

**CRAIG M. POPE, P.E., DIRECTOR**  
ADMINISTRATION & ENGINEERING  
BUILDING & DEVELOPMENT  
OPERATIONS



**2700 "M" STREET, Suite 400**  
**BAKERSFIELD, CA 93301-2370**

Phone: (661) 862-8850

FAX: (661) 862-8851

Toll Free: (800) 552-5376 Option 5

TTY Relay: (800) 735-2929

## **Kern County Encroachment Permit**

Applicant,

Kern County requires an Encroachment Permit (Permit) for all surveying, traffic control, and/or construction that may occur within the County's road right of way. If you do not know if your project will require an encroachment permit, you may contact the Road Permits Office at (661) 862-8827.

Kern County Public Works Department does not issue permits for state or federal highways, or for Kern County's 11 incorporated cities (Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, Wasco). Permits must be obtained directly from those agencies for projects within their jurisdiction.

All permit requests are processed in the order received. Please allow for 2-weeks to process the application. Processing will not commence until all materials (including insurance, diversion plans, etc.) are received. Insurance will be required for Annual permits only. Approved permits will be e-mailed to the contact person's e-mail address. Changes may not be made to a permit once issued. For changes, please submit a new permit application, and if applicable, a rider to the original permit will be issued.

Attached is a copy of the permit application, a list of required attachments, and the standard permit conditions. Please complete the application and submit it, with all the required documentation via E-mail to the Kern County Public Works Department, see contact information below.

Thank you,

Craig Pope, Director  
Kern County Public Works Department

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<b>PERMIT #</b>
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**Kern County Encroachment Permit Application**

Property Owner       Utility Company       Licensed Contractor

Applicant:	
Name:	
Mailing Address:	
City/State/Zip:	
E-Mail:	
Phone Number:	
Contact Person:	

Property Owner ( <input type="checkbox"/> Same as Applicant)	
Name	
Mailing Address:	
City/State/Zip:	
E-Mail:	
Phone Number:	

**Road Permits Contact Info: Ph (661) 862-8827 Fax (661) 862-8987 Email: permit@kerncounty.com**

Annual Request:    **Yes**       **No**      Rider Permit :    **Yes**    **No**    If Yes: Permit #

Contractor Permit :    **Yes**       **No**    If Yes: Permit #

**Request for:** (Describe work to be performed)     **Emergency**       **Drive Approach**     **Utility**

**New Development**     **Street Improvement**     Tract #       **Other**


**Location:** (Address or description of location, attach photos if available)


By signing this application, I agree to the conditions and terms of the encroachment permit. Permit shall be stamped "signature on Application."

Sign: \_\_\_\_\_ Date \_\_\_\_\_

<b>APPLICANT WILL NOT WRITE BELOW THIS LINE</b>	<b>Office Use Only</b>
	Inspector: _____
	Approved by: _____
	Date: _____





## **Required Documents and Deadlines**

- Permit Application;
- A set of legible construction plans or standard plates.
- A construction schedule.
- A Traffic Control Plan for projects that will require partial or full closures of travel lanes or shoulders. Traffic Control must conform to the work being performed. For projects that require full closures (A Closure Application will be required), please provide:
  - Why a full closure is necessary instead of a partial closure;
  - Hours and days of closures;
  - Length of Closure; and
  - A Detour Plan.
- Insurance Certificate only for Road Closures and Annual Permits.
- No permit to excavate shall be valid unless the applicant has been provided an inquiry identification number by a regional notification center (USA DIG ALERT) pursuant to California Government Code Section 4216. This number should be provided to the County at the time you provide the 48-hours notification that work will begin.
- Bond Required for Certain Projects. The bond will be required for 100% of Performance and 100% of Labor and Materials to meet County Standards for the following projects.
  - Street Improvement Plans approved by the County;
  - Trenching across any road; and
  - Projects with an overall value exceeding \$300,000.

Note: All incomplete applications will be returned and discarded at the time of return. The Applicant will be required to resubmit the application and required attachments in a single email.



## **Encroachment Permit Standard Conditions**

The following are standard terms and conditions for all encroachment permits issued by the Kern County Public Works Department. These terms and conditions may vary depending on the type of work permitted and are only to be used for reference. The applicant is responsible to review the terms included in the issued permit and agree to those terms upon signature of the issued permit. All conditions listed will be in-force unless specifically permitted on the face of the permit.

- 1. Definition:** This permit is issued under Chapter 12.16 of the County of Kern Ordinance Code, and Chapter 5.5 of Article 2 of the Streets and Highways Code. The term "encroachment" is used in this permit as defined in said provision. The term "grantor" shall mean the Director of Public Works Department of the County of Kern.
- 2. Acceptance of Provisions:** The Permittee agrees that the performance of any work under this permit shall constitute an acceptance by the Permittee of provisions hereof. A surety bond in a form and amount satisfactory to the Grantor may be required to ensure performance in accordance with all terms, conditions and restrictions hereof.
- 3. No Precedent Established:** This permit is granted with the understanding that no precedent shall be established on the question of permitting any certain kind of encroachment within county right-of-way.
- 4. Keep Permit on the Work Site:** This permit shall be kept at the site of the work and upon request must be shown to any representative of the Grantor or any Law Enforcement Officer.
- 5. Permits from Other Agencies:** The Permittee shall, whenever required by law, secure a written order or consent to the doing of the work from the California Public Utilities Commission, or any other public board or agencies having jurisdiction, this permit shall not be valid or effective until such order or consent is obtained.
- 6. Hours of Work:** All permit activity shall be conducted between the hours of 8:00 am and 4:00 pm, Monday - Friday unless specified on the permit. No permit activity shall occur during County Holidays as listed by the Kern County Clerk. If Grantor permits work outside of these days and hours, the cost of inspection will be borne by the Grantee. Permit activity includes all work described on the face of the permit AND all work required to comply with the provision of the permit.
- 7. Clean Up Right-of-Way:** Temporary stockpiling of material or debris spoils are not allowed in the public right of way unless specifically authorized in the permit or by the permit inspector. Upon completion of work, all brush, timber, scraps and other material shall be entirely removed, and the right of way left in a condition satisfactory to the Grantor. Clean up shall include any necessary sweeping or cleaning of roadway surfaces to remove earth and debris deposited by spillage or tracking from the work area.
- 8. Protection of Traffic:** Protection and control of the traveling public shall be in accordance with the requirements set forth in the current issue of the "Manual on Uniform Traffic Control Devices (MUTCD) with California Supplement approved by the Federal Highway Administration and the California Department of Transportation." Unless otherwise noted on permit, the work shall be carried out in such a manner that public traffic is not obstructed. Adequate warning devices shall be installed and maintained by Permittee until completion of work. Permittee agrees to reimburse Grantor for any costs that may be incurred by Grantor for correcting inadequate signing.
- 9. Standards of Construction:** All work shall conform to Kern County Development Standards, and the California Department of Transportation's Standard Specifications, current edition. This permit does not constitute approval of any violations of ordinances or regulations. The provisions of the permit shall supersede the Standard Specifications, if in conflict.
- 10. Survey Monuments:** All survey monuments within the project limits; in jeopardy of being covered, damaged, destroyed or otherwise disturbed; shall be tied out and have a corner record filed with the county surveyor prior to commencement of construction activities. Upon completion of construction the monuments will be reset, if necessary, and a standard survey monument encasement (Plate R-70) installed. A new corner record shall be filed with the county surveyor for all reset and/or replaced monuments. Corner records are to be submitted by a licensed land surveyor. Refer to section 8771 (b) of the Professional Land Surveyors' Act.
- 11. Supervision of Grantor:** All work to be done shall be subject to the supervision and satisfaction of the Grantor. When requested by Grantor, Permittee shall immediately provide test reports or other certificates specified by Grantor verifying compliance with the quality and performance requirements of the permit. Prior to commencing work Permittee shall give 48 hours' notice to Grantor, or the person specified on the Permit. Permittee shall give 24 hours' notice to Grantor if resuming work after moving off the job and prior to paving. (Failure to notify the County as stated shall immediately terminate this permit).
- 12. Maintenance, Repair, and Relocation:** Permittee shall properly maintain and repair any encroachment authorized herein, unless such maintenance and repair by Permittee is exempted by law, and shall exercise reasonable care in inspecting for and immediately repairing any injury to the highway which occurs as a result of the existence of said encroachment or as the result of any work done, hereunder. The Permittee agrees that upon request by the Grantor, said encroachment will be immediately removed at the Permittee's own sole risk, cost and expense, unless otherwise provided by law.
- 13. Liability for Damages:** The Permittee shall indemnify the County of Kern, and any of its officers, employees, servants and agents, and shall defend and hold them harmless from any and all claim of liability for personal injury or property damage due to any acts or failure to act in connection with any construction, repair or maintenance arising from or in connection with any



work permitted herein. It is the responsibility of the Permittee to determine the location of any existing underground facilities within the work area and to arrange for any necessary relocations.

**14. Making Repairs:** The Permittee shall promptly make any and all repairs to right-of-way surfaces and road paving unless the Grantor gives notice of its election to make such repairs itself. If the Grantor gives such notice, the Permittee shall immediately purchase and have delivered at the site materials specified by the Grantor. All payments for labor, equipment and other charges by the Grantor for or on account of such work shall be made by the Permittee within ten (10) days from the date of any bill, written order or voucher sent by or approved by the Grantor. The Grantor may require a deposit in an amount sufficient to cover the estimated cost before starting such.

**15. Care of Drainage:** Established drainage is not to be altered unless specifically authorized.

**16. Prosecution of the Work:** Permittee shall diligently perform the work with minimum interference to public traffic and adjacent properties. Access to adjacent properties shall always be maintained unless otherwise permitted by property owners. Unreasonable delays in completing the work may be cause for permit revocation and forfeiture of future permit privileges. Grantor reserves the right to require a performance bond of amount warranted by the nature of the work, prior to or during performance of the work.

**17. Submit As-Builts:** After completion of underground or surface work of consequence or if work differs from the plans submitted for the permit, the Permittee shall, when requested, furnish to the Public Works Department, an As-Built plan showing the exact location of encroachment and other details.

**18. Public Safety:** Excavations within the right of way shall comply with all applicable portions of Cal/OSHA requirements and California Code of Regulation Title 8 Section 1540 and following. Open trenches or pits left open during non-working hours shall be protected from the public via placement of "Non-Skid" steel trench plating properly secured to cover the opening. Unless otherwise specified in the permit, all excavations within the right of way must be backfilled and compacted within 72 hours.

**19. Pavement Resurfacing:** Pavement on traffic lanes shall be repaired on the same day excavation is made unless otherwise permitted by the Grantor. Temporary asphalt surfacing material (cold mix asphalt) four inches in thickness may be used provided the Permittee maintains the temporary surfacing until final repair is made. Final repair shall typically be completed within 10 days of excavation, unless extended by the Grantor through a rider, addendum, or plan review and approval.

**20. Maintain Surface:** The Permittee shall maintain the surface over all structures placed hereunder as long as same shall exist.

**21. Crossing Roadway:** Service and other small diameter pipes shall be jacked or otherwise forced underneath pavement without disturbing the surface thereof. The pavement or roadway shall not be cut or otherwise disturbed unless specifically permitted on the reverse side hereof. Service pipes are not permitted inside culvert structures used as drainage facilities.

**22. Casings:** A casing is required for all pipes crossing road containing water, gas, oil, or other liquids.

**23. Limit of Excavation:** No excavation shall be made closer than eight (8) feet from the edge of pavement except as may be specified on the reverse side hereof.

**24. Tunneling:** No tunneling is permitted except as specifically authorized on the reverse side hereof.

**25. Depth of Pipes:** There shall be a minimum of thirty-six (36) inches of cover over all other pipelines or conduits unless authorized by the Grantor.

**26. Backfilling:** Unless specified otherwise on the permit, all excavations shall be filled as soon as possible and compaction provided as follows: (A) Under all surfaced roads, driveways, or frontage paving, all of the excavated area which lies two (2) feet below the surface shall be compacted to 95% relative compaction. (B) In those portions of the County right of way not included in (A) above, the excavated area shall be compacted to 90% relative compaction or to the density equal to the native soil density, whichever is greater. The inspector may require compaction testing to ensure compliance with these requirements, the cost of this inspection will be the responsibility of the Grantee. A 2-sack slurry may be used in lieu of the above compaction requirements.

**27. Pipes Along the Roadway:** Pipes and utilities paralleling the pavement shall be located at such distance and at such depth from the pavement as specifically directed on the reverse side hereof. Cutting of tree roots is not permitted.

**28. Location of Pole Lines:** Unless otherwise specified on the permit, all pole lines and all above ground utility structures shall be a minimum of eight (8) feet from edge of pavement.

**29. Public Utilities Commission Orders:** All clearance and type of construction shall be in accordance with all applicable orders of the California Public Utilities Commission unless more restrictive provisions are required by County Ordinance.

**30. Permission from Property Owners:** Whenever deemed necessary by the Grantor, the Permittee shall secure written permission from abutting property owners prior to the starting of any work hereunder.

**31. Grades and Specifications:** Grades and types of construction shall be as detailed by plans or stated on the reverse side hereof.

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**Send Approved Permit by: (Check One)**

Call for Pickup:

Email:

Email Address: \_\_\_\_\_