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DEFINITIONS

ACCESS CONTROL: The condition whereby the privilege to access a highway by abutting owners, occupants, or other persons is controlled by public authority. Different types of controlled access include:

- Fully Controlled Access: All highways which give preference to through traffic and which shall have access only at selected public roads or streets and which shall have no highway at grade crossings or intersections. The termini for control of access shall be as shown on the department's plans.
- Partially Controlled Access: All highways which give preference to through traffic. However, access to selected public roads and streets may be provided, and there may be some highway at grade intersections as shown on the department's plans. The termini for control of access shall be as shown on the department's plans.
- Access by Permit: All highways designated as access by permit on the department's plans.

ACCESS RIGHTS: The right of ingress to and egress from a property that abuts a street or highway.

ACTIVE PERMITS: Permits that have been either approved or in the permit process but not yet completed.

AGREEMENT: A contract between the Department and another entity which describes acceptable use of rights-of-way.

AIRSPACE: The space located above or below the highway's established grade line lying within the approved right-of-way limits.

AIR RIGHTS: Real property interests defined by agreement and conveyed by deed, lease, or permit for the use of airspace.

AUXILIARY LANE: The portion of the traveled way that is used to supplement through traffic movement.

CARRIER PIPE: Pipe directly enclosing a transmitted fluid (liquid or gas).

CASING PIPE: A larger diameter pipe encasing a carrier.

CATEGORICAL EXCLUSION: Environmental documentation (**TC 99-28**) required for actions that do not individually or cumulatively have a significant environmental effect.

CANCELLATION DATE: The date by which a permit application must be approved.

COMPLETED PERMITS: Permits that have been completed, all work inspected, and released.

COMPLETION DATE: The date by which all work approved by the permit shall be completed.

DEPARTMENT'S PLANS: The Department of Highway's current plans that are based on plans at the time of contract letting together with any subsequent changes in access control in conformance with applicable laws and regulations.

ENTRANCE: An access to the highway.

- Private Entrance: An entrance that serves a private farm or single-family residence.
- Commercial Entrance: An entrance that is used for commercial or any purpose other than farming or single-family dwelling.

FRONTAGE RIGHTS: A general term denoting a property owner's interest alongside the road onto which a piece of property fronts.

ILLEGAL ENCROACHMENT: Any unauthorized encroachment, specific acts, or installations on, under, or over the right-of-way.

INDEMNITY: Protection or security against damage or loss by:

- Liability insurance
- Performance bond
- Payment bond

INTERSTATE HIGHWAY: A highway, road, street, access facility, bridge, or overpass which is designated as a portion of the National System of Interstate and Defense Highways as established by law or designated by the Kentucky Department of Highways and the U.S. Department of Transportation, Federal Highway Administration (FHWA).

LEGAL ENCROACHMENT: Authorized use (by permit, contract, or agreement) of highway right-of-ways or easements for specific acts or installations, physical or otherwise.

MARKET VALUE: The highest price at which property can be sold in the open market by a willing seller to a willing purchaser, neither acting under compulsion but both exercising reasonable judgment. Both parties are fully aware of the best use for the property.

MODIFICATION: Any physical or usage change to a permitted facility contrary to that prescribed by the permit and plan.

PERMITTED: As used in this manual, it means to exist only by permit from the Kentucky Department of Highways.

PERMITTEE: Any person who has applied for a permit or who has received an approved permit.

RAILROAD ACCESS: An approved access to a highway which is used for railroad maintenance purposes only and which is specifically shown on plans.

REAL PROPERTY: Land and any improvements thereto, including but not limited to, fee interests, easements, air or access rights, and the rights to control use, leasehold, and leased fee interests.

RIGHT OF WAY: A general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to a highway.

TRAVELED WAY: The portion of a roadway for the movement of vehicles, not including the shoulders.



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	<p><i>Subject</i></p> <p>Design of This Manual</p>

ORGANIZATION & NUMBERING

Chapters--The subject matter in the manual is divided into chapters. The chapter title appears in the upper right-hand corner of the first page of a subject and in the upper left-hand corner of subsequent pages.

Subjects--Chapters are arranged by subjects.

Subject Number--Each subject is assigned a number, which appears in the upper right-hand corner of each page of the subject.

Subject Title--The title of a subject appears in the upper right-hand corner of the first page of a subject and in the upper left-hand corner of any subsequent pages.

“PE” Prefix--Preceding each subject number, this prefix stands for the manual title *Permits Guidance Manual*.

Date--The latest issuance date of a subject appears at the bottom of each page of the subject. This date agrees with the latest issuance date shown for the subject in the Table of Contents (**PE-01**).

Page Numbering--Each subject has its own page numbering, which appears at the bottom of each page.

LOCATING INFORMATION

One index appears at the front of the manual and two indexes appear at the back:

- **Table of Contents**--This index at the front lists the titles of the manual’s chapters and their subjects, as well as other information, in numerical order. It includes the latest issuance dates of all the subjects. As the manual matures, these dates change.
- **Table of Exhibits**--This index at the back provides a list of all forms, diagrams, and drawings referenced in the manual.

- **Glossary**--Most definitions used in this manual conform to the approved definitions of highway terms adopted by the American Association of State Highway Transportation Officials (AASHTO) and the report of the American Society of Civil Engineers Committee on Pipeline Crossings of Highways.

**CROSS REFERENCES
IN MANUAL**

Subject Numbers within Narrative--A subject number within the narrative on a page that directs the user to more information about the subject.

QUESTIONS

For answers to questions about the contents of the manual, please contact:

Transportation Cabinet Office Building
Division of Maintenance-Permits Branch
200 Mero Street
Frankfort, KY 40622
(502) 564-4556

For copies of the manual, please contact:

Organizational Management Branch
Transportation Cabinet Office Building
200 Mero Street
Frankfort, KY 40622
(502) 564-4610



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>INTRODUCTION</p>
	<p><i>Subject</i></p> <p>Purpose</p>

PURPOSE

This manual is designed to instruct the citizens of Kentucky and employees of the Department of Highways about the laws, regulations, and policies involved in obtaining an encroachment permit from the Department of Highways. In accordance with KRS 177.106 (1), before any person shall encroach upon a right of way, a permit shall be obtained from the district office responsible for the county where the work is proposed.

OBTAINING A PERMIT

To obtain a permit, the permittee shall contact the district office responsible for the county where the request is being made. This information is available at the following website:

<http://transportation.ky.gov/Pages/Highway-Districts.aspx>

To obtain information about the permitting process, the permittee shall visit the following website:

<http://transportation.ky.gov/Permits/Pages/default.aspx>

This is the information available:

- Permit policy or regulations
- All applicable forms
- *Permits Manual*

INFORMATION REQUIRED BY PERMITTEE

A TC-99-1 (A) form, *Application for Encroachment Permit (Exhibit 9003)*

- Contact information
- A description or drawing which describes the encroachment

**REQUESTS PROCESSED
BY PERMITS BRANCH**

The Permits Branch processes the following requests:

- Air Space (TC 99-27 form, *Ownership Disclosure Statement*, **Exhibit 9011**; TC 99-28 form, *Categorical Exclusion Checklist*, **Exhibit 9007**)
- Entrance (Access) Permits: Private (residential), Commercial, School
- Utility Encroachments
- Utilities on Bridges
- Grading on r/w
- Traffic Signals
- Frontage Roads on Department's right of way
- Outdoor Advertising Devices on Controlled Routes (TC 99-31, *Application for Advertising Device Permit*, **Exhibit 9002**) and TC 99-32, *Permit for Advertising Device*, **Exhibit 9012**)
- Recyclers (TC 99-56 form, *Application for Recycling Permit and Screening Plan Approval*, **Exhibit 9004**; TC 99-57 form, *Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard*, **Exhibit 9013**; TC 99-58 form, *Automobile, Vehicle, Machinery or Material Recycling Yard Permit*, **Exhibit 9006**)
- Drainage Alterations
- Cultural and Recreational Signs (TC 99-201 form, *Tourist Signage Program Application*, **Exhibit 9017**; TC 99-202 form, *Temporary Agritourism Site Application*, **Exhibit 9016**; TC 99-203 form, *Attraction Eligibility Information*, **Exhibit 9005**; TC 99-204 form, *Signing Incentives Program Application*, **Exhibit 9015**)
- Limited Supplemental Signs
- Special Event Signs
- Right-of-Way Fence Replacement
- Landscaping

- Proposals for actual roadway grade or alignment changes
- Trim and Cut Trees
- Ponding Encroachments
- Use of Roadside Chemicals
- Geophysical Surveys
- Garbage Containers
- Transit Shelters
- Fairs, Parades, etc.
- Any encroachment according to KRS 177.106



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DISTRICT PERMITS

STAFF

District permits staff in the Traffic Engineering and Permits Section are responsible for reviewing and processing all permit applications (TC 99-1 (A) form, *Application for Encroachment Permit [Exhibit 9003]*) and maintaining the permit database and files. This responsibility includes, but is not limited to, assigning a permit number to the application, reviewing the application and obtaining the required information from the permittee, distributing copies for review through applicable district personnel and Central Office divisions, and processing final permit documentation after appropriate signatures, recommendations, or comments are obtained.

**CHIEF DISTRICT
ENGINEER (CDE)**

The Chief District Engineer (CDE) is responsible for reviewing permit requests, furnishing recommendations or comments, and making the final decision on approval or disapproval of the application in accordance with **PE-202**, "Permit Processing Responsibility and Approval."

**PERMITS REQUESTED
ON PROJECTS IN THE
DESIGN PHASE**

Planning and Design Section staff shall review permits applied for on projects during the preconstruction phase. The Transportation Engineer Branch Manager (TEBM) for the Project Development Branch shall give recommendations and comments to the district permit staff for further processing. Permits applied for on these projects shall be submitted as early as possible so the proposed location can be shown on the department's plans.

Any permit for a completely new facility that is not approved in time to show the proposed location on the department's plan prior to the plans, specifications, and estimates (PS & E) date on federal aid projects or prior to advertisement on non-federal aid projects, shall be held until the project is advertised and the highway construction contract has been awarded.

**PERMITS REQUESTED
ON PROJECTS IN THE
CONSTRUCTION PHASE**

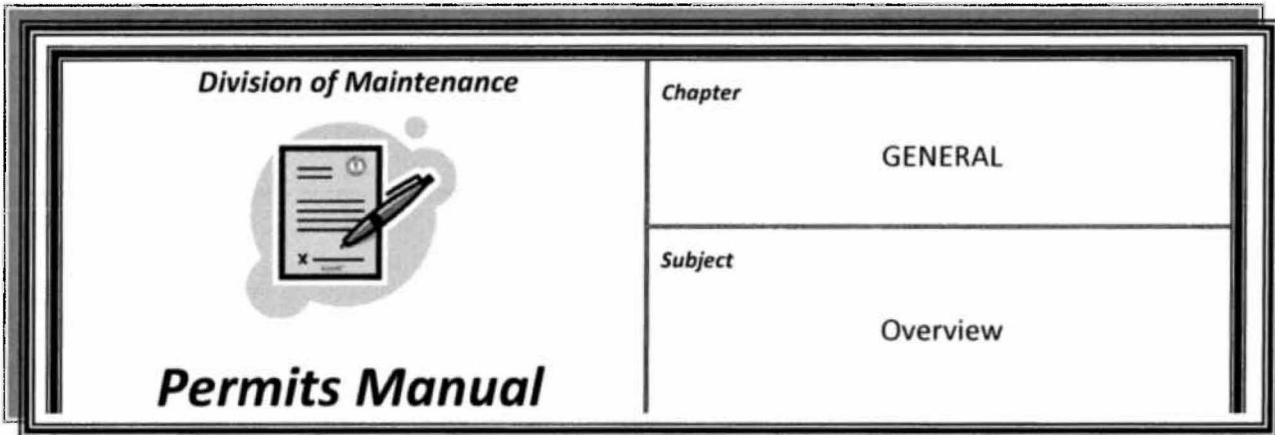
Project Delivery and Preservation staff shall review permits submitted on active construction projects. The TEBM for Project Delivery and Preservation Branch shall give recommendations and comments to the district permit staff for further processing.

Once a project has been awarded, the permittee shall coordinate all work with the contractor. The contractor shall accomplish the work unless a separate agreement is reached between the permittee and the contractor. If a agreement is reached between the contractor and the permittee, a copy of the agreement shall be supplied to the Department and the work coordinated with the Section Engineer responsible for that project.

**PERMITS REQUESTED
ON BRIDGES**

The district bridge engineer shall review all permit applications that call for placement of utilities on bridges. After reviewing the utility permit application, the district bridge engineer shall give recommendations and comments to the district permit staff for further processing.





REQUIRED PERMITS In accordance with KRS 177.106 (1), before any person shall encroach upon a right of way, a permit shall be obtained from the district office responsible for the county wherein the work is proposed.

PERMIT DISCRETION Encroachment permits are entirely discretionary in nature. Substandard performance, an illegal encroachment, or any other irresponsible act, as deemed by the Department of Highways (Department), by a permittee holding or requesting a permit, is adequate grounds for revocation of the existing permit or for refusal to issue future permits.

REQUIRED DOCUMENTATION All permittees shall give to the department, at their own expense, drawings, documents, forms, agreements, leases, indemnity, and any other information detailed in this manual, including as-builts, where applicable. If the permit requires engineered drawings or documents, they shall be stamped by an appropriate professional engineer.

When applying for a permit, the permittee shall submit an application on the TC 99-1 (A) form, *Application for Encroachment Permit (Exhibit 9003)*, and include a statement that completely details the permittee’s request. If the permit is approved, the department shall issue an encroachment permit on the TC 99-1 (B) form, *Encroachment Permit (Exhibit 9009)*. TC 99-1 (B), TC 99-1 (A), and all related and accompanying documents and drawings comprise the permit. These forms, along with all other permit forms, are located at:

<http://transportation.ky.gov/Permits/Pages/Application-Forms.aspx>

REQUIRED SIGNATURES Applications shall be made in the name of the property owner or a legal authorized representative of the property owner. Representatives of public utility companies and governmental agencies with local jurisdiction may sign the application form.

**CONSTRUCTION
REQUIREMENTS**

Permit work that affects the traveled way shall be constructed by a contractor who is prequalified to perform work for the Department of Highways. If the permit work includes unusual or complicated circumstances involving drainage guardrail, turning lanes, signals, etc., the permittee may be required to supply inspection provided from a prequalified list of construction engineer service providers, or reimburse the department for these services if provided by the department.

The department may also require all of the above if the permittee has performed substandard or illegal work in the past, regardless of the type of permit request, and for any reason the department deems appropriate.

Unless otherwise directed by the permit engineer or designated representative, all methods of construction on the state's right of way shall conform to the latest edition of the *Kentucky Transportation Cabinet Department of Highways Standard Specifications for Road and Bridge Construction (Standard Specifications)*.

After construction, an inspection of the completed facility shall determine if it has been constructed in accordance with the requirements of the approved permit and if all portions of the right of way have been satisfactorily restored. Any materials the department chooses to retain shall be delivered and placed as designated by the department.

TRAFFIC CONTROL

All traffic control by the permittee shall comply with the *Manual on Uniform Traffic Control Devices (MUTCD)*, the department's *Standard Drawings, Standard Specifications*, the department's *Work Zone Safety Requirements on Permit Projects*, and other required documents.

**CATEGORICAL
EXCLUSION**

A TC 99-28 form, *Categorical Exclusion Checklist (Exhibit 9007)*, shall be completed for each permit application that involves a change in access control or use of airspace on the National Highway System. This shall be coordinated through the district's environmental personnel. If an indication of an environmentally sensitive situation exists on the right of way, the permittee shall be immediately advised by the district that a more in-depth review must be completed before continuing. Central Office (CO) Division of Environmental Analysis shall conduct the review. If this review confirms the sensitivity of the request, the proposal shall not continue until the situation has been mitigated to the satisfaction of the agencies having jurisdiction. The permittee shall reimburse the department for these services if provided by the department.

ARCHAEOLOGICAL**COORDINATION**

When archaeological artifacts are discovered during work, the Department shall contact the Division of Environmental Analysis immediately. Further action may be required on a case-by-case basis by the State Highway Engineer (SHE) or designee.

CANCELLATION DATE

The cancellation date shall be no longer than one year from the date the permittee submits their application. All permits not approved by the cancellation date shall be cancelled.

COMPLETION DATE

When a permit is issued, a completion date shall be set. The completion date shall allow enough time to complete the work in full without time extensions. Time extensions shall be given according to the current edition of the *Standard Specifications* for road and bridge construction.

REQUEST FOR**RECONSIDERATION**

Any person who has had an application for a permit disapproved at the district office may file a request for reconsideration with the SHE. The request shall be sent to the highway district office with a copy of the disapproved application, the disapproval letter from the district, and information from a qualified engineer that documents the reasons for reconsideration.

The district office shall forward the request to the CO Permits Branch and the SHE, who shall issue the decision and notify the district.

FRONTAGE RIGHTS

Policy regarding frontage rights for private property owners and exceptions to that policy are explained below:

➤ Private Property Owners

If an application is made to install a privately owned encroachment on the state's right of way extending in front of the property of others, the signature of said owners stating their approval, or a copy of the recorded easement, shall be on or attached to the application before a permit shall be issued.

➤ Exceptions

Exceptions to the frontage rights policy shall be considered on a case-by-case basis only when roadway right of way is owned in fee simple. Exceptions require SHE approval.



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DISTRICT OFFICE (DO)**RESPONSIBILITIES**

The District Office (DO) shall process all permit requests and shall obtain all signatures and information necessary to obtain a permit.

CENTRAL OFFICE (CO)**RESPONSIBILITIES**

The CO Permits Branch shall review the following permits:

- Airspace
- Full or partial controlled access request
- Utility installations in the vicinity of bridges
- Unprecedented requests requiring policy development interpretation
- Highway beautification and control of outdoor advertising devices
- Major development or development of significant size including an entrance with signal request
- School entrances
- Permits requiring Federal Highway Administration (FHWA) approval

CO Permits Branch shall route the application to the appropriate divisions or agencies. CO Permits Branch shall forward the permit to the district with additional requirements or comments.

SIGNATORY**AUTHORITY**

The following defines permit signature authority:

- The Chief District Engineer (CDE)

The Chief District Engineer (CDE) makes the final decision on approval or disapproval of all applications other than those designated to CO. The CDE may delegate signatory authority for all permits except those not meeting Transportation Cabinet policy.

➤ CO Permits Branch

The CO Permits Branch has permit signature authority for the following:

- ◆ Outdoor Advertising Devices (with FHWA approval)
- ◆ Kentucky LOGO and Tourist-Oriented Directional (TOD) Signs

➤ FHWA (per Stewardship Agreement)

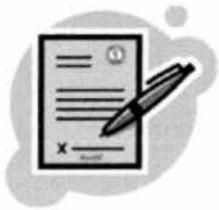
The FHWA has permit signature authority for the following:

- ◆ Requests or applications involving the interstate or Appalachian Project Development (APD).
- ◆ Any action that deviates from current fair market value where right of way was acquired with federal-aid funds

**DENIAL OF THE
PERMIT REQUEST**

If the request is denied, the DO shall advise the permittee.



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	<p><i>Subject</i></p> <p>Indemnity Requirements & Procedures</p>

POLICY The permittee shall at all times, from date when work is first-begun and until such time as all facilities are removed from right of way premise, defend, protect, and save harmless the Department of Highways (Department) from all liability claims and demands arising out of work undertaken by the permittee pursuant to this permit due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors.

INDEMNITIES The Department shall require the permittee to obtain indemnities to defend, protect, and save harmless the Department. Indemnities shall be comprised of a certificate of insurance to cover the liability to the Department, a payment bond to ensure payment of any penalties assessed to the permittee, a performance bond to guarantee the performance of the permitted work, or a perpetual bond for companies who perform multiple projects at once.

Indemnities are required except for permits:

- That do not affect the traveled way (all work is outside the clear zone), and does not alter or modify right of way
- Some governmental agencies and public utility companies (see self-insured status below)
- Private entrances that do not have unusual or complicated requirements

PAYMENT BONDS Payment bonds may be required for any project that affects the safety or creates unacceptable time delays to the traveling public. The amount of the payment bond shall be determined by the Department and shall be adequate to cover all fees or damages accrued.

PERFORMANCE BONDS A performance bond shall be issued to the Department. The amount of the performance bond for any encroachment shall be equal to the estimated cost of the work, unless an engineering study is performed that justifies a different amount. The Department may require an

increase or decrease in the performance bond based upon engineering documentation.

The performance bond shall be in full force and effective until the construction activities of the permit have been completed for a period of one year and the work accepted by the Department. The performance bond shall be released from further liability once the project is inspected and a written notice from the Department states the work is satisfactory.

Bonds shall be received on a TC 99-7 form, *Encroachment Permit Bond*, (**Exhibit 9010**) or other legal documentation from a surety company in favor of the Kentucky Transportation Cabinet.

After the project reaches substantial completion, a partial release of the performance bond may be granted before the one-year performance period has ended.

**SELF INSURED
STATUS**

Bonding requirements for governmental agencies and public utility companies shall be strictly at the discretion of the Department. The Department may allow entities to operate as self insured or, for any reason, require an entity to obtain a surety bond for each permit request.

PERPETUAL BONDS

Companies that have ongoing work or multiple permits within a district or multiple districts may apply for a perpetual bond. A perpetual bond is a performance bond that remains in effect and is equal to the total amount of work that is being performed by the company.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>GENERAL</p> <hr/> <p><i>Subject</i></p> <p>Work Zone Safety</p>
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INTRODUCTION This section discusses the Transportation Cabinet's policy and requirements for work zone safety.

POLICY A temporary traffic control plan (TTCP) is required for all requests on:

- Interstates
- Parkways
- Work in the clear zone of:
 - Multi-lane facilities
 - Other roadways designated by the district.

TRAINING

REQUIREMENTS

The Cabinet requires training and qualification as follows:

- The traffic control supervisor shall meet all training and qualification requirements.
- The traffic control technician shall meet all training and qualification requirements.

Note: the necessary training and qualification information is available at:

<http://transportation.ky.gov/Materials/Pages/KQTL.aspx>

- All flaggers shall be trained in current *Manual on Uniform Traffic Control Devices (MUTCD)* flagging procedures.
- Proof of training shall be available for review at the department's request. Qualifications shall be current within the last 5 years.
- If the applicant does not have qualified personnel, he or she shall either obtain the services of someone who is qualified or obtain the qualifications before a TTCP can be submitted and approved.

TTCP REQUIREMENTS The steps below outline TTCP requirements and shall be followed.

- A traffic control supervisor shall prepare the TTCP.
- Qualified personnel and contact information shall be provided in the TTCP. Emergency contacts shall be provided and shall be available 24 hours a day.
- The district shall review and approve the TTCP.
- The district shall approve all changes to the TTCP.
- The applicant shall designate the supervisor or technician having primary responsibility and sufficient authority for implementing the TTCP.
- So that the district public information officer can do the public information plan when necessary, the TTCP shall include the following information:
 - Work schedule
 - Exact date and time, supplied to the district a week before the event.
- The TTCP shall be developed using the current editions of the *Standard Specifications*, *Standard Drawings*, *MUTCD*, and other references as necessary. Information in the documents above may be noted in the TTCP and do not have to be duplicated.
- Total closures of a segment shall not be considered unless there is a detour available that can handle the expected increased traffic. Alternate travel routing shall not exceed 10 miles.
- Preexisting roadside safety hardware shall be maintained at an equivalent or better level than existed prior to project implementation.
- The district shall approve the TTCP before any work is performed on right-of-way. Any work performed without an approved TTCP shall result in an immediate suspension of the permit. No additional work shall be performed until the Cabinet is satisfied that additional measures have been taken to ensure that the applicant can execute the project within the permit's stipulations.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>UTILITIES</p>
	<p><i>Subject</i></p> <p>Overview</p>

OVERVIEW

The purpose of this chapter is to prescribe the policies and conditions for accommodating utility facilities within the right of way limits of the streets and roads within the Kentucky State Highway system. Any utility company, firm, individual, or governmental agency seeking to perform any type of work or activity other than routine maintenance (activities that consist of a short duration and do not involve excavation or traffic disruption) on the right of way of any road or street within the Kentucky State Highway system must obtain a permit from the Department of Highways. The policies in this chapter apply to the facilities operating on Kentucky-owned right of way, with the exception of utility lines necessary for servicing highway facilities.

NEW OR RELOCATED UTILITIES

New or relocated utilities installed longitudinally shall be located back of the ditch line and toe of slope as near to the edge of the right of way as practical or in designated utility strips. Utilities, other than storm sewers, shall not be placed in medians.

With certain restrictions, utilities are permitted to cross any road or highway. When practical, they shall cross perpendicular to the highway alignment and, preferably, under the highway.

NEW FACILITIES

New facilities shall not be installed longitudinally under proposed pavement and shoulder areas. Utility poles or towers installed longitudinally shall be located outside the clear zone. It is at the discretion of the Chief District Engineer (CDE) to determine where exceptions shall be allowed.

ENTRANCE TREATMENTS

If crossroads or entrances adjacent to the mainline roadway are paved with concrete or bituminous surface, they shall be bored. Exceptions may be made if the permit engineer determines that boring is not feasible. If traffic bound base is present, the open cut method may be used, provided they are maintained in a traversable condition during

construction. When the work is finished, they shall be returned to the equivalent of their original condition.

CONSTRUCTION**METHODS**

Construction methods or materials that allow voids in the roadway foundation shall not be permitted. No bell and spigot pipe nor other pipe that does not have a uniform outside diameter shall be permitted in bored or augured installations unless they are encased.

FRONTAGE RIGHT**REQUIREMENT**

If an application is made to install an encroachment on the state's right of way extending in front of the property of others, the signature of the owners stating their approval, or a copy of the recorded easement, shall be attached to the application before a permit is issued.

Frontage right requirements for municipal or public utility companies shall be waived when the permittee is a municipal or public utility company installing facilities to serve the public and the Department of Highways owns the property in fee simple. When a municipal or public utility company applies for permits to install private facilities not intended to serve the community, it is subject to property frontage rights and requires the signatures or consent of the property owners in front of whose properties the utility is placed.

When a permittee seeks a permit to install or extend a utility that is or will be owned and maintained for public use by a utility company, an authorized representative of the utility company shall co-sign the application.

Exceptions to this policy shall be evaluated on a case-by-case basis by the State Highway Engineer's (SHE) Office and the Federal Highway Administration (FHWA) (if applicable).



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>UTILITIES</p> <hr/> <p><i>Subject</i></p> <p>Installations on Fully Controlled Access Highways</p>
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**LONGITUDINAL OR
OVERHEAD
INSTALLATIONS**

Utilities shall not be permitted to be installed longitudinally or overhead within the right-of-way of the interstate or other fully-controlled access highways unless the utility owner can show:

- **No Adverse Effects:** The utility facility will not adversely affect the safety, design, construction, operation, maintenance, or stability of the freeway.
- **Construction/Serviceing:** The utility facility will not be constructed or serviced by direct access from through traffic roadways or connecting ramps.
- **No Traffic Stoppages:** The utility facility will not cause any stoppages to traffic during the construction, operation, or maintenance of the facility.
- **No Interference:** The utility facility will not interfere with or impair the present use or future expansion of the freeway.
- **Alternative Location Not in the Public Interest:** This determination shall include an engineering study that shall be prepared and submitted by the permittee.

UTILITY CROSSINGS

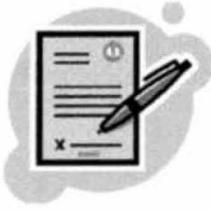
The following considerations apply to utility crossings:

- **Overhead Utility Lines:** Support structures for overhead utility lines crossing an interstate on fully controlled highways shall not be on right of way. If allowed, they shall be outside the clear zone as designated in the current edition of the AASHTO publication *Roadside Design Guide*.

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- Vertical Clearance: The vertical clearance of overhead utility lines crossing any interstate or other fully controlled highway shall be a minimum of 24 feet.
 - Underground: Open trenching of underground utility crossings of interstate or other fully-controlled highways shall not be allowed within the clear zone unless approved by the State Highway Engineer (SHE) and the Federal Highway Administration (FHWA), if applicable.
 - Encasement Required: Encasement of utility lines under the highway right of way is required except for the following;
 - ◆ Natural Gas and Petroleum Fraction lines (See **PE-304**, “Natural Gas and Petroleum Fractions”)
 - ◆ Electrical, cable, phone, fiber optic, and other such utility lines encased in conduit
 - Depth Requirements: The minimum depth for underground utilities is 42” except for natural gas and petroleum fraction lines (see **PE-304**). Valves, vents, drips, blow-offs, etc., shall be located outside the right-of-way
 - Construction methods: Construction methods or materials that allow voids in the roadway foundation shall not be permitted. No bell and spigot pipe or other pipe that does not have a uniform outside diameter shall be permitted in bored or augured installations unless they are encased.

When the work is complete, all facilities shall be returned to the equivalent of their original condition.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>UTILITIES</p> <hr/> <p><i>Subject</i></p> <p>Installations on Non-Fully Controlled Access Highways</p>
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**REQUIREMENTS ON
NON-FULLY CONTROLLED
ACCESS HIGHWAYS**

The requirements for non-fully controlled access highways are as follows:

- **Overhead Requirements:** The Department of Highways (Department) shall designate which utilities shall be permitted to be installed overhead within the right-of-way.
- **Depth Requirements:** The minimum depth for underground utilities is 42" under roadways, ramps, and ditch lines and 30" in all other areas within state right-of-way except for Natural Gas and Petroleum Fraction lines (See **PE-304**, *Natural Gas and Petroleum Fractions*). Exception shall be made only where the terrain is such that this requirement is proved to be impractical and where a lesser depth will not interfere with the highway maintenance or safety.
- **Utility Installations:** Utilities shall be permitted longitudinally within, as well as across, the right-of-way limits, provided they do not interfere with the safe use of the roadway, median, and shoulder areas, and shall not interfere with maintenance operations or aesthetics.
- **No Interference:** The utility facility shall not cause any stoppages to traffic during the construction, operation, or maintenance of the facility without the consent of the Department.
- **Open Trenching:** The traveled way or shoulders shall not be excavated by the open trench method unless approved by the Department, and shall be backfilled with flowable fill. In locations where flowable fill is unable to dissipate its bleed water, other methods may be used if approved by the department.

**ENCASEMENT OF
UTILITIES**

- Encasement Required: Encasement of utility lines under the highway right-of-way is required except for the following;
 - ◆ Natural Gas/Petroleum Fraction lines (**PE-304**)
 - ◆ Longitudinal lines outside of the ditch line
 - ◆ Pipe crossings 2" or less shall not require encasement
 - ◆ Electrical, cable, phone, fiber optic, and other such utility lines encased in conduit

- Construction methods: Construction methods or materials that allow voids in the roadway foundation shall not be permitted. No bell and spigot pipe or other pipe that does not have a uniform outside diameter shall be permitted in bored or augured installations unless they are encased.

When the work is complete, all facilities shall be returned to the equivalent of their original condition.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>UTILITIES</p> <hr/> <p><i>Subject</i></p> <p>Natural Gas / Petroleum Fractions</p>
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OVERVIEW

This chapter describes the policies and conditions for accommodating natural gas and petroleum fraction utility facilities within the right of way limits. Natural gas and petroleum lines have safety concerns and increased hazards not associated with other facilities and shall be given additional considerations before they are allowed to be placed within the right of way limits.

REQUIREMENTS

The following requirements shall be referenced on the permit:

- Material to be transferred
- Type of classification (transmission or distribution) of the pipeline
- Controlling regulatory code (KY Public Service Commission or US DOT regulations)

TRANSMISSION LINES

.Transmission lines classified “Natural Gas or Petroleum Fraction” lines [operating above 20% Specified Minimum Yield Strength (SMYS)] shall be coated steel carrier pipe with:

- Abrasive resistance overcoating (ARO) of sufficient strength to withstand the forces of installation
- Sufficient wall thickness to support anticipated loads, and constructed of extra-heavy (Schedule 80 or greater) wall thickness within the right-of-way (see ASME 31.8b, “Standards of Pressure Piping-Gas Transmission and Distribution Piping Systems”, and Code of Federal Regulations Part 192)

All permit requests for installation of transmission rated pipelines on KYTC rights of way shall include engineering plans, specifications, and documentation requested by the Department for all proposed work on KYTC right of way. The proposal shall show design calculations and safety

factor for the proposed installation. These plans shall be stamped by a Kentucky Professional Engineer to certify that the proposal meets the requirements of the KY Public Service Commission and the U.S. DOT.

DISTRIBUTION LINES Steel distribution lines designed to operate at a hoop stress less than 20% of SYMS shall be cathodically protected carrier pipe as defined by Part 49 CFR 192.105. Design specifications and calculations that meet this requirement shall be submitted with the permit.

POLYETHYLENE

PIPE (PE) Polyethylene pipes (PE) shall be allowed for distribution lines when the proposal meets the Kentucky Public Service Commission and the U.S DOT requirements. These pipes shall be:

- High or medium density polyethylene
- Continuous or joined by an acceptable method
- Uniform in diameter
- Installed with a tracer wire or other reliable means of location within the right of way.

DEPTH REQUIREMENTS Lines located on rights of way of fully controlled access highways shall have a minimum of 60 inches cover.

Lines located on rights of way of non-fully controlled access highways shall have a minimum of 60 inches cover when located inside of ditch lines and a minimum of 42 inches cover when located outside of ditch lines.

Exceptions may be made where a lesser depth will not interfere with highway maintenance or safety. Exceptions shall include an engineering study which the permittee shall prepare and submit.

ENCASEMENT Encasement of lines shall be required except for the following;

- Lines that are cathodically protected
- Lines that are 2" and less on non-fully controlled access
- Natural gas that has a cover of at least 60 inches

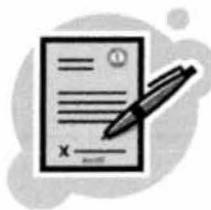
- Longitudinal pipes, outside of the ditch lines, on non-fully controlled access highways

- Unusual circumstances where encasement is not feasible, as determined by the Department

Encasements shall have a uniform diameter (outside and inside) and shall be constructed of material of sufficient wall thickness to support anticipated loads. The casing shall not be damaged or deteriorated. All encasement pipes shall be of sufficient size to allow the carrier pipe to be installed, removed, or replaced. The diameter of the hole through which the encasement is placed shall not be more than one inch larger than the outside diameter of the casing pipe. Encasement pipes, where possible, shall be sealed at each end to prevent material from entering the casing. Vent pipes shall be installed, and they shall extend outwards as close to the right of way as possible. Plastic pipe installed within the right of way shall have a tracer wire or other means of location.

Longitudinal pipes located outside of the ditch lines of non-fully controlled access highways with less than a 42-inch cover may be permitted without casing on a site-by-site basis.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>UTILITIES</p>
	<p><i>Subject</i></p> <p>Bridge Installations</p>

UTILITY INSTALLATIONS

ON BRIDGES

The Department of Highways (Department) shall grant approval of utility installations on bridges only when extensive engineering and economic research show that all other means of accommodating the utility are impractical. In all cases where permit approvals are requested, the permit shall be sent to the Central Office (CO) Division of Maintenance’s Bridge Preservation Branch and Division of Structural Design for review.

Unless an exception is granted by the State Highway Engineer (SHE), the Department shall not approve applications for installations of pipelines on bridges carrying combustible material such as gas, petroleum, or similar materials required to be transmitted under pressure.

Before any major repairs, other than routine maintenance to utilities within the right of way on bridges, the applicant shall submit plans for repairs to the District Permits Engineer for review and approval. In an emergency, the request may be approved verbally by the district and confirmed in writing at a later date.

**ANNUAL
MAINTENANCE
INSPECTION**

The permittee shall annually inspect all utilities placed on the structure to determine failures or needed maintenance. A report of the findings shall be submitted to the district bridge engineer. The utility company shall send the report to the district bridge engineer by March 1.

IMMEDIATE REPAIRS

If the district discovers gas or water leaks, electrical transmission deficiencies, or any other problem requires immediate attention, repairs shall be requested of the utility owner by legal notice. If the utility company fails to act within the specified time allowed, the district shall request that the district office legal counsel advise the permittee by letter that if necessary repairs are not made immediately, the Department shall revoke the permit, the utility shall be removed, and the expense shall be charged to the permittee and collected as provided by KRS 177.106.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>ENTRANCES</p>
	<p><i>Subject</i></p> <p>Overview</p>

**PRIVATE
ENTRANCE**

An entrance that serves a private, farm, or single family residence.

- **Required Site Distance** – The required sight distance for a private entrance is stopping sight distance. (See *Design Intersection Sight Distance-Case B1-Left Turn from Stop, Exhibit 9008*).

If the sight distance is not adequate:

- ◆ Sight distances less than the stopping sight distance may be considered provided a traffic engineering study from a qualified engineer is supplied justifying the decreased sight distance.
- ◆ If a relocation of an existing entrance is requested and the relocation is an improvement based on standard engineering practices and safety criteria, it shall be granted.

Private entrances will not require paving unless the department deems it necessary.

**COMMERCIAL
ENTRANCE**

An entrance that is used for commercial or any purpose other than a private entrance.

- **Traffic Impact Study Required** – All commercial entrances shall be evaluated to determine if a Traffic Impact Study (TIS) is necessary per KYTC TIS requirements. The TIS requirements can be found at the following:

<http://transportation.ky.gov/Permits/Pages/Policy-Memos.aspx>

- **Required Site Distance** – The required sight distance for a commercial entrance is:
 - ◆ For higher volume intersections as defined by those intersections meeting the Cabinet requirements for a traffic impact study, the

sight distance is defined by the intersection sight distance per the AASHTO Green Book Manual on the Geometric Design of Highways and Streets.

(See *Design Intersection Sight Distance-Case B1-Left Turn from Stop*, **Exhibit 9008**).

- ◆ For lower volume intersections as defined by those intersections not meeting the Cabinet requirements for a traffic impact study, the sight distance is defined by the stopping sight distance per the AASHTO Green Book Manual on the Geometric Design of Highways and Streets.

(See *Design Intersection Sight Distance-Case B1-Left Turn from Stop*, **Exhibit 9008**).

- ◆ If the sight distance is not adequate:
 - Sight distances less than those required may be considered provided a traffic engineering study from a qualified engineer is supplied justifying the decreased sight distance.
 - If a relocation of an existing entrance is requested and the relocation is an improvement based on standard engineering practices and safety criteria, it shall be granted.

Commercial entrances shall be evaluated for pavement treatments based on an engineering study provided by a qualified engineer or have a pavement design equal to the pavement of the roadway mainline.

LOCAL PLANNING

The permittee shall provide documentation from the local planning and zoning authorities on all entrance applications showing that he has met their requirements.

MEDIAN CROSSOVER GUIDELINES

Minimum spacing between median crossovers shall be 1200 in rural areas and 600 feet in urban areas.

The Cabinet may change the spacing of median crossovers if:

- An owner or occupant of land abutting a limited access facility requests the Cabinet for the change
- A local government recommends the requests for the change

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- The change in spacing of median crossovers is supported by an engineering and traffic study approved by the State Highway Engineer (SHE)

Median crossover pavement design must be equal to mainline pavement or existing crossovers or be evaluated for pavement treatments based on an engineering study provided by a qualified engineer.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>ACCESS CONTROL</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY KRS 177.315 and 603 KAR 5:120 authorize the Department of Highways to issue permits for entrances on highways where access is controlled.

**PROCESSING
PROCEDURES**

The following steps describe the detailed processing procedures for changes in access requests where access control is full or partial.

- Permittee submits basic documentation to the district that shall consist of the following:
 - ◆ Highway plan sheet showing the location of the proposed entrance, along with all existing entrances within one half mile of the proposed entrance location
 - ◆ If applicable, a letter of support from the city or county planning and zoning agency for the area where the entrance is proposed
 - ◆ TC 99-1(A) form, *Application for Encroachment Permit (Exhibit 9003)*
- If the Chief District Engineer (CDE) denies the request, the district shall notify the permittee in writing of the reason for disapproval, and the process stops.
- The CDE may alter a preexisting access point, if the access point:
 - ◆ Remains on the same side of the highway;
 - ◆ Does not go beyond another existing entrance;
 - ◆ Meets minimum spacing established by KRS 177.315
 - ◆ Is an improvement based on standard engineering practices and safety criteria

If the CDE grants the request, the district shall issue the permit.

- If a new access point is requested and the CDE does not deny the request, the permittee shall give the following information to the State Highway Engineer (SHE):

- ◆ Professional engineer stamped plans (where applicable).
- ◆ A traffic impact or traffic engineering study prepared by a pre-qualified consultant when required by the Cabinet's Traffic Impact Study Requirements policy, KRS 177.315, or when directed by the Cabinet.
- ◆ A TC 99-28, form, *Categorical Exclusion Checklist (Exhibit 9007)*, if the request is on the National Highway System (NHS). At the district's discretion, a TC 99-28 form may also be required on non-NHS routes.
- ◆ An appraisal by the permittee to determine any increase in value to the affected property attributable to the new access based on before and after value appraisals. Before the permittee performs the appraisal, the district shall notify the Central Office (CO) Division of Right Of Way so that an appraisal reviewer can be assigned to work with the prequalified appraiser.

Once the district has reviewed this information, it shall forward the required documentation to CO Permits Branch for the SHE's consideration.

- The CO Permits Branch shall review the documentation, distribute to appropriate divisions for comments, and forward the request to the SHE.
- The SHE shall submit a recommendation, together with the various recommendations received, to the Commissioner of Highways. If the recommendation is for approval, the Commissioner shall provide an opportunity for a public hearing to be held, in accordance with 600 KAR 1:030.
- After notification from CO Permits Branch, the CDE shall place an advertisement in the local newspaper one time and wait at least 20 days for a response from local citizens.
 - ◆ If a response is received for a hearing:
 - The district shall make necessary arrangements and preparations to hold the public hearing
 - The CO Permits Branch shall be notified of the date and time of the meeting location so they may attend.
 - The district office shall hold the public meeting at the scheduled time and shall provide a detailed record of the meeting (such as a video recording).

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- After reviewing the results of the hearing or if no hearing is requested, the Commissioner shall make a final decision on the permit and direct the SHE to implement the decision. The CO Permits Branch shall notify the district of the commissioner's decision.
 - ◆ If the decision is to not allow the access, the district shall notify the permittee in writing of the reasons for denial and the process stops.
 - ◆ If the decision is to allow the request, the district shall notify the permittee of any changes necessary to implement the decision.
 - Once the district has received final plans and documentation, the district shall notify the permittee of:
 - ◆ Formal approval
 - ◆ Amount of payback according to 603 KAR 5:120
 - The district shall submit permittee's payment to the Division of Accounts.
 - When confirmation of funding is received, the district shall issue the permit and monitor the construction of the entrance to completion.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>SCHOOL SITES</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY It is the policy of the Kentucky Transportation Cabinet, Department of Highways (KYTC), to cooperate with local school districts in any school improvements that impact state highways and shall pay all expenses for work on state right of way with the exception of engineering fees, right-of-way acquisition, and utility relocation.

REQUIREMENTS 702 KAR 4:050 requires:

- KYTC to confirm the roadway is adequate for a school site, site expansion, or other real property purchase.

KRS 177.057 requires

- A local school district to consult with KYTC before purchasing property for the construction of a school facility.

SITE SELECTION When considering site selection:

- The Division of Facilities Management Branch (DFMB) shall coordinate with the Board of Education (BOE) and KYTC to inspect new sites. The request shall include a location map of the prospective sites identifying the route of the proposed access.
- The BOE shall request a letter of roadway adequacy and funding responsibility for the selected site.
- KYTC shall provide a response confirming roadway adequacy and financial responsibility for work on state right-of-way or a response that the roadway is not adequate.

DESIGN, BID, & CONSTRUCTION When considering design, bid, and construction:

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- BOE is responsible for relocating utilities and providing the necessary right of way. The BOE shall transfer additional right of way acquired for the construction and maintenance of the roadway to KYTC.
 - The BOE shall provide a traffic impact/engineering study unless KYTC deems otherwise.
 - KYTC shall provide design parameters for work to be performed on the right of way.
 - The engineering design firm hired by the BOE shall provide plans by a professional engineer. The plans shall include a detailed cost estimate based on KYTC bid items.
 - KYTC shall approve BOE plans before they may proceed with advertisement of bids for the work on the right of way.
 - KYTC shall approve all change orders.
 - The BOE shall request reimbursement for work on state right-of-way through the DFMB.

REIMBURSEMENT

Once construction is completed, KYTC shall inspect the project site. If construction has been completed in accordance with the permit and the school site policy, KYTC shall reimburse the BOE.



<p>Division of Maintenance</p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>AIR RIGHTS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY The Department of Highways allows joint usage of the right of way by utilizing air rights if the facility will not impair the full use and safety of the highway. Air rights and real property interest shall be conveyed by deed, lease, or permit. All requests for air rights shall be evaluated by Central Office (CO) Permits Branch.

LEASE Any and all structures or facilities situated within described right-of-way boundaries, and determined to be in direct physical contact with department right of way, shall be conveyed by lease unless a public interest finding shows that it is in the best interest of the public to deviate from this requirement.

PERMIT Any and all structures or facilities that are not in direct physical contact within described department right-of-way boundaries shall be administered by permit.

SUBMITTAL REQUIREMENTS All requests for air rights shall include the following information:

- Vicinity map
- TC 99-1 (A) form, *Application for Encroachment Permit (Exhibit 9003)*
- TC 99-28 form, *Categorical Exclusion Checklist (Exhibit 9007)*, if applicable
- TC 99-27 form, *Ownership Disclosure Statement (Exhibit 9011)*
- Survey (plat) and legal description of the property
- Highway plans with the encroachment shown
- Deeds (Highway)

**CONDITIONS &
REQUIREMENTS**

The following requirements shall be met before a lease or a permit is issued:

- At the established grade line, use of real property shall be considered only if the property is not surplus to the needs of the department and if the use is not critical to the operation of the facility.
- When the request for air rights is determined to be a lease, the permittee shall determine the fair market value.
- If the right of way is located on the Interstate or the Appalachian Development Highway System (ADHS) or if the right of way was acquired with federal-aid funds and the proposed action deviates from fair market value, the request shall require review and approval by the Federal Highway Administration (FHWA).
- The permittee shall own or be the lessee of the property adjoining the right of way that is intended to be used.
- The proposed facility shall not restrict any horizontal or vertical clearance that may be anticipated for highway needs. It is desirable to have a 30' vertical clearance and a 30' horizontal clearance for the ultimate roadway section. The clearance shall not be less than those specified in Airspace Guidelines to 23 CFR 710.405 and 710.407.B. The proposed airspace permit area shall have adequate clearance from all highway facilities to provide room for inspection and maintenance work. The permit agreement shall specifically authorize the department to enter the leased premises for maintenance, inspection, or reconstruction when necessary.
- Any on-premise signs or display devices that are visible to motorists require department approval.
- All plans developed after the approval of a permit shall be submitted through proper channels for approval. Any subsequent changes in the use, design, or ownership of the facility shall be subject to department approval.
- If the proposed airspace usage is at grade or beneath bridge usage, the proposed facility shall not become a critical or integral part of the adjacent development in such a way that the success of the development is dependent upon the real property or air-rights usage.

- Adequate liability insurance shall be required by the responsible party for the payment of any damages that may occur during construction and use of real property or air rights, thus holding the department and FHWA harmless.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>DRAINAGE</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY Requests to alter drainage on a right of way shall result in conditions that are equal to or better than the existing facilities.

CONDITIONS & REQUIREMENTS When long lengths of pipe are used, catch basins or clean-out boxes shall be installed at appropriate intervals of 50 feet, based on pipe diameter of 15". Special consideration may be given to placement of clean-out boxes at longer intervals for pipe with larger diameters. Boxes shall be constructed at all angles in pipe alignment.

Proposals to alter or significantly increase a drainage area or run-off factors or to change in any way a drainage structure shall be accompanied by a complete drainage survey (upstream and downstream), based on 25-year and 100-year storms with hydraulic analysis of all affected drainage structures in the area.

HYDRAULIC ANALYSIS Proposals to alter or significantly increase a drainage area or runoff factors or to change in any way the performance of an existing drainage structure shall be accompanied by a complete drainage survey and hydrologic analysis (upstream and downstream) based on 25-year and 100-year storms. This analysis shall include a comparison of existing and proposed conditions.

INADEQUATE DOWNSTREAM DRAINAGE FACILITIES If a permittee’s development will create sufficient additional surface drainage run-off so that the existing downstream drainage facilities (such as cross-drain pipes or culverts, storm drain systems, entrance pipes, open ditches, paved ditches, special channels, or any other drainage facility) become inadequate to accommodate the increased flow, the permittee shall:

- Modify or replace the downstream drainage facility or facilities so the increased flow is adequately accommodated to the Department of

Highway's satisfaction

- Provide an on-site retention basin of appropriate capacity and discharge design that enables the existing downstream drainage facilities to continue to function adequately to the Department of Highway's satisfaction

Note: Retention of storm water is not permitted on the right of way.

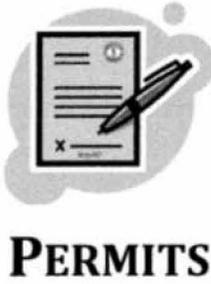


<i>Division of Maintenance</i>  Permits Manual	<i>Chapter</i> Geophysical Surveys
	<i>Subject</i> Overview

POLICY

Geophysical surveys or underground natural resources shall be permitted if the permitted survey is conducted in a way that will not impair the use and safety of the highway.



 <p>PERMITS</p>	<p><i>Chapter</i></p> <p>GRADING</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY The Department may permit the grading of right of way.

- CONDITIONS**
- When the request does not require the removal of earthen material from the right of way, a permit may be issued if such activities are not detrimental to the safety, aesthetics, or maintenance of the highway.
 - When the request requires the removal of earthen material from the right-of-way, a permit may be issued if such activities are necessary in the construction or reconstruction of a permitted entrance or where such activities will result in an improvement of the safety or maintenance of the highway.
 - When the request requires removal of earthen material from the, right of way, but no improvements of safety or maintenance are made, a permit shall be issued if the applicant pays fair market value for the removed material.

RESTORATION Restoration shall follow the procedures outlined in the Department’s Standard Specifications, Section 211, 212, and 213.



 <p>PERMITS</p>	<p><i>Chapter</i></p> <p>WELCOME SIGNS</p>
	<p><i>Subject</i></p> <p>Overview</p>

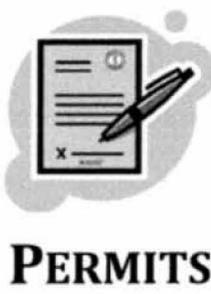
Policy Approved welcome sign encroachments shall be allowed on the right of way, except for fully-controlled access routes.

To receive approval from the Department for a welcome sign encroachment within the right of way, the sign shall:

- Not exceed 200 square feet in size
- Have a clear zone that meets Department of Highways’ approval
- Be located at or near the city or county limits
- Be limited to one sign erected facing any one direction of travel

The permittee shall maintain the sign in a clean and well-kept manner.



 <p>PERMITS</p>	<p><i>Chapter</i></p> <p>FAIRS, PARADES, FESTIVALS, & BANNERS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY Except on fully controlled access facilities, the Department allows the temporary use of right of way on the State Highway System for fairs, parades, and festivals, including the placement of signs and banners advertising the event, if conducted by nonprofit or governmental groups. Fairs, parades, and festivals shall not require a permit but shall meet the conditions and requirements detailed below.

Sponsors shall give the district proof that local governing bodies and law enforcement agencies have given their approval.

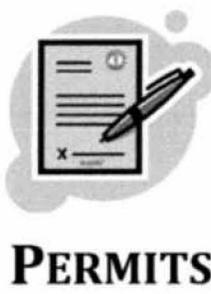
Note: The event sponsor shall provide a certificate of liability insurance.

BANNERS Overhead advertising across streets on the State Highway System shall be allowed only if advertising public or charity events and if they do not obstruct traffic signs and signals. Political campaigning and private advertising are not permitted. Banners shall not be erected sooner than 10 days prior to the event and shall be removed within one week following the event.

SIGNS Signs advertising fairs, parades, and festivals shall not obstruct official signs and signals. Signs may be erected 30 days prior to and shall be removed within 24 hours after the close of the event, Sunday excluded. Signs shall be of a breakaway design.

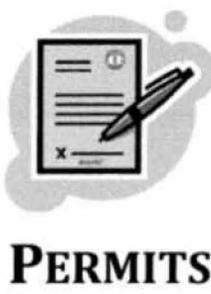
TRAFFIC CONTROL The event sponsor shall provide adequate, safe, and well-marked or directed detours continuously available for through traffic, fire apparatus, ambulances, funerals, and other necessary movements. The event sponsor shall agree to be prepared to disperse parade participants for emergency vehicles if the main thoroughfare is the only parade route.



 PERMITS	<i>Chapter</i> GARBAGE CONTAINERS
	<i>Subject</i> Overview

POLICY Except for fully controlled access routes, the Department shall issue permits to county and city governments for garbage container locations within the right of way of state-maintained route.



 <p>PERMITS</p>	<i>Chapter</i> ROADWAY LIGHTING
	<i>Subject</i> Overview

POLICY All roadway lighting shall be designed by a prequalified engineer and reviewed and approved by the Division of Traffic.

When poles lie within the “clear zone” as defined by the latest edition of the *AASHTO Roadside Design Guide*, all proposed facilities shall be of a breakaway design unless an exception is granted by the Department.



 <p>PERMITS</p>	<p><i>Chapter</i></p> <p>COAL MINES & QUARRIES WITHIN THE RIGHT OF WAY</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY

Indemnities (see **PE-203**, *Indemnity Requirements and Procedures*) shall be obtained and held for a period of 5 years beyond the date of completion of the permitted mining activities. The indemnity shall be released only after the Cabinet has received a final mine map, certified by a registered professional engineer, that shows all pillars remain intact within the subsidence protection zone and no damage has occurred as a result of the mining operation.

REQUIRED DOCUMENTS

The permittee shall supply the following:

- A legal survey description of the area to be affected. This description shall include the most current KYTC highway plans stations for the affected roadway.
- Mining geometry
- Profile and section views
- Mining method
- Depth and type of cover
- Subsidence protection plan
- Mitigation plan
- Safety factor calculation
- Determination of extraction ratios
- Floor stability
- Ownership of coal under KYTC right-of-way

- Life expectancy of the mining operation
- Termination plan
- Generic Air Rights language
- A map showing existing and proposed work in the vicinity of the right of way and the proposed standard subsidence protection zone per the Society of Mining Engineers *SME Mining Engineering Handbook*
- A final mine map showing all pillars and cribbing that remain intact within the subsidence protection zone
- All mining documents shall be certified by a professional engineer

COAL EXTRACTION LIMITS

No coal shall be removed under the right of way except for entries as approved by the Department. The extraction rate within the subsidence protection zone shall be based on the ratio of pillar strength to pillar stress. This ratio, expressed as a safety factor, shall be greater than the required safety factor for a Category 4 structure per Division of Mine Permits document **RAM 107**.



 PERMITS	<i>Chapter</i> PONDING OF WATER ON RIGHT OF WAY
	<i>Subject</i> Overview

POLICY The Department shall allow temporary flooding of the highway right-of-way by Water Conservatory Districts and other governmental agencies if it is determined by the engineering staff that such flooding will not affect the flow of vehicular traffic or threaten the integrity of the roadway facility.

Agencies proposing temporary flooding of the right-of-way shall provide, but not necessarily be limited to, the following:

- Location of dam
- List of U.S. and Kentucky routes showing the locations affected
- Frequency of flooding of the right of way
- Duration of flooding (in hours)
- Maximum rate of draw-down (in feet per day)
- Dam design data
- United States Geographical Survey (USGS) topographical maps, roadway alignment and profile sheet, contour surveys, etc., showing maximum elevation of flooding in relation to roadway grade and original ground

REPAIRS The permittee shall maintain non-highway facilities authorized by permit on the right-of-way such as, but not limited to, riprap and erosion control vegetation. To preserve the integrity of the highway and to ensure against failure, the permit shall provide the Cabinet with the right, without liability for interrupted usage of water service, to lower the pool stage for repairs temporarily.

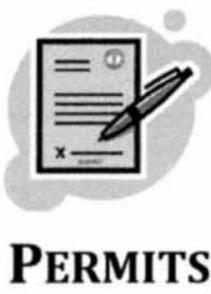
If repairs are impossible and the continued use of the highway facility is threatened, the Cabinet shall have the right to drain the lake permanently without liability to the water users or to other property owners affected by the draw-down of the water in the lake. The permittee shall assume all liability for all such damages or claims for damage resulting in such draw-downs of the water level in the lake.



 PERMITS	<i>Chapter</i> TRANSIT SHELTERS
	<i>Subject</i> Overview

POLICY Except where the right-of-way has been obtained with full access control, the Department may permit construction and maintenance of transit shelters at appropriate locations on the right of way.



 <p>PERMITS</p>	<i>Chapter</i> ROADSIDE CHEMICALS
	<i>Subject</i> Overview

INTRODUCTION This subject discusses the Transportation Cabinet’s policy on the use of roadside chemicals.

POLICY A permit to use roadside chemicals shall be issued only to properly licensed and certified companies or individuals. The Roadside Environmental District Administrator (REDA) shall review and recommend for approval all documentation.

CONDITIONS AND REQUIREMENTS

The following conditions and requirements apply:

➤ **Liability**

The permittee is fully responsible for any and all damages to private property adjoining or adjacent to the highway right of way, or in proximity where wind drift, negligence, or any other reason may be the direct or contributing cause of damage. He or she is also fully responsible for damages to desirable trees, shrubs, vines, grass, and other ground covers on the highway right of way, whether such damage is the result of negligence or other direct cause, or is caused indirectly by wind drift. Desirable vegetation destroyed or seriously damaged as a result of chemical application shall be replaced or the Department shall be reimbursed by the permittee in the amount of the replacement or damage value. Furthermore, any negligence or carelessness noted may result in the cancellation of the permit.

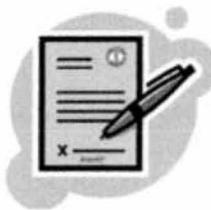
➤ **Erosion-Controlling Vegetation**

Shrubs, either native or planted, growing on back slopes and helping to control erosion, shall not be destroyed, regardless of location.

➤ **Use of Chemicals on Specimen Trees**

Destroying specimen trees with the use of chemicals either native or planted, **is prohibited**, regardless of location.

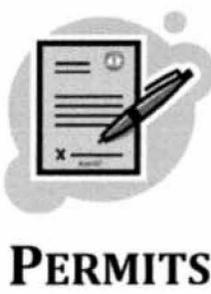


 PERMITS	<i>Chapter</i> GAS & OIL WELL DRILLING ADJACENT TO RIGHT OF WAY
	<i>Subject</i> Gas & Oil Well Drilling Adjacent to Right of Way

POLICY The Department shall not permit requests for gas and oil well drilling on rights-of-way.

Concurrence may be given by the Chief District Engineer by a "letter of permission" for gas and oil well drilling on private property that is closer to the right-of-way than the spacing limitations set forth in KRS 353.610 - 353.620.



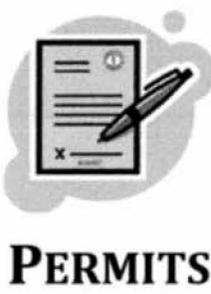
 PERMITS	<i>Chapter</i> LANDSCAPING
	<i>Subject</i> Overview

POLICY The Department shall consider requests to place plantings upon the right of way. The roadside environmental district administrator (REDA) shall review all applications.

All permits concerning landscaping are subject to the following:

- Plantings shall not infringe upon the frontage rights of an abutting property owner without written consent of the property owner.
- Plantings shall not be placed where they will adversely affect drainage or the maintenance of drainage facilities.
- Plantings shall not restrict sight distance or traffic control devices as required by local, state, and federal standards.



 PERMITS	<i>Chapter</i> TRIM OR CUT TREES
	<i>Subject</i> Overview

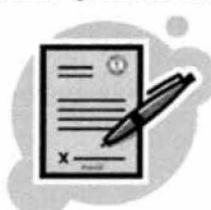
POLICY

The Department of Highways shall consider permit requests for tree trimming and cutting on state-maintained highways:

- When the permit is needed for the safety of the highway
- To protect transmission of public utilities
- To eliminate hazards to property
- To avoid unsightly conditions

Permit requests for trimming or cutting trees that will directly or indirectly improve the visibility of an outdoor advertising device shall not be approved.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>RECYCLERS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY

Kentucky Revised Statutes (KRS) 177.905 to 177.950 and Kentucky Administrative Regulations (KAR) 603 KAR 3:051 detail the statutory and regulatory requirements regarding recyclers. The statutes and regulations pertaining to the operation of automobile, vehicle, machinery or material recycling establishments enable the Transportation Cabinet's Department of Highways to administer the recycler program and are available online at:

www.lrc.ky.gov/KRS/177-00/CHAPTER.HTM

www.lrc.ky.gov/kar/TITLE603.HTM

PROCEDURES

An applicant seeking to operate an automobile, vehicle, machinery, or material recycling establishment shall submit a completed TC 99-56 form, *Application for Recycling Permit and Screening Plan Approval (Exhibit 9004)*, to the district office responsible for the county wherein the request is being made.

The TC 99-56 form is available online at:

transportation.ky.gov/Permits/Pages/Application-Forms.aspx

District contact information is available at:

transportation.ky.gov/Pages/Highway-Districts.aspx

The department shall issue a permit using a TC 99-57 form, *Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard (Exhibit 9013)* and shall issue a recycler card using the TC 99-58 form, *Automobile, Vehicle, Machinery, or Material Recycling Yard Permit (Exhibit 9006)*.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>OUTSIDE ADVERTISING DEVICES</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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POLICY

Kentucky Revised Statutes (KRS) KRS 177.830 to 177.890 and Kentucky Administrative Regulations (KAR) {KAR Title 603} detail the statutory and regulatory requirements regarding outdoor advertising devices (OADs). The statutes and regulations pertaining to the OADs enable the Transportation Cabinet's Department of Highways to administer the OAD program and are available online at:

www.lrc.ky.gov/KRS/177-00/CHAPTER.HTM

www.lrc.ky.gov/kar/TITLE603.HTM

PROCEDURES

An applicant requesting an OAD shall submit a completed TC 99-31 form, *Application for Advertising Device Permit (Exhibit 9002)*, to the district office responsible for the county wherein the request is being made.

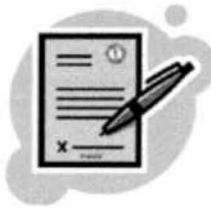
The TC 99-31 form is available online at:

transportation.ky.gov/Organizational-Resources/Pages/Forms-Library.aspx

District contact information is available at:

transportation.ky.gov/Pages/Highway-Districts.aspx



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>LIMITED SUPPLEMENTAL GUIDE SIGNS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY

Kentucky Revised Statutes (KRS) KRS 177.830 to 177.890 and Kentucky Administrative Regulations (KAR) KAR Title 603 detail the statutory and regulatory requirements regarding limited supplemental guide signs (LSGSs). The statutes and regulations pertaining to LSGSs enable the Transportation Cabinet's Department of Highways to administer the LSGS program and are available online at:

www.lrc.ky.gov/KRS/177-00/CHAPTER.HTM

www.lrc.ky.gov/kar/TITLE603.HTM

PROCEDURES

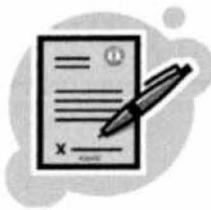
An applicant seeking an LSGS shall submit a completed request to the Central Office (CO) Permits Branch in the Division of Maintenance. Each request shall contain the following documents if applicable:

- Limited Supplemental Guide Sign application (**Exhibit XXXX**)
- TC 99-202 form, *Temporary Agritourism Site Application* (**Exhibit 9016**)
- TC 99-203 form, *Attraction Eligibility Information* (**Exhibit 9005**)
- TC 99-204 form, *Signing Incentives Program Application* (**Exhibit 9015**)

These documents are available online at:

transportation.ky.gov/Permits/Pages/Application-Forms.aspx



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>TOURIST-ORIENTED DIRECTIONAL & LOGO SIGNS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY

Kentucky Revised Statutes (KRS) 177.0734 to 177.0738 and the Kentucky Administrative Regulations (KAR) Title KAR 603 1:035 detail the statutory and regulatory requirements regarding tourist-oriented directional signs (TODS). The statutes and regulations pertaining to TODS and logos enable the Transportation Cabinet's Department of Highways to administer the TODS and Logo programs and are available online at:

www.lrc.ky.gov/kar/TITLE603.HTM

www.lrc.ky.gov/KRS/177-00/CHAPTER.HTM

PROCEDURES

An applicant requesting a TODS or Logo sign shall submit said request to Kentucky Logos, L.L.C. Kentucky Logos, L.L.C. information is available online at:

www.kentuckytods.interstatelogos.com/state/home.aspx



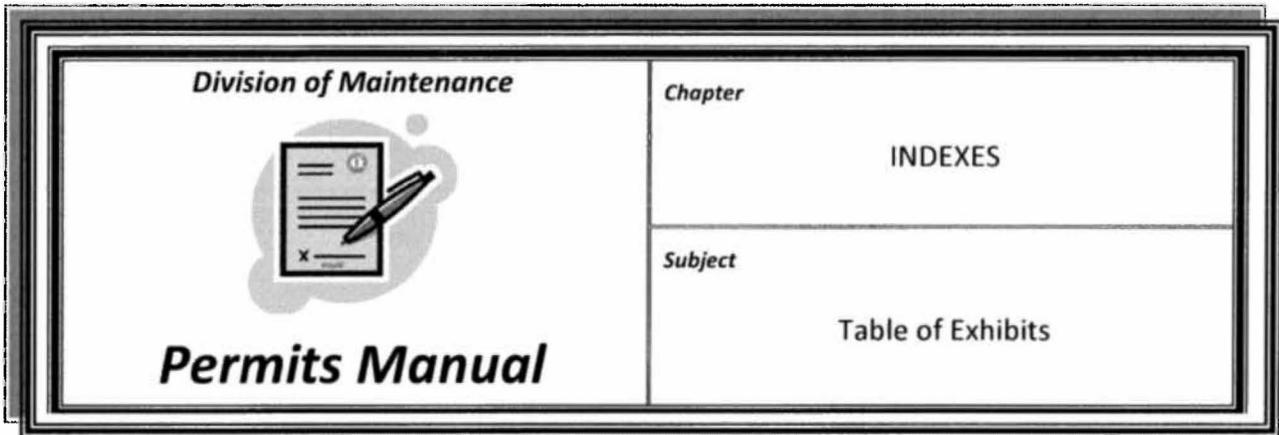


EXHIBIT NUMBER	EXHIBIT TITLE & FORM NUMBER	MANUAL REFERENCE
PE-9001	Agreement for Services to be Performed, TC 99-22.....	102, 501
PE-9002	Application for Advertising Device Permit, TC 99-31	102
PE-9003	Application for Encroachment Permit, TC 99-1(A)	102, 103, 201, 501, 701
PE-9004	Application for Recycling Permit & Screening Plan Approval, TC 99-56.....	102, 2201
PE-9005	Attraction Eligibility Information, TC 99-203	102, 2401
PE-9006	Automobile, Vehicle, Machinery or Material Recycling Yard Permit, TC 99-58	102, 2201
PE-9007	Categorical Exclusion Checklist, TC 99-28.....	102, 201, 501, 701
PE-9008	Design Intersection Sight Distance (AASHTO Green Book)	401
PE-9009	Encroachment Permit, TC 99-1(B)	201
PE-9010	Encroachment Permit Bond, TC 99-7.....	102, 203
PE-9011	Ownership Disclosure Statement, TC 99-27	102, 701
PE-9012	Permit for Advertising Device, TC 99-32.....	102
PE-9013	Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard Permit, TC 99-57	102, 2201

PE-9015	Signing Incentives Program Application, TC 99-204	102, 2401
PE-9016	Temporary Agritourism Site Application, TC 99-202	102, 2401
PE-9017	Tourist Signage Program Application, TC 99-201	102



	KENTUCKY TRANSPORTATION CABINET Department of Highways PERMITS BRANCH	TC 99-31 Rev.05/2013 Page 1 of 1
APPLICATION FOR OFF-PREMISE ADVERTISING DEVICE		
PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576 AND 603 KAR 3:080		
SECTION 1: PERMITTEE INFORMATION		
NAME OF PERMITTEE	CONTACT NAME	
ADDRESS	CITY	STATE ZIP
EMAIL ADDRESS	PHONE (office)	PHONE (mobile)
SECTION 2: DEVICE INFORMATION		
COUNTY	ROUTE	MILE POINT
LATITUDE (DD)	LONGITUDE (DD)	MAX SQ FT PER FACING
		ELECTRONIC OR MOVEABLE ADV <input type="checkbox"/> Yes <input type="checkbox"/> No
SECTION 3: DEVICE REQUIREMENTS		
1. Provide the following for all devices: <ul style="list-style-type: none"> a. Location of the advertising device in relation to: <ul style="list-style-type: none"> i. The required business(es) ii. The Department right of way (measured from the nearest portion of the device) iii. The edge of the traveled way (measured from the nearest portion of the device) b. Local permit or a letter from the local governing agency stating no permit required c. Drawing of the proposed sign showing sign faces, size, and directional orientation d. Copy of the lease agreement with the property owner 		
2. For devices visible from NHS/FAP route, provide the following additional information: <ul style="list-style-type: none"> a. Description of the qualifying commercial or industrial activity [defined in KRS 177.830(9).] 		
3. For devices visible from an Interstate or Parkway, provide the following additional information: <ul style="list-style-type: none"> a. Businesses used to qualify the commercial or industrial area [defined in 603 KAR 3:080]; and b. Location of enterprise or municipality lines, as they existed on September 21, 1959, used to meet the requirements of the industrial commercial area; or c. Location and documentation indicating that within the area there was a commercial or industrial enterprise in existence on September 21, 1959 		
4. The latitude and longitude provided on this form, [Decimal Degrees (DD,GRS 1980,NAD83)], shall be obtained from the "KYTC Protected Areas for Outdoor Advertising" map. This point is for general location purposes only. The permittee shall ensure that the permitted device does not encroach upon the Kentucky Transportation Cabinet's right-of-way.		
SECTION 4: SIGNATURE AUTHORIZATION		
This information and application is certified to be correct to the best knowledge and belief of the undersigned. This application does not become a permit without KYTC Form TC 99-32 signed and present.		
SIGNATURE	DATE	
TITLE (signee)		



Kentucky Transportation Cabinet
 Department of Highways
 Permits Branch

APPLICATION FOR ENCROACHMENT PERMIT

Permittee Information		KYTC No. <input type="text"/>	
Name	Permit Information		
Address	Address		
	City		
City	State	Zip	
State	Zip	County	
Phone#	Route No.	Mile-Point	
Contact	Longitude (X)		
Phone	Cell	Latitude (Y)	
Email	Information below to be filled out by KYTC		
Contact	<input type="checkbox"/> Air Right	<input type="checkbox"/> Entrance	
Phone	<input type="checkbox"/> Utilities	<input type="checkbox"/> Other: _____	
Email			
	<input type="checkbox"/> Left	<input type="checkbox"/> Right	<input type="checkbox"/> X-ing
Access:	<input type="checkbox"/> Full	<input type="checkbox"/> Partial	<input type="checkbox"/> by Permit

General Description of Work:

THE UNDERSIGNED PERMITTEE(s) (being duly authorized representative(s) or owner(s)) DO AGREE TO ALL TERMS AND CONDITIONS ON THE TC 99-1 (A).

Signature

Date

This is not a permit unless and until the permittee(s) receives an approved TC 99-1(B) from KYTC. This application will become void if not approved by the cancellation date. The cancellation date will be one year from the date the permittee submits their application.



Kentucky Transportation Cabinet
Department of Highways
Permits Branch

APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
 - A. **PERFORMANCE BOND:** The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
 - B. **PAYMENT BOND:** At the discretion of the department, a payment bond will be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
 - C. **LIABILITY INSURANCE:** Liability insurance will be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
 - D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
4. A copy of this application and all related documents making up the approved permit will be given to the applicant and shall be made readily available for review at the work site at all times.
5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
6. Permittee, its successors and assigns, shall comply with and agrees to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, and/or add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, and/or other corrective measures must be completed will be specified in the notice.



Kentucky Transportation Cabinet
Department of Highways
Permits Branch

APPLICATION FOR ENCROACHMENT PERMIT

9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns, and/or the Department in its reasonable discretion and only in accordance with the Department’s current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee’s entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.

10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, “I (we), _____, hereby consent to the granting of the permit requested by the applicant along Route _____, which permit does affect frontage rights along my (our) adjacent real property.” By signature(s) _____, subscribed and sworn by _____, on this date _____.

11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.

12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agrees as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.

13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, **shall defend, protect, indemnify and save harmless** the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.

14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department may and shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.

15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.



Kentucky Transportation Cabinet
Department of Highways
Permits Branch

APPLICATION FOR ENCROACHMENT PERMIT

16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.

17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)

18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.

19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.

20. Permittee, its successors and assigns, agrees to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch

APPLICATION FOR RECYCLING PERMIT AND SCREENING PLAN APPROVAL

(Submit in duplicate to appropriate District Office - Addresses on Back)

- 1. NAME OF APPLICANT: _____
- 2. BUSINESS NAME: _____ BUSINESS PHONE: _____
- 3. BUSINESS ADDRESS: _____
 (Street) (City) (State & Zip Code)

 (County) (Road Name) (Road Number)

MILEPOINT _____ PLEASE CHECK ONE: FEDERAL HIGHWAY COUNTY ROAD
 STATE HIGHWAY PRIVATE ROAD

- 4. If automobile, vehicle or machinery recycling establishment, does it contain a combined total of five (5) or more junked, wrecked, or nonoperative automobiles, vehicles or machines? YES NO
- 5. If automotive dealer, body shop operator, wrecker service operator or service station operator, does it contain ten (10) or more junked, wrecked, or nonoperative automobiles, vehicles or machines? YES NO
- 6. If material recycling establishment, describe materials: _____
- 7. Does the county or city have zoning regulations? YES NO
 If yes, is the location of the recycling storage area within a legally zoned area? YES NO
- 8. Is the recycling storage area presently screened from view of the traveling motorist on a year-round basis?
 YES NO
 If "NO", answer question 9.
- 9. Describe proposed screening in detail, including materials to be used for screening, height, length, color, etc.
(Attach screening plan drawing.)

The above statements are certified to be correct to the best of my knowledge.

Applicant Signature(s) _____ Date _____
 _____ Date _____

NOTE: An automotive recycling dealer license is required by law and available from the:
 Motor Vehicle Commission
 105 Sea Hero Road, Suite 1
 Frankfort, KY 40601
 502-573-1000



Kentucky Transportation Cabinet

Division of Maintenance

Permits Branch

APPLICATION FOR RECYCLING PERMIT AND SCREENING PLAN APPROVAL

DISTRICT ONE

5501 Kentucky Rd
Paducah, KY 42003
270-898-2431

Ballard
Calloway
Carlisle
Crittenden
Fulton
Graves
Hickman
Livingston
Lyon
McCracken
Marshall
Trigg

DISTRICT TWO

1840 North Main Street
Madisonville, KY 42431
270-824-7080

Caldwell
Christian
Daviss
Hancock
Henderson
Hopkins
McClean
Muhlenberg
Ohio
Union
Webster

DISTRICT THREE

900 Morgantown Rd
Bowling Green, KY 42101
270-746-7898

Allen
Barren
Butler
Edmonson
Logan
Metcalfe
Monroe
Simpson
Todd
Warren

DISTRICT FOUR

634 East Dixie
Elizabethtown, KY 427202
270-766-5066

Breckinridge
Grayson
Green
Hardin
Hart
Larue
Marion
Meade
Nelson
Taylor
Washington

DISTRICT FIVE

977 Phillips Lane
Louisville, KY 40233
502-210-5400

Bullitt
Franklin
Henry
Jefferson
Oldham
Shelby
Spencer
Trimble

DISTRICT SIX

421 Buttermilk Pike
Covington, KY 41017
859-341-2700

Boone
Bracken
Campbell
Carroll
Gallatin
Grant
Harrison
Kenton
Owen
Pendleton
Robertson

DISTRICT SEVEN

763 W. New Circle Rd
Lexington, KY 40512
859-246-2355

Adair
Casey
Clinton
Cumberland
Lincoln
McCreary
Pulaski
Rockcastle
Russell
Wayne

DISTRICT EIGHT

1660 S. Highway 27
Somerset, KY 42502
606-677-4017

Anderson
Bourbon
Boyle
Clark
Fayette
Garrard
Jessamine
Madison
Mercer
Montgomery
Scott
Woodford

DISTRICT NINE

822 Elizaville Ave
Flemingsburg, KY 41041
606-845-2551

Bath
Boyd
Carter
Elliott
Fleming
Greenup
Lewis
Mason
Nicholas
Rowan

DISTRICT TEN

473 Highway 15 S.
Jackson, KY 41339
606-666-8841

Breathitt
Estill
Lee
Magoffin
Menifee
Morgan
Owsley
Perry
Powell
Wolfe

DISTRICT ELEVEN

603 Railroad Ave
Manchester, KY 40962
606-598-2145

Bell
Clay
Harlan
Jackson
Knox
Laurel
Leslie
Whitley

DISTRICT TWELVE

109 Lorraine Street
Pikeville, KY 41501
606-433-7791

Floyd
Johnson
Knott
Lawrence
Letcher
Martin
Pike



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch
ATTRACTION ELIGIBILITY INFORMATION

SECTION 1: ATTRACTION INFORMATION

NAME OF ATTRACTION	ATTRACTION ID		
PHYSICAL ADDRESS	CITY	STATE	ZIP
MAILING ADDRESS (If different from above)	CITY	STATE	ZIP
CONTACT PERSON & TITLE	PHONE	EMAIL	

- ELIGIBLE ATTRACTION CATEGORIES (Check all that apply.)**
- Cultural Recreational Educational
 Historical Agricultural Entertainment

SECTION 2: DESCRIPTION OF ACTIVITIES

Explain how the project meets the eligibility criteria for each category checked above. List the project's significance. (awards, history, etc.) Include any impact the attraction may have on efforts to increase local and regional tourism.

VISITOR ATTENDANCE (Annual)	PARKING CAPACITY	HOURS OF OPERATION
-----------------------------	------------------	--------------------

QUALIFIED FOR (Check, if yes.):

- Signing Incentives Program Temporary Agritourism Site (If checked, attach the Temporary Agritourism Site Application, TC 99-202 form, and proof of general liability insurance.)

Kentucky Transportation Cabinet
Permits Branch
*Automobile, Vehicle, Machinery or Material
Recycling Yard Permit*

Permit No. RP-_____ Expires: _____

KENTUCKY TRANSPORTATION CABINET
 Department of Highways
 Permits Branch

TC 99-28
 7/95

CATEGORICAL EXCLUSION CHECKLIST

For Encroachment Permits; Joint or Limited Use of Right-of-Way; Changes in Access Control
 23 CFR 771.117(d)(6) & (7)

I. PROJECT IDENTIFICATION				
A. Route:		B. Milepoint:	C. Reviewed by:	
D. Date:				
E. County:		F. Encroachment Type:		
G. Description:			H. Permit No.:	
a. Existing Conditions:				
b. Proposed Use:				
II. IMPACT EVALUATION				
	*SIG	MIN.	NONE	COMMENTS
A. Traffic/Travel Pattern Changes				
B. Planned Growth Changes				
C. Land Use Changes				
D. Relocations/Displacements				
E. 4(f) Lands				
1. Historic Site/District Effects				
2. Archaeological Site Effects				
3. Public Recreation Effects				
4. Wildlife-Waterfowl Refuge Effects				
F. Wetlands Effects				
G. Floodplain Effects				
H. Prime-Unique Farmland Effects				
I. Endangered Species/Habitat Effects				
J. Air Quality Effects				
K. Noise Impacts				
L. Water Quality Impacts				
M. 401/404 Permits				
N. Hazmat/UST Issues				
O. Other Issues (discuss):				
III. RECOMMENDATIONS / CONDITIONS / COMMENTS				
* If any item is checked in this column, a request for Categorical Exclusion Review by the Division of Environmental Analysis must be made.				
APPROVED:		TITLE:		DATE:

cc: Director, Division of Environmental Analysis

AASHTO – DESIGN INTERSECTION SIGHT DISTANCE – CASE B1 – LEFT TURN FROM STOP

Posted Speed Limit	Stopping Sight Distance	Intersection Sight Distance
20	115	225
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610
60	570	665
65	645	720
70	730	775



Kentucky Transportation Cabinet
Department of Highways
Permits Branch
ENCROACHMENT PERMIT BOND

(Attach Standard Power of Attorney)

County: _____ Bond Number: _____ Permit Number: _____

KNOW ALL MEN BY THESE PRESENTS: That we _____, in the City of _____ State of _____, as Principal, and _____, in the City of _____ State of _____, as Surety, are held and firmly bound unto the Commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet in District Office No.(s) _____, located at _____ Kentucky, Commonwealth of Kentucky, oblige, in the penal sum of (_____) Dollars, lawful money of the United States for the payment of which well and truly be made, we bind ourselves, our heirs, executors, administrators, and assigns, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that whereas the said _____ has obtained from the Commonwealth of Kentucky, Transportation Cabinet, a permit authorizing specific facilities upon the State owned right-of-way, and

Whereas, under the terms of said permit, a cash indemnity or bond indemnity is required of said principal and good and sufficient surety, payable to the Commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet and conditioned upon the permitted encroachment being completed in accordance with the approved permit and being guaranteed that all non-conforming aspects of the encroachment can be corrected without expense to the Transportation Cabinet, by the said principal:

Now, therefore, if the above bounden principal shall faithfully and honestly complete the encroachment in accordance with said permit, and if the encroachment for which the said permit is granted fails to meet all specification(s), or if the said permit is revoked by the Transportation Cabinet, the above bounden principal shall properly restore the right-of-way and/or roadway or surfacing in accordance with the Cabinet regulations, and if thereafter such restoration has been completed then this obligation shall be null and void; otherwise to remain in full force and effect until completion of the encroachment has been duly accepted by an authorized agent of the Transportation Cabinet.

That this obligation shall remain in full force and effect until terminated in writing by the Transportation Cabinet. Allow 30 days from permit release for bond refund.

In witness whereof, we, the parties, have set our hands and seals on this the _____, day of _____ 20__.

Bonding Agent/Corporate Insignia

Mailing Address

City, State, Zip Code

Phone Number

Principal
BY: _____

Surety
BY: _____

Attorney-in-Fact



Kentucky Transportation Cabinet
Department of Highways
Permits Branch
ENCROACHMENT PERMIT BOND

County: _____ Bond Number: _____ Permit Number: _____

DISTRICT ONE

5501 Kentucky Dam Rd
Paducah, KY 42003
270-898-2431

Ballard
Calloway
Carlisle
Crittenden
Fulton
Graves
Hickman
Livingston
Lyon
McCracken
Marshall
Trigg

DISTRICT TWO

1840 North Main Street
Madisonville, KY 42431
270-824-7080

Caldwell
Christian
Davies
Hancock
Henderson
Hopkins
McClellan
Muhlenberg
Ohio
Union
Webster

DISTRICT THREE

900 Morgantown Rd
Bowling Green, KY 42101
270-746-7898

Allen
Barren
Butler
Edmonson
Logan
Metcalfe
Monroe
Simpson
Todd
Warren

DISTRICT FOUR

634 East Dixie
Elizabethtown, KY 427202
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Grayson
Green
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Hart
Larue
Marion
Meade
Nelson
Taylor
Washington

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Bullitt
Franklin
Henry
Jefferson
Oldham
Shelby
Spencer
Trimble

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Bracken
Campbell
Carroll
Gallatin
Grant
Harrison
Kenton
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Boyle
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Fayette
Garrard
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Madison
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Pulaski
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Boyd
Carter
Elliott
Fleming
Greenup
Lewis
Mason
Nicholas
Rowan

DISTRICT TEN

473 Highway 15 S.
Jackson, KY 41339
606-666-8841

Breathitt
Estill
Lee
Magoffin
Menifee
Morgan
Owsley
Perry
Powell
Wolfe

DISTRICT ELEVEN

603 Railroad Ave
Manchester, KY 40962
606-598-2145

Bell
Clay
Harlan
Jackson
Knox
Laurel
Leslie
Whitley

DISTRICT TWELVE

109 Lorraine Street
Pikeville, KY 41501
606-433-7791

Floyd
Johnson
Knott
Lawrence
Letcher
Martin
Pike



Kentucky Transportation Cabinet
Department of Highways
Permits Branch

TC 99-32
05/2013
Page 1 of 1

ADVERTISING DEVICE PERMIT

PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576 AND 603 KAR 3:080

KEPT No.: _____

Permittee: _____

Erection Completion Date: _____

This permit has been:

APPROVED ___

DENIED ___

NAME TITLE

SIGNATURE DATE

The TC 99-32, including the application TC 99-31 and all related and accompanying documents and drawings, make up the permit.

This permit is transferable upon approval by the Kentucky Transportation Cabinet, but only for the identical advertising device and location for which issued.

The permittee shall ensure that the permitted device does not encroach upon the Kentucky Transportation Cabinet's right-of-way.

The permit is contingent on the site and device meeting state and local regulations at the time of installation.

Violations for non-compliance with outdoor advertising laws or regulations at this location are adequate grounds for revocation of this permit.



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch

PERMIT FOR AUTOMOBILE, VEHICLE, MACHINERY, OR MATERIAL RECYCLING YARD

PERMIT NUMBER

DATE ISSUED

EXPIRATION DATE (Unless Revoked)

Pursuant to application heretofore made and which by reference is made a part hereof and to KRS 177.905 - 177.950 and the rules and regulations adopted pursuant thereto, this permit is issued to:

NAME OF BUSINESS _____

ADDRESS _____

FOR A RECYCLING YARD LOCATED AT: _____

The holder is authorized to operate a recycling yard as defined by KRS 177.905(2) at the address and location named above. The holder promises to comply with KRS 177.905 - 177.950 and with regulations consistent therewith. The Cabinet and permittee agree that the issuance and continuance of said permit is in consideration of the required fee, receipt of which is hereby acknowledged.

This permit is renewable before July 1 of even numbered years. It is transferable upon notice and approval by the Secretary, but relates only to the identical premises for which issued. If revoked for noncompliance, the fee charged is not refundable.

CONDITIONS OF APPROVAL

1. The holder of this permit is subject to all the provisions of KRS 177.905 through 177.950 and with existing regulations or regulations which may be adopted hereafter.
2. This permit may be revoked for noncompliance with its terms, the terms of KRS 177.905 through 177.950 or the terms of the regulations now in effect or any regulations that may be adopted hereafter.
3. In any case of revocation of this permit, the holder hereof will be granted a hearing upon request to determine whether or not the permit should be restored. Any such hearing shall be in accordance with the rules and regulations adopted by the Cabinet for the conduct of such hearings.
4. Make checks payable to Treasurer, Commonwealth of Kentucky.
5. Special conditions unique to the above location are as follows:

--

APPROVAL FOR SECRETARY OF TRANSPORTATION

By: _____
Chief District Engineer or Delegate

District Office



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch
SIGNING INCENTIVES PROGRAM APPLICATION

SECTION 1: APPLICANT INFORMATION

GOVERNMENT SPONSOR _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____ EMAIL _____
ATTRACTION _____ CHECK ALL THAT APPLY: Limited Supplemental
 Post-Interchange
 Cultural & Recreational

SECTION 2: TRANSPORTATION ENHANCEMENT ELIGIBILITY INFORMATION

If the attraction has ever received funds from any Transportation Enhancement project, answer A. If it has not, answer B, C, and D.

A. Provide the project title, year the project was approved for funds, scope of the project, location, etc. Additional information or documentation may be requested.

Answer B, C, and D only if the project has never been approved for Transportation Enhancement project
B. Establish the relationship between the attraction and surface transportation.

C. Eligible Signing Incentives Categories (check all that apply.)

- Acquisition of scenic or historic easements or sites -- include battlefields
- Pedestrian or bicycle safety & education
- Pedestrian or bicycle facilities -- include streetscapes
- Historic preservation
- Historic transportation buildings
- Inventory, control, & removal or outdoor advertising
- Landscaping & scenic beautification
- Environmental mitigation
- Archaeological planning & research
- Rail corridor preservation
- Scenic or historic highway programs
- Transportation museums

D. Explain how the attraction qualifies under the eligible categories checked above.

The undersigned hereby applies for participation in the Transportation Cabinet's official Signing Incentives Program. By applying, the undersigned accepts full responsibility and liability for initial and maintenance costs of associated signage. The applicant ensures the attraction will maintain eligibility as determined at the time of approval.

SIGNATURE _____ DATE _____



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch
TEMPORARY AGRITOURISM SITE APPLICATION

This application shall be approved by the Kentucky Department of Agriculture (KDA), pursuant to 302 KAR 39.010 in order for the Transportation Cabinet to permit signage for agritourism sites to be erected along Kentucky highways.

SECTION 1: APPLICANT INFORMATION

SITE NAME _____

LOCATION _____

OWNER NAME _____

OPERATOR NAME (If different from owner.) _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ EMAIL _____

DATES & HOURS OF OPERATION _____

SECTION 2: DESCRIPTION OF PRODUCTS SOLD OR ACTIVITIES OFFERED

SECTION 3: DESCRIPTION OF SITE (Include information on parking, restrooms number & type, food service facilities, etc.)

INCLUDE PROOF OF LIABILITY INSURANCE WITH THIS APPLICATION.



KENTUCKY TRANSPORTATION CABINET
 Division of Maintenance
Permits Branch

TOURIST SIGNAGE PROGRAM APPLICATION

APPLICANT INFORMATION

Applicant/Government Sponsor _____

Address _____

City _____ State _____ ZIP _____

Phone _____ E-mail _____

Contact Person & Title _____

Agency Name _____

Address _____

City _____ State _____ ZIP _____

Phone _____ E-mail _____

SIGN INFORMATION

Sign ID	Sign Location	Road			Intersecting Road		Sign Design			Type of Property
		Name	Route Number	Traveling Direction	Name	Route Number	Attraction ID	Direction of Turn	Mileage (Optional)	
A										
B										
C										
D										
E										



KENTUCKY TRANSPORTATION CABINET
 Division of Maintenance
 Permits Branch

TOURIST SIGNAGE PROGRAM APPLICATION

SIGN INFORMATION

Sign ID	Sign Location	Road			Intersecting Road		Sign Design			Type of Property
		Name	Route Number	Traveling Direction	Name	Route Number	Attraction ID	Direction of Turn	Mileage (Optional)	
F										
G										
H										
I										
J										
K										
L										
M										
N										