

Attachment 1B: Caltrans' Policies

Caltrans Project Development Procedures Manual, Chapter 17 – Encroachment in Caltrans' Right of Way

Article 1 – Definition

Encroachment

An encroachment, as defined in Section 660 of the Streets and Highways Code, can be any tower, pole, pole line, pipe, pipe line, fence, billboard, stand or building, or any structure or object of any kind or character which is within the right of way but not a part of the Caltrans facility.

Article 2 – Utility Encroachment Policy

New Utility Longitudinal Encroachments

With the exception of special cases permitted under strictly controlled conditions, new utilities will *not* be permitted to be installed longitudinally within the access control lines of any freeway or expressway—including installations on structures that cross major valleys or rivers and installations through tunnels. Utilities will not be allowed to be installed longitudinally within the median area. Utilities that transport hazardous materials will not be allowed in a vehicular tunnel under any circumstances.

These provisions were established to provide for the maximum degree of safety and to preserve the traffic-carrying capacity, both of which are warranted by the large public fund investment in freeways. Exceptions can be made at locations where circumstances make it impossible or unreasonably costly to locate utilities outside of the access controlled right of way. To the extent feasible and practicable, any utility installations allowed within access controlled rights of way should be located so that they can be serviced and maintained from outside the right of way.

Exceptions

Justification for Exceptions

Where such longitudinal installations are requested, the utility owner must assure Caltrans of all of the following:

- That the accommodation will not adversely affect highway safety and traffic operations
- That alternate locations are not available or cannot be implemented at a reasonable cost, from the standpoint of providing efficient utility services in a manner conducive to safety, durability, and economy of maintenance and operations...

Article 6 – Procedures for Requesting an Exception to Caltrans' Encroachment Policy

District Recommendation

No encroachment proposals should be submitted without district recommendation, as indicated by the signatures of the District Division Chiefs for Right of Way, Maintenance, Operations, and Design. In those instances where an applicant with an encroachment proposal refuses to accept the district's denial of application, the district should contact the DLP Manager, Attention: Encroachment Exceptions.

It is standard practice to process all applications from written requests. If an applicant or district personnel want to make a personal appearance at the HG encroachment meeting, prior approval should be obtained from the DLP Manager.

Encroachment Permits Manual 300 – Exceptions to Policy

302 Encroachments within any Highway Right of Way (Rev 08/02)

Requests for the following encroachments shall be submitted by districts to the Headquarters Division of Design, Program Manager:

1. Facilities that limit use of the right of way and/or may add to Caltrans' costs in future construction.
2. Changes in facilities approved previously by the Headquarters Division of Design, Program Manager, when the proposed changes alter the conditions under which the original encroachment was approved.
3. Any grading, removal of cut material or placement of fill material within any right of way.
4. Encroachments associated with toll road demonstration projects.
5. Placing utility facilities within the median area of any State highway.
6. Allowing utilities to remain in an existing tunnel or tube that is incorporated into a new highway improvement.
7. Exceptions or changes to the standards described in Chapter 6.
8. Exceptions to high and low risk policies.
9. Drainage diversions.
10. Groundwater disposal.
11. Longitudinal private pipelines carrying gas, oil, or other flammable fluids that are operated under franchises with local agencies.

303 Encroachments within Freeway and Expressway Rights of Way

The Headquarters Division of Design, Program Manager is authorized by the Director, Department of Transportation to make determinations and rule on all matters regarding installation of encroachments

on freeways and expressways. Matters concerning encroachments on conventional highways are delegated to the districts except as indicated under Section 302.

Specific requests for the following encroachments are submitted by the district to Headquarters Division of Design, Program Manager:

1. Encroachments requiring maintenance within the access control lines of freeways and expressways. This includes those installations created by rearrangement of existing facilities and those requested by utility owners or others under encroachment permit.
2. Longitudinal encroachments within the access control lines of freeways and expressways and on bridges other than highway overcrossing structures. Included are those longitudinal encroachments created by rearrangement of existing facilities, and those requested by utility owners under encroachment permits, including fiber optics facilities.
3. Encroachments requiring temporary or permanent access to or from through traffic lanes on freeways and expressways.
4. Encroachments involving installation of locked gates in freeway and expressway fences for other than Caltran's use (see the Highway Design Manual).
5. Temporary use of controlled access right of way by private individuals or developers for grading.
6. Utility facilities that cross freeways should be as normal as possible to the freeway centerline. Facilities that are skewed greater than thirty degrees (30°) from the normal must have DLP approval as a longitudinal encroachment.
7. Longitudinal encroachments within a conventional highway that is upgraded to a freeway and remain within the access control lines, the utility facilities will normally be relocated outside the access control. When compelling reasons require such facilities to remain within the access control, the District must submit a request for exception to this policy, for each facility, to the Headquarters Division of Design, Program Manager.

A Policy on the Accommodation of Utilities within Freeway Right-of-Way (American Association of State Highway and Transportation Officials, October 2005)

New Utility Installations Along a Freeway

Installation of new utilities shall not be permitted longitudinally within the control of access lines of any freeway, except that in special cases such installations may be permitted under strictly controlled conditions.

Where such longitudinal installations are requested, the utility shall in each case show to the transportation agency's satisfaction that all the following conditions are met:

- The accommodation will not adversely affect the safety, design, construction, traffic operations, maintenance, or stability of the freeway.
- Alternate locations are not available or are cost prohibitive, from the standpoint of providing efficient utility services.
- It will not interfere with or impair the present use or future expansion of the freeway.

- The location of the utility outside of the right-of-way would result in the loss of productive agricultural land, or loss of productivity of agricultural land, if any. In this case, the utility must provide information on the direct and indirect environmental and economic effects, which will be evaluated and considered by the transportation agency pursuant to Title 23, U.S. Code Section 109(I)(1).
- The accommodation satisfies the conditions of Section 7.

All longitudinal utility accommodations as may be warranted herein shall only be in accordance with an approved permit issued by the transportation agency.

Installation of utilities shall not be allowed longitudinally within the median area.

Where longitudinal utility installations must traverse interchange areas, they shall be located and treated in the same manner as utility crossings within interchange areas, as in Section 5.

Service connections to adjacent properties shall not be permitted from longitudinal utility installations located within the access control lines of freeway.