



# EXPRO National Manual for Projects Management

## Volume 6, chapter 7

### Encroachment Permits Procedure



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## Encroachment Permits Procedure

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## Encroachment Permits Procedure

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# Encroachment Permits Procedure

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# Encroachment Permits Procedure

## 1.0 PURPOSE

Encroachment Permits are needed for all construction work performed within the municipal right-of-way (street/sidewalk), public easements or utility easements.

An encroachment permit is necessary if the Construction Contractor, conducting construction work on behalf of the ENTITY, will be using any part of the road right-of-way (from property line to property line), including storing materials, detouring traffic or parking equipment in the street overnight. Encroachment permits are issued for temporary and long term placements

Examples of a typical encroachment may be:

- The construction of a roadway over an existing sewer collection pipe
- Temporary storage of construction material in a staging area in the street
- Temporary rerouting of pedestrian walkways to allow construction access.

Encroachment Permit application notifies a respective Owner of existing Works that the Construction Contractor is requesting permission to work near the Works. Examples of Owners of existing Works within municipal right-of-way (street/sidewalk), public easements or utility easements are utility companies, department of public works including sewer collection and water supply.

Upon completion of the Construction Contractor's work the effected Owner of existing Works performs and inspection to ensure all Works are in their original condition.

Encroachment permits hold the ENTITY and the Construction Contractor, conducting construction work on behalf of the ENTITY, responsible for any damages to the Works requiring any remedial repair to make the Works restored to its original state before construction.

The purpose of this document is to direct the ENTITY through the Encroachment Permit application process for performing works or activities related to the subject site which fall outside the property limits or when performing work which could put the general public at risk. The Encroachment Permit procedure defines the obligations of the ENTITIES (and their Construction Contractors) to notify various municipal departments by the suite of Template encroachment permits mentioned in this document.

## 2.0 SCOPE

The scope of the Encroachment Permit is to address temporary conditions or construction activities which may cause harm to life, property or the environment. Construction activities and temporary works are planned, permitted and controlled to prevent injury or damage to property.

## 3.0 DEFINITIONS

Definitions	Description
ADMINISTERING DEPARTMENT	ENTITY department that is supervising directly or indirectly the project, contract or agreement (ENTITY or private) for which the encroachment permit is applied.
APPLICANT	The Construction Contractor performing construction on behalf of the ENTITY.
ENTITY	The Entity refers to any Government Ministry or EPMO or any organization hired by the Government Ministry on their behalf.
THIRD PARTY	Any business or government entity or person that is not a party to an ENTITY contract for management, engineering, procurement, construction, operations and maintenance or is not an approved subcontractor under such contracts.
CS	Contract Supervisor
EMERGENCY	A hazardous situation requiring immediate attention to protect life, property or the environment.
FCS	Facility Contract Supervisor (FCS)



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Definitions	Description
HOLD POINT	A stage in the restoration work requiring inspection before proceeding with the remaining work.
UPD	Urban Planning Department
O&M	Operation and Maintenance
LAR	Land Allocation Request
ROW	Right Of Way

### 4.0 REFERENCES

1. EPM-KEA-TP-000012 - Form 040101A Encroachment Application (Permit & Restoration)
2. EPM-KEA-TP-000013 - Form 040101B Statement of Work and Proposed Actions.
3. EPM-KEA-TP-000014 - Form 040101C Conditions for Roads Encroachments.
4. EPM-KEA-TP-000015 - Form 040101D Conditions for Grounds & Landscaping Encroachments.
5. EPM-KEA-TP-000016 - Form 040101E Special Conditions for Sanitary & Industrial Wastewater Systems
6. EPM-KEA-TP-000017 - Form 040101F Conditions for Potable & Raw Water Encroachments
7. EPM-KEA-TP-000018 -Form 040101G Conditions for Treated Effluent & Wastewater Encroachments

The forms provided as templates stated above shall be regarded as Pro forma templates only. These templates are to be branded and developed by the Entity as part of their Management Procedures. The templates include what is considered to be the minimum requirements and therefore the Entity shall ensure the documents fulfill their required needs as outlined in this procedure.

Encroachment procedures shall initially reference the Entity guidelines specific to the site. Subsequent to this any Local Authority, Municipality or Third Party must then be considered and their associated Encroachment guidelines be followed.

The Templates related to this document are for the use of the Entity and Construction Contractor and guidelines for their use is included. Refer to Subsection 7 of this document for further details on the templates.

### 5.0 RESPONSIBILITIES

The Construction Contractors responsible for any damages to the Works requiring any remedial repair to make the Works restored to its original state before construction.

The applicant's procedure applies to encroachments outside the boundaries of ENTITY jurisdiction. It applies to work performed by the ENTITY and its Construction Contractors, sub-contractors and applies in areas in which facilities exist either above or below ground.

Various encroachments can be categorized, but may not be limited to, the following:

- Excavation
- Scaffolding & Hoarding
- Cranes or other attendances
- Temporary road closure
- Street-space use
- Landscaping
- Signage

Generally, but not limited to the following, an Encroachment will exist if one or more of activities occur:

- Any type of excavation in road or pavement
- Any activity which will or may be a hazard to pedestrians or traffic using a pavement or road
- Crossing utilities above or below the ground or in the vicinity



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- Entry into a facility not under the complete control of the Construction Contractor making that entry; or any work outside the property limit
- Use of any space outside the plot boundary for any use.

Encroachments may be complex and are not limited to those listed above. In special circumstances a complex set of encroachments may need a letter agreement between the ENTITY, its Construction Contractor and those owners of facilities within the municipal right-of-way (street/sidewalk), public easements or utility easements

No encroachment work may begin without an approved Encroachment Permit. The permitting process described in the applicant's procedure is designed to provide the following benefits:

- Control traffic access to roadways affected by encroachments
- Ensure safe working conditions in or near ENTITY facilities
- Minimize inconvenience to projects by preventing accidental damage to ENTITY services and properties
- Ensure any changes to facilities are recorded in relevance to original copy of as-built drawings
- Inform any concerned governmental custodian entity, operation and maintenance (O&M) and Construction Contractors of work that may affect their facilities or activities
- Protect public and private facilities
- Ensure the safety of the general public.

At the Contract Kick-off Meeting, the ENTITY representative from Administering Department shall bring this Procedure to the notice of ENTITY and third party Construction Contractors who may encroach on ENTITY controlled areas.

The ENTITY Representative shall ensure that applications are submitted to Permit Section of the Roads Department for any proposed encroachment.

The ENTITY representative shall be:

- The Facility Contract Supervisor (FCS) for Construction Contractors
- The Contract Supervisor (CS) or the applicant's equivalent for O&M Departments.

In case of emergency, the Encroachment Permit User shall immediately notify ENTITY. A report shall be sent within 24 hours to the ENTITY representative.

To expedite the processing of an emergency Encroachment Permit, the ENTITY representative shall hand carry the copy of the Encroachment Permit for the necessary approval from the concerned departments and third parties.

The ENTITY representative may authorize other persons to act on the applicant's behalf.

## 6.0 PROCESS

### 6.1 How to Apply

Blank application forms shall be available from the Permit Section of the Roads Department. Applications for Encroachment Permits shall be submitted to the Permit Section of the Roads Department not later than fifteen (15) working days before the scheduled commencement of the work.

Encroachment Permit required by the industries are usually very complex, for these permits the application shall be submitted to the Permit Section at least thirty (30) working days before the scheduled commencement of the work.

Any delays in submittal will delay processing and may delay actual start of the work.

### 6.2 Preparation of the Application

The application, EPM-KEA-TP-000012 of this procedure, entitled, "Form 040101A – ENCROACHMENT APPLICATION (Permit & Restoration)," shall be prepared in accordance with the guidelines provided in Section 7.1 of this procedure.



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The Applicant shall provide a detailed "Statement of Work and Proposed Action," EPM-KEA-TP-000013 of this procedure. Instructions are also provided in section 7.1.

### 6.3 Road Closures

Permits involving road cuttings or work within a road ROW, or interference with traffic flow, the applicant shall prepare additional drawings and shall sign and stamp the special conditions for road encroachments. EPM-KEA-TP-000014 of this procedure, entitled "Form 040101C – CONDITIONS FOR ROAD ENCROACHMENT").

If road closures are required, the applicant shall submit a proper Traffic Management Plan with the application for review and approval.

For encroachments requiring a complete road closure or traffic detours, the Administering Department Director, or the applicant's designee, must provide advance information to the Public about such closures. In such cases, the following guidelines shall be followed:

1. For closure of a road functionally classified as Highways or above, seven-day advance notice from the date of closure shall be provided. Notification to be provided to, ENTITY employees via emails, and General Public via local TV Channel.
- Additionally, Roads Department at its discretion may require public notification via display boards at Commercial Centers and via local newspapers.
- For closure of Local and Residential roads, three-day advance notice from the date of closure shall be provided via display boards at Commercial Centers and flyer distribution to residents affected by the closure.

### 6.4 Other Types of Encroachments

Encroachments into areas other than roads may also require Permits. Some examples of these include:

- Encroachment into landscaped or irrigated areas (EPM-KEA-TP-000015 of this procedure, entitled "Form 040101D")
- Work in proximity to Sanitary and Industrial Waste Water Systems (EPM-KEA-TP-000016 of this procedure, entitled "Form 040101E")
- Work in proximity to Potable and Raw Water Systems (EPM-KEA-TP-000017 of this procedure, entitled "Form 040101F")
- Work in proximity to Effluent and Wastewater Systems (EPM-KEA-TP-000018 of this procedure, entitled "Form 040101G")

### 6.5 Processing the Application

The applicant, or his ENTITY Representative, is responsible for obtaining all required department and third party reviews and approvals in accordance with EPM-KEA-TP-000012 of this procedure, entitled "Form 040101A1 – ENCROACHMENT APPLICATION (Permit & Restoration)."

After the application has been prepared and signed by the applicant, it will be transmitted to the ENTITY representative to certify its correctness and completeness.

The ENTITY representative will type and sign their name in the appropriate space of the form and shall obtain the approval from the Administering Department Director/designee. They shall then submit to the Permit Section the completed Encroachment Permit application.

The Permit Section shall review the application for its completeness, log it in and assign an Encroachment Permit number. The Permit Section shall verify the accuracy of the approval and comments of all the affected ENTITY Departments and third parties.

If additional information is required, the applicant, through the ENTITY representative, shall furnish this information within fifteen (15) working days. Failure to do so would automatically result in the cancellation of the application.



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The Permit Section, after reviewing the required approvals and comments from the affected ENTITY Departments and third parties, shall transmit the Encroachment Permit package to the Director of Roads Department for approval.

After approval the Permit Section will log out the Encroachment Permit, and return the original application to the applicant.

### 6.6 Activity Commencement

The Construction Contractor shall not commence an encroachment before receiving an approved Encroachment Permit.

A copy of the approved Encroachment Permit shall be available at all times at the worksite.

### 6.7 Oversight

The ENTITY Representative shall provide sufficient oversight of the work described on the Encroachment Permit to ensure that it is performed safely and in accordance with the requirements of the permit as described in Section 2 of the permit form.

### 6.8 Permit Enforcement and Revocation

In the event of violation, the concerned Administering Department shall, as appropriate, instruct the Construction Contractor to rectify conditions if work is being done:

- Without an Encroachment Permit
- In violation of conditions under which an Encroachment Permit has been issued (for example, if safety conditions are not being met; non-compliance with drawings/specifications, etc.).

If the Construction Contractor does not rectify conditions promptly or within the specified time, the ENTITY represented by the Administering Department may at its discretion revoke the granted Encroachment Permit and the Construction Contractor must cease work immediately on being notified, verbally or in writing, of the revocation.

- Should circumstances necessitate, ENTITY will use its own resources to carry out corrective measures, for example, to restore an excavation to return a roadway or utility to a safe, usable condition.
- The offending Construction Contractor will be back charged to cover the cost of such measures.

The Encroachment Permit shall be restored when the situation has been rectified.

### 6.9 Duration of Encroachment Extension

Encroachment Permits are time sensitive and expire after the time designated. If the reason for encroachment has not changed and more time is required to complete the work, a new application form will be submitted with the same information as the original Encroachment Permit except for the new duration period.

A newly completed application form will be placed on top of the original application with all reviewed attachments.

The request for extension will be submitted a minimum of two weeks prior to the expiration of the approved Encroachment Permit. Any request for extension submitted after the designated date of completion will be considered as a new application, and the expired original Encroachment Permit will be closed.

No work on site shall be carried out under an expired encroachment permit.

### 6.10 Standards of Restoration

Hold-points shall be those agreed in advance with the ENTITY representative prior to commencement of the work.



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The Construction Contractor, through the ENTITY representative, shall request an inspection by the appropriate ENTITY Department or third party representatives for each hold-point identified prior to the restoration of the work.

Following completion of an excavation, the area shall be restored as follows:

- The Construction Contractor shall compact around utilities to the applicable ENTITY specification requirements and provide compaction test reports to ENTITY representative. Designation of the "applicable ENTITY specification" is the responsibility of the ENTITY Representative.
- The Construction Contractor shall restore the site location in accordance with applicable ENTITY specifications for paving, concreting, and landscaping. The ground surface shall be restored to the original finished levels and ditch profiles shall be re-established.
- Marker posts indicating the location of underground utilities, if disturbed in the course of the work, shall be replaced in their original locations.
- In case open cut of a road has been granted, the Construction Contractor shall backfill all open cuts as per requirements of ENTITY. Sub-base course, aggregate base course, and asphalt of similar mix design to the existing pavement shall be placed.
- In case open cut of a road has been granted, restoration of the road cut would include milling/repaving and delineation of the existing pavement wearing course, 50 meters upstream/downstream of the road cut edge lines.
  - The 50-meter length would be extended to the nearby intersection if it exists within 100 meters of the road cut edge line.
  - For parallel road cuts, milling/repaving and delineation of the existing pavement wearing course would be extended to full pavement width for un-divided roads and up to median edge for divided roads.
- The Construction Contractor shall submit specifications describing the quality of construction of the temporary works
- The area shall be left neat and tidy without debris.

### 6.11 Completion of Work

The Encroachment Permit User will notify the ENTITY representative when the work is complete.

The ENTITY representative will inform the affected ENTITY Departments and third parties of the same and obtain their concurrence in writing that the completed work is satisfactory.

If the work is not acceptable, the unsigned Encroachment Permit shall be returned to the ENTITY representative with appropriate comments for action.

The ENTITY representative shall notify the encroaching User of deficiencies in the applicant's work.

The Encroachment Permit User shall remedy the deficiencies within a reasonable length of time. Failure on the part of the Encroachment Permit User to satisfactorily complete the work shall give the ENTITY the right to have the work carried out and back charge the encroaching User for the cost of such work.

### 6.12 Documenting the Work

The ENTITY is responsible to provide to the Architect/Engineer and Construction Contractor as-built drawings illustrating the existing conditions. The A/E will use this information as a basis of developing drawings of the construction works to be performed.

Any deviations from the original as-built drawings, if encountered during the course of construction, shall be noted under Section 3 entitled "Restoration" of Template 1 of this procedure, entitled "Form 040101A – ENCROACHMENT APPLICATION (Permit & Restoration)."

The ENTITY representative shall notify the Geobase Section of the Urban Planning Department (UPD) when the work is satisfactorily completed and approved by the concerned ENTITY Departments and third parties.

The Geobase Section shall ensure that the accepted restored work, performed in accordance with the Encroachment Permit, has been incorporated on the appropriate original as-built drawings.

Note: the original drawings should have already been turned over to the ENTITY.

The ENTITY representative shall issue an approved copy of the closed Encroachment Permit to the Construction Contractor. The original closed Encroachment Permit shall be returned to the Permit Section.



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### 6.13 Template Guidelines

EPM-KEA-TP-000012, Form 040101A, Encroachment Application (Permit & Restoration) - Guideline

In preparing the application form entitled "EPM-KEA-TP-000012, Form 040101A, Encroachment Application (Permit & Restoration)", the applicant should note the following points:

- The application form must be typed in Arabic or English
- White correction liquid must not be used and minor corrections must be initialed by the applicant representative or ENTITY representative. Major corrections will require complete retyping.
- Applications will include the applicant name and ENTITY contract number or lease number.
- A description of the work must be given (EPM-KEA-TP-000012 of this procedure, entitled "Form 040101B – STATEMENT OF WORK AND PROPOSED ACTION"), including a general method statement, types of equipment to be used, etc.
- Applicants must indicate, by checking the appropriate box, which type of encroachment is involved and answer every question on the application form.
- In addition, the applicant shall execute and provide the appropriate "Conditions" EPM-KEA-TP-000014 through 7 for each type of encroachment. See Section 5 of the procedure for the listing.
- The applicant's representative must type in and sign the applicant's name in the appropriate space of the form; and include the applicant's telephone number.
- The applicant must attach latest ENTITY provided drawings and/or their own drawings duly approved by the responsible department showing the location of any utilities, landscaping and roads adjoining the encroachment area. Also details of work and any interfaces with existing utilities must be shown. Interfaces with existing Land Allocation Request (LAR) and right-of-way (ROW), shall be clearly shown on all drawings.
- In the case of permits involving utilities or facilities other than ENTITY, the applicant must obtain concurrence/approvals from the respective custodian entity. The ENTITY Representative shall be responsible for liaising with these entities to minimize time required for their approval.
- Road crossings for utilities or for other purposes, open-cut of a road functionally classified as LOCAL or above would not be allowed. Thrust boring and or directional drilling techniques shall be utilized for such road crossings.
  - Exceptions to this rule would be referred to a Committee to be chaired by the Chief Executive Officer and with memberships from Roads, Construction, and Engineering Departments.
  - The above rule does not apply to localized road cuts and patching work carried out by the ENTITY utility and road Construction Contractors.
- In the case of permits involving road cuttings or work within a road ROW, or interference with traffic flow, the applicant shall prepare additional drawings and shall sign and stamp the special conditions for road encroachments. (EPM-KEA-TP-000014- Form 040101C – CONDITIONS FOR ROAD ENCROACHMENT).
- A minimum of two copies of all original documents shall be appended to the application. In addition, a copy of the permit and drawings will be necessary for each ENTITY department and third party affected.
- The maximum validity of a permit is one year. If more time is needed, the applicant shall request for an extension.

## 7.0 ATTACHMENTS

N/A.