



What is the purpose of an Encroachment Permit?

An encroachment permit allows you to make certain uses and construct certain improvements within a county-maintained public right-of-way, both above and underground. Examples include installation or repairs to underground utilities, trenching in the right-of-way, building or repairing driveway approaches/sidewalks, or work requiring traffic control on the street.

How do I know if my street is a County Public right-of-way or a moratorium road?

To determine if a road is County-maintained, please contact the Department of Public Works Land Development Division by email to dpwlanddevengeer@marincounty.org or phone at (415) 473-6530.

Roads that are on the County moratorium road list have special requirements for pavement restoration. The moratorium road list can be found online at <http://www.marincounty.org/depts/pw/divisions/land-use>, or you may call the Department of Public Works directly.

Who issues Encroachment Permits?

The Department of Public Works issues the permits (Marin County Civic Center, Room 304, 415-473-6530).

How do I apply for an Encroachment Permit?

Submit your application and construction plans in person at the Marin County Department of Public Works, 3501 Civic Center Drive, Room 304, San Rafael, CA 94903, or by mail to PO Box 4186, San Rafael, CA 94913.

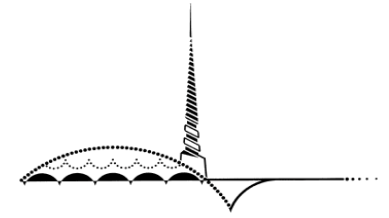
Questions?

Call 415-473-6530

or visit the Land Use “Contact Us” page at

<http://www.marincounty.org/depts/pw/contact-us?division=landuse>

To aid in serving you, please have ready the community and address in which the project is located so your inquiry can be directed to the appropriate staff.



**Marin County
Department of Public Works
Land Development Division**

How to Apply for an Encroachment Permit

Is a public hearing held?

No.



What should I submit with my application?

- A completed Encroachment Permit Application form.
- A site plan drawn to scale showing the property line, edge of pavement, proposed improvements, and site features including driveways, sidewalks, retaining walls, utilities, easements, trees, fences, and other structures.
- Construction details including dimensions, elevations, and length and depth of trench.
- Construction cost estimate.
- Traffic control plan if required.

How long will it take for my application to be reviewed?

Encroachment permit applications that are submitted with complete plans can be processed in 1 to 2 weeks, although in some cases it can take as long as 1 month or longer, and may include site inspection, plan checking and plan revisions.



What is the cost of an Encroachment Permit?

There is a non-refundable \$65 application fee. The plan review and inspection fees vary, depending upon the amount of work you are doing within the right-of-way. The Public Works Department will determine the permit fee after review of your application.

Issuance of the Encroachment Permit

The Public Works Department will review your proposed project and will prepare an Encroachment Permit with associated construction standards and use requirements. In certain situations a permit application may be denied. However, the Public Works staff will discuss with you how your plans might be revised to secure approval.

Insurance Requirements

Contractors performing in the County's right-of-way must provide a certificate of insurance for bodily injury and property damage liability, naming the County as additional insured per Marin County Code §13.12.035.

https://www.municode.com/library/ca/marin_county/codes/

Who is responsible for sidewalk repairs?

The property owner is responsible for the condition of the sidewalk in front of their property per California Streets and Highways Code §5610 <http://www.leginfo.ca.gov/>

For any sidewalk-related improvements that will benefit the community and help to ensure the safety of its residents, the Department of Public Works will waive the cost of an encroachment permit for the applicant.



At what point should I call for an inspection of my project?

The permit will state when inspections are required and whom to contact; however, after you have completed the project, a final inspection is required. Please request inspections 2 business days before needed.

What is a Recorded Encroachment Permit?

Recording an encroachment permit is done when an improvement, usually a non-transportation improvement, e.g. retaining walls, is conditionally allowed in the right-of-way. The County reserves the right to have the improvement removed or modified in the future, at the property owner's expense. The permit is recorded against the property title so that future property owners are aware of the condition. Contact Public Works if this applies to you because there are special conditions.

Download Recorded Encroachment Permit Fact Sheet here:
http://www.marincounty.org/~media/files/departments/pw/forms/land-use/recorded_encroachment_permit_fact_sheet2.pdf