



CITY OF MILLBRAE

ENCROACHMENT PERMIT PROCEDURES

WHEN ARE ENCROACHMENT PERMITS REQUIRED?

An encroachment permit is required for any work within the City of Millbrae's (City) Right-of-Way (ROW), City owned parcels, public easements, or utility easements. Typical scopes of work requiring an encroachment permit include sewer lateral replacements/installations, sidewalks, driveway approaches, temporary traffic control, curb and gutter, sidewalk drainage, debris box placement, and temporary storage container placement.

WHO CAN APPLY FOR AN ENCROACHMENT PERMIT?

The property owner or contractor performing the work are required to apply for encroachment permits. The contractor must hold an appropriate state contractor's license pertaining to the specified scope of work. Additionally, any contractor working in the City of Millbrae must hold a valid Millbrae Business License.

WHAT IS THE APPLICATION PROCESS AND WHAT ARE THE REQUIRED DOCUMENTS?

Application packages shall be submitted to pwpermits@ci.millbrae.ca.us including the following documents. Please allow 1 – 2 weeks for permit processing.

1. **Encroachment Permit Application Form** completed and signed by the applicant
2. **Plans** detailing the proposed work, work zone limits, dimensions, and all property lines
3. **Site specific temporary traffic control plan** (TCP) per CA MUTCD standards
4. **Certificate of Insurance** for Commercial General and/or Automobile Liability and Worker's Compensation

ENCROACHMENT PERMIT FEES AND DEPOSITS

Applicants are required to pay the applicable encroachment permit fees and refundable encroachment deposit to guarantee performance of the work per the [current service and fee schedule](#) prior to permit issuance. Permit fees are non-refundable. Security deposits may be refunded to the address listed on the application once all required work has been completed, approved, and the permit has been closed out by the City. Deposited funds that remain on balance will be refunded by check and take approximately 1 month to be received by the applicant after final sign-off.

APPLICATION REVIEW AND ENCROACHMENT PERMIT ISSUANCE

After the application is processed and the applicable fees and deposits have been paid, the application will be reviewed, and the encroachment permit will be signed and issued by Public Works Staff. Special conditions may be applied on the permit as deemed appropriate by the Department of Public Works and all conditions shall be adhered to by the permittee.

INSPECTION AND PERMIT CLOSE-OUT

The permittee must notify the Public Works Inspector a minimum of seventy-two (72) hours prior to the start of work. The permittee must also request the required inspections a minimum of twenty-four (24) hours, excluding weekends and holidays, prior to any inspection request: 650-259-2380



CITY OF MILLBRAE

Department of Public Works – Engineering Division
621 Magnolia Ave., Millbrae, CA 94030

P: (650) 259-2339 [Email application to PWPERMITS@CI.MILLBRAE.CA.US](mailto:Email.application.to.PWPERMITS@CI.MILLBRAE.CA.US)

APPLICATION FOR ENCROACHMENT PERMIT

*Required for all activities in the public right-of-way (row) or public easement.

*Any intrusion onto City ROW, facilities or utilities will require a bond.

NOTE: THIS FORM IS NOT AN ENCROACHMENT PERMIT & IT DOES NOT AUTHORIZE THE APPLICANT TO PERFORM ANY IMPROVEMENTS UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED. PERMIT FEES WILL BE ASSESSED ACCORDING TO THE FEE SCHEDULE IN EFFECT AT THE TIME THE PERMIT IS ISSUED. PLEASE MAKE SURE TO FILL OUT ALL SECTIONS.

PROJECT ADDRESS: _____ ☐ Residential ☐ Commercial

APPLICANT'S NAME:	E-MAIL:	PHONE NUMBER:
ADDRESS:		CITY/STATE/ZIP:
DEPOSIT REFUND TO (PROVIDE FULL NAME AND ADDRESS):		
CONTRACTOR'S COMPANY NAME:	E-MAIL:	PHONE NUMBER:
ADDRESS:		CITY/STATE/ZIP:
* CALIFORNIA CONTRACTOR LICENSE NO:	* MILLBRAE BUSINESS LICENSE NO:	USA TAG REFERENCE NO:
		CERTIFICATE OF INSURANCE ON FILE: <input type="checkbox"/> YES <input type="checkbox"/> NO
SUB - CONTRACTOR'S COMPANY NAME:	ADDRESS:	CITY/STATE/ZIP:
E-MAIL:	PHONE NUMBER:	FAX NUMBER:

CHECK ALL THAT APPLIES AND PROVIDE PROJECT DESCRIPTION:

- ☐ SIDEWALK/ CURB AND GUTTER/ DRIVEWAY APPROACH (ATTACH DRAWING OR PER APPROVED BUILDING PERMIT PLANS)
- ☐ SEWER MAIN/ LATERAL MODIFICATION (INSTALLATION/ REPLACEMENT OF SEWER MAIN, LATERAL AND/OR MANHOLE)
- ☐ WATER MAIN/ SERVICE MODIFICATION (INSTALLATION/ REPLACEMENT OF WATER MAIN, SERVICE AND/OR VALVE)
- ☐ STORM/ CURB DRAIN MODIFICATION (INSTALLATION/ REPLACEMENT OF STORM DRAIN MAIN, CATCH BASIN, CURB DRAIN AND/OR MANHOLE)
- ☐ HYDRANT FLOW TEST
- ☐ WATER METER UPGRADE/ MODIFICATION/ INSTALLATION
- ☐ TEMPORARY STORAGE IN RIGHT-OF-WAY (DEBRIS BOX, MOVING CONTAINER, SCAFFOLDING, ETC.)
- ☐ TRAFFIC CONTROL
- ☐ SIDEWALK CLOSURE/ PEDESTRIAN PROTECTION
- ☐ UTILITY IMPROVEMENT/ MODIFICATION/ INSTALLATION (UNDERGROUND AND OVERHEAD UTILITY WORK)
- ☐ OTHER

PROJECT DESCRIPTION (INCLUDE QUANTITIES AS NECESSARY TO DETERMINE PROJECT VALUATION):

NOTE: PLANS MUST BE PROVIDED FOR ALL SANITARY SEWER & DRAINAGE IMPROVEMENTS. INSURANCE AND A CURRENT MILLBRAE BUSINESS LICENSE ARE REQUIRED FOR ALL CONTRACTORS. A SAMPLE OF INSURANCE REQUIREMENTS CAN BE OBTAINED AT THE ENGINEERING DIVISION.

EXCAVATION DIMENSIONS (ATTACH COPY OF CAL/OSHA PERMIT IF DEPTH GREATER THAN 5 FEET): _____

ESTIMATED CONSTRUCTIONS COST (WORK IN CITY RIGHT-OF-WAY ONLY): _____

PROPOSED START DATE: _____ / _____ / _____ ESTIMATED COMPLETION DATE: _____ / _____ / _____

APPLICANT SIGNATURE

DATE

* Exempt if Owner-builder construction permit



CITY OF MILLBRAE

Department of Public Works – Engineering Division
621 Magnolia Ave., Millbrae, CA 94030

P: (650) 259-2339 Email applicationtoPWPERMITS@CI.MILLBRAE.CA.US

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LICENSED CONTRACTOR'S DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractor Name: _____

License No.: _____

License Class: _____

License Exp.: _____

Applicant Signature: _____

Date: _____

OWNER BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professional Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he/she is licensed pursuant to the provisions of the Contractor's Licensed Law Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he/she is exempt therefrom and for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Profession Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he/she did not build or improve for the purpose of sale.).

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's Licensed Law.).

I, am exempt under Section _____, B. & P.C. for this reason: _____

Applicant Signature: _____

Date: _____

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

☐ I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☐ I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

Carrier Name: _____ Policy No.: _____

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

☐ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Applicant Signature: _____

Date: _____

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Section 3097, Civ. C.)

Lender's Name: _____

Lender's Address: _____

I ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE, THAT I HAVE READ THE APPLICATION AND ATTACHED GENERAL CONDITIONS, THAT I AM THE OWNER OR AUTHORIZED AGENT OF THE OWNER TO ACT AND CONSENT ON THEIR BEHALF, AND THAT I AGREE TO COMPLY WITH THE ATTACHED CONDITIONS, INCLUDING ANY SPECIAL CONDITIONS, AND ALL APPLICABLE PROVISIONS OF STATE LAWS, CITY ORDINANCES, AND RULES OF ANY GOVERNMENTAL AGENCY INVOLVED.

APPLICANT SIGNATURE

DATE

Encroachment Permit General Conditions

1	<p>STANDARD REFERENCES: All work performed in the City of Millbrae's (City) Right-of-Way shall conform to the below standards in the following order unless otherwise approved:</p> <ol style="list-style-type: none"> 1. Millbrae Standard Plans and Specifications* 2. California Manual on Uniform Traffic Control Devices (CA MUTCD) 3. Caltrans Standard Specifications 4. Caltrans Standard Plans 5. Greenbook Standard Specifications for Public Works Construction <p>* https://www.ci.millbrae.ca.us/306/Public-Works-Standards</p>
2	<p>RESPONSIBLE PARTY: No other party other than the named permittee or their agent is authorized to work under the issued encroachment permit.</p>
3	<p>VALIDITY PERIOD: The validity period of this permit is as described in the application. The permit shall be void if construction has not begun within thirty (30) calendar days of the date of permit issuance. The permit is revocable immediately upon notice by the City Engineer. Upon revocation or expiration of this permit, the permittee shall suspend all activity within the property and shall be responsible for the repair of any damage to property owned by the City caused by the permittee.</p>
4	<p>FEES AND SECURITY: Issuance of this encroachment permit is conditioned upon payment of the permit fee, deposits/bonds, charges, and any other applicable fees or security. The permittee certifies that neither the permittee nor the owner of any facilities to be installed, used, or repaired in the public right-of-way are subject to any outstanding assessments, fees, penalties, or charges issued by the City.</p>
5	<p>LICENSES: The contractor shall maintain a valid Millbrae Business License and State Contractor License, as applicable, for the entire duration of work.</p>
6	<p>PERMIT ON SITE: The permittee shall always keep the issued encroachment permit on the job site while the work is occurring and shall provide the permit upon demand of a City representative. Work may be suspended if the permit is not readily available on the job site.</p>
7	<p>INSPECTION: All work is subject to monitoring, inspection, and approval by the City. The permittee shall schedule all applicable inspections a minimum of twenty-four (24) hours, excluding weekends and holidays, prior to the requested inspection time by calling 650-259-2380.</p>
8	<p>NOTICE PRIOR TO START OF WORK: Before the start of work, the permittee shall notify the Public Works Inspector a minimum of seventy-two (72) hours prior to the initial start date. When work is suspended for more than five (5) working days, an additional one (1) working day notification is required. See special conditions on the encroachment permit if required to notify nearby properties. Construction activities are restricted to weekdays between 8 AM – 4 PM in the public right-of-way but may vary depending on the scope of work and location.</p>

9	<p>PUBLIC NOTICE PRIOR TO START OF WORK: The permittee shall distribute advance construction notifications to any affected properties a minimum of two (2) weeks prior to the start of work. A second notification is required to be distributed to affected properties seventy-two (72) hours prior to the start of work. The public notice shall have contact person, permit number, and location of work. A copy of the public notice shall be emailed to pwpermits@ci.millbrae.ca.us with the subject heading "Notification of Work".</p>
10	<p>ACCEPTANCE OF PROVISIONS: All requirements and special provisions as stated on the encroachment permit shall be met by the permittee upon commencement of work authorized by the issuance of the encroachment permit.</p>
11	<p>UNDERGROUND SERVICE ALERT: The permittee shall contact and open a ticket with the Underground Service Alert by calling 811 or visiting www.usanorth811.org a minimum of two (2) working days prior to scheduled work.</p> <p>Prior to excavation, the permittee shall confirm all utilities on the ticket have responded.</p>
12	<p>WORK CONDITIONS:</p> <ul style="list-style-type: none"> a. Work may only be performed, and traffic control devices shall only be deployed between the hours of 8 AM to 4 PM Monday through Friday unless otherwise restricted or authorized by City Staff. No work is permitted on weekends or City Holidays unless authorized by City Staff. All proposed traffic control is subject to review and approval by the Department of Public Works. b. If "NO PARKING" signs are required, the permittee shall obtain City official signage from the Department of Public Works Engineering and post them at least seventy-two (72) hours in advance of the work. The signs shall include the permit number, contractor's name, and a 24-hour contact phone number visible from the work area. c. The permittee shall maintain a clean, safe, and orderly work area at all times and shall not use the public right-of-way as a storage area when no work is being performed. The permittee shall sweep and clean the right-of-way of any dirt and/or debris caused by the project. d. If the proposed work will interfere with established drainage, the permittee shall make provisions for drainage as accepted by the City. e. No hazardous materials shall be handled at any time on the job site. Should any discharge, leakage, spillage, emission, or pollution of any kind occur from the job site, the permittee shall clean all affected property to the satisfaction of the City. f. If hazardous materials are encountered during excavation, the permittee shall immediately notify the City and properly dispose of such materials in accordance with federal, state, and local laws. g. Open trenches or holes shall be satisfactorily covered at all times when no work is conducted in the vicinity. No trench shall be left open at the end of the work day unless filled with temporary backfill and paving or secured with tacked down

	<p>steel plates and paving.</p> <p>h. The permittee certifies that all material to be used, including material for restoration in the public right-of-way, is available for use prior to start of work.</p> <p>i. All work undertaken by the permittee shall be at no cost or expense to the City and shall be at the sole cost and expense of the permittee. The permittee or authorized agent of the owner/applicant hereby releases the City from and waives all claims against the City for liability, payment, reimbursement, or expense for such work. All work shall be conducted in a manner that does not interfere with the City's operations, properties, facilities, and utilities, except for what is explicitly permitted.</p> <p>j. Prior to issuance of the encroachment permit, for any work that involves removal, interference, or modification of a tree, the permittee shall apply for the necessary separate permit(s). Please contact:</p> <ul style="list-style-type: none"> a. Parks Division (650) 259-2339 b. Planning Division (650) 259-2341
13	<p>TRAFFIC CONTROL: The permittee shall provide the appropriate vehicle, pedestrian, and bicycle traffic control measures at no cost to the City. All traffic controls shall conform to the CA MUTCD and Caltrans Standard Specifications.</p> <p>All work shall be conducted with the least possible inconvenience to the traveling public. The permittee shall assign properly trained flagger(s) to direct traffic in conformance with the flagging control section(s) in the CA MUTCD. Traffic shall not be unreasonably delayed. Abutting property owners shall be inconvenienced as little as possible. All work is subject to suspension if traffic delays are deemed excessive by the City.</p> <p>A Stop Work Order may be issued by the City if adequate traffic control measures are not in place.</p>
14	<p>REVISIONS: The permittee shall not revise the permitted plans without submitting revisions for review and approval by the City.</p>
15	<p>RESTORATION AND COMPLETION OF WORK:</p> <ul style="list-style-type: none"> a. Prior to completion of work, the permittee shall request that the City conduct a final inspection by scheduling with the Public Works Inspector. b. The deposit or bond to cover restoration of the City's Right-of-Way will not be returned if the permittee fails to sufficiently restore or abandons the project. The amount of such deposit or bond shall be determined based on the Construction Cost, Engineer's Estimate, or determined by Public Works Staff on a project-by-project basis. c. Any monuments removed during the work shall be replaced and reestablished to conform to City standards and state law.

16	<p>WARRANTY:</p> <ul style="list-style-type: none"> a. The permittee is responsible for remedying any deficiencies determined by the City such as subsurface material or failing pavement. Any deficiencies identified by the City shall be addressed by the permittee within seventy-two (72) hours of notification by the City. b. If the deficiencies are not remedied, the City may repair or restore at the expense of the permittee as the City deems appropriate. If the permittee fails to compensate the City within thirty (30) business days of notification, the City reserves the right to take any actions necessary to recover its damages, costs, and expenses, including but not limited to withholding the performance deposit or any remaining permit fee amounts, or commencing action against the bond. c. Repair or restoration by the City shall not relieve the permittee from any and all liability at the site of repair or restoration including but not limited to future failures.
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