

NASHVILLE DEPARTMENT of TRANSPORTATION & MULTIMODAL INFRASTRUCTURE



Encroachment Approval Process in Public Right-of-Way

The following information is for aerial, underground and building encroachments. Aerial encroachments require a resolution approved by the Metropolitan Council. Underground and building encroachments require approval by ordinance (three readings before the Metropolitan Council). Attached are the following items concerning the encroachment approval process for your use.

1. License Agreement for private encroachment
2. Sample insurance form
3. Petition to encroach upon a public right-of-way

Your firm should submit the following information:

- A. A letter of request to the Director of Engineering of Nashville Department of Transportation (NDOT).
- B. Engineering details: showing exact location of encroachment, design, measurements of sign, and anchoring details.
- C. Signed License Agreement.
- D. Insurance forms: minimum requirements, at least \$50,000 in case of injury to one person, \$100,000 in case of injuries to more than one person, and property damage insurance of at least \$5,000 each accident, \$10,000 aggregate.
- E. Processing fee of \$250.

NDOT will review and submit the application to the Metropolitan Planning Commission; this process normally takes 60 to 90 days. Upon approval by the Metropolitan Planning Commission and the Metropolitan Council an application must be made with Metropolitan Codes Administration, if applicable. A permit will be required to be taken out with NDOT by the contractor to perform the installation of the approved encroachment.

If you need further information, please feel free to contact the NDOT Right-of-Way Permits Office at 862-8782.

CERTIFICATE OF INSURANCE

This is to further certify to the Metropolitan Government of Nashville and Davidson County concerning the policies of insurance listed above and the coverage provided thereby that:

1. The Contractual Insurance coverage is on a Blanket Broad Form basis unless specifically indicated below,
2. The company or companies, upon request, agree to deliver within fifteen (15) days a certified copy of any and/or all the policies of insurance to The Metropolitan Government of Nashville and Davidson County,
3. If one (1) or more Umbrella Excess policies are used, there is no gap between the limits of the primary policies and the deductible feature of the Umbrella Excess policies,
4. Coverage under the primary policies have no deductible features unless there is a check mark here (☐). If there are deductible features or the insured has adopted a funded self-insurance program, they are fully explained on an attached sheet which becomes a part of this Certificate, and
5. The coverage provided shall not be cancelled, reduced in coverage, or allowed to lapse unless and until The Metropolitan Government of Nashville and Davidson County receives at least thirty (30) days advance written notice of same. The written notice must be delivered to the Metropolitan Risk Manager at his office shown as the address of the Certificate Holder below or the secondary Certificate Holder, if one is so listed below.

Name and Address of Certificate Holder

The Metropolitan Government of
Nashville and Davidson County
Metro Legal & Claims
C/O Insurance and Safety Division
222 3rd Avenue North, Ste #501
Nashville, TN 37201

Date Issued: _____

(Agency or Company)

by _____
(Authorized Representative)
(Attach Power of Attorney)

CERTIFICATE OF INSURANCE

FOR CONTRACTORS DOING BUSINESS WITH
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

(THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE
COVERAGE AFFORDED BY THE POLICIES LISTED BELOW)

Name and Address of Agency		Companies Affording Coverage				
		Company Letter A				
		Company Letter B				
Name and Address of Insured		Company Letter C				
		Company Letter D				
		Company Letter E				
This is to certify that policies of insurance listed below have been issued to the insured names above and are in force at this time.						
Company Letter	Type of Insurance	Policy Number	Date of Expiration	Limits of Liability In Thousands		
	General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises Operation <input type="checkbox"/> Explosion and Collapse Hazard <input type="checkbox"/> Underground Hazard <input type="checkbox"/> Products Completed Operations Hazard <input type="checkbox"/> Contractual Insurance <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Personal Injury				Each Occurrence	Aggregate
				Bodily Injury	\$	\$
				Property Damage	\$	\$
				Personal Injury	\$	
	Automobile Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Owned <input type="checkbox"/> Hired <input type="checkbox"/> Non Hired			Bodily Injury (Each Person)	\$	
				Bodily Injury Each Accident		
				Property Damage		
				Bodily Damage Property Damage Combined		
	Excess Liability <input type="checkbox"/> Umbrella Form <input type="checkbox"/> Other than Umbrella Form			Bodily Injury And Property Damage Combined	\$	\$
	Worker's Liability And Employer Liability	L&WH Act _____ Jones Act _____		Statutory		
					\$	Each Occurrence
	OTHER					

LICENSE AGREEMENT FOR PRIVATE ENCROACHMENTS
INTO THE PUBLIC RIGHT OF WAY

I/We, _____, in consideration of the Resolution No. _____, to construct, maintain, install and/or operate an encroachment into, onto, over, or under the public right of way located at in Nashville, Davidson County, Tennessee, do hereby, for myself, my agents, customers, and assigns, waive and release and hold harmless The Metropolitan Government of Nashville and Davidson County, its agents, employees, and assigns from any and all claims, rights, or demands for damages that may arise from my/our use, construction and/or maintenance of the encroachment, to wit: (SEE ATTACHED DESCRIPTION OF ENCROACHMENT). I/We hereby certify to the Metropolitan Government of Nashville and Davidson County that I/We have executed a bond or liability insurance policy in such amount as agreed upon by the Director of NDOT and the Metropolitan Attorney, and in the form approved by the Metropolitan Attorney (per Metropolitan Code Section 38-1-1), which operates to indemnify and save The Metropolitan Government of Nashville and Davidson County harmless from all claims or demands that may result to persons or property by reason of the construction, operations or maintenance of the encroachment. I/We further agree that my/our obligations hereunder may not be assigned except upon approval of the Director of NDOT and the Metropolitan Attorney. I/We further acknowledge that any action that results in a failure to maintain said bond or liability insurance for the protection of The Metropolitan Government of Nashville and Davidson County shall operate to the granting of a lien to The Metropolitan Government of Nashville and Davidson County in the amount of the last effective bond/insurance policy. Said insurance or bond may not be cancelable or expirable except on 30 days' notice to the Director of NDOT.

I/We further recognize that the license granted hereby is revocable by The Metropolitan Government upon recommendation of the Director of NDOT and approval by resolution of the Metropolitan County Council if it is determined to be necessary to the public welfare and convenience. In the event the Metropolitan Government revokes this license as contemplated by this paragraph, licensee will not be entitled to any compensation of any kind. This license shall also be strictly subject to the right of way easement owned by The Metropolitan Government. I/We agree to maintain, construct and use the encroachment in such a way as will not interfere with the rights and duties of the Metropolitan Government

as owner of the right of way. Said interference shall be additional grounds for revocation of the license for encroachment. I/We agree to pay the cost of construction, maintenance, use, as well as relocations cost of said encroachment. Licensee's failure to complete construction of the contemplated encroachment within 36 months of the date of approval by the Metropolitan Council will cause this license to terminate automatically. In the event the encroachment contemplated by this license is substantially destroyed, this license shall terminate unless fully restored by licensee within 36 months from the date of such destruction. In the event this license is revoked or terminated for any reason, licensee shall restore all public property to the condition obtaining at the time the license became effective at licensee's sole cost and expense.

DATE: _____

(Owner of Property)

(Address of Property)

(City and State)

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Sworn to and subscribed before

Me this _____ day of _____, 20__.

(NOTARY PUBLIC)

My Commission Expires: _____.

PETITION TO ENCROACH UPON A PUBLIC RIGHT-OF-WAY

PETITION NO. _____

We, the undersigned, do hereby petition the METROPOLITAN DEPARTMENT OF NDOT and the METROPOLITAN PLANNING COMMISSION to recommend to the METROPOLITAN COUNCIL and MAYOR that legislation be enacted to authorize the construction, installation and maintenance of an encroachment upon the public right-of-way as follows:

Addresses and Map and Parcel numbers of property or properties associated with the proposed encroachment:

ADDRESS

MAP AND PARCEL NUMBER

_____	_____
_____	_____
_____	_____
_____	_____

Attach the following in support or explanation of this application:

_____ A check for the filing fee of \$250.00 made payable to the Metropolitan Government (**application fee is non-refundable**).

_____ A scaled drawing on 8 1/2 "x 14" paper of the proposed encroachment. (Additional exhibits may be required depending upon the nature of the request).

_____ A private encroachment license agreement signed by the person to whom the encroachment privilege is to be granted.

_____ A certificate of liability insurance in the amount to be determined necessary by the Department of Public Works.

Signature and mailing address of person or business to whom privilege of encroachment will be granted:

Signature: _____ Address: _____

Council District: _____

PERSON FILING THIS PETITION:

If other than owner or optionee of properties listed above, state relationship. All correspondence will be mailed to this person.

Name: _____

Address: _____

City, State, Zip: _____

Phone: Residence _____

Business _____

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED UNLESS COMPLETED IN FULL.

Nashville Department of Transportation

750 South 5th Street v Nashville, TN 37206 v (615) 862-8750
v <https://www.nashville.gov/departments/transportation>

Mandatory Referral Application:

Encroachment: Sign / Awning / Fiber Optic Cable / Other

*** Before filing this application, please review checklist on the back of this application. ***

Encroachment Type:

- ☐ Awning
- ☐ Fiber Optic Cable (▲ ground)
- ☐ Fiber Optic Cable (▼ ground)
- ☐ Sign
- ☐ Other_____

Date Submitted: _____

Mandatory Referral Project No. _____
(MPW staff assigns project #)

Map & Parcel(s): _____
Street Address(es): _____

Notarized Signature of Property Owner(s):

You must obtain the *notarized* signature of all property owners on whose property the sign or awning will occur. Failure to provide this information will deem your application ***incomplete*** and postpone your application’s consideration by the Metropolitan Planning Commission. Copy form below for additional signatures.

As the owner(s) of property, I/we agree to the submission of this mandatory referral application to the Nashville Department of Transportation for a sign, awning or fiber optic cable encroachment.

Date: _____
(Company Name)

(Signature of Property Owner)

(Name of Property Owner)

(Title of Property Owner)

(Address of Property (including city & state))

STATE OF TENNESSEE
COUNTY OF DAVIDSON
Sworn to and subscribed before
Me this ____ day of _____, 19 __.

(Notary Public)

My Commission Expires: _____

Applicant: All correspondence will be mailed to the applicant.

☐ Architect ☐ Engineer ☐ Property Owner ☐ Other: _____

Name: _____

Business: _____

Address: _____

City: _____ State: ____ Zip: _____

Phone: _____
☐ business ☐ home ☐ business ☐ mobile

Fax: _____
☐ business ☐ home ☐ business ☐ mobile

E-mail: _____

Applicant’s Signature: _____

Filing Fee (All application fees are non-refundable)

Encroachment: Sign / Awning / Fiber Optic Cable **\$250.00**
Other

Amount paid: \$ _____

Accepted by: _____ Date: _____

Mandatory Referral Checklist

ρ **Mandatory Referral Application**

If any electrical vaults are located below proposed sign, awning or fiber optic cable, special design standards may be required. Contact NES 615-747-3964 for more information on electrical vault locations.

DO NOT INSTALL anything that would encroach over Metro right-of-way until your application is approved by Metro Council. If you do, you could have to wait six months before your application is considered by Metro Council. For more information, see Council Bill BL2000-444 available at: https://legisearchive.nashville.gov/mc/ordinances/term_1999_2003/bl2000_444.htm or call the Metro Clerk for a copy of the bill at 862-6770.

ρ **Filing Fee \$250 (All application fees are non-refundable)**

Cash or check. If check, make payable to “Metropolitan Government”. Credit cards not accepted.

ρ **Property Map**

Show location of property and surrounding streets (use “Maps” on the MPC web to create property map)

ρ **Notarized Signature of Property Owner(s)**

You must obtain the *notarized* signature of all property owners whose property the sign or awning will occur. Failure to provide this information will deem your application **incomplete** and postpone your application’s consideration by the Metropolitan Planning Commission.

ρ **License Agreement for Private Encroachment into Public Right-of-Way**

Obtain copy from NDOT web site, NDOT Right-Of-Way Permits’ Office at (615-862-8782).

ρ **Franchise License**

If fiber optic cable company, prior to submitting a fiber optic cable encroachment, you must contact the Metro Department of Law at 615-862-6341 for determination of whether franchise license is required.

ρ **Certificate of Liability Insurance**

Certificate must identify Metro Government of Nashville & Davidson County as Certificate Holder.

ρ **Right-of-Way Notice**

While not a requirement of your application, please be aware that no construction work may be undertaken in any street, road, alley or right-of-way or of any utility or temporary construction easement of the metropolitan government or other government entity by any department of the metropolitan government or any other entity unless adequate notice has been given to the abutting fee owner of a street, road, alley, or right-of-way or fee owner of the easement, and to the district member of council representing the area of such construction work. For more information, see Metro Code 13.20 available at:

https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinance_s?nodeId=CD_TIT13STSIPUPL_DIVIGERE_CH13.20EXOB or call the Metro Clerk for a copy of the bill at 862-6770, or call the NDOT Department Permits’ Office at 615-862-8782.

ρ **Drawings** should identify the following:

Signs / Awnings

- Width and length of sign/awning
- Vertical height of awning
- Horizontal distance sign/awning projects over public right-of-way
- Vertical distance sign/awning will be installed above public right-of-way.
- Horizontal distance between door awning and street curb (Note: Door awnings must be setback 18” from street curb)
- Location of every sign, window awning or door awning to be installed on building (photograph is helpful)
- Method of attachment / anchoring to building or sidewalk

Fiber Optic Cable

- Map identifying cable path.
- Cable length in feet or miles
- Thickness of cable
- Number of cables
- If ▲ ground, what cable will be attached to and method of attachment.
- If ▲ ground, height of cable above public right-of-way
- If ▼ ground, average depth below public right-of-way (e.g., “36 – 42”)
- If ▼ ground, size of trench / boring