

**NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY**  
**DEPARTMENT of PUBLIC WORKS**  
950 Maidu Avenue, Suite 170  
Nevada City, California 95959  
Phone: (530) 265-1411 or (888) 832-1411  
FAX: (530) 265-9849

## **Encroachment Permit Application Guidelines**

An Encroachment Permit is required any time work is performed in the County of Nevada right of way that can obstruct the free use of the County roadway by the public. This includes any excavation or other construction activity within the County roadway or the placement of any structure or object in, under, or over any portion of the County roadway, or any activity which may cause water to back onto any portion of the County roadway, or which may obstruct maintenance of or travel on the County roadway including any shoulders, drainage ditches and/or facilities, and any turnouts.

All work must comply with Title 2, Chapter IV: General Regulations, Article 4.A Regulating Roadway Encroachments, Section G of the Nevada County General Regulations, and must conform to State and County Standard Plans and Specifications.

There are two types of Encroachment Permits: Standard and Annual. Guidelines for each are provided below.

### **Standard Encroachment Permit – Construction, Event, and Film**

Most Encroachment Permits will fall under this category, e.g. driveways, signs, events, and filming. County code requires that an encroachment permit must be obtained when work is performed in the right of way. Applicant will be required to provide the following:

- Completed encroachment application
- Required standard fee per the latest adopted fee schedule
- Site plan
- Certificate of Insurance naming the County of Nevada as additional insured
- Temporary traffic control plan signed by a traffic engineer

Film encroachment permits have additional requirements. All applications, fees, and more specific application requirements can be found on the County's website at: <https://www.mynevadacounty.com/2433/Public-Works-Permits>. Incomplete application packages will not be accepted. Standard encroachment permits are valid up to the date of completion listed on the encroachment permit but no longer than 12 months.

**Temporary Traffic Control Requirements:** A County-approved traffic control plan must be onsite at all times for inspection. All signs and cones used for temporary traffic control must meet the latest California Manual of Uniform Traffic Control Device standards, be orange and in good condition. A cone shall be

placed on the travel lane side of any sign stand. A minimum of 2 orange flags shall be placed at the top of sign during daylight hours, and flashing beacons shall be placed at the top of signs during nighttime hours in conformance with State and County Standard Specifications.

**Road Closures:** Road closures are only allowed with the approval of the Nevada County Public Works Director. The contractor shall submit a site-specific encroachment permit with a site-specific traffic control plan showing a detour a minimum of 7 days in advance of work.

### **Annual Encroachment Permit – Utility Companies Only**

The County of Nevada issues annual encroachment permits (blanket permits) to utility companies that perform ongoing, routine maintenance in County of Nevada right of way. Permittees are required to submit the following for an annual permit:

- Completed encroachment permit application
- Required annual fee per the latest adopted fee schedule
- Certificate of Insurance naming the County of Nevada as additional insured

A certificate of insurance is not required at the time of site-specific work because it is provided with the annual permit. Annual encroachment permits are valid for 12 months.

### **Type of Permit Required**

The following guidelines are to be used to determine the type of work allowed under an Annual Encroachment Permit versus a site-specific standard Encroachment Permit:

**Shoulder work within 2' of or in travel lane:** Where vehicles/equipment are parked or work is required within 2' of fog line or edge of County roadway with no fog line or in a travel lane, closure shall comply with the latest corresponding 2015 Caltrans Standard Plan. For most County roads, the 2015 Caltrans Standard Plan T13 is appropriate (see attached). A site-specific standard Encroachment Permit will be required and after approved, 48 hours' notice of the lane closure must be provided to the County of Nevada at (530) 265-1411.

**Shoulder work 2'+ from travel lane:** Where vehicle/equipment is parked further than 2' from fog line or edge of County roadway with no fog line, a site-specific Encroachment Permit and notice to the County of Nevada will not be required as long as the permittee has an approved Annual Encroachment Permit on file with the County of Nevada and advance warning signs and cones are placed in conformance with with the latest Caltrans Standard Plan. For most County roads, the 2010 Caltrans Standard Plan T10 is appropriate for shoulder closures (see attached)

**Emergency Work in County of Nevada Right of Way:** Whenever any emergency work is performed within the County roadway, the person(s), firm, entity or contractor responsible for such work shall apply for a written permit on the next County business day. Any person requiring an emergency use or encroachment shall first notify the County of Nevada at (530) 265-1411. If after business hours, leave a message with date, time, name, contact phone number, location and approximate duration of encroachment.

**Annual permit holders are subject to the same temporary traffic control and road closure requirements as standard encroachment permit holders.** See requirements under “Standard Encroachment Permits” above.

### **Definitions**

**Encroachment:** Any tower, pole, pole line, pipe, pipeline, driveway, private road, fence, sign, building, or tree within the County roadway, or any activity that can obstruct the free use of the County roadway by the public. The term shall also include any excavation or other construction activity within the County roadway or the placement of any structure or object in, under or over any portion of the County roadway, or any activity which may cause water to back onto any portion of the County roadway, or which may obstruct maintenance of or travel on the County roadway.

**County Roadway:** The term “County roadway” includes all or any part of the entire width or right-of-way of a County-owned, controlled and/or maintained highway, street, road or alley and the space over it and the ground under it, including, but not limited to, bridges, culverts, curbs, drains, and all works incidental to such construction, improvement, and maintenance, whether or not such entire area is actually used for vehicular, bicycle, or pedestrian purposes. The term “County roadway” shall also include all Permanent Road Division (“PRD”) and County Service Area (“CSA”) roads which are owned and/or maintained by the PRD or CSA. If right-of-way is by prescription, a roadway encompasses that area which has historically been used for the public travel including any shoulders, drainage ditches and/or facilities and any turnouts.