

## Applicability

This permit is required whenever **temporary use of public right-of-way** is requested for **private construction work**. Typical examples of work include:

- Water monitoring and extraction wells
- Soil sampling borings and soil penetration tests
- Potholing for Utilities
- Covered pedestrian walkways
- Installation of privately owned trenches across public rights-of-way
- Crane erection within the public right-of-way (if the crane is too large to be erected on-site)

## Instructions

To apply for a revocable encroachment permit, complete the “Application for Public Works Permit” form by following the instructions below:

- 1) **General Information** – Provide the name, address, and phone number of the permittee and the contractor who will be doing the proposed construction work. Be sure to include the State Contractor’s and City Business License Numbers.
- 2) **Project Location / Major Intersection** – Specifically describe the location of work giving the street name(s) and address(es) if possible. In addition, indicate the major cross street(s).
- 3) **Reason For Encroachment** – Please submit a “Letter of Intent” describing your need for the public right-of-way. Indicate your proposed use, what equipment you will be using and the duration of the work. Your proposed schedule would also be helpful.
- 4) **Site Specific Sketch** – The sketch should show the following information:
  - a) Include the type and location of the work to be accomplished within the right-of-way. The work area should be tied out to the centerline of the street and to the nearest intersection.
  - b) Include or show on separate sheet. A vehicular and/or pedestrian diversion plan using appropriate safety equipment, such as barricades, cones, arrow boards, signage, etc. See the handout titled “Traffic Control Plan Requirements”.
  - c) The sketches should be drawn on 8 ½ “ x 11” paper; the maximum size shall be 11” x 17”.
- 5) **Certificate of Insurance** - Submit a certificate of insurance to the office of the Risk Manager which meets City requirements. This insurance must be maintained for the duration of the project. See form titled “Insurance Requirements”.
- 6) **Security Deposit** – A security deposit will be held for the duration of the work to guarantee repair and/or replacement of any public improvements damaged during work initiated by this permit. The actual amount will be calculated by staff upon application for the permit. The surety will need to be submitted prior to issuance of the permit.

The security deposit can be either in the form of a **Cashier’s Check** from a local bank in favor of the *City of San Jose* with no expiration date imprinted on the check, or in the form of a **Certificate of Deposit**. See the Certificate of Deposit guidelines for instructions.

- 7) **Fees** – Submit fees according to the “Public Works Permit Fees” fee schedule.
- 8) **Application Submittal** – Submit a completed application, along with the items listed above to the address listed at the top of this form.

## Coordination

Depending where your work takes place within the city, you may be required to coordinate with any of the following listed below. Please take this coordination into account when planning your schedule, as permits from other agencies may require a significant lead time.

- **Downtown Coordinator** – The Department of Transportation has a Downtown Coordinator assigned to monitor and coordinate all downtown construction activity. If you are working in the downtown area, you will be required to contact the Downtown Coordinator (408-975-3719) at least 10 days prior to starting any work in the public right-of-way.
- **No Parking Signs / Parking Meters** – Any work proposing to close a parking lane will require that “No Parking – Tow Away” signs be obtained from the Department of Transportation (408-535-3850). If the parking lane has City parking meters, then additional fees will be due to compensate the City for lost revenue.
- **Flaggers & Police Officers** – Any work at or within 150 feet of a signalized intersection may require traffic control, pursuant to San Jose Municipal Code Section 11.12.050, by Flagger(s) or City of San Jose Police Officer(s). The need for Flagger(s) or Reserve Police Officer(s) will be determined based on site conditions. Flagger(s) shall be sufficiently trained and equipped in accordance with California Code of Regulations, Title 8, Section 1599. In addition, flaggers shall be certified by the American Traffic Safety Services Association (ATSSA) or the National Safety Council (NSC). The Director of Public Works reserves the right to require the use of Police Officers when conditions warrant.
- **VTA Light Rail** – When working adjacent to the VTA Light Rail, you will be required to contact the VTA (408-321-5824) to determine their requirements.
- **VTA Bus Stops** – Should your work impact or require the temporary closure of any existing VTA Bus Stop, you will be required to contact the VTA (408-546-7667) to determine their requirements.
- **CalTrans** – When working on a City street that is also a State Highway (i.e. Alum Rock Avenue, Monterey Road, The Alameda, San Carlos Street, etc.), you will be required to contact CalTrans (408-452-7131) to obtain the necessary encroachment permit.