

# North County Transit District

## Encroachment Permit Application Process



### **Background**

North County Transit District (NCTD) was created in 1976 and owns the railroad right-of-way (ROW) from Orange County line to the Del Mar/San Diego border and from Oceanside to Escondido. NCTD maintains the ROW from Orange County to Santa Fe Depot and from Oceanside to Escondido. The ROW varies from 100-300 feet in width. Passenger and freight trains travel on the coastal ROW every day of the year at speeds up to 90 miles per hour. Passenger and freight trains travel on the inland ROW every day of the year at speeds up to 55 miles per hour.

### **NCTD's Comprehensive Real Estate Policy**

NCTD may allow the use of its real estate by public agencies, utilities, telecommunications companies, and others provided that the proposed use does not interfere with NCTD's current or planned use of the real estate. Applicants have the sole responsibility for relocating any improvements at their expense if necessary to accommodate NCTD's future use; they must reimburse NCTD for all costs associated with the proposed use; and they must pay fair market value for the use.

### **Types of Encroachment Documents**

No matter the purpose, all entry on the ROW requires a permit. If permanent improvements are to remain in the ROW, either a License Agreement or Lease is also required. The Applicant must obtain a License or Lease from before a permit will be issued.

#### Joint Right-of-Entry (JROE) permits, licenses and leases

The Metropolitan Transit System ("MTS") owns the ROW located within the boundaries of the City of San Diego. Projects south of Del Mar require a Joint NCTD/MTS permit, additional review, cost and time to process. To obtain further details about JROE permits, licenses and leases, Applicants should contact MTS.

#### NCTD Right-of-Entry (ROE) Permit

Applicants whose projects are in the City of Del Mar and locations north on the coastal ROW, or on NCTD's inland ROW, must obtain a ROE permit from NCTD prior to commencing work. A separate ROE permit is required each time work is performed.

NCTD requires the Applicant to deposit the estimated amount of reimbursable costs; attend railroad safety training; provide evidence of liability insurance naming NCTD and other rail users as additional insured; and to meet other conditions determined by NCTD to be necessary to protect NCTD's real property and railroad operations, prior to issuance of the ROE permit.

#### NCTD License and Lease

A License or Lease is required for any permanent improvement or facility that will be located on NCTD property, such as a fence, pipeline or aerial cable. The Licensee or Tenant must maintain the facility at their sole expense, relocate or remove the facility at their sole expense upon notice from NCTD, and maintain liability insurance naming NCTD and other rail users as additional insureds. The License or Lease contains other conditions as NCTD determines are necessary to protect NCTD's real estate and railroad operations. Licensees and Tenants will be required to pay fair value for the use of the property. Payment of fair market value is required for placement of private facilities, and public facilities which are constructed as part of a private project and dedicated to a member agency.

### **Application Packages**

Applicants requesting permission to enter NCTD property estate must submit an application and obtain a Right-of-Entry Permit, a License, or both prior to commencement of the project or use. Completed applications must include three (3) sets of plans.

Plans must show details of the proposed construction affecting the tracks and NCTD's real estate or facilities. The plans must show property lines, all rail facilities and distance to, below or above the rail.

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Three (3) sets of false work plans, false work removal plans, shoring plans, cribbing plans and calculations for false work, shoring or cribbing which are proposed to be located over, under or within 30 feet of tracks must be included with the general plans if not indicated elsewhere. Plans and calculations must be stamped by a registered Professional Engineer licensed in the State of California.

### **Application Review Process**

NCTD departmental staff and consultants will review applications and plans to determine the potential impact upon NCTD real estate and operations. NCTD reviews applications and plans as staff time is available. The initial review may require 4 to 6 weeks from receipt of completed application.

Generally, NCTD will communicate its provisional approval or denial via e-mail, telephone or letter within 45 days of receipt of completed application. Do NOT proceed if NCTD sends a denial letter! Re-submit to meet the criteria.

If the application does not propose permanent improvements or facilities within the ROW, NCTD will prepare the ROE permit and send it to the Applicant for signature. The Applicant will sign and return the document with applicable fees. NCTD will execute the ROE permit and return a copy to the Applicant.

If permanent improvements or a request to lease is proposed, NCTD will obtain a cost estimate for an appraisal and communicate that dollar estimate to the Applicant. The Applicant must pay for the appraisal. Upon completion of the appraisal and satisfactory acceptance of the valuation, NCTD will prepare and send the License or Lease to the Applicant for signature. The Applicant will sign the License or Lease. NCTD will execute the License or Lease and return a copy to the Applicant.

### **First Submittal/Counter Help**

Counter help is available to guide the Applicant's first submittal and provide criteria the project must meet. Counter help is provided at no charge to the Applicant however, NCTD staff cannot design the Applicant's project. Extensive staff involvement or multiple meetings with staff or NCTD's consultants will be charged against the deposit (see "Deposit" below).

### **Fees and Deposits**

#### Application Fees

A non-refundable application review fee of \$250 must be included for consideration of any application. Payment of the application fee does not guarantee or imply NCTD's acceptance or approval of the proposed project or use.

#### Appraisal Fee

If NCTD requires an appraisal to establish fair market value of the property, the Applicant must pay the cost of the appraisal. NCTD will obtain a cost estimate before the appraisal is conducted.

#### Right-of-Entry

If the Applicant's project is approved, the Applicant will submit a non-refundable permit fee. The minimum permit fee is \$ 1,000; in some cases the fee will be higher.

#### Deposit

NCTD will consider the Applicant's project, and estimate the cost of flagging, inspection, contractor safety training, permit administration, construction oversight, and other anticipated NCTD expenses. NCTD will notify Applicant of the estimated cost of engineering review or appraisal fees prior to issuing a ROE permit. Applicant must deposit with NCTD such estimated amounts prior to the commencement of Applicant's work on the railroad property. Depending on the length and intensity of activity, additional deposits may be required. NCTD will promptly refund any unused deposit after completion of the work and clearing of all charges against it.

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### Exhibit or As-Built Fee

Applicant must provide as-built drawings signed by the resident engineer for facilities that are permanently placed upon NCTD's ROW. NCTD may require a separate as-built deposit with each application for a License or amendment thereto. The deposit will be returned in its entirety upon NCTD's satisfaction with the exhibit.

### License Fees

Licenses carry an annual fee. The nature, location and size of the facility determine the amount of this fee. Please refer to the fee schedule attached hereto.

### **Insurance**

The ROE permit, License or Lease will specify the types, limits, and other insurance and indemnification requirements. Permittees, Licensees and Tenants will be required to provide a certificate of liability insurance naming NCTD and other rail users as an additional insured. Depending on the nature of the Project, separate Railroad Protective Insurance may be required.

### **Flag Protection**

Flag protection by a rules-qualified railroad flagman is required for any work within 25 feet of the centerline of any track, or if equipment such as a crane or boom truck can reach into the airspace measured vertically at 25 feet of the centerline of any rail, or in any other instance wherein NCTD determines that the safety of the railroad may be jeopardized by the work. Flagging is provided subject to availability and is at Applicant's sole expense.

### **Contractor Safety Training (CST)**

All persons working on the railroad property must attend NCTD's 2-hour safety training course. Each crew member will receive a safety manual and a hard-hat sticker valid for one year. NCTD charges a flat rate for CST regardless of the number of people the Applicant sends to a single class.

### **Questions or Comments**

Further inquiries may be directed to Mr. Ed Singer, Real Estate Asset Administrator, NCTD, 810 Mission Avenue, Oceanside, CA 92054. (760)-966-6556



# STANDARD ENCROACHMENT PERMIT APPLICATION

NCTD PERMIT ID #
FLAGGING AUTHORIZATION #

NCTD Rec'd Date

Permission is requested to encroach on NCTD property as follows:

Project Location		Applicant Information	
MilePost Start	MilePost End	Name of Applicant	
Street Address of Project		Mailing Address	
City		City, State, ZIP	Applicant Telephone
Nearest Cross Street(s)		Engineer/PM	PM/Engineer telephone/e-mail
Other Identifying Remarks		PM/Eng. Address, if different	

<b>Project Description</b>	<b>THIS IS AN EMERGENCY PROJECT Yes _____ No _____</b>
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Date: Construction or use to begin	Date: Expected Completion
Who will do the work? (List all)	Other agencies, entities, companies involved

Fully Describe the Project. Include complete plans with specifications, calculations, maps, if applicable



# STANDARD ENCROACHMENT PERMIT APPLICATION

NCTD PERMIT ID #
FLAGGING AUTHORIZATION #

NCTD Rec'd Date

Specific Uses, (check all that apply)	
Description/Notes	Description/Notes
<input type="checkbox"/> Temporary Use	<input type="checkbox"/> Pedestrian Overpass
<input type="checkbox"/> Permanent Easement	<input type="checkbox"/> Pedestrian Underpass
<input type="checkbox"/> On RR Right-of-Way	<input type="checkbox"/> Private Crossing
<input type="checkbox"/> Other NCTD Property	<input type="checkbox"/> Public Crossing
<input type="checkbox"/> New Construction	<input type="checkbox"/> Sewer
<input type="checkbox"/> Maintenance Work	<input type="checkbox"/> Signage
<input type="checkbox"/> Improvement to Existing	<input type="checkbox"/> Slope Work
<input type="checkbox"/> Communications Line	<input type="checkbox"/> Storage of materials
<input type="checkbox"/> Drainage	<input type="checkbox"/> Storage of Rail cars
<input type="checkbox"/> Electrical supply	<input type="checkbox"/> Storage of vehicles
<input type="checkbox"/> Hazardous Materials	<input type="checkbox"/> Storm Water
<input type="checkbox"/> High pressure gas	<input type="checkbox"/> Survey work
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Underground
<input type="checkbox"/> Livestock crossing	<input type="checkbox"/> Utility relocation
<input type="checkbox"/> Monitoring Well	<input type="checkbox"/> Wall, fencing, etc.
<input type="checkbox"/> Overhead Work	<input type="checkbox"/> Water Supply



Utility Crossings Estimated Fee Schedule

Type	Perpendicular Crossing*	Size	Recurring Fee
Electrical	O/H	<69kV	\$1,000
Electrical	O/H	=>69kV	case by case
Electrical	U/G	<69kV	\$1,500
Electrical	U/G	=>69kV	case by case
Natural Gas	U/G	<=8"	\$1,500
Natural Gas	U/G	>8"	case by case
Pole, guy, or miscellaneous	surface	n/a	\$750 minimum
Telephone, cable, other	O/H	n/a	\$1,000
Telephone, cable, other	U/G	n/a	\$1,500
Sewer, water, storm drain pipeline	U/G	=<30"	\$1,000
Sewer, water, storm drain pipeline	U/G	>30"	case by case

One time fee

Type	Location	Size	One-time fee
Sewer or water	U/G	=< 12"	case by case
Sewer or water	U/G	>12"	case by case
Storm drain	U/G or surface	n/a	case by case

\* Longitudinal installations are evaluated on a case by case basis

O/H = Overhead

U/G = Underground

**ALL FEES ARE SUBJECT TO CHANGE BASED UPON PERMITEE'S SUBMITTED DESIGN**