



1 improvement, structure or encroachment at the permittee's expense for the benefit of the County  
2 or to relocate the improvement, structure or encroachment at the permittee's expense, where in  
3 the opinion of the County Transportation Director, such action is reasonably necessary to avoid,  
4 for the benefit of any public utility company, public agency or district, political subdivision, or any  
5 other person or agency having a right to use the County highway for the purpose proposed, a  
6 crossing conflict or underground interference; but the acceptance of a permit shall not be deemed  
7 a waiver by the permittee of any contractual or statutory right against any party for reimbursement  
8 of the expense of such removal or relocation. Every such permit shall be subject to such conditions  
9 as the County Transportation Director determines are necessary to assure the safety of the  
10 traveling public and the restoration of the highway, including pavement surfaces, ground surfaces,  
11 and subsurfaces within highway rights of way. The County Transportation Director may require  
12 such surety bond or deposit of money as in his judgment may be necessary to secure performance  
13 of the conditions of the permit and the replacement or restoration of the highway, including  
14 pavement surfaces, ground surfaces, and subsurfaces within highway rights of way, and any  
15 survey monuments or other improvements that may have been disturbed. The County  
16 Transportation Director may, where convenient to road work he has programmed, or for other  
17 reasons of County convenience, arrange to do the work of replacement to pavement or restoration  
18 of the roadway at the expense of the permittee. Permittee shall backfill excavation to current  
19 County standards in accordance with County Ordinance 461. If required, permittee shall also  
20 restore the County highway or right of way to its condition prior to excavation. If any permittee  
21 shall fail to backfill any excavation or to restore the County highway or right of way to its condition  
22 prior to the excavation, the County Transportation Director shall have the right to perform said  
23 work and collect in the name of the County the cost thereof.

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25 **Section 2.2.** UTILITY MAINTENANCE AND RELOCATION. Each public utility company,  
26 public agency or district, or political subdivision shall maintain its public utility improvements,  
27 structures, substructures, and other facilities within County road rights of way to current utility  
28 standards and to at least current, applicable County standards, whether or not the encroachment

1 permit for the construction or installation of subject facilities was issued to the current owner.  
2 When it is determined to be in the interest of the public and the County, the Transportation  
3 Director may allow a private developer to obtain an encroachment permit for the construction or  
4 installation of public utility facilities for subsequent ownership by a public utility company, public  
5 agency or district, or political subdivision. In such a case, the public utility company, public agency  
6 or district, or political subdivision shall obtain an encroachment permit for the operation and  
7 maintenance of said public utility facilities prior to the issuance of the construction or installation  
8 permit. Upon satisfactory construction or installation of the public utility facilities including trench  
9 backfill and overlying road surfaces, the public utility company, public agency or district, or political  
10 subdivision, not the private developer, shall operate and maintain said facilities in compliance with  
11 the aforementioned encroachment permit.

12 For the purpose of the design or construction of public works projects within County rights  
13 of way, the public utility company, public agency or district, or political subdivision shall, upon  
14 request by the County, identify the vertical and horizontal location of existing utilities, based on  
15 record drawings (also known as 'as-built' drawings) or, if mutually agreed upon, when it is  
16 determined there may be conflicts with existing utility facilities, by excavating and exposing the  
17 existing utility facilities. The County shall utilize information about existing utility facilities to avoid  
18 or limit design or construction conflicts in an effort to keep relocation costs to a minimum.

19 The public utility company, public agency or district, or political subdivision shall, upon receipt of a  
20 request from the County of Riverside to remove or relocate utility facilities that are in conflict with  
21 a public works project on public right of way, cause the conflicting facilities to be removed or  
22 relocated in a diligent manner so as to avoid any delays or costs to the public works project. The  
23 public utility company, public agency or district, or political subdivision shall reimburse the County  
24 of Riverside, upon receipt of billing, for any delays or costs attributable to the failure of the public  
25 utility company, public agency or district, or political subdivision to remove or relocate conflicting  
26 utility facilities in a timely manner.

27 The public utility company, public agency or district, or political subdivision owning any  
28 utility facilities situated within County rights of way shall be responsible for all costs and liability,

1 resulting from damage to public and private property and personal injury, which is caused by the  
2 construction, installation, operation, maintenance or failure of any utility facility. The public utility  
3 company, public agency or district, or political subdivision shall reimburse the County of Riverside  
4 for all costs incurred by the County in the protection of life and property where required due to  
5 any failure of a utility facility, or due to any unsafe construction, installation, operation, or  
6 maintenance of the utility facility, within County rights of way.

7  
8 **Section 3. EXCEPTIONS.** An excavation or encroachment may be made without first  
9 obtaining a permit for repair or replacement of a facility previously installed only when necessary  
10 for the immediate protection or preservation of life or property, and provided that such a permit be  
11 obtained on the first business day thereafter, and further provided that said excavation is made in  
12 such manner as to give full protection to the users of such highway and the County of Riverside.

13 No permit shall be required for the loading or unloading of agricultural produce or produce  
14 containers. All such operations shall where possible be conducted off of the paved or traveled part  
15 of any county highway. If any part of the loading or unloading occurs on the paved or traveled  
16 portion of such highway, appropriate visible warnings shall be posted for the protection of traffic  
17 approaching from each direction, and if such operation leaves less than one traffic lane available  
18 for travel in either direction, a flagman shall be used at the sole risk of the operator. Use of  
19 warnings and flagmen shall be in accordance with published standards of the State Department of  
20 Transportation. Overnight storage of containers, agricultural products or unlicensed vehicles on  
21 the shoulder of any county highway or within eight feet of the traveled portion of such highway is  
22 prohibited. Bulk manure not in containers may be temporarily stored or stockpiled within the right  
23 of way of a county highway only when intended to be used on the abutting agricultural lands as  
24 follows:

25 1. On any portion of the right of way obviously not graded, improved or used for vehicle  
26 travel, sidewalk or drainage purposes.

27 2. On any unpaved graded shoulder of a paved highway, not closer than 4 feet from the  
28 pavement nor in such location as will impede or impair highway drainage.

1           3.       On the graded shoulder of a highway less than 4 feet from the pavement only if  
2 there is no other location available and only if warning lights and signs to protect the traveling  
3 public are placed and maintained during any overnight storage at such place.

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5           **Section 4. TREE REMOVAL.** No person, firm, corporation, public district, public agency or  
6 political subdivision shall remove or severely trim any tree planted in the right of way of any  
7 County highway without first obtaining a permit from the County Transportation Director to do so.  
8 Such permit shall be issued without fee, if the County Transportation Director is satisfied that such  
9 removal or trimming is in the public interest or is necessary for the improvement of the right of  
10 way or the construction of improvements on adjacent land. He may impose such conditions as he  
11 deems reasonable or necessary, including requirements for the work to be done only by a qualified  
12 tree surgeon or tree trimmer actually engaged in that business, and for bond, insurance or other  
13 security to protect person and property from injury or damage. The provisions limiting trimming of  
14 trees shall not apply to any public utility maintaining overhead power of communication lines  
15 pursuant to franchise, where necessary to prevent interference of a tree with such installation. A  
16 permit for removal of a tree may be conditioned upon its relocation or replacement by one or more  
17 other trees of a kind or type to be specified in the permit.

18  
19           **Section 5. APPLICATION.** Each application for a permit under this ordinance shall be in  
20 writing in the name of the person or agency owning the encroachment and controlling the  
21 excavation and shall be signed by such person or agency or by his or its agent authorized in  
22 writing. The application shall be submitted on a form supplied by the County Transportation  
23 Director and shall contain or be accompanied by such information as he may require. Each permit  
24 shall be in writing, signed by the County Transportation Director or his representative, on a form to  
25 be furnished by him.

1           **Section 6. FEES.**

2           A.    The permit fees and inspection fees required by this ordinance shall be paid at or after  
3 the time application is filed, but in any event before the permit is issued. Said fees for permits,  
4 which shall not be refundable, and for inspections shall be as set out in the tables contained in  
5 Appendix A of this ordinance.

6           B.    When it is mutually agreed to by the applicant and the Transportation Director, or his  
7 or her designee, any fee required by this ordinance may be treated and accounted for as a deposit-  
8 based, actual-cost fee in the same manner as is detailed in section 1.1 of Riverside County  
9 Ordinance No. 671.

10          C.    DEPOSIT-BASED, ACTUAL-COST FEES.

11           1.    Certain project functions within this ordinance are designated as requiring  
12 deposit-based fees and are identified as such with the legend "Deposit-based Fee:"  
13 following the function title.

14           2.    For deposit-based fee functions only, fees collected in excess of the actual cost of  
15 providing the specific service shall be refunded. Applications whose work require a cost  
16 to the designated department beyond the estimated fee collected as a deposit shall  
17 require an additional deposit. Work on any application will cease when the deposit is  
18 depleted and will resume when additional deposits are received.

19           3.    The County will make draws against deposited funds on biweekly intervals based  
20 on payroll accounting cycles and at the fully burdened hourly rates for each job  
21 classification required to provide a specified service. Hourly rates for services shall be  
22 established through the yearly budget process and adopted by the Board of Supervisors  
23 as part of the County Budget public hearings.

24           4.    Deposits for applications will be collected upon submittal of the application.  
25 Deposits will be monitored and, when 80% depleted, an analysis of the project will be  
26 done to determine if the remaining portion of the deposit will cover expected project  
27 completion costs. If costs are expected to exceed the remaining deposit in an amount of  
28 \$5.00 or more, additional deposits will be required to be submitted to recover the

1 estimated full cost for completion. Additional deposits will be determined on a case by  
2 case basis based on the estimated cost to complete the application.

3 5. A full accounting of each application will be made within 45 days of decision of  
4 the application and provided to the applicant. Remaining deposits of \$5.00 or more will  
5 be refunded to the applicant.

6 6. When it is mutually agreed to by the applicant and the department or agency to  
7 which a fee applies, any fee not designated a "Deposit-based Fee:" may be treated and  
8 accounted for as a deposit-based fee in the manner established in paragraphs 1 through  
9 5 of this subdivision.

10  
11 **Section 7. EXEMPTIONS.**

12 A. The following shall be exempted from payment of the permit  
13 fee for an excavation or encroachment:

14 1. Every public district, public agency or political subdivision having lawful  
15 authority to use the right of way or highway for the purpose specified.

16 2. Street improvements under special assessment or improvement district  
17 proceedings conducted by the Board of Supervisors.

18 3. Public utility and public service facilities installed pursuant to specific contract  
19 with the County of Riverside and under the control thereof

20 or a County Service Area thereof.

21 4. Paragraphs 2 and 3 of this subdivision apply only when the subject  
22 improvements are constructed by a county agency. If constructed by a private  
23 contractor, all permit and fee requirements as established by this ordinance are  
24 applicable.

25 B. The following shall be exempted from the payment of the inspection fee for an  
26 excavation or encroachment:

27 1. Street improvements under special assessment or improvement district  
28 proceedings conducted by the Board of Supervisors.

1           2.     Public utility and public service facilities installed pursuant to specific contract  
2 with the County of Riverside and under the control thereof or a County Service Area thereof.

3           3.     Paragraphs 1 and 2 of this subdivision apply only when the subject  
4 improvements are constructed by a county agency. If constructed by a private contractor,  
5 all permit and fee requirements as established by this ordinance are applicable.

6           C.     Subdivision improvements to be constructed pursuant to agreement with the County  
7 of Riverside are exempt from this ordinance.

8  
9           **Section 8. BLANKET PERMITS.** The Transportation Director may issue to any applicant a  
10 blanket permit for a series of excavations or encroachments of the same type or types. This  
11 provision shall be broadly applied to reduce administrative costs of both County and applicant. In  
12 the event that the terms and conditions of the blanket permit are violated, it may be revoked and  
13 the permittee may be required to obtain a separate permit for each encroachment.

14  
15           **Section 9. PENALTIES.** Any person who does any act for which a permit is required by  
16 this ordinance, without first obtaining such permit, or who, having obtained such a permit, violates  
17 any term or condition thereof and thereby jeopardizes or injures person or property, is guilty of a  
18 misdemeanor and shall be punishable by a fine of not more than \$1,000.00, or by imprisonment in  
19 the county jail for not more than 6 months, or by both such fine and imprisonment. Nothing herein  
20 shall be deemed to deprive any person of any civil right or remedy he may have against a violator  
21 of this ordinance, nor to deprive the County of Riverside of any cause of action which it may have  
22 against such violator, regardless of any prosecution or conviction under this section.

23           Any person who violates the provisions of the second paragraph of Section 3 of this  
24 ordinance is guilty of a misdemeanor which shall be punishable as provided in this section.

25  
26           **Section 10. SEVERABILITY.** If any provision, clause, sentence, or paragraph of this  
27 ordinance, or the application thereof to any person, entity, or circumstances, shall be held invalid,  
28 such invalidity shall not affect the other remaining provisions of this ordinance which can be given

1 effect without the invalid provision or application, and to this end, the provisions of this ordinance  
2 are hereby declared to be severable.

3  
4 **Section 4.** EFFECTIVE DATE. This ordinance shall take effect 60 days after adoption.

5 BOARD OF SUPERVISORS OF THE COUNTY  
6 OF RIVERSIDE, STATE OF CALIFORNIA

7 BY \_\_\_\_\_  
Chairman

8 ATTEST:

9 Nancy Romero  
10 Clerk of the Board

11 BY \_\_\_\_\_  
Deputy

12 (SEAL)

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25 FORM APPROVED  
COUNTY COUNSEL

26 NOV 18 2003

27 BY   
28

**APPENDIX A**

**ENCROACHMENT**

	Permit Fee	Inspection Fee	Unit Inspection Fee	Total Permit Fee
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**MINOR**

Tree planting, trimming or removal	\$69.00	\$19.00	each		varies
Minor drainage structures (Std 303/309/310)	\$69.00	4% cost			varies
Operate and maintain permits	\$69.00	\$0.00			\$69.00
Seismic refraction survey	\$69.00	\$183.00			\$252.00
Residential driveway approach	\$69.00	\$93.00			\$162.00
Blanket permit - utilities	\$69.00	\$931.00		Annually	\$1000.00
Riders (extensions of time)	\$69.00	\$0.00			\$69.00

**INVOLVED**

Catch basin 300 (4', 7', 14', 21', 28')	\$112.00	3% cost			varies
Drop inlet / Overside Drain	\$112.00	3% cost			varies
Water / Sewer laterals	\$112.00	\$183.00	plus	\$0.20 lf	varies
Trap Fences	\$112.00	\$183.00	plus	\$0.20 lf	varies
Monitoring Wells / soil borings	\$112.00	\$183.00			\$295.00
Landscape / irrigation	\$112.00	\$183.00	plus	\$0.20 lf	varies
Commercial driveway approach	\$112.00	\$230.00			\$342.00
Grading in right of way	\$112.00	\$183.00	plus	\$0.20 lf	varies
Curbs and gutters	\$112.00	\$183.00	plus	\$0.20 lf	varies
Concrete sidewalks	\$112.00	\$183.00	plus	\$0.20 lf	varies
Filming	\$112.00	\$91.50	per day		varies
Temporary power poles	\$112.00	\$183.00	plus	\$0.20 lf	varies
Riders (changes)	\$112.00	plus other	appl.	charges	varies
Heavy equipment crossings	\$112.00	\$91.50	per day		varies
AC Paving	\$112.00			\$0.07 sf	varies
Pedestrian benches	\$112.00	\$183.00			\$295.00
Utility service connections involving trenching	\$112.00	\$183.00	plus	\$0.20 lf	varies
County required utility relocations	\$0.00	\$0.00			no fee

**EXTENSIVE**

Dry / Wet Utility trenches (less than 1000 feet)	\$156.00	\$183.00	plus	\$0.20 lf	varies
Road Closures	\$156.00	\$91.50	per day		varies
Street, Water, Sewer, Storm Drain (tr's / pm's only)	\$156.00	\$0.00			\$156.00
Storm drains	\$156.00	\$183.00	plus	\$0.20 lf	varies

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**DEPOSIT BASED**

(initial deposit amount)

Traffic signal	\$112.00	3% cost			varies
Bridges and drainage structures	\$156.00	3% cost			varies
Permanent poles / aerial cable	\$156.00	\$183.00	plus	\$0.20 lf	varies
Dry / Wet Utility trenches (1000 feet +)	\$405.00	\$183.00	plus	\$0.20 lf	varies

**PENALTIES**

Work done without benefit of permit (minor)	\$250.00		plus	2 X fee	varies
Work done without benefit of permit (involved)	\$500.00		plus	2 X fee	varies
Work done without benefit of permit (extensive)	\$1,000.00		plus	2 X fee	varies
Illegal cutting pavement (in addition to permit costs)	\$1,000.00		plus	\$0.25 sf	varies
Failure to notify County of work done under blanket permit	\$1,000.00			revoked	\$1,000.00

**MISCELLANEOUS**

Miscellaneous Plan Review / Field Review	Current DBF hourly labor / equipment usage rates			varies
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## EXHIBIT A

### REVENUE RECEIVED VS. EXPENDITURES

	<b>Encroachment Permit Expenditures</b>	<b>Encroachment Permit Revenue</b>	<b>Revenue over (under) Expenses</b>
Jan – Dec 2001	928,197.97	365,806.01	(562,391.96)
Jan – Dec 2002	925,271.35	819,008.74	(106,262.61)
<b>Two Year Average</b>	<b>\$926,734.66</b>	<b>\$592,407.38</b>	<b>(\$334,327.29)</b>

**Percentage Shortfall = 56%**

## Exhibit "B"

### Tiered Averages / Processing Fees

<b>Minor</b>	\$79.87 Bellholes
	\$69.45 Flat Outlet Drain
	\$55.48 Operate and Maintain Permits
	\$69.45 Private Drain, thru Curb
	\$71.90 Rider
	average = <u>        </u> \$69.23
<b>rounded =</b> <span style="border: 1px solid black; padding: 2px;">\$69.00</span>	
<b>Involved</b>	\$112.89 Commercial D/W
	\$110.94 Dry Utility
	\$103.43 Dry Utility Crossings
	\$104.25 Grading
	\$90.08 Monitoring Wells / Soil Borings
	\$115.94 Residential D/W
	\$125.54 Street/Water/Sewer, Suidivisions
	\$126.20 Storm Drains
	\$115.78 Temp Power Poles
	average = <u>        </u> \$111.67
<b>rounded =</b> <span style="border: 1px solid black; padding: 2px;">\$112.00</span>	
<b>Extensive</b>	\$207.05 Curb and Gutter
	\$140.20 Heavy Equip Xings / Dirt Haul
	\$140.41 Landscape / Irrigation
	\$178.18 Road Closures
	\$135.95 Under s/w Drain
	\$132.35 Water / Sewer Lateral
average = <u>        </u> \$155.69	
<b>rounded =</b> <span style="border: 1px solid black; padding: 2px;">\$156.00</span>	
<b>Large Systems / DBF</b>	\$405.06 Water / Sewer Mains (large)
<b>rounded =</b> <span style="border: 1px solid black; padding: 2px;">\$405.00</span>	

**Exhibit "B", cont.**

**Processing Fee Averages**

From Case Study Period

Permit Type	Number Cases	Processing Total Cost	Average Cost
Bellholes	28	\$2,236.32	\$79.87
Comm d/w	4	\$451.55	\$112.89
Curb and Gutter	1	\$207.05	\$207.05
Dry Utility Trench	83	\$9,208.10	\$110.94
Dry Utility Xings Only	16	\$1,654.85	\$103.43
Equipment Xings/Dirt Haul	1	\$140.20	\$140.20
Flat Outlet Drain	1	\$69.45	\$69.45
Grading	1	\$104.25	\$104.25
Landscape/Irrigation	5	\$702.05	\$140.41
Monitoring Wells/Soil Borings	5	\$450.40	\$90.08
Operate and Maintain	14	\$776.75	\$55.48
Private Drain Thru Curb	1	\$69.45	\$69.45
Res d/w	30	\$3,478.30	\$115.94
Rider Change	1	\$71.90	\$71.90
Road Closure/Detour	2	\$356.35	\$178.18
St Wtr Swr (Subdivisions)	8	\$1,004.30	\$125.54
Storm Drains	1	\$126.20	\$126.20
Temp Power Poles	13	\$1,505.20	\$115.78
Under S/W Drain	1	\$135.95	\$135.95
Water/Sewer Lateral	23	\$3,044.12	\$132.35
Water/Sewer Main	10	\$4,050.64	\$405.06
Grand Total =		\$29,843.38	

Exhibit "C"

**PERMIT INSPECTION COST BREAKDOWN**

**Fee Calculations**

Item	Loaded Hrly Rate
Permit Inspection DBF Rate	\$81.00 (to be consistent with DBF cases)
Equipment Rental Rate	\$10.50
Total =	<b>\$91.50 Hourly Rate</b>
	<b>\$1.53 Per Minute Rate</b>

**Base Inspection Fee**

Hourly Rate	Minimum Hours	Base Fee
\$91.50	2	\$183.00

**Linear Footage Permits / Utility Trenches**

Total Minutes Inspection	Total Footage	Minutes/Lin Ft.	Loaded Rate	Inspection Cost
11008	85335	0.129	\$1.53	0.20 per lf

**Residential D/W Approach**

Total Minutes Inspection	Total Permits	Minutes/Permit	Loaded Rate	Inspection Cost	Use
1660	27	61	\$1.53	\$93.33	\$93.00

**Commercial D/W Approach**

Total Minutes Inspection	Total Permits	Minutes/Permit	Loaded Rate	Inspection Cost	Use
600	4	150	\$1.53	\$229.50	\$230.00