized to place flagmen to stop and warn traffic for necessary protection to public safety, but traffic shall not be unreasonably delayed.

10. Storage of Material. No construction material shall be stored, nor equipment parked, within eight (8) feet from the edge of pavement or traveled way. Permittee may, however, stop, stand or park subject to the provisions of Section 592.1 of the Vehicle Code, essential construction or maintenance vehicles or equipment at the edge of pavement or in the traveled way, while permittee's employees are in attendance when necessary to install or maintain its facilities.

11. Clean Up Right of Way. Upon completion of the work, the right of way shall be left in as presentable a condition as existed before work started.

12. Standards of Construction. All work performed within paved areas, traveled way, or improved shoulders of the highway shall conform to recognized standards of utility construction and the current Standard Specifications of the Division of Highways. All other work in the highway right of way shall conform to recognized standards of utility construction.

13. Approval by Division. All work shall be subject to inspection and approval by the division. The type of inspection will be specified by the permit.

14. Future Moving of Installation.

(a) Installations Requested by Permittee. If Utility Encroachment Permit was issued at the request of the permittee, it is understood that whenever construction, reconstruction or maintenance work on the highway may require, the installation shall, upon request of the division, be immediately moved by and at the sole expense of the permittee, except as otherwise provided by law, or by any applicable permit provisions.

(b) Moves Ordered by Division. If the installation made under a permit is being relocated in accordance with division's "Notice to Relocate Utility Facility," the permittee shall have the same and no greater rights as relocated as it enjoyed prior to moving at the division's order.

(c) Freeway Cases. This section and the other sections of these General Provisions are subject to Article 2.5 of Chapter 3 of Division 1 of the Streets and Highways Code and other applicable law, and in the case of any inconsistency, the said Article 2.5 or other applicable law shall control the removal from or relocation of utility facilities in freeways.

(d) Future Moving of Installation. It is understood by the permittee that whenever construction, reconstruction or maintenance work on the highway may require, the installation provided for herein shall upon request of the Department of Public Works, Division of Highways, be moved by the permittee, the cost of the move to be borne by the party legally responsible therefor.

15. Expense of Inspection. On installations, made under request of permittee, requiring the presence of an employee of the division as inspector, the salary, traveling expense and other incidental expense of such inspection during the work shall be paid by the permittee upon presentation of a bill therefor.

16. Liability for Damages. The permittee is responsible for all liability imposed by law for personal injury or property damage which may arise out of work permitted and done by permittee

under a permit or which may arise out of failure on the permittee's part to perform his obligations under any permit in respect to maintenance. In the event any claim of such liability is made against the State of California, or any department, officer, or employee thereof, permittee shall defend, indemnify and hold them, and each of them harmless from such claim. Nothing herein is intended to impose on permittee any different or higher standard of care than that required by law.

A bond is not ordinarily required of any publicly or privately owned utility, but will be required of any utility that fails to meet any obligation arising out of the work permitted or done under a Utility Encroachment Permit or fails to maintain its plant, work or facilities.

17. Making Repairs. In every case the permittee shall be responsible for restoring to its former condition as nearly as may be possible any portion of the highway which has been excavated or otherwise disturbed by permittee, except where the division elects to make repairs to paving and except where provision to the contrary is made in the written portion of any permit. If the highway is not restored as herein provided for, or if the division elects to make repairs, permittee agrees by acceptance of permit to bear the cost thereof.

18. Care of Drainage. If the work contemplated in any Utility Encroachment Permit shall interfere with the established drainage, ample provision shall be made by the permittee to provide for it as may be directed by the division.

19. Submit Location Plan. For installation of all underground facilities and surface work of consequence, the permittee shall furnish a plan showing location and details with its application. If there is a material variance between the plans submitted with the application and the installation, a corrected set of plans shall be filed with the district engineer upon completion of the work.

20. Maintenance. The permittee agrees, by acceptance of a permit, to exercise reasonable care to maintain properly any encroachment placed by it in the highway and to exercise reasonable care in inspecting for and preventing any injury to any portion of the highway resulting from the encroachment.

## PIPES, CONDUITS AND MISCELLANEOUS FACILITIES

21. Crossing Roadway. Service and other small diameter pipes shall be jacked or otherwise forced underneath pavement without disturbing same. Pavement or roadway shall not be cut unless specifically allowed by the permit. Service pipes will not be permitted inside of culverts used as drainage structures.

22. Limit of Excavation. No excavation is to be made closer than eight (8) feet from the edge of the pavement except as may be specified in the permit.

23. Tunneling. Except in effecting emergency repairs under Section 44 hereof no tunneling will be permitted, except on major installations as may be specifically set forth by the permit.

24. Depth of Pipes. There shall be a minimum of thirty (30) inches of cover over all pipes or conduits, except as may be specified by the permit.

25. Backfilling. Except as otherwise authorized on the permit all backfilling shall be moistened except around poles and tamped in layers sufficiently shallow to obtain compaction at least equal to that existing prior to excavation. When trenching is performed through existing or proposed roadway sections, backfilling shall conform to applicable sections of the current Standard Specifications of the division pertaining to the backfilling of structures. The use of a sandy or granular material may be required, or permitted in lieu of backfilling with excavated material.

26. Preserve Surfacing and Base Material. Whenever a gravel or crushed rock surface or base material is trenched, such material shall be placed at one side and when backfilling is started, said material or its equivalent shall be replaced in its original position.

27. Maintain Surface. The permittee shall maintain the surface over structures placed under any permit for a period of one (1) year after completion of work under the permit.

28. Pipes Along Roadway. Pipes and conduits paralleling the pavement shall be located outside of pavement, as specified in the permit.

**28.1 Required Markers.** Except as hereinafter provided in paragraph (c) of this subsection, all installations of underground pipes and conduits in a highway right of way shall be marked and designated as follows:

(a) All New Installations of Underground Crossovers, except Service Laterals. A timber or other suitable marker shall be installed and maintained by permittee outside the ditch line at locations suitable to the District Engineer where no curbs exist, which marker shall extend 30 inches above the roadway surface and have stenciled thereon the nature of the underground obstruction and the name or identifying symbol of the permittee. Where curbs exist, the crossover shall be identified by description and name of owner stenciled on curb in black letters on white background in a compact and legible manner.

(b) All New Longitudinal Installations of Underground Pipes or Conduits. Where no curbs exist, timber or other suitable markers shall be placed adjacent to the conduit or offset to such distance as may be specified and at intervals not in excess of 1,000 feet, at each angle point, or where nonconcentric with the highway improvement, at least every 300 feet. Where the encroachment is located in the traveled way, timber or other suitable markers shall be placed at an offset outside the ditch line at locations suitable to the District Engineer with an offset distance given. Where curbs exist, the information shall be stenciled on the curb near each intersection.

(c) Exceptions. In counties and incorporated cities where the permittee has filed a map or maps with the County Surveyor, City Engineer, District Engineer of the Division of Highways showing the ownership and description of the underground facilities mentioned in subsections (a) and (b) above in accordance with ordinances, other regulations or established practices, it will not be necessary to mark or designate said facilities as required above.

#### POLES, WIRES, CABLES AND OVERHEAD STRUCTURES

**29. Location Pole Lines, Etc.** Pole lines shall be located as specifically directed on the face of the permit.

**30. Public Utilities Commission Orders.** All clearances and type of construction shall be in accordance with the applicable orders of the Public Utilities Commission of the State of California.

**31. Permission From Property Owners.** Whenever necessary to secure permission from abutting property owners, such authority must be secured by the permittee prior to starting work.

**32. Clearance of Trees.** All new construction must be of such height as to permit clearance over a tree 40 feet in height, where quick growing trees are in place. At locations where slow growing trees are in place, or existing construction is in place, normal construction standards may be followed at the option of the pole line company, with provision to ultimately clear a 40-foot tree, provided however, unless otherwise specifically required by the Division of Highways, protected cable, tree wire or plastic tree wire guard used for telephone lines may be used through trees where necessary, provided the appearance of the tree or the tree itself will not be damaged.

**33. Guy Wires.** No guy wires are to be attached to trees except on specific authority and in no event shall they be so attached as to girdle the tree or interfere with its growth. Guy wires shall be kept at a minimum elevation of six feet above ground whenever so directed.

**34. Clearing Around Poles.** The permittee shall remove and keep clear all vegetation from within a radius of at least five feet of the poles, excepting landscape shrubs and other vegetation planted by the division of Highways or abutting property owner and which are not potential fire hazards.

**35. Painting or Visibility Strips.** All poles are to be painted for a distance of six feet above the ground using white lead and oil or aluminum paint or in lieu thereof, when poles have creosoted butts, wood, metal or other approved type of visibility strips may be placed. Wood strips are to be Douglas fir 1" x 3"--5' long placed on 6" centers about the base of pole and painted with white lead and oil or aluminum paint. If metal strips are used, such strips may be placed either vertically, horizontally or diagonally. Paint is to be renewed as often as may be required to maintain a satisfactory covering. If not painted when installed or renewed as the division may consider necessary, the right is reserved to have this painting done and the permittee agrees by acceptance of an Encroachment Permit to bear the cost thereof under these terms and conditions. Poles that do not present a possible traffic hazard will be given consideration for exemption from these provisions upon

written request of the permittee accompanied by the pertinent data as to the pole location, difference in elevation, etc. The division's decision will be final in this regard.

Note: The 1" x 3"--5' Douglas fir wood strips specified above will be about 13/16" x 2-5/8"--5' when supplied in finished lumber.

36. Remove Old Poles, Guys and Stubs. The entire length of such timbers shall be removed from the ground and the holes backfilled and thoroughly tamped.

#### REMOVAL OR TRIMMING OF ROADSIDE TREES

37. Removal of Trees. When permit is issued for removal of a tree as an independent operation or as a part of other work, the entire stump shall be taken out for a depth of at least two feet below the ground surface.

38. Clearing the Site. All timber and debris shall be removed from the right of way. The hole left by the stump shall be backfilled and thoroughly tamped and the site left in a presentable condition.

39. Trimming of Trees. In general only light trimming of branches two inches or less in diameter will be permitted and only when specifically so stated on the face of a Utility Encroachment Permit. The shapeliness of the tree must be preserved.

40. Inspection. If the permit requires inspection by the State during the progress of the work, the cost of inspection shall be borne by the permittee. No charge will be made for occasional routine inspection.

#### RAILROAD CROSSINGS

41. Safety and Convenience. The future safety and convenience of the traveling public shall be given every consideration in the location and type of construction.

42. Meet Highway Grade. The grade and superelevation of the track must conform to the grade of the highway at the point of crossing.

43. Width of Pavement. The crossing shall be paved for the full roadway and shoulder width and in accordance with the orders of the Public Utilities Commission of the State of California.

#### ROUTINE OR EMERGENCY MAINTENANCE

44. Routine or Emergency Maintenance of Permittee's Facilities. Any permittee who lawfully maintains any encroachment in, under, or over any state highway is hereby given permission to enter in or upon any state highway right of way, to perform routine or emergency maintenance on permittee's facilities in accordance with these terms and conditions subject to the following terms, conditions and limitations.

##### A. EXCLUSIONS FROM ROUTINE OR EMERGENCY WORK

(1) Tree Trimming. This paragraph does not authorize tree trimming, for which a special permit is required.

##### B. NOTICE REQUIRED IN CONNECTION WITH ROUTINE OR EMERGENCY WORK

(1) Notice to Maintenance Superintendent. Permittee before proceeding to do any other than routine or emergency maintenance work shall notify the highway maintenance superintendent in whose territory the work is to be done prior to starting the work. In emergencies, the superintendent shall be notified as soon as possible. Except as otherwise provided, herein, permittee shall address a confirming letter immediately to the district engineer in the case of emergency work.

##### C. STANDARD OF WORK FOR ROUTINE OR EMERGENCY MAINTENANCE

(1) Work Subject to Standard Specifications and Regulations. All work performed under the routine or emergency maintenance provisions hereof within paved areas, traveled way or improved shoulders of the highway shall conform to recognized standards of utility construction and the current Standard Specifications of the Division of Highways. All other work in the highway right of way shall conform to recognized standards of utility construction.

#### D. ROUTINE INSPECTION AND MAINTENANCE - PIPE LINES

(1) Inspection and Repair. Inspection and repair of pipe lines for water, natural gas, oil, gasoline line purposes, etc., located in earth portions of the highway right of way are authorized by the permit, provided not more than fifty (50) feet of line is uncovered at any one time. No excavation shall be made in the improved surfaces, landscaped areas, or closer than eight (8) feet to the edge of the pavement except in emergencies. Special permit must be secured to excavate through pavement or improved shoulders.

(2) Emergency Repairs. The permittee may make emergency repairs by excavating through improved surfaces only when breaks in the line under the pavement present a definite hazard to traffic or serious interruption of essential service. In such cases the highway maintenance superintendent shall be notified immediately. Backfill and pavement replacement shall be performed in accordance with Sections 17 and 25 hereof.

(3) Open Excavations. No excavation shall be left open after daylight hours, unless adequate protection for traffic is provided in accordance with Section 8 hereof.

(4) Service Connections. These terms and conditions do not authorize installation of gas or water service connections within state highway right of way, regardless of location of main. All new pipe services, main extensions or excavations to abandon services must be covered by individual applications.

#### E. ROUTINE INSPECTION AND MAINTENANCE - POLE LINES

Permittee is authorized to:

(1) Stub, anchor or reset existing poles, provided no change in location is made. Stubs and anchors must not be placed between existing pole and traveled way.

(2) Replace poles, guy poles, and crossarms in exact location limited to two consecutive poles. No additional poles or guy poles are authorized under this routine maintenance provision.

(3) Replace broken pins and insulators, repair broken wires, pull slack wires and replace or pull broken or slack guys.

(4) Repair and complete transfer work on existing aerial cables.

(5) String aerial wire and place additional crossarms on existing poles. Except as otherwise specifically required by the Division of Highways, protected cable, tree wire or plastic tree wire guard used for telephone lines may be used through trees where necessary, provided the appearance of the tree or the tree itself will not be damaged.

(6) Install new and replace existing transformers on existing poles.

(7) String new and replace present service drop wires from facilities existing within the highway right of way. Service wires over highways are subject to Public Utilities Commission regulations and must cross as near right angles as practicable. A separate permit shall be obtained for each installation of wire, drop wire, cable, or other encroachment which encroaches upon or crosses the highway and which does not attach to or contact existing facilities in the highway.

(8) Clear grass from around base of poles and excavate around poles for inspection, including tamping and straightening.

#### F. ROUTINE INSPECTION AND MAINTENANCE OF UNDERGROUND FACILITIES

(1) Inspection and repairs of Manholes, Conduits and Cables. The permittee may open existing manholes to repair underground cables and uncover not more than 50 feet of cables buried in earth portion of highway right of way. No excavation shall be made in improved surfaces, landscaped areas or closer than eight (8) feet to the edge of pavement except in emergencies. Special permit must be secured to excavate through pavement or improved shoulders.

(2) Emergency Repairs. This permit authorizes emergency repairs by excavating through improved surfaces only when breaks in the conduit or cable under the pavement present a serious interruption of essential service. In such cases the highway maintenance superintendent shall be notified immediately. Backfill and pavement replacement shall be performed in accordance with Section 25 hereof. Landscaped areas which are disturbed shall be relandscaped at permittee's expense.

(3) Open Excavations. No excavation shall be left open after daylight hours, unless adequate protection for traffic is provided in accordance with Section 8 hereof.

(4) Service Connections. These terms and conditions do not authorize installation of conduit and/or cable connections within state highway right of way, regardless of location of existing conduit or cable. All new underground services, main conduit or cable extensions or excavations to abandon services must be covered by individual applications.