SAN JOSE
CAPITAL OF SILICON VALLEY

REVOCABLE ENCROACHMENT PERMIT

Department of Public Works, Development Services
200 East Santa Clara Street, San Jose, CA 95113
http://www.sanjoseca.gov/pwdev
(408) 535-7802

Applicability

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

- Water monitoring and extraction wells
- Monitoring Well installations and/or removals (**requires a Well Permit from the Santa Clara Valley Water District)**
- Underground Storage Tank (**requires Hazmat Permit from the San Jose Fire Department)**
- Soil sampling borings and soil penetration tests
- Potholing for Utilities
- Covered pedestrian walkways
- Crane erection within the public right-of-way (if the crane is too large to be erected on-site)

This permit may also be used for **long-term temporary use of the public right-of-way or other public easement controlled by the City** as Major Encroachments or Minor Encroachments as allowed by the San Jose Municipal Code. Typical examples of work include:

- Balcony projections into the right-of way (major)
- Installation of privately-owned trenches across public rights-of-way (minor)
- Planter pots at emergency doorways (minor)
- Parklets or Outdoor Sidewalk seating (minor – refer to parklet and sidewalk seating guidance)

Project Review Procedure

Submission Methods:

1) **Online Application for Revocable Encroachment Permit:** Visit the following site to apply for your Revocable Encroachment Permit online: www.sjpermits.org. You will need to have an online account which you can create on the website. You will also need to attach all required documents as attachments during your online application; or

   When applying online you will have the option to create both the permit application and to initiate a San Jose ePlan project. If you initiate an ePlan project you will receive a separate invitation email with log-in information and submission instructions for the project. The benefit of submitting via SJePlans is that the platform integrates with the City's permitting system and provides one place for you to upload plans digitally, receive plan check comments, monitor project status, and obtain copies of issued permits. Please visit our SJePlans Resources page for more information.

   For ePlan submissions you will upload all required documents directly to the SJePlan Project. All other submissions you will need to attach all required documents as attachments during your online application.

   For a list of required ePlans and Attachments for each type of online Revocable Encroachment Permit Application refer to Attachment A

   Schedule an Appointment with Staff (Optional): Prior to or after you have made the online application submittal you may wish to contact the Project Engineer or team member assigned to your project to schedule an intake meeting. This meeting will help the applicant determine what documents are required for a full submittal, what documents were missing from the online submittal or the required corrections of the online submitted documents prior to being accepted for review. The

Project team will also be able to provide the invoice for payment at the meeting, if not provided previously. If the meeting is scheduled prior to making the submittal, the online application must be made prior to the meeting.

2) **Standard Application - Schedule an Appointment with Staff**

Project Related – Schedule an appointment or submit directly to the Public Works Development Review Team. If you already know the name of the PW Development Review Team members, please contact them directly to schedule an appointment for plan submittal. If you are unsure of the PW Development Review Team assigned to your project, please contact staff at (408) 535-7802 with your Planning Permit number, and we will look up the name of the Project Engineer assigned to your project.

Stand Alone - Submit a completed **Application for Public Works Encroachment Permit** with the items listed below directly to the Public Works Counter on the 1st Floor of City Hall or by emailing the submission to pwgeneralinfo@sanjoseca.gov. Questions can be emailed or by calling the number above.

Instructions

To apply for a standard revocable encroachment permit by following the instructions below:

1) **Application for Public Works Encroachment** – Must be completed by either the Applicant / Permittee or Contractor. Include the following information on the Application:
   - **Applicant's / Permitee's Information** – include the name, address, daytime phone number of the Applicant or his/her designated legal entity.
   - **Contractor's Information** – Provide the name, address, and phone number of the contractor who will be doing the proposed work. Be sure to include the State Contractor's and City Business License Numbers.
   - **Site Information** – Include the Assessor Parcel Number(s) of the parcel(s) to be subdivided and the gross and net acreage of the area to be subdivided.
   - **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).

2) **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.

3) **Site Specific Sketch** – The sketch should show the following information:
   - 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.
   - 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".
   - The sketches should be drawn on 8 ½ " x 11" paper; the maximum size shall be 11" x 17".

Permit Issuance Requirements: Prior to obtaining the revocable encroachment permit, in addition to finalizing the traffic control plan and proposed work, you will be required to provide the following:

1) **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".

2) **Security Deposit** – A security deposit ($2,000 minimum) 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.

   If the work can be completed within 90 days, then the security deposit can be 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. Otherwise, the security deposit shall be in the form of a **Certificate of Deposit** or **Cash Deposit**. See the Certificate of Deposit guidelines for instructions.

Fees

A permit fee will be assessed once the application is submitted and reviewed by City staff. The fees will be provided and will be required to be paid prior to the application being deemed complete. Please see the fee schedule titled "Public Works Permit Fees" for the current fee amount.

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.

- **PW Downtown Coordinator** – The Department of Public Works has a Downtown Coordinator assigned to monitor and coordinate all downtown construction activity. If you are working in the downtown area (the area bounded by Taylor Street, Stockton Avenue, Eleventh Street and Keyes Street) you will be required to contact the Downtown Coordinator, Eilbret Zomaya, (408-793-5505) at the time of the permit application.

- **DOT 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 core (the area bounded by Julian Street, Stockton Avenue, Seventh Street and Highway 280) and you will be proposing to close travel lanes, parking and/or sidewalks as part of the Encroachment Permit you will be required to contact the Downtown Coordinator, Anh Nguyen, (408-975-3722) 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. "No Parking – Tow Away" permits may be obtained at the DOT First Floor Counter Window #3; you will need the Public Works Encroachment Permit number and Project Inspector Information as part of the Application. The Permit Application may be found at: http://www.sanjoseca.gov/devresources

- **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, San Carlos Street, etc.), you will be required to contact CalTrans (408-452-7131) to obtain the necessary encroachment permit.

- **Santa Clara Valley Water District (SCVWD)** – When working in the City Street and a Monitoring Well needs to be installed and/or removed, you will be required to obtain a SCVWD Well Permit prior to obtaining a City of San Jose Revocable Encroachment Permit. The SCVWD Well Permit applications and instructions may be found at the following website: https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-and-well-owners/well-permits-and-inspections

- **San Jose Fire Department** – When removing underground storage tanks a Hazmat Permit is required from the San Jose Fire Department prior to obtaining a City of San Jose Revocable Encroachment permit. The Hazmat Permit may be obtained at the 1st Floor of City Hall.

ePlan and Online Application Attachment Requirements

Note: If your application was started as an ePlan Application, submit the plans and documents in the indicated folder. If you did not initiate this project as an ePlan application, submit the documents indicated in the "Online Application Only" section during the "Attachments" section of the online application. Please note that the City reserves the right to convert the project from being Online only to an ePlan application during the project intake review.

ePlan Application: Refer to the City of San Jose SJePlans Resources page for more information.

Plans Folder – Uploaded as single sheets per the Public Works file naming convention.

- **Site Specific Sketch**

Misc. Plans Folder:

- **Traffic Control Plan**

Documents Folder

- **ePlan Information Form**
- **Encroachment Permit Application (Project Location & Major Intersection filled out)**
- **Letter of Intent**
- **Insurance Certificate (optional at initial submittal)**
- **Approved SCVWD Well Permit** (if applicable)
- **Tow Away Permits** (if applicable)
- **Lane Closure Forms** (if applicable and work in the Downtown core)
- **Caltrans permits** (if applicable)

Online Application Only

When attaching these documents during the Add Application stage or using the "Add Attachments" on the My Permit Detail page of your permit application on SJPermits, make sure to select the following Attachment Type indicated after the dash. Each document will be required to provide a description of the uploaded attachment.

- **Site Specific Sketch** – Other Plans
- **Encroachment Permit Application** – Miscellaneous Documents
- **Letter of Intent** – Miscellaneous Documents
- **Traffic Control Plan** – Other Plans
- **Tow Away Permits** (if applicable) – Miscellaneous Documents
- **Lane Closure Forms** (if applicable and work in the Downtown core) – Miscellaneous Documents
- **Caltrans permits** (if applicable)
- **Approved SCVWD Well Permit** (if applicable) – Miscellaneous Documents
- **Insurance Certificate (optional at initial submittal)** – Miscellaneous Documents