



City of Visalia

**ENCROACHMENT PERMIT
POLICY MANUAL**

A handwritten signature in blue ink, appearing to read "Frank Senteno".

Frank Senteno
City Engineer

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GENERAL

Introduction

The purpose of this Encroachment Permit Policy is to establish basic standards and requirements that shall be complied with by anyone who wishes to perform work or restrict / close any mode of travel in the City of Visalia's Right-Of-Way (ROW). These standards and requirements are in place to ensure the Permittee provides a safe and effective work area that warns, controls, and protects vehicular, bicycle, and pedestrian movements.

Authority

Per the City of Visalia Municipal Code Chapter and Section 12.12.010; 'An encroachment permit shall be obtained for all work performed in the public rights-of-way and utility easements in the city where the city has accepted the streets and easements for maintenance.' Furthermore, under Chapter 10.04 **The City Engineer or designee** have centralized authority for reviewing, approving and prescribing proper traffic control and devices at work zones and **shall have final determination in case of conflict on equipment required.**

Encroachment Permits

Encroachment Permits are required for **ALL** work or activities that encroach or utilize the City's Right-Of-Way. The intention is to minimize the impact to all modes of travel, protect the public and workers from hazardous conditions that may occur during construction activities, and ensure that existing infrastructure including but not limited to roadways, sidewalks, curbs, gutters, lighting, landscaping, utilities, etc. are protected. Furthermore, the Encroachment Permit ensures that all work or activities performed within the City of Visalia ROW is done in a manner that is applicable to the current code, standards, and construction means. Encroachment Permits are required for various types of work, including but not limited to grading, paving, trenching, installing, maintenance, surveying, special events, hauling, and/or working. If any activity is not considered under the brief list above, the City reserves the right to evaluate the associated work on a case by case basis.

Encroachment Permit Office and Applications

Applications for an Encroachment Permit are available online at the City's website: [Encroachment Permit Application](#).

Or, a hard copy can be obtained at the Encroachment Permit Office located in City Hall East.

City Hall East
Community Development Department - Engineering Division
315 E. Acequia Avenue
Visalia, CA 93291

If you have any questions or would like further information regarding the permitting process, please contact the Encroachment Permits Office via e-mail at: EPO@visalia.city or by phone at (559) 713-4339.

DEFINITIONS

ADA: Americans with Disabilities Act

Adjacent: Work zones are “adjacent” to an intersection when they are located within 300 ft. of the intersection

Alley: Lanes or passageways for use as a means of access to the rear of lots or buildings

Applicant: Any person, agency or company that applies for an Encroachment Permit

Arterial Street: Any street that is classified as a Parkway, Major Arterial or a Minor Arterial in the 2030 Roadway Plan

BFP: Backflow Preventer

Business days: Monday through Friday excluding holidays observed by the City of Visalia

Caltrans: California Department of Transportation

CA MUTCD: California Manual on Uniform Traffic Control Devices

Collector Street: Any non-residential street that is not classified in the 2030 Roadway Plan

City, COV, or The City: City Of Visalia

Emergency: When a break in a conduit, cable, pipeline or any other existing structure over or under the pavement presents a definite public hazard or serious interruption of service.

Entity: Any organization, business or governmental body

EP: Encroachment Permit

Excessive Violations: A recurrence of the same violation within a thirty-day period

FDC: Fire Department Connection

FH: Fire Hydrant

Inspection: The act of observing work performed within the City of Visalia. Inspection/observation includes inspection of any public asset.

Jurisdiction: Any organization, business or governmental body

Notice to Start Work Form, NSW: Form used to notify City 5 business days before starting work in ROW

Ordinance Code, Municipal Code: City of Visalia Municipal Code.

Overtime Inspection Request Form, OTR: Form to request inspection outside of normal work hours

Permittee: Any person, agency or company that receives an approved Encroachment Permit.

PCMS: Portable Changing Message Board/Sign

Right of Way, ROW: All land in the City of Visalia dedicated and/or expressly reserved for the use of vehicular and pedestrian traffic and/or utilities.

Sidewalk: A pathway dedicated within the City of Visalia Right of Way for the exclusive travel of pedestrians. This may consist of a pathway constructed of concrete, asphalt, or compacted gravel.

School District, VUSD: Visalia Unified School District

Submittal Package: Associated documents required for an Encroachment Permit.

These documents include:

- Completed Encroachment Permit Application
- Application Fee
- Construction Plan(s) accepted by the City
- Traffic/Pedestrian Control Plan(s)

If applicable:

- Detailed Project Schedule
- Approved Encroachment Permits from other agencies (i.e. Caltrans, County, Rail, etc.)
- Permission to use Private Property
- Full list of all Contractors and Subcontractors (w/ certificates of insurance, business tax certificates)

Traffic Restrictions: Any reduction to the normal flow of vehicular and/or pedestrian traffic in the public right of way or any reduction of vehicular and/or pedestrian access to the public right of way, including any act or item that causes said reductions.

The County: The County of Tulare

TCP: Traffic Control Plan

Utility Notification Sheet, UN: Form used by utility companies to notify of work within the ROW

Vehicle Code: California Vehicle Code.

Work Days, WD: Monday through Friday excluding holidays observed by the City of Visalia

Weekdays: The days of the week starting at 6 am Monday and ending at 10 pm Friday.

Weekends: The days of the week starting at 10 pm Friday and ending at 6 am on Monday.

SECTION 1 - ENCROACHMENT PERMIT PROCESS

The following process has been identified to make Applicants aware of the major steps in the permitting process. The City of Visalia reserves the right to request additional information to address issues or concerns that may arise once the application has been submitted. Furthermore, utility companies performing 'emergency or maintenance operations' under the 'Annual Encroachment Permit' will occur under a modified process explained in SECTION 7 – UTILITIES.

1.1 Application

The Applicant submits a completed 'Encroachment Permit Application' and provides the associated documents (Submittal Package) in order to obtain permission to encroach or work within the City of Visalia Rights-Of-Way or easements. The 'Encroachment Permit Application' shall be filled out completely, signed and dated to ensure the Applicant's intent is well defined. If any boxes in the application form do not apply to the project enter 'NA' (Not Applicable) and be prepared to explain why a particular item does not apply to the project. The application can be obtained from the City website URL identified herein. All Submittal Packages for Encroachment Permits shall be completed, delivered, and submitted to the front counter of City Hall East located at:

**315 E. Acequia Avenue
Visalia, CA 93291**

A complete Submittal Package may be submitted by email to the Encroachment Permit Office as long as prearrangements have been made for payment of the application fee. No application will be processed until the application fee has been paid in full. No "over the counter" review or approval of permits will be allowed. Encroachment Permits cannot be issued the same day of application due to the review requirements to ensure both inter and intra city coordination is done, completeness and conformance to current municipal code and standards, and to ensure that safety for both the general public and the applicant is ensured.

1.2 'Counter Complete' Review

Front counter staff will conduct a completeness review of the Submittal Package known as 'Counter Complete' review. This ensures that the Submittal Package provided by the Applicant contains all the documents pertinent to perform a full review by engineering staff. 'Counter Complete' identifies the associated documents required within the Submittal Package to be present or not. In the event that all the documents are not present, the submittal is considered incomplete and not allowed to submit. It is immediately given back to the Applicant for resubmittal once the necessary documents are provided. If the Submittal Package is complete, the application is accepted along with a non-refundable application fee.

1.3 'Review Ready'

Prior to routing to Engineering for review, the Submittal Package is assigned a tracking number and is checked for compliance with the City of Visalia's Business Tax Certificate and Certificates of Insurance requirements. This process will take one to two working days. If inadequate, the application is placed on hold for up to 5 business days until these items are completed or provided. After the 5 business days, if any one of the three required certificates or licenses have not been provided, the submittal package is rejected, non-refundable fee is retained for City staff time incurred to date, and Applicant will be required to start the submittal process over from the beginning. If application is in compliance with City requirements, it is routed to Engineering for review.

1.4 Engineering Review (Revisions / Approval):

The Submittal Package is reviewed by the Encroachment Permits Office for compliance with the City's Encroachment Permit Policy Manual, current standards, and all other applicable requirements such as the CA MUTCD. See SECTION 2 – APPLICATION REQUIREMENTS for more information.

- If the Submittal Package is incomplete or more information is needed, the redlined plans and/or a list of corrections/additions are given back to the Applicant for revision.

- If the Submittal Package is complete and the proposed scope of work and traffic/pedestrian control are in compliance with the City's Permit Policy, an Encroachment Permit is approved.

Applicants are strongly encouraged to plan ahead and apply early for the Encroachment Permit by up to 45 calendar days in advance of start of work. If no revisions are needed, the Engineering review time in itself may take up to 10 business days to complete. If revisions are required, review may take longer depending on the responsiveness of the Applicant. It is the Applicant's responsibility to coordinate all activities that directly affect the start date. In order to allow for the 10 business day review time, the Submittal Package must be submitted four (4) weeks prior to Applicant's proposed beginning of work for a lane restriction, and six (6) weeks prior if proposing a road closure. Applicant also needs to plan accordingly to allow for proper notification time.

Once all the documents within the Submittal Package have been reviewed, revised and approved, the permit is authorized for encroachment. The associated permit fees are determined and coordinated with the Applicant.

1.5 Permit Fees

Once a Submittal Package is reviewed but prior to the issuance of an Encroachment Permit, the Applicant must pay all applicable Encroachment Permits Fees. The permitting fees and the cost of services provided by the City of Visalia depend on a number of variables based on the type and amount of work involved. Calculation of permit fees can only be done once the full scope of the project is determined. For more information on permit fee assessments, reference is made to the current [Fee Schedule](#) available on the City's website. Some of these variables include, but are not limited to:

- Scope of work and extent (driveway, curb & gutter, sidewalk, landscaping, fencing, signs, roadway widening, etc.)
- Type of encroachment (sidewalk, shoulder, travel lanes, etc.)
- Location of the proposed excavation work (inside or outside the paved portion of the road)
- Length of excavation.
- Duration of work within the City's Right-Of-Way
- Is a Plan Review by Engineering necessary?
- Are "off-hour" inspection/observations requested?
- Are other fees from other City departments applicable?
- Is the Pavement Cut Maintenance Fee applicable?
- Will a traffic technician be required to modify signal lights?
- Will any other City personnel be required to provide fieldwork?

1.5.1 Payment of Permit Fees

Permit fees and performance bonds or deposits are to be paid after the permit has been reviewed/approved and before a final permit is issued. Do not fill in amounts on checks prior to a permit approval/issuance. Once the permit application is reviewed and approved, the City's Front Counter will notify the Applicant. At this time the Applicant will also be notified of a total permit fee (permit and inspection fee plus any other applicable fees). All fees are collected by the City's Front Counter personnel and in coordination with the Finance Department prior to the issuance of an Encroachment Permit. Any questions regarding permit fees and how these fees are collected shall be directed to the Front Counter personnel or the Finance Department.

1.6 Permit Issuance

Prior to issuing the approved Encroachment Permit, the associated permit fees due shall be provided. Once the fees have been paid, the Applicant may pick up the approved Encroachment Permit. In the event that the individual picking up the permit is NOT the name submitted on the application, the Applicant shall provide the City a name authorized to pick up when the permit fee has been made available to the Applicant. No other arrangements will be allowed.

1.6.1 Permit Expiration

The Applicant has up to 30 calendar days after being notified by telephone that permit has been approved and ready for issuance to make payment and pick up the approved permit. In the event that the approved permit is not paid for and picked up within this time frame, the Applicant will be required to submit a new application and restart the application process. Permit expires fourteen (14) days from the date issued unless otherwise requested in advance by the Applicant per Section 12.12.020 of the City of Visalia Ordinance Code. All applications not starting within 14 days of issuance may request a one-time extension for a maximum of 90 calendar days. Requests for extensions greater than 14 days need specific construction activity and schedule submitted with application explaining the additional time. After the allowed extension expires, the Applicant for any remaining work shall obtain a new permit with all the applicable fees

SECTION 2 – APPLICATION REQUIREMENTS

An Encroachment Permit application is essential to provide the standard information about the request to use City of Visalia ROW or easement. The following are the minimum requirements and information needed when applying for an Encroachment Permit.

2.1 Documents Required

- Completed Encroachment Permit application
- Non-refundable application fee
- Construction or improvement plans and specifications officially accepted by the City Engineer or his designee. In the event 11" X 17" plan sheets are legible, submit only one (1) set, folded to 8.5" X 11". If the plan sheets are larger than 11" x 17" submit one (1) set, folded to 8.5" X 11".
- A traffic and/or pedestrian control plan (TCP), as applicable, with a vicinity map conforming to the latest edition of the CA MUTCD standards and this policy. Adequate provisions shall be made for the protection of vehicular traffic and pedestrians. The Traffic/Pedestrian Control Plan shall be legible, dimensioned and shall be submitted on 11" X 17" paper minimum. In the event 11" X 17" plan sheets are legible, submit only one (1) set, folded to 8.5" X 11". Submit one (1) set, folded to 8.5" X 11", if the plan sheets are larger than 11" x 17". All Traffic Control Plans shall be designed, installed, and maintained by a certified International Municipal Signal Association (IMSA) or American Traffic Safety Services Association (ATSAA) technician.

2.2 Documents if Applicable

Depending on complexity of work being performed within the public ROW, the following additional documents may be required as part of the Submittal Package.

2.2.1 Permits by other Jurisdictions or Private Property

The approval of an Encroachment Permit is only for right of entry to work or perform activities in City of Visalia's Right-Of-Way and does not authorize encroaching into areas under other jurisdictions or private property. It is the applicant's sole responsibility to obtain all the necessary permits and approvals prior to the start of work as listed below:

- Building Permit is required for building projects. All required permits are to be obtained prior to project construction.
- City of Visalia Encroachment Permit (in addition to the building permit), is required if the scope of work is within property lines, but proposed work requires either 1) a connection to an existing City SS main, or 2) scope of work includes offsite or onsite improvements for which the work or traffic control will encroach into the ROW.
- City of Visalia Encroachment Permit is required if the entire scope of work is outside City limits and is 1) entirely within the Caltrans ROW (SR 63 - Mooney Blvd, Court & Locust, and Dinuba Blvd/), (SR 198), (SR 216 - Lovers Lane north of SR 198 and Houston east of Lovers Lane), or 2) within any of the Tulare County islands, and proposed work requires a connection to existing mains within the City limits.
- In the event that the parcel is privately owned, written documentation shall be provided including the owner's contact information.

- For the installation of FHs, FDCs, BFPs and firewater services, Fire Department approval is required and must be obtained prior to the issuance of an Encroachment Permit.
- County or Caltrans permits (if any) are to be obtained and coordinated prior to any construction. Problems that occur during construction that are due to the lack of coordination with Caltrans or the County are the responsibility of the Permittee.
- All environmental reports as required by the County, State or any other agency (if applicable) (i.e. SWPPP, Air Quality, etc.).
- Encroachment Permits are required from other agencies (i.e. Caltrans, County Of Tulare, Ditch Companies, Water or Irrigation Districts, Rail Road Company, etc.) if any project related activities encroach into (under, over or through) the railroad, waterways or any other jurisdiction's ROW.
- Urban Forestry (ph. 713-4564) approval is required to be submitted as part of the 'Submittal Package' for the removal, trimming, or working adjacent to a Valley Oak tree or any other City tree.
- Excavation Permit is required from CALOSHA if any excavation is deeper than 5 feet. Applicant shall be responsible for obtaining the approved/issued permit and provide copies of the approved trench bracing or shoring plans upon request.

Please be advised that the list above includes some long lead procurement items and that the items are required prior to the start of work. The Permittee should be prepared to provide upon request the applicable documentation at any time during the life of the permit. By not providing proper documentation upon request, the Permittee would be required to cease all work, even work that has commenced under an issued permit.

2.2.2 Construction Schedules

At the discretion of the City Engineer, Encroachment Permits may require construction schedules depending on the duration and scope of work. If required, the application must be accompanied by a construction schedule that contains a detailed overall Construction Schedule (including all contractors and subcontractors). Schedules must show the Critical Path including dates for all phases of construction (mobilization, excavation, splicing, plating, backfilling, etc.) through permanent pavement replacement. Any variance from the approved schedule shall be reviewed and reapproved by the City Engineer. In addition to the overall Work Schedule for projects longer than 30 Calendar Days, the Permittee shall submit copies of 2-week "look-aheads" as deemed necessary by the Public Works Inspector as the project progresses.

2.2.3 Contractors and Subcontractors List

In the event that the Permittee has a contractor or subcontractor performing work under their permit, the contractor or subcontractor must be submitted to the City as "approved/authorized" by attaching a "List of Authorized Subcontractors" form to the permit application. No party other than the named Permittee or contractor/subcontractor of the Permittee is authorized to work under these permits. See Appendix A for more information

2.2.4 Notification

Written notification shall be given to all property owners/businesses adjacent to the construction zone one (1) week in advance of beginning work for a road closure and three (3) business days in advance of beginning work for a lane restriction. Applicant shall upon request provide a draft of the written notification letter for review and approval of the City. See the notification requirements under SECTION 6-COORDINATION & NOTIFICATION. For certain job locations and depending on the duration, complexity and scope of the project the Permittee may be required to notify the adjacent businesses/residents, and have them sign the 'Good Neighbor Policy' that acknowledges the adjacent business/resident is aware of the work. Submit copies of the signed policy to the Encroachment Permit Office prior to the permit issuance. Failure to provide this information will result in denial of the encroachment permit application. Depending on the location of the permit, the City Engineer may require additional coordination to occur to ensure notification.

SECTION 3 - UTILIZATION OF THE ENCROACHMENT PERMIT

Once an Encroachment Permit is issued, the Applicant is referred to as Permittee and is responsible for obeying the rules and policies set forth within the approved Encroachment Permit. The approved

Encroachment Permit shall be on site at all times and shown on demand to any City representative. The Permittee is responsible for the following items:

3.1 Notification

Prior to any work being performed all notifications shall be made in accordance with this document. See the notification requirements under SECTION 6- COORDINATION & NOTIFICATION.

3.2 Pre-Construction Meeting

Unless waived on the approved Encroachment Permit, a "Pre-Construction Meeting" is mandatory for all Encroachment Permits. The Permittee shall arrange a "Pre-Construction" meeting with the following representatives:

- City Encroachment Permits Office
- Assigned City Project Manager and/or Public Works Inspector
- General Contractor
- Authorized Subcontractors
- Associated Utility Companies

The following items shall be discussed at the Pre-Construction Meeting:

- Construction Schedule
- Work Activities (excavation, backfill, compaction requirements, etc.)
- Work Hours
- Notifications
- Known Conflicts (utilities, landscaping, etc.)
- Responsible Contact (Foreman)
- Encroachment Permit Conditions
- Traffic Control (per approved plan)
- Inspection Requests and Requirements (including afterhours inspections)
- Timely Repair and Restoration of any public or private infrastructure within 10 business days.

3.3 Inspection/Observation

All work within the City of Visalia Right-Of-Way shall be subject to inspection/observations and acceptance by the City. Public Works Inspectors are assigned as required for permitted work, but other City representatives may perform inspection/observations as deemed necessary by the City Engineer. Permittee shall be responsible for notifying assigned inspector a minimum of two (2) working days prior to start of work. Failure to notify the Public Works Inspector may result in suspension of the Encroachment Permit and from future work in the City's Right-Of-Way.

3.3.1 Inspection Overtime Request

Typically, it is expected that the normal Encroachment Permit shall occur during normal business hours (7 AM and 4 PM, Monday through Friday). Weekend/holiday or "off-hour" work is not permitted without prior approval by the City of Visalia. The fees for any inspections requested to be performed at off-hours, during weekends and or holidays will be assessed as overtime. Permittee shall submit an "Overtime Inspection Request" form one (1) week in advance for review/approval by the Engineering Division. See Appendix C for more information.

3.4 Encroachment Permit Acceptance

The Permittee shall contact the assigned Public Works Inspector immediately upon completion of the permitted work to schedule a Final Walk to ensure all work completed and any repair or restoration has been done per the approved plans and the City of Visalia standards.

3.5 Permit Denial, Cancellation and Refunds

3.5.1 Denial

The City of Visalia reserves the right to deny any Encroachment Permit at any time. Included but not limited herein are typical reasons a permit maybe denied:

- The Applicant has not complied with the provisions or conditions of prior permits.

- The Applicant is delinquent with payment on prior permits.
- A permit has not been approved, for the project, by any local, state or federal agencies as applicable regardless if work has commenced or not.
- The safety of the Permittee, pedestrians or traveling public is adversely affected by the encroachment permit operations.
- The permit operations adversely affect the capacity or structural integrity of any of the City's roadways.
- The environmental effects are significant and cannot be mitigated or mitigation is unfeasible
- Additional information is needed but not furnished within the specified time limit.

3.5.2 Cancellation

It is the Applicant's responsibility to contact the Encroachment Permits Office to cancel or withdraw any permit applications that have already been reviewed, approved and issued.

3.5.3 Refunds

Any fee collected by the City of Visalia is nonrefundable.

SECTION 4 - GENERAL ENCROACHMENT PERMIT REQUIREMENTS/CONDITIONS

4.1 General Regulations

- A. In order to perform any work in the City's Right-Of-Way (ROW) you must have an active/current Encroachment Permit per Section 12.12.010 of the City of Visalia Ordinance Code. Failure to have a valid permit and associated fees paid in full shall constitute a violation of the ordinance.
- B. An Encroachment Permit shall be issued only to a licensed contractor in the correct field, (i.e. Class A, C-8, etc.) or utility company operating under the California Public Utility Commission. NO party other than the named Permittee or Contractor of the Permittee is authorized to work under the permit.
- C. The requirements specified in this policy manual are applicable to all contractors, developers and utility companies performing work on or near the City's Right-Of-Way.
- D. The Applicant is ultimately responsible for guaranteeing completion of any work started.
- E. The Encroachment Permit or a copy thereof shall be kept at the site of the work and must be shown to any representative of the City or any law enforcement office on demand. WORK SHALL BE SUSPENDED IF PERMIT IS NOT AT JOB SITE AS PROVIDED.
- F. Failure to have a valid permit and fees paid in full shall constitute a violation of the City of Visalia Ordinance Code and shall be punishable by 1) a fine not exceeding one hundred dollars (\$100.00) for the first violation; 2) a fine not exceeding two hundred dollars (\$200.00) for the second violation within one (1) year; 3) a fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- G. Permit expires fourteen (14) days from the date issued unless otherwise requested in advance by the Applicant per Section 12.12.020 of the City of Visalia Ordinance Code. All applications requesting greater than 14 days need specific construction activity and schedule submitted with application explaining the additional time. A one-time extension may be granted for a maximum of 90 calendar days. After the allowed extension expires, the Applicant for any remaining work shall obtain a new permit with all the applicable fees.
- H. Prior to construction work, Permittee shall obtain an 'Underground Service Alert' ticket number per Section 12.12.100 of the City of Visalia Ordinance Code.
- I. Unless otherwise stated on the permit or separate written agreement, all costs incurred for work within the City ROW pursuant to an Encroachment Permit shall be borne by the Permittee. Permittee hereby waives all claims for indemnification or contribution from the City for such work.

4.2 Standards

- A. The approval of an Encroachment Permit does not allow the violation of any section of any of the current Municipal or Building Codes nor any federal, state, or local regulation. All work within the City of Visalia Rights-of-Way or easements shall conform to recognized standards of construction and comply with current Caltrans Standard Specifications, City of Visalia Standards Plans and

Specifications, the City's latest edition of the Encroachment Permit Policy Manual, and the Federal "Americans with Disabilities Act" (ADA). All traffic and pedestrian control shall be done in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD).

4.3 Activities/Maintenance

- A. No construction material shall be stored, or equipment parked, within ten (10) feet of the edge of pavement or traveled way without written consent of the City. Utilities are subject to the provisions of Section 22512 of the California Vehicle Code.
- B. All project areas must be cleaned up and barricades removed within 3 days of the completion of work and left in as presentable a condition as existed before work started.
- C. All work shall be subject to City inspection/observation and acceptance by the City. Inspection/observation requests shall be made as required herein.
- D. Maintenance: Upon issuance of any permit by the City, the Permittee agrees to properly maintain the identified encroached area and periodically perform site reviews to identify any potential damage to any portion of the City ROW or any possible injury to the traveling public.
- E. Preservation and protection of oak trees within the City of Visalia shall be in accordance with Chapters 12.20 and 12.24 of the City of Visalia Municipal Code.
- F. Relocation of underground, at grade, or overhead structures or facilities may be required at the Permittee's expense to accommodate future City improvements.
- G. All underground structures or facilities to be abandoned shall be completely removed and backfilled by the Permittee. Proposed backfill method shall be per the current City of Visalia Engineering Standards under normal construction methods.
- H. In the event the work performed under the permit requires extra work, time extension, or delays to the City of Visalia, the Permittee shall bear those costs.
- I. Any damage to any existing City of Visalia roadway, appurtenance or other permitted facility, including, but not limited to pavement, concrete, traffic signal equipment, communication equipment, lighting equipment, etc., will be the responsibility of the Permittee to return the damaged item to the pre-existing condition at no expense to the City.
- J. Any damage to private property including landscaping will be the responsibility of the Permittee to rectify to the pre-existing condition.
- K. The roadway shall be cleaned at the end of each workday. Permittee shall implement and maintain Best Management Practices to prevent worksite debris and/or contaminants from entering the City's drainage or waterway systems.
- L. The Encroachment Permit may be suspended or canceled if conditions are deemed unsafe as directed by the City Engineer or designee.
- M. If a prior encroachment conflicts with the proposed work, the new Permittee must arrange for any necessary removal or relocation with the prior Permittee. Any such removal or relocation will be at no expense to the City.

4.4 Traffic and Pedestrian Control

- A. All traffic and pedestrian control shall be in accordance with the latest edition of the California MUTCD.
- B. All field personnel setting up and maintaining traffic control shall be properly trained.
- C. All traffic control flaggers shall be properly trained and certified, and shall carry proof of training with them at all times. Flaggers shall use "STOP / SLOW" paddles to control traffic; orange construction flags are not permitted.
- D. All arterial and collector status roadways require Portable Changeable Message Signs (PCMS) one (1) week prior to a road closure and 3 (three) business days prior to a lane restriction.
- E. "NO PARKING" signs, if needed, shall be installed 48 hours minimum prior to beginning of work.
- F. Construction operations shall be conducted in such a manner as to cause as little inconvenience as possible to adjacent businesses or property owners.
- G. Block off work areas with cones or barricades as needed.
- H. If the contractor's operation requires the closure of one accessible pedestrian facility, provide a travel path that replicates, if possible, the most desirable characteristics of the existing walk way. The contractor should maintain a continuous unobstructed path connecting all existing accessible

- elements (parking lots, bus stops) through the project. Submit a TCP with a pedestrian path, parallel to the existing sidewalk, which complies with all the CA MUTCD and ADA requirements.
- I. Exact location and type of construction signs shall conform to CA MUTCD.
 - J. The Contractor shall have all signs, delineators, barricades, etc. properly installed prior to commencing construction.
 - K. All traffic control devices (signs, barricades, delineators, cones, etc.) used at night shall be retro reflective with a material that has a smooth, sealed outer surface and illuminated to show the same shape and similar color both day and night to conform to CA MUTCD.
 - L. Flashing yellow beacons, type "B ", shall be used on all advance warning signs and on all barricades guarding the work area overnight.
 - M. All tubular delineators and cones shall be 28" minimum height, reflectorized and maintained erect in the indicated position at all times, and shall be repaired, replaced, or cleaned as necessary to preserve their appearance and continuity, and shall include a 12" high-intensity reflectorized sleeve, if used during night-time hours.
 - N. Taper and buffer lengths shall conform to CA MUTCD.
 - O. Traffic control may be subject to change based upon field conditions or as directed by the City of Visalia. Additional traffic controls, traffic signs, or barricading may be required in the field. The contractor shall be responsible for the placement of any additional devices necessary to assure safety to the public at all times during construction.
 - P. Based upon proposed phasing of work, field conditions or as directed by the City of Visalia, Portable Changing Message Signs (PCMS) may be required in the field. The contractor shall be responsible for the placement of any PCMSs and all other devices necessary as required by CA MUTCD to assure safety to the public at all times during construction. See comments on the approved traffic control plan.
 - Q. The contractor shall maintain, on a continuous basis, all signs, delineators, barricades, etc. to ensure proper flow and safety of traffic during construction.
 - R. Work hour traffic control on arterial and collector roads shall be during the off-peak period 9am to 3pm, or as otherwise authorized by the City Engineer.
 - S. The full width of the traveled way(s) shall be opened for use by public traffic on Saturdays, Sundays, after 3:00 p.m. on Fridays, designated legal holidays, on the last workday preceding designated legal holidays, and when construction operations are not actively in progress. Any exception to this requirement shall be included within the permit.
 - T. Remove barricades, delineators, cones and other devices from travel lane during non-working hours.
 - U. All cross streets and drive accesses shall be open and available for use at all times.
 - V. Earth moving equipment shall give the right of way to vehicular traffic. Earth moving equipment shall only cross the roadway when traffic is stopped by the flagmen in each direction. Earth moving equipment must stop before crossing the roadway and when safe.
 - W. Earth moving equipment shall abide by California Vehicle Code within the public Right-Of-Way.
 - X. The contractor shall maintain dust control measures during the entire operation associated with this encroachment permit.
 - Y. Contractor shall immediately notify the City of Visalia if there are any change(s) to the approved traffic control plan.
 - Z. The contractor's traffic control plan shall make every effort not to place any traffic signals into a flashing mode during the various phases of construction. Approval by the City Engineer is required prior to placing any traffic signal into flashing all red.

4.5 Excavation, Backfilling, Surface Restorations

- A. Caution should be exercised when boring and/or trenching in areas of sewer, and all other utilities servicing residential lots. If disturbed, the repair and/or replacement of these services to the satisfaction of the property owner and the City of Visalia are required, all at the expense of the Permittee.
- B. All conduit runs under existing paved streets and all underground utility crossings of arterials and collectors shall be bored.
- C. All trenches and utility potholes shall be backfilled to conform to City of Visalia Improvement Standard E-1 thru E-4. The City requires compaction testing at Permittee's expense. City of Visalia Public Works inspector shall be present to witness and direct all compaction testing. Coordinate with

City of Visalia Public Works inspector for compaction requirements. Submit copies of all compaction testing results to City Of Visalia.

- D. All AC paving shall comply with the City of Visalia Engineering Standard Specifications and City Standard E-1. (Pay special attention to Note No.1, seamless AC joints via the heater re-mix process). Coordinate with City of Visalia Public Works inspector.
- E. OPEN EXCAVATIONS: No excavation shall be left open after daylight hours unless specifically authorized and adequate protection for traffic and pedestrians is provided in accordance with Encroachment Permit Policy. Should trench plates be used they must be recessed to match the existing pavement grade, pinned to the pavement surface and tacked together to prevent movement with a minimum 1' overlap onto existing stable material. (See City Standard E-3 or as approved by City Engineer.)
- F. Restoration and repair of any public or private infrastructure shall be completed within 10 business days from construction completion.

SECTION 5 – CONSTRUCTION WORK HOURS

Work hours depend heavily on the scope of work, duration, and geographical location of where the work will be performed as it relates to the volume of vehicular or pedestrian traffic. In accordance with Chapter 8.36, 'Noise' of the Municipal Code and in consideration as to not adversely affect the general public by impeding the traveling public utilizing the public rights of way, work hours are established. Both are discussed herein and the Permittee shall conform.

5.1 Noise

Generally the Municipal Code, Chapter 8.36.050 allows work to occur on weekdays between the hours of 6 AM and 7 PM, and weekends between the hours of 9 AM and 7 PM. These time constraints are dependent on the decibel levels of the work. If work is to occur outside of these hours, it is the Applicants sole responsibility to inform the City of Visalia during the application process to allow mitigation measures to be agreed upon that are in compliance with the Municipal Code. This mutual agreement needs to be done prior to permit issuance. Variances are discussed in Chapter 8.36.090.

5.2 Vehicular / Pedestrian Volume

The City of Visalia transportation network is critical to keeping commerce open and to the moving of people and goods throughout the City. Due to the performance of work within the traveled path (roadway, sidewalk, trail, bike lane, etc.), careful consideration to the existing modes of travel needs to be evaluated prior to the approval of the Encroachment Permit.

5.2.1 Vehicular (Vehicle or Bike Lane)

Generally, peak travel times within the City of Visalia differ between roadways and direction of travel. Typically, the AM peak hour occurs between 7:30 to 9:00 AM and the PM peak hour occurs between 4:30 to 6:00 PM. Work during the peak hours is strictly prohibited without prior approval by the City Engineer or designee. Applicants are encouraged to coordinate with the City of Visalia Engineering to determine if the prohibited hours stated herein can be relaxed based on the demand of the specific location being encroached upon.

5.2.3 Pedestrian (Sidewalk or Trails)

Special care shall be taken to ensure that all walkways or trails are properly maintained and free of obstruction per the applicable federal, state, and local laws. Due to the limited remedy to maintain pedestrian access, restricting or closing sidewalks or trails will be permitted on a case-by-case scenario as approved by the City Engineer or designee. Applicants do have the option to detour this mode of travel via an approved route, or temporarily construct a compliant path. The Applicant should give special attention and consideration to high pedestrian or bike volumes on paths such as a trailhead, as well as work locations such as downtown Visalia.

5.3 Roadways

In order to determine the work hours for a specific roadway, the City of Visalia established the following two categories using the information provided in this section to help Applicants. Typically, it is expected that the normal Encroachment Permit shall occur during normal business hours (7 AM and 4 PM, Monday through Friday). Weekend/holiday or "off-hour" work is not permitted without prior approval by the City of Visalia. See the Inspection Overtime Request requirements under [SECTION 3 – UTILIZATION OF THE ENCROACHMENT PERMIT](#). It is expected that all Encroachment Permits fall within one of these two areas:

A. Critical Roadways

Critical roadways have the highest volumes of traffic in the peak period, are typically arterial and collector status roadways, are located in commercial corridors, or are the only access point for areas within Visalia that are limited due to geometrical (natural or manmade) barriers. Roadways adjacent to a school are also considered critical. Encroachment Permits issued on these critical roadways require early coordination and additional notification. Work hours are limited to the non-peak period of 9 AM to 3 PM. These roadways include, but are not limited to, Main Street and the surrounding area in Downtown Visalia, any roadways in the immediate vicinity adjacent to State Route 198, and all arterial and collector status roadways. See Appendix D for the list of arterial and collector status roadways in the City of Visalia. When applying for an Encroachment Permit within this category and if requesting to deviate from the non-peak period, the Applicant needs to provide documentation stating why permission should be allowed. Reasons that will be considered need to state the hardship, along with but not limited to, public safety, construction exposure on the existing roadway system, construction costs, or construction duration.

B. All Other Roadways

Work performed on all other roadways (residential and non-critical roadways as previously defined) shall conform to the noise ordinance and this policy at a minimum. Work hours are typically from 7 AM to 4 PM.

5.4 Moratoriums

Specific times throughout the year, a moratorium shall be placed on the approval of an Encroachment Permit. Moratoriums include but are not limited to commercial areas during peak shopping periods, special events, or areas around schools or City of Visalia parks. The City of Visalia reserves the right to limit and prohibit activities identified herein in order to avoid conflicts. Each will be reviewed on a case-by-case basis and approved by the City Engineer or designee. Yearly known moratoriums are listed, but not limited to:

- Within a commercial or business district and their adjacent streets (specifically along Mooney Blvd or the Downtown Visalia Area) starting the week of the Thanksgiving holiday through the week of New Year's Day.
- When project is adjacent to a school or a church, work hours are prohibited while the school or church is in session, unless otherwise approved by the City Engineer.

SECTION 6- COORDINATION & NOTIFICATION

An Encroachment Permit needs to have proper coordination and notification, depending on the complexity of the scope of work, to avoid adversely affecting adjacent parcels, to provide proper communication with emergency and routine personnel, and to ensure timely completion of work. By applying for the Encroachment Permit, the Applicant is agreeing to the rules and conditions of the permit requiring coordination and notification. Failure to provide proper coordination or notification will result in a cease work order or loss of permit.

6.1 Notifying the City

The Permittee shall contact the Encroachment Permits Office as follows:

- Unless otherwise authorized by the City Engineer or designee before starting work under an issued Encroachment Permit, the Permittee shall notify the Encroachment Permits Office five (5) business days prior to initial start of any work on an arterial or collector roadway, or any work involving a road closure on a residential street. See Appendix B for Notice to Start Work form.
- When work has been interrupted, an additional 24-hour notification is required before restarting work. See Appendix B for Notice to Start Work form.
- When work has been interrupted for two (2) weeks or more, traffic control and notification will be required to be reviewed on a case-by-case basis. Permittee shall be responsible for notifying the City Encroachment Permits Office as soon as possible to coordinate. An additional one (1) week notification is required before restarting work. See Appendix B for Notice to Start Work Form.
- Weekly updates to the Encroachment Permits Office are required for projects extending for more than two (2) weeks.

6.2 Notifying Property Owners

Proper notification, one (1) week for a road closure and three (3) business days for a lane restriction, shall be given to all businesses/residents adjacent to the construction zone prior to commencing work (non-emergency work). Permittee shall provide upon request a draft of the written notification letter for review and approval of the City. Lack or failure to properly notify adjacent parcels will result in a cease work order. Written Notification Letters shall include, but not be limited to the following information:

- | | |
|--|---------------------------------|
| • Contact Business Name | • Scope of work |
| • Contact Name of Responsible Person | • Dates/times of scheduled work |
| • Contact Phone Numbers (office and cell phones) | • Area impacted |

For certain job locations and depending on the duration, complexity and scope of the project the Permittee may be required to notify the adjacent businesses/residents, and have them sign the 'Good Neighbor Policy' that acknowledges the adjacent business/resident is aware of the work. Submit copies of the signed policy to the Encroachment Permit Office prior to the permit issuance. Failure to provide this information will result in denial of the encroachment permit application. Depending on the location of the permit, the City Engineer may require additional coordination to occur to ensure notification.

Access to all properties for normal services shall be maintained at all times where possible. Access for emergency services must be maintained at all times per City of Visalia permit policy. In no case shall the access be restricted for more than 8 hours.

6.3 Notifying Public Works Inspectors:

The Permittee shall also contact the assigned Public Works Inspectors as follows:

1. Schedule a pre-site walk and all other necessary inspection/observations a minimum of two (2) working days prior to start of work.
2. Schedule the initial inspection/observation (on-site meeting). This is very important and a good opportunity to discuss the permit requirements and conditions with the Inspector. The Inspector also makes sure the traffic/pedestrian control is set up properly. See the Pre-Construction Meeting in SECTION 3 - UTILIZATION OF THE ENCROACHMENT PERMIT.
3. Schedule a Final Inspection/Observation immediately upon completion of the permitted work. If applicable, this will include a final inspection/observation for the final paving and will require coordination with the paving contractor.

Failure to notify the Public Works Inspector may result in suspension of the Encroachment Permit and from future work in the City's Right-Of-Way

6.4 Coordination with other City Departments, Agencies, or Jurisdictions

- Access shall not be closed for fire stations, hospitals, police stations, schools, or churches. Commercial access shall be maintained for at least one point of access during all construction activity unless approved by the City Engineer or designee.

- It is also the Contractor's responsibility to telephone and coordinate with all City of Visalia departments and other agencies as necessary and or applicable two (2) working days prior to start of work. A written log is to be kept verifying information disseminated and all departments and agencies contacted. This log shall be provided to the City for all road closures and work requiring a complex traffic control plan. For other projects and at the discretion of the City Engineer, the Contractor shall provide the log upon request.

Include the following information when notifying the departments or agencies:

- Name of street to be closed and the extent of the closure (between which two roads).
- Stipulate whether or not the area is to be open to local traffic and emergency vehicles.
- State the date(s) and hour(s) the closure will be in effect.
- Give the reason for the closure.
- Provide detour information.
- State who/which firm is performing the work.
- Provide the name and telephone number of a contact person.

SECTION 7 – UTILITIES

Encroachment Permits are required for ALL work or activities that encroach or utilize the City's Right-Of-Way, and any utility company performing work within the City's ROW is required to comply with the requirements of this Encroachment Permit Policy Manual.

7.1 New Construction

Any utility company performing work for new construction projects within the City's ROW is required to comply with all the requirements of this Encroachment Permit Policy Manual. Encroachment Permit Applications may be submitted by email to the Encroachment Permits Office as long as prearrangements, such as a trust account, have been made for payment of the application fee.

7.2 Emergency

Utility work that is performing 'emergency operations' falls under the 'Annual Encroachment Permit'. A onetime permit fee is required for the annual permit; however, inspection fees may be required for each inspection depending on the franchise agreement.

7.2.1 Modified Process

- Under the 'Annual Encroachment Permit', utility companies are required to update their "List of Authorized Subcontractors" as necessary throughout the year. See Appendix A.
- If work to be performed is for emergency purposes, the utility company shall comply with the requirements set forth in this manual and provide the proper notifications. The City shall receive notice within **24 hours of emergency work being performed**.

7.2.2 Notifications

A. **Emergency Repairs:**

The Permittee may make emergency repairs to re-establish services for City Of Visalia residents. This allows the Permittee to alter traffic flow, and excavate through improved surfaces only when breaks in the conduit, cable, or pipeline over or under the pavement presents a definite public hazard or serious interruption of essential services. In such cases, the Encroachment Permits Office shall be notified as soon as possible. It is also the Permittee's responsibility to notify Emergency Services (i.e. Fire Department, Police, etc.) and the Public Works Department if necessary.

The Permittee shall submit all job information as part of the **daily** notifications for the following day for City records. See Appendix D for Utility Notification sheet.

Email Utility Notification of Work sheets to Encroachment Permits Office at EPO@visalia.city

NOTE: Once the service has been reconnected or restored, all future work (permanent connections and surface restorations) to complete the construction shall fall under 7.3.2 Notifications for Maintenance Operations, below, and shall comply with all the provisions of the Encroachment Permit Policy Manual.

7.3 Maintenance Operations

Utility work that is performing 'maintenance operations' falls under the 'Annual Encroachment Permit'. A onetime permit fee is required for the annual permit; however, inspection fees may be required for each inspection depending on the franchise agreement.

7.3.1 Modified Process

- Under the 'Annual Encroachment Permit', utility companies are required to update their "List of Authorized Subcontractors" as necessary throughout the year. See Appendix A.
- If work to be performed is for maintenance purposes, the utility company shall comply with the requirements set forth in this manual and provide the following proper notifications.

7.3.2 Notifications

No construction work allowed until proper notification has been given to City of Visalia, and advance notification, when required, has been given to adjacent businesses and residences in accordance with the Encroachment Permits Policy Manual. See Appendix D for Utility Notification sheet. The Permittee shall contact City of Visalia as follows:

A. **No Notification required**

Mobile operations as defined in the CA MUTCD that occur within the City ROW and have duration less than one hour.

B. **Notification required via 'Utility Notification Sheet'**

Any work within the City ROW and does not fall within section 7.3.2 A OR 7.3.2 C. Submit notifications prior to beginning work as follows:

The Permittee shall submit all job information **under this Section for notification by 8:30 AM every Thursday for projects to be scheduled to start on Monday thru Sunday of the following week.** This will allow a minimum of two (2) business days to include the project information in the City's weekly report. NOTE: Additional time may need to be allotted in order to provide the required advance notification of one (1) week prior for road closures and three (3) business days prior for lane restrictions in accordance with the Encroachment Permits Policy Manual.

Email Utility Notification sheets to Encroachment Permits Office at EPO@visalia.city

Please only include projects that are scheduled to start construction within the following week after submittal on your Utility Notification sheet, unless additional time is needed in order to provide the required advance notification in accordance with the Encroachment Permits Policy Manual. NOTE: If for some reason a job is not done as shown on a Utility Notification sheet and is being rescheduled, include all the job location information on Utility Notification sheet for the following period.

Any revisions or clarifications that are needed, the City will contact the Permittee prior to work commencing.

The Permittee (or authorized Contractors) shall reschedule all proposed maintenance work if a traffic control has been previously set up for a City project or another Encroachment Permit.

C. **Notification required via standard Encroachment Application without fee**

For all major maintenance projects, including permanent repairs after any emergency work in the City's ROW, with

- Durations greater than five (5) work days, **OR**
- For work requiring closures of roadways, traffic detours to another roadway, or signal light modifications

Require to be processed as a separate permit, even if it falls under the allowable work under the annual permit. No application fee is required. Applications shall be submitted through the standard Encroachment Permit Process. See [SECTION 1 – ENCROACHMENT PERMIT PROCESS](#).

FOR LANE RESTRICTIONS: Submit an Encroachment Permit Application with all the required information and attachments four (4) weeks minimum prior to start of work to allow for review time and permitting process.

FOR MAJOR ROAD CLOSURES: Submit an Encroachment Permit Application with all the required information and attachments six (6) weeks minimum prior to start of work to allow for review time and permitting process.

NOTE: Unless waived by the City Of Visalia, a pre-con meeting is mandatory for all these major repairs in the City's ROW (especially if they require lane or road closures and or signal lights modifications). Arrange to have an on-site pre-con meeting with the Encroachment Permit Manager and Public Works Inspector one (1) week prior to beginning work.

SECTION 8 - FINAL ACCEPTANCE AND CLOSING OF THE PERMIT

The Permittee is responsible for maintaining the area identified in the Encroachment Permit until the project has been "Finalized" by the Public Works Inspector. All Encroachment Permits require a Final Acceptance by the City. The Final Acceptance process varies depending on the scope of work done under the permit.

CONTACT INFORMATION

City of Visalia

Encroachment Permits Office	559.713.4339
City Hall-East Front Counter	559.713.4444
Engineering Division	559.713.4259
Planning Division	559.713.4359
Building Division	559.713.4444
Solid Waste Division	559.713.4500
Urban Forestry Division	559.713.4384
Parks and Recreation Division	559.713.4365
Public Works	559.713.4428
Traffic Safety	559.799.8667
Transit Division	559.713.4594
Finance	559.713.4334
Fire (Non-Emergency)	559.713.4266
Police (Non-Emergency)	559.734.8116
Police Department – Traffic Unit	559.713.4232

Utility Companies

Southern California Gas	559.739.2441
California Water Services	559.624.1653
Southern California Edison	559.685.3235
AT&T	559.739.6649
COMCAST	559.732.2104
CVIN	559.554.9100
Time Warner Telecom	559.256.3752

Other Agencies

Caltrans	559.688.4896
County Of Tulare	559.624.7151
California Northern Railroad	800.800.3490
San Joaquin Railroad Exeter	559.592.1857
Railroad Company	661.201.8866
Kaweah Delta Water Conservation District	559.747.5601
Post Office	559.732.2237
Visalia Unified School District	559.730.7856
Central Valley Christian School Transportation	559.734.2018
College of the Sequoias	559.730.3908