**REVISED POLICY**

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The purpose of this printing is to include the following revised exhibits in the *Permits Guidance Manual*.
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OFFICE OF THE SECRETARY
OFFICIAL ORDER 112620

SUBJECT: Permits Guidance Manual

This manual has been prepared to provide information and guidance to personnel of the Kentucky Transportation Cabinet. Its purpose is to establish uniformity in the interpretation and administration of laws, regulations, policies, and procedures applicable to the operations and services of the Permits Branch within the Division of Maintenance and its relationship with other units of the Cabinet.

The policies and procedures set forth herein are hereby approved and declared effective unless officially changed.

All previous instructions, written and oral, relative to or in conflict with this manual are hereby superseded.

Signed and approved this [17th] day of September, 2021.

Jim Gray
Secretary

Approved as to Legal Form

Office of Legal Services

An Equal Opportunity Employer M/F/D
# Division of Maintenance

## Permits Manual

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### Abbreviations

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<td>ACORD</td>
<td>Association of Operations Research and Development</td>
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<td>ADT</td>
<td>Average Daily Traffic</td>
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<td>AWWA</td>
<td>American Water Works Association</td>
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<td>BOE</td>
<td>Board of Education</td>
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<td>CABINET</td>
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<td>CDE</td>
<td>Chief District Engineer</td>
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<td>COMMISSIONER</td>
<td>Commissioner of the Department of Highways</td>
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<td>SI</td>
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<td>Specified Minimum Yield Strength</td>
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<td>TEBM</td>
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<td>TTCP</td>
<td>Temporary Traffic Control Plan</td>
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<td>USGS</td>
<td>United States Geographical Survey</td>
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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 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.

Two indexes appear at the front of the manual and two indexes appear at the back:

- **Table of Contents (PE-01)** —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.
LOCATING INFORMATION (CONT.)

- **Abbreviations (PE-02)**—This index at the front provides a reference for many of the common abbreviations and acronyms used throughout the manual.

- **Glossary (PE-03)**—This index is at the back of the manual. 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).

- **Table of Exhibits (PE-9000)**—This index at the back provides a list of all forms, diagrams, and drawings referenced in the manual.

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
INTRODUCTION

PURPOSE

This manual is designed to instruct the citizens of Kentucky and employees of the Department of Highways (Department) about the laws, regulations, and policies involved in obtaining an encroachment permit from the Department. In accordance with KRS 177.106(2), a person shall not cause an encroachment or allow an encroachment to remain under, on, or over any part of the right of way of a state-maintained road unless that person has first obtained an encroachment permit from the Department of Highways.

OBTAINING A PERMIT

To obtain an encroachment permit, the applicant shall file a completed copy of the appropriate permit application with the district office responsible for the county where the request is being made. District information is available at the following website:

https://transportation.ky.gov/DistrictPages/Pages/default.aspx

To obtain encroachment permit forms or access current policies, the applicant can visit the following website:

https://transportation.ky.gov/Permits/Pages/

REQUESTS PROCESSED BY PERMITS

The Permits Staff processes the following requests:

- Utility Encroachments
- Utilities on Bridges
- Entrance Permits: Private, Commercial, Breaks in Access Control, and School
- Air Rights
REQUESTS PROCESSED BY PERMITS (CONT.)

- Drainage Alterations
- Geophysical Surveys
- Grading on Right of Way
- Welcome Signs
- Fairs, Festivals, Parades, & Banners
- Garbage Containers
- Roadway Lighting
- Electrical Traffic Control Devices
- Ponding Encroachments
- Transit Shelters
- Use of Roadside Chemicals
- Landscaping
- Vegetation Management
- Recyclers
- Advertising Devices
- Access Control Fence Replacement or Removal
- Frontage Roads on Department Right of Way
- Roadway Grade or Alignment Changes
- Any Encroachment According to KRS 177.106
District permits staff in the Engineering Support Branch are responsible for reviewing and processing all permit applications 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 applicant, distributing for review, and processing final permit documentation after appropriate signatures, recommendations, and comments are obtained.

The Chief District Engineer (CDE) or designated representative 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.”

The Project Development Branch shall review permit applications within project areas during the preconstruction phase. The Project Development Branch shall give recommendations and comments to the district permits staff for further processing. Permit applications within project areas shall be submitted as early as possible so the proposed location can be shown on the Department of Highways’ (Department’s) plans.

Any permit for a completely new facility that is not approved in time to be included on the Department’s plans prior to the plans, specifications, and estimates (PS & E) date on federal aid projects or prior to advertisement on non-federal aid projects, should be held until the project is advertised and the highway construction contract has been awarded.
PERMITS REQUESTED ON PROJECTS IN THE CONSTRUCTION PHASE

The Project Delivery and Preservation Branch shall review permits submitted on active construction projects and provide comments to the district permits staff for further processing. Once a project has been awarded, the permittee shall coordinate all work with the contractor and the Section Engineer responsible for that project.
In accordance with KRS 177.106(2), a person shall not cause an encroachment or allow an encroachment to remain under, on, or over any part of the right of way of a state-maintained road unless that person has first obtained an encroachment permit from the Department of Highways.

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 an applicant or permittee is adequate grounds for revocation of the existing permit and/or for refusal to issue future permits.

If the Department determines that an encroachment, for which an encroachment permit has not been issued, interferes with the safe, convenient, and continuous use and maintenance of a road, the Department shall issue to the responsible party a notice of violation and order to remove or relocate the encroachment within seven (7) days, at the responsible party's expense.

If the Department orders the removal or change in location of any encroachment from the right of way and the responsible party fails to remove it or change its location within seven (7) days, the Department shall:

1. Cause the removal of the encroachment; and
2. Recoup the cost of removal from the responsible party.

If the non-permitted encroachment is cause for an immediate concern, the district may remove the encroachment immediately in lieu of a seven (7) day notice.
**REQUIRED DOCUMENTATION**

All applicants shall give to the Department, at their own expense, drawings, documents, forms, agreements, leases, indemnities, and any other information detailed in this manual, including as-built plans, where applicable. If the permit requires engineered drawings or documents, they shall be stamped by a registered professional engineer.

When applying for an encroachment permit, the applicant shall submit a completed TC 99-1A form, *Application for Encroachment Permit (Exhibit 9001)*, and include a statement that completely details the request. If the permit is approved, the Department shall issue an encroachment permit on a TC 99-1B form, *Encroachment Permit (Exhibit 9002)*. Forms TC 99-1A, TC 99-1B, and all related and accompanying documents and drawings comprise the permit. Transportation Cabinet Permits forms (TC 99) are located at:

https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-(TC-99).aspx

**REQUIRED SIGNATURES**

Applications shall be signed by the property owner or an authorized representative of the property owner. Governmental agencies with local jurisdiction may sign the application form for applications considered to be in the public interest. When an applicant 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.

**CONSTRUCTION REQUIREMENTS**

Permit work that affects the traveled way shall be constructed by a contractor who is prequalified to perform work for the Department. The Division of Construction Procurement maintains the list of prequalified contractors. The permittee shall utilize contractors prequalified in the appropriate work item(s) for the type of work covered by the permit. Additional information on work items and the prequalified contractor list are located at:

https://transportation.ky.gov/Construction-Procurement/Pages/Prequalification.aspx
CONSTRUCTION REQUIREMENTS (CONT.)

If the permit work involves unusual or complicated circumstances, including but not limited to, drainage, guardrail, turn lanes, or signals, the permittee may be required to supply an inspection provided by a consultant prequalified in the Construction Engineering Services category, or reimburse the Department for these services if provided by the Department. The Division of Professional Services maintains the list of prequalified consultants. Additional information on categories and the prequalified consultant lists are located at:

https://transportation.ky.gov/ProfessionalServices/Pages/Prequalification-Application-and-Instructions.aspx

The Department may also require prequalified contractors and inspection 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 Department 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), Standard Specifications, Standard Drawings, “Work Zone Safety” policy (PE-204), and other Department policies.
**CATEGORICAL EXCLUSION**

Form TC 99-28, *Categorical Exclusion Checklist* (Exhibit 9003), 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 environmental personnel. If an indication of an environmentally sensitive situation exists on the right of way, the applicant shall be immediately advised by the district that a more in-depth review shall be completed before continuing. 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 applicant shall reimburse the Department for these services if provided by the Department.

**ARCHAEOLOGICAL COORDINATION**

When archaeological artifacts are discovered during work, the permittee shall cease work and 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 applicant submits their application. All permits not approved or denied by the cancellation date shall be cancelled unless an extension is granted by the Chief District Engineer (CDE) or designated representative.

**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. The permittee may request a time extension, in writing, to the district permit engineer. Time extensions shall be approved at the district’s discretion.

**REQUEST FOR RECONSIDERATION**

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

The district office shall forward the request to the Central Office Permits Branch. Central Office Permits Branch shall coordinate the review by all applicable Central Office divisions. Central Office Permits Branch shall forward the request and the comments from the Central Office review to the SHE for review and final decision. Central Office Permits Branch shall notify the district of the SHE decision, and the district shall notify the applicant.
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 and, if applicable, FHWA approval.
**District Office Responsibilities**

The district shall process all permit requests, except applications for advertising devices and special projects, and shall obtain signatures and information necessary to obtain a permit.

**Central Office Responsibilities**

The Central Office Permits Branch shall review the following permit requests:

- Air Rights (by lease and all mine-related activities)
- Breaks in access control
- Unprecedented requests requiring policy development or interpretation
- Advertising Devices
- Major development or development of significant size including an entrance with signal request
- School Sites
- New median crossovers or modifications to existing median crossovers
- Permits requiring Federal Highway Administration (FHWA) approval, including:
  - All requests or applications involving the interstate, with the exception of advertising devices
  - Any action that deviates from current fair market value where right of way was acquired with federal-aid funds
The following defines permit signature authority:

- **The Chief District Engineer (CDE)**

  The CDE makes the final decision on approval or denial of all applications, other than those designated to Central Office or FHWA. The CDE may delegate approval authority for all permits except those not meeting Department of Highways (Department) policy.

- **Central Office Permits Branch**

  The Central Office Permits Branch has permit approval authority for advertising devices and special projects.

- **FHWA (per Stewardship Agreement)**

  The FHWA has permit approval authority for the following:
  - Requests or applications involving the interstate
  - Any action that deviates from current fair market value where right of way was acquired with federal aid funds

**Final Decision on Permit Request**

For all permit requests, except advertising devices and special projects, the district shall notify the applicant of the final decision. For requests for advertising devices or special projects, Central Office Permits Branch shall notify the applicant of the final decision.
POLICY
The 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 of Highways (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.

INDEMNITIES
The Department shall require the applicant to obtain indemnities to defend, protect, and save harmless the Department. Indemnities shall be comprised of one or more of the following: a certificate of insurance to cover the liability to the Department, a payment bond or cashier’s check to ensure payment of any penalties or required reimbursements, a performance bond to guarantee the performance of the permitted work, or a perpetual bond for companies who perform multiple projects at once. The Department will determine the appropriate types and amounts of indemnities required for each permit.

Indemnities may not be required for permits that:

- Do not affect the traveled way (all work is outside the clear zone) and do not alter or modify right of way

- Are requested by some governmental agencies and public utility companies (see “Self-Insured Status” below)

- Are for private entrances that do not have unusual or complicated requirements
LIABILITY INSURANCE  A certificate of liability insurance shall be issued to the Department. The permittee is responsible for maintaining this coverage until the permitted work is inspected and accepted by the Department. The applicant/permittee shall provide an Association for Operations Research and Development (ACORD) certificate of liability insurance that meets the following requirements:

- Minimum coverage of $1,000,000.00 per occurrence.
- Certificate holder listed as Kentucky Transportation Cabinet, Department of Highways, Permits. The address listed under certificate holder shall be the address of the district where the permitted work is located, or the address of Central Office for certificates covering permits statewide.
- Endorsement indicating the Commonwealth of Kentucky and its agents as an Additional Insured.

PAYMENT BONDS  Payment bonds may be required for Vegetation Management permits and other permits as deemed necessary by the Department. The amount of the payment bond shall be determined by the Department.

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 performance bond shall be in full force and effective until the construction activities of the permit have been completed and the work accepted by the Department. After acceptance, the performance bond shall be released and a written notice shall be provided from the Department stating the work is accepted.

Bonds shall be received on a TC 99-7 form, Encroachment Permit Bond (Exhibit 9004), from a surety company for the use and benefit of the Department.

In lieu of a Performance Bond, the applicant may provide a cashier’s check payable to the Kentucky State Treasurer for the full indemnity amount. Once permitted work is complete and accepted by the Department, a written notice will be provided and the check amount will be refunded to the permittee.
### 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 greater than or equal to the total amount of work being performed by the company.

### 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. Governmental agencies and public utility companies may request consideration for self-insured status by submitting a completed TC 99-8 form, Self-Insured Bond (*Exhibit 9005*), along with supporting financial documentation.
POLICY

All traffic control shall comply with the Manual on Uniform Traffic Control Devices (MUTCD), the Department of Highways (Department) Standard Drawings, Standard Specifications, and other required documents.

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

- Interstates
- Parkways
- Work in the clear zone of multi-lane facilities (roadways with more than one lane per direction)
- Any other permit as designated by the district

TRAINING REQUIREMENTS

The Department 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:

https://transportation.ky.gov/Materials/Pages/KQTL.aspx

- All flaggers shall be trained in current MUTCD flagging procedures.
- Proof of training shall be available for review at the Department’s request. Qualifications shall be current within the last five (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.

When a certified TTCP is required per this policy, the following criteria shall be met:

- A certified traffic control supervisor shall prepare and sign the TTCP on behalf of the applicant. The traffic control supervisor shall note their certification number on 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.

- A certified traffic control supervisor on behalf of the district shall review and approve the TTCP. The traffic control supervisor shall note their certification number with their approval.

- A certified traffic control supervisor on behalf of the district shall review and approve all changes to the TTCP. The traffic control supervisor shall note their certification number with their approval.

- The applicant shall designate the supervisor or technician having primary responsibility and sufficient authority for implementing the TTCP.

- The TTCP shall include the following information:
  - Work schedule
  - Exact date and time, supplied to the district up to two weeks before the event, as required by the district permit engineer
  - The district may require that the applicant provide a public information plan. When a public information plan is required, the applicant shall submit it to the district for approval.
  - 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.
TTCP REQUIREMENTS (CONT.)

- Existing roadside safety hardware shall be maintained at an equivalent or better level than existed prior to project implementation.

- Total closures of a segment shall not be considered unless there is an approved detour available that can handle the expected increased traffic. Alternate travel routing shall not exceed 10 miles.

- Detours should only utilize state routes. At the discretion of the district, a detour may include a county, city, or private facility. Prior to issuing a permit that utilizes a non-state facility for a detour, the applicant shall submit proof of permission from the facility owner, as well as proof of an agreement between the applicant and facility owner that the applicant will restore any damages to the facility incurred as a result of the usage of the facility as a detour. The agreement shall specify that the Department is not responsible for any costs associated with the use of the non-state facility as a detour.

- 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 Department is satisfied that additional measures have been taken to ensure that the applicant can execute the project within the permit’s stipulations.

- For any work requiring a rolling roadblock on fully controlled access highways, a TC 99-210 form, Rolling Roadblock for Permitted Work on Fully Controlled Highways (Exhibit 9006) shall be submitted by the applicant.

STORAGE OF MATERIAL AND EQUIPMENT

In order to maintain a safe area for motorists and pedestrians, all construction materials shall be stored off of Department right of way. Construction materials shall not be placed inside the clear zone during periods of non-work.

All construction equipment shall be parked off of the right of way during non-working hours. No equipment shall be parked inside the clear zone during non-working hours. During working hours, the equipment, when not in use, shall be parked as far from the roadway as possible. In order to minimize obstacles adjacent to the roadway, all employee vehicles are to be parked off of Department right of way.
WORK AREA MAINTENANCE

During construction of the permitted work, the work area shall be clear of any debris which would create a hazard to the pedestrians and motorists using the roadway and adjacent appurtenances. This includes maintaining a debris-free roadway and shoulder (i.e., tracking of mud by trucks and cars). The permittee shall be responsible for ongoing inspections to ensure compliance with this requirement. If the work is being done in an urban area and involves sidewalk removal, a temporary walkway through the work area shall be provided for pedestrians.

Proper drainage shall be maintained at all times. All drainage structures and ditches shall be kept clear of any debris which would impede proper drainage. Proper erosion and sediment control structures shall be installed to prevent siltation of drainage structures and waters of the Commonwealth of Kentucky. Erosion and sediment control measures shall be implemented until vegetation is re-established. There shall be ongoing inspections by the permittee to ensure compliance with this requirement.

No trenches, holes, or pits shall be left open for any period of non-work (i.e., no trenches or pits left open overnight or over the weekend). Trench backfill shall be maintained in good condition by the contractor on a daily basis. The contractor shall conduct cleanup activities as construction progresses and immediately following the utility installation. All disturbed areas not designated to receive pavement shall be re-seeded a maximum of 30 days following backfill and cleanup activities.
The purpose of this chapter is to prescribe the policies and conditions for accommodating utility facilities within the right-of-way limits of the roadways 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 on the right of way of a non-fully controlled access highway within the Kentucky State Highway System shall obtain a permit from the Department of Highways (Department). Applicants may be required to submit attachment agreements or letters of acknowledgment from utility pole owners before obtaining a permit to attach a new utility.

Routine maintenance on utilities is defined as activities that consist of a short duration and do not involve excavation, traffic disruption, tree cutting or trimming, or chemical usage. Activities that involve excavation, traffic disruption, tree cutting or trimming, or chemical usage require permits pursuant to this policy manual.

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 installed longitudinally shall be located behind the ditch and toe of slope as near to the edge of the right of way as practical or in designated utility strips. New or relocated utility facilities shall not be installed longitudinally under pavement, shoulder areas, or ditches. New pole lines installed longitudinally shall be located outside the clear zone.
Utilities, other than storm sewers, shall not be placed in medians. Policy PE-304, “Natural Gas/Petroleum Fractions,” specifies utility companies that may be permitted to install facilities that transport natural gas or other explosive flammable substances within Department right of way. Exceptions to the requirements in this paragraph are at the discretion of the State Highway Engineer (SHE) and, when applicable, the Federal Highways Administration (FHWA).

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

Upgrades, improvements, or modifications other than routine maintenance shall be prohibited for existing longitudinal facilities located underground inside of ditches on Department right of way. The existing utility facilities shall be relocated from inside the ditches and installed in accordance with Department policy for new underground utility installations if they are to remain on Department right of way. Exceptions to this requirement are at the discretion of the SHE and, when applicable, the FHWA.

Crossroads or entrances adjacent to the mainline roadway that are paved with concrete or bituminous surface shall be bored. Exceptions may be made if the district permit engineer determines that boring is not feasible. If traffic bound base is present, the open cut method may be used, provided it is maintained in a traversable condition during construction and returned to the equivalent of its original condition when the work is finished.

The permittee shall be responsible for restoring any Department right of way disturbed during construction, relocation, or maintenance of a utility. This includes restoring the ground to original grade, sodding or seeding grass per the Standard Specifications, and restoring pavement per the permit requirements. Sidewalk facilities shall be restored to American with Disabilities Act (ADA) compliance.
FRONTAGE RIGHT REQUIREMENTS

If an application is made to install an encroachment on Department 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 shall be waived when the applicant/permittee is a governmental agency or public utility company installing facilities to serve the public. When a governmental agency 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 an applicant 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 frontage right requirements shall be evaluated on a case-by-case basis by the SHE and, when applicable, the FHWA.

EMERGENCY WORK

To expedite opening of a state route in an emergency, temporary exceptions may be granted for utility pole and appurtenances, loading standards, and splices. Once the emergency work is complete, utility owners shall begin the permitting process to remove all temporary material within Department right of way and to reconstruct the utility facility to meet this policy. The utility owner shall adhere to the timeline set by the district for correction of emergency work. The Chief District Engineer (CDE) or designee has authority to decide if a situation is an emergency. For emergencies on interstate routes, the district shall notify Central Office Permits and Central Office Permits shall notify FHWA.
Utilities shall not be permitted to be installed longitudinally within the right of way of the interstate or other fully controlled access highways, unless supported by an engineering study prepared by a registered professional engineer that shows:

- **No Adverse Effects:** The utility facility will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.

- **Construction/Servicing:** 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 highway.

- **Alternative Location Not in the Public Interest:** A new longitudinal utility facility shall not be permitted if a practical alternative location is available.

**Existing Overhead Utility Crossings**

Existing, properly permitted, overhead utility lines may be serviced or upgraded. A new permit is required each time work on right of way is proposed, and the proposed installation shall meet the following design criteria:
EXISTING OVERHEAD UTILITY CROSSINGS (CONT.)

- All spans within Department of Highways (Department) right of way shall be independent of any approach spans and shall be self-supporting.

- Ancillary equipment shall not be installed on Department right of way.

- No conductor splices shall be allowed within Department right of way.

- Support structures for overhead utility lines shall not be on right of way, unless authorized by the SHE and, when applicable, the Federal Highway Administration (FHWA). If allowed, they shall be outside the clear zone as designated in the current edition of the American Association of State Highway and Transportation Officials (AASHTO) publication, Roadside Design Guide.

- The vertical clearance of overhead utility lines shall be a minimum of 24 feet as measured from the surface of the traveled way and shoulders.

- Stamped and signed engineering drawings of the crossing showing plan view and profile view of the facility shall be submitted.

- The plans shall include a statement that the facility, as proposed, meets National Electrical Safety Code (NESC) Grade “B”- Heavy Loading standards and all Department permit requirements identified in the Kentucky Transportation Cabinet’s Permits Manual policy PE-302, Utilities – “Installations on Fully Controlled Access Highways.”

NEW OVERHEAD UTILITY CROSSINGS

The preferred method for new utility crossings on fully controlled access highways is underground. However, new overhead utility crossings may be allowed if the utility owner can show the proposed facility will meet the criteria outlined for existing overhead crossings in this policy; and the proposed facility, as installed, is supported by an engineering study prepared by a registered professional engineer which details:
NEW OVERHEAD UTILITY CROSSINGS (CONT.)

- No Adverse Effects: Under normal operating conditions, the utility facility will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.

- Construction/Servicing: The utility facility will not be constructed or serviced from the through traffic roadways or connecting ramps. Access to utility poles from the interstate right of way shall be executed as part of an approved Temporary Traffic Control Plan (TTCP).

- Traffic Disruption: The construction, operation, and maintenance of the facility will be performed using both methods and times that minimize disruptions to traffic. The utility facility will not cause any stoppages or major disruption to traffic during the construction, operation, or maintenance of the facility. Any proposed impact to traffic shall be planned and executed as part of an approved TTCP and scheduled at such times to minimize impact to traffic.

- No Interference: The utility facility will not interfere with or impair the present use or future expansion of the highway.

- Alternative Location Not in the Public Interest: A new overhead crossing shall not be permitted if a practical alternative location is available.

UNDERGROUND UTILITY FACILITIES

Underground facilities shall comply with the following requirements:

- Open trenching of underground utility facilities shall not be allowed within the clear zone unless approved by the SHE and, if applicable, the FHWA.

- Longitudinal installations of underground utilities shall not be located under pavement, shoulder areas, or ditches. Exceptions to this requirement are at the discretion of the SHE and, if applicable, the FHWA.

- Valves, vents, drips, blow-offs, etc., shall be located outside the right of way.
Underground Utility Facilities (cont.)

- Upgrades, improvements, or modifications other than routine maintenance shall be prohibited for existing longitudinal facilities located underground inside of ditches on Department right of way. The existing utility facilities shall be relocated from inside the ditches and installed in accordance with Department policy for new underground utility installations if they are to remain on Department right of way. Exceptions to this requirement are at the discretion of the SHE and, when applicable, the FHWA.

- 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, “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 electrical lines is 60 inches under roadways, ramps, and ditch lines. The minimum depth for underground electrical lines in all other areas is 42 inches, unless NESC requires additional depth.
  - The minimum depth for natural gas and petroleum fraction lines can be found in policy PE-304 “Natural Gas/Petroleum Fractions.
  - The minimum depth for all other underground utilities is 42”.

Design Considerations and Construction Methods

The following design considerations and construction methods shall be met:

- Casing diameter shall provide a minimum of four (4) inches between the inside of the casing pipe and the largest outside diameter of the carrier pipe (including pipe bells) to allow for deflection of the casing pipe and installation of the casing spacers.
DESIGN CONSIDERATIONS
AND CONSTRUCTION
METHODS (CONT.)

- Adequate spacing shall be provided at the ends of the casing pipe to accommodate future pipe replacement.

- Both ends of the encasement pipe shall be closed with a removable, watertight boot.

- The casing pipe shall have a minimum strength of 35,000 psi. The casing pipe shall meet specifications for American Water Works Association (AWWA) C200 for steel encasement. In locations where steel is not feasible, SDR 9 or thicker HDPE may be used. Other casing pipe material will be considered on a site-by-site basis.

- Construction methods or materials shall limit voids in the roadway foundation.

- No bell or spigot pipe or other pipe that does not have a uniform outside diameter shall be permitted in bored or augured installation unless they are encased.

- The diameter of the bore shall be no more than one (1) inch larger than the outer diameter of the encasement. Larger bore diameters may be considered on a case-by-case basis, given that the proposed construction methods and materials are consistent with limiting voids in the roadway foundation.

- When the work is complete, all facilities shall be returned to the equivalent of their original condition.
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. The vertical clearance of an overhead utility crossing on a non-fully controlled highway shall be a minimum of 18 feet, but in no case shall the clearance be less than the requirements of the National Electrical Safety Code (NESC).

- **Depth Requirements:** Exception to this policy 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 and is subject to approval by the State Highway Engineer (SHE).
  
  - The minimum depth for underground electrical lines is 60 inches under roadways, ramps, and ditch lines. The minimum depth for underground electrical lines in all other areas is 42 inches, unless NESC requires additional depth.
  
  - The minimum depth for natural gas and petroleum fraction lines can be found in policy **PE-304, Utilities - “Natural Gas/Petroleum Fractions.”**
  
  - The minimum depth for all other underground utilities is 42 inches under roadways, ramps, ditch lines, and all other areas.
REQUIREMENTS ON NON-FULLY CONTROLLED ACCESS HIGHWAYS (CONT.)

- Utility Installations: Utilities may 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. Permitted utility installations shall not interfere with maintenance operations or aesthetics.

- New or relocated utility facilities shall not be installed longitudinally under pavement, shoulder areas, or ditches. Exceptions to this requirement are at the discretion of the SHE.

- Upgrades, improvements, or modifications other than routine maintenance shall be prohibited for existing longitudinal facilities located underground inside of ditches on Department right of way. The existing utility facilities shall be relocated from inside the ditches and installed in accordance with Department policy for new underground utility installations if they are to remain on Department right of way. Exceptions to this requirement are at the discretion of the SHE.

- Traffic Impact: The utility facility shall not cause any disruptions 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

The requirements for the encasement of utilities are as follows:

- Encasement shall be required for any new water, sewer, or drainage pipe installation within Department right of way in which the following scenarios apply:
  - Crossing state highways
ENCASEMENT OF UTILITIES (CONT.)

- Crossing railroads, unless permitting requirements by other applicable agencies do not allow encasement
- Water crossings, unless the district deems the location impractical for encasement due to terrain or permitting requirements by other applicable agencies do not allow encasement
- Shallow depth of cover under any surface used by vehicles, such as under roadways, shoulders, local side streets, or entrances; proposed installations that do not meet minimum depth requirements in this policy are subject to approval by the SHE
- Lack of adequate clearance from existing utilities, as required by the Kentucky Public Service Commission

➢ Encasement of utility lines may not be required for the following:

- Natural Gas/Petroleum Fraction lines (PE-304)
- Longitudinal lines outside of the ditch line
- Pipe crossings 2 inches or less in diameter, unless the district deems it necessary
- Electrical, cable, phone, fiber optic, and other such utility lines encased in conduit
- Replacement of existing water, sewer, or drainage pipe inside the edge of pavement where constructability or future maintenance access may be a concern, at the discretion of the district

DESIGN CONSIDERATIONS AND CONSTRUCTION METHODS

The following design considerations and construction methods shall be met:

➢ Casing diameter shall provide a minimum of four (4) inches between the inside of the casing pipe and the largest outside diameter of the carrier pipe (including pipe bells) to allow for deflection of the casing pipe and installation of the casing spacers
Casing pipe shall extend from ditch line to ditch line for roadway crossings. Exceptions may be considered at the discretion of the district, to a minimum of three (3) feet beyond edge or pavement or back of curb on each side of the roadway.

In locations where districts deem that the terrain makes it impractical to extend the casing pipe to the back of the ditch line, the casing pipe shall extend to the bottom of the slope.

Adequate spacing shall be provided at the ends of the casing pipe to accommodate future pipe replacement.

Both ends of the encasement pipe shall be closed with a removable, watertight boot.

The casing pipe shall have a minimum strength of 35,000 psi. The casing pipe shall meet specifications for American Water Works Association (AWWA) C200 for steel encasement. In locations where steel is not feasible, SDR 9 or thicker HDPE may be used. Other casing pipe material will be considered on a site-by-site basis.

Construction methods or materials shall limit voids in the roadway foundation.

No bell or spigot pipe or other pipe that does not have a uniform outside diameter shall be permitted in bored or augured installation unless they are encased.

The diameter of the bore shall be no more than one (1) inch larger than the outer diameter of the encasement. Larger bore diameters may be considered on a case-by-case basis, given that the proposed construction methods and materials are consistent with limiting voids in the roadway foundation.

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

New or Relocated Facilities
Utility companies regulated by the Kentucky Public Service Commission may be permitted to install longitudinally on Department of Highways (Department) right of way, if all other policy requirements are met. Utility companies regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposing to install a facility for transporting natural gas or other explosive or flammable substances, shall not be permitted to install such facilities longitudinally in Department right of way. Such companies may be allowed to cross right of way with proper engineering certifications as to the design and safety of the proposed facility on a case-by-case basis. Utility companies not regulated by either the Kentucky Public Service Commission or the PHMSA shall not be permitted within Department right of way.

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 (Kentucky Public Service Commission or PHMSA regulations)
UNDERGROUND FACILITIES

The following requirements shall be met:

- New or relocated lines shall not be installed longitudinally under pavement, shoulders, or ditches. Exceptions to this requirement are at the discretion of the State Highway Engineer (SHE), and when applicable, the Federal Highway Administration (FHWA).

- Upgrades, improvements, or modifications other than routine maintenance shall be prohibited for existing longitudinal facilities located underground inside of ditches on Department right of way. The existing utility facilities shall be relocated from inside the ditches and installed in accordance with Department policy for new underground utility installations if they are to remain on Department right of way. Exceptions to this requirement are at the discretion of the SHE and, when applicable, the FHWA.

TRANSMISSION LINES

Transmission lines classified as “Natural Gas or Petroleum Fraction” lines shall:

- Be constructed of coated steel carrier pipe

- Adhere to the design factor of Class IV per Part 49 CFR 192 on fully controlled access highways

- Adhere to the design factor of Class III per Part 49 CFR 192 on non-fully controlled access highways

All permit requests for installation of transmission-rated pipelines on Department right of way shall include engineering plans, specifications, and documentation requested by the Department for all proposed work on Department right of way.

The proposal shall show design calculations and safety factor for the proposed installation. These plans shall be stamped by a registered professional engineer to certify that the proposal meets the requirements of either the Kentucky Public Service Commission or the PHMSA.

Part 49 CFR 192 can be found at the website below:

https://www.ecfr.gov
DISTRIBUTION LINES  Steel distribution lines designed to operate at a hoop stress less than 20 percent of the specified minimum yield strength (SYMS) shall be cathodically protected carrier pipe as defined by Part 49 CFR 192.105. Design specifications and calculations shall be submitted with the permit and stamped by a registered professional engineer to certify that the requirements are met.

POLYETHYLENE PIPES  Polyethylene pipes (PE) shall be allowed for distribution lines when the proposal meets the Kentucky Public Service Commission and the PHMSA requirements. These pipes shall be:

- High-density 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 within the right of way of fully controlled access highways shall have a minimum of 60 inches cover.

Lines located within the right of way of non-fully controlled access highways shall have a minimum of 60 inches cover when located under roadways, ramps, and ditch lines and a minimum of 42 inches cover in all other areas.

Exceptions may be made where a lesser depth will not interfere with highway maintenance or safety. Exceptions shall include an engineering study which the applicant shall prepare and submit. Exceptions shall be approved by the SHE, and, when applicable, the FHWA.

ENCASEMENT  Encasement of lines shall be required, except when one or more of the following criteria are met:

- Lines that are cathodically protected
- Lines that are two (2) inches and less on non-fully controlled access
- Natural gas that has a cover of at least 60 inches
ENCASEMENT (CONT.)

- Longitudinal pipes 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 bore shall be no more than one (1) inch larger than the outer diameter of the encasement. Larger bore diameters may be considered on a case-by-case basis, given that the proposed construction methods and materials are consistent with limiting voids in the roadway foundation.

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 edge of 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 case-by-case basis.
UTILITY INSTALLATIONS ON BRIDGES

The Department of Highways (Department) may 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. Proposed utility installations on bridges shall be reviewed by the district bridge engineer and the Central Office Division of Maintenance’s Bridge Preservation Branch.

Unless an exception is granted by the State Highway Engineer (SHE) and, when applicable the Federal Highway Administration (FHWA), 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.

REQUIREMENTS

For all requests to install utilities on bridges, the following requirements shall apply:

- In no case shall the highway interest be compromised or sacrificed for the positioning of a utility that would deny or complicate access to any portion of the bridge for repairs or maintenance.

- All permanent installations shall be placed below the elevation of the bridge floor, when possible. Only where necessary for maintenance of the utility shall installations be permitted on the outside of beams or girders. In this event, the utility shall be located underneath the curb or sidewalk. Emergency temporary permits to the contrary will expire one year from the date of issuance and are not renewable.

- Utilities shall not be permitted to be installed through the back walls of abutments under approach pavements to bridges at elevations above the elevation of the bridge seat.

- All water carrier pipes shall be properly insulated.
REQUIREMENTS (CONT.)

➢ Adequate provisions shall be made for expansion and contraction due to temperature by line bends, expansion couplings, or other approved means.

➢ No field welding, other than that approved on submitted installations drawings, shall be permitted. All field welding shall be performed by welders, qualified in accordance with the Department’s current specifications.

➢ No utility shall be located where it will reduce the bridge’s vertical clearances above stream, railroad rails, or pavement, unless approved by the Department.

➢ All electrical transmission lines shall be properly insulated and shielded in conformance with current existing electrical codes, which will provide all necessary protection to maintenance personnel and eliminate any chance for bridge steel grounding stray current.

➢ Emergency shut-off valves, emergency switches or automatic regulating devices shall be provided at or near each bridge approach to prevent build-up or excessive liquid or gaseous pressure or electrical current.

REVIEW BY CENTRAL OFFICE BRIDGE MAINTENANCE

All requests for utility installations on bridges shall be subject to review by Central Office Bridge Maintenance. At minimum, the applicant shall supply sufficient details in the submittal for evaluation of the following criteria:

➢ Weight: Proposed additional weight shall not cause the bridge to be posted for load restriction

➢ Attachment: No drilling, welding, or torch cutting on beams shall be permitted

➢ Corrosion: Proposed attachment components shall each provide a suitable method of corrosion inhibition, such as galvanization, epoxy-coating, or stainless steel

➢ Access: Proposed attachment shall not significantly impede inspection or maintenance access
ANNUAL MAINTENANCE
INSPECTION

The permittee shall annually inspect all utilities placed on the structure to determine failures or needed maintenance. The utility company shall submit a report of the findings 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 that requires immediate attention, repairs shall be requested of the utility owner. If the utility company fails to act within the specified time allowed, the district shall request that district office legal counsel send the permittee a legal notice. The legal notice should advise the permittee that if necessary repairs are not made immediately, the Department shall revoke the permit and the utility shall be removed at the owner’s expense.
**PRIVATE ENTRANCE**

A private entrance is an entrance that serves private non-commercial farm(s) or private single family residence(s).

- **Application Submittal** — The applicant shall complete Form TC 99-1A, *Application for Encroachment Permit (Exhibit 9001)*, and submit to the local state maintenance barn or district office for review. The applicant shall provide the following at the time of submittal:

  - A description of how the centerline of the proposed entrance is marked in the field (stake, ribbon, flag, paint, etc.).

  - A plan or marked diagram (if required) of the proposed entrance shown in relation to fixed objects or adjacent entrances with distances referenced.

  - A detail or plan sheet specifying the entrance design (width, profile, radii, pipe, etc.) at the District’s discretion.

- **Required Sight Distance** — Per the AASHTO *Green Book Manual on the Geometric Design of Highway and Streets*, driveways should be designed consistent with their intended use. It is desirable that they be designed and located to meet criteria for *intersection sight distance* and other design elements set forth in this chapter. However, where this is not practical, driveways should be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable, considering such factors as functional class, speed, and traffic volume of the roadway relative to the volume and type of vehicles using the driveway, as well as accessibility requirements for sidewalks that cross driveways. See *Design Intersection Sight Distance (Exhibit 9007)*.
PRIVATE ENTRANCE (CONT.)

If the sight distance is not adequate:

♦ Districts may consider sight distances less than intersection sight distance. Sight distances less than the stopping sight distance may be considered if a traffic engineering study (Exhibit 9008) justifying the decreased sight distance is provided by a consultant prequalified in Traffic Engineering Services.

♦ Based on engineering judgement, some low-volume local and minor collector roads may meet the criteria of the AASHTO Guidelines for Geometric Design of Low-Volume Roads for reduced sight distance requirements. See Exhibit 9009 for guidelines.

♦ If a relocation of an existing entrance is requested and the relocation is an improvement based on standard engineering practices and safety criteria, it may be granted.

➢ Entrance Construction — Once an approved entrance permit has been granted, the district may choose to have state maintenance forces install the entrance. The permittee shall supply an entrance pipe a minimum of 15 inches in diameter and 36 feet in length or larger as may be required at the district’s discretion. State forces may provide rock and/or millings as determined in the field by the district. Installation of the entrance shall be coordinated with the district and is subject to their availability. Installation of approved entrances within existing guardrail sections shall be coordinated with the district and all cost of modifications shall be the responsibility of the permittee unless deemed otherwise by the Chief District Engineer.

Private entrances will not require paving unless the Department of Highways (Department) deems it necessary. The permittee shall maintain a stabilized entrance for the life of the entrance.

COMMERCIAL ENTRANCE

A commercial entrance is an entrance that is used for commercial activities or any purpose other than a private entrance.

➢ Traffic Impact Study Required — All commercial entrances shall be evaluated by the district to determine if a Traffic Impact Study (TIS) is necessary per Department TIS requirements (Exhibit 9010). The TIS requirements can also be found at the following:

https://transportation.ky.gov/Permits/Pages/Policy-Memos.aspx
Developments that do not connect directly to a state-maintained highway, but have significant impact on a nearby state-maintained highway shall require an encroachment permit submittal and TIS review. The district has discretion to determine if a development is significant. The applicant will be responsible for all improvements to the state-maintained highway as determined by the Department.

- **Application Submittal** — The applicant shall complete Form TC 99-1A Application for Encroachment Permit (Exhibit 9001) and submit to the local district office for review. The applicant shall provide the following at the time of submittal:
  
  - One (1) paper copy of scaled plans as required by the district
  - A PDF copy of scaled plans
  - An approved development plan from the local planning and zoning authority. (A preliminary development plan is acceptable with the understanding that a permit will not be issued until the approved development plan is obtained.)

- **Required Sight Distance** - Per the AASHTO Green Book Manual on the Geometric Design of Highway and Streets, driveways should be designed consistent with their intended use. It is desirable that they be designed and located to meet criteria for intersection sight distance and other design elements set forth in this chapter. However, where this is not practical, driveways should be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable, considering such factors as functional class, speed, and traffic volume of the roadway relative to the volume and type of vehicles using the driveway, as well as accessibility requirements for sidewalks that cross driveways. See Design Intersection Sight Distance (Exhibit 9007).

If the sight distance is not adequate:

- Sight distances less than the intersection sight distance may be considered if a traffic engineering study (Exhibit 9008) justifying the decreased sight distance is provided from a consultant prequalified in Traffic Engineering Services.
COMMERCIAL ENTRANCE (CONT.)

- Based on engineering judgement, some low-volume local and minor collector roads may meet the criteria of the AASHTO Guidelines for Geometric Design of Low-Volume Roads for reduced sight distance requirements. See Exhibit 9009 for guidelines.

- If a relocation of an existing entrance is requested and the relocation is an improvement based on standard engineering practices and safety criteria, it may be granted.

ENTRANCE DESIGN

Entrance pavement and geometric design shall be at the district’s discretion. At a minimum, the geometric design of the entrance should meet the latest edition of Standard Drawing RPM-110.

DRAINAGE CLEAN-OUT

Where long lengths of pipe are used, catch basins or clean-out boxes should be installed per Standard Drawings at appropriate intervals of 50 feet, based on a minimum pipe diameter of 15 inches. At the district’s discretion, longer intervals may be allowed on a site-by-site basis.

CRITERIA FOR MEASURING SIGHT DISTANCE

Sight distance shall be measured per the AASHTO Green Book Manual on the Geometric Design of Highways and Streets.

- **Height of Driver’s Eye** - For all sight distance calculations for passenger vehicles, the height of the driver’s eye is considered to be 3.50 feet above the road surface.

- **Height of Object** - For intersection sight distance, the height of object is considered to be 3.50 feet above the road surface. For stopping sight distance, the height of object is considered to be 2.00 feet above the road surface.

MEDIAN CROSSOVER GUIDELINES

Median crossovers shall meet the following spacing and design requirements:

- **Routes Designated as By Permit** - The minimum spacing between median crossovers shall be 1,200 feet in rural areas and 600 feet in urban areas.
MEDIAN CROSSOVER GUIDELINES (CONT.)

- **Routes Designated as Partially Controlled** — Median crossovers shall only be located at approved access points where specifically shown on the roadway plans or at the minimum spacing indicated.

The Department may change the spacing of median crossovers if either of the following occur:

- An owner or occupant of land abutting a limited-access facility requests the Department for the change

- A local government recommends the requests for the change

Any change in spacing of median crossovers shall be supported by a traffic engineering study or a traffic impact study from a prequalified consultant. Changes in median crossover spacings are subject to approval by the State Highway Engineer.

Median crossover pavement design shall be equal to mainline pavement or existing crossovers, or be evaluated for adequate design based on an engineering study provided by a registered professional engineer.

**TURN LANE**

Turn lanes shall be evaluated in accordance with Highway Design policy **HD-902**. Turn lane pavement design shall be equal to mainline pavement or be evaluated for adequate design based on an engineering study provided by a registered professional engineer.

**MAILBOXES**

Mailboxes installed on Department right of way shall meet Maintenance policy **MAIN-611**.

**ENTRANCES EXISTING PRIOR TO STATE MAINTENANCE**

All entrances, which were constructed prior to the Department's accepting a road into the state-maintained system from another agent or agency, shall be considered as properly permitted entrances for all purposes.
NON-PERMITTED ENTRANCES EXISTING THREE YEARS WITHOUT NOTICE OF VIOLATION

All entrances, which have been constructed for three (3) or more years without the property owner being informed in writing that the entrance is in violation of Department rules and regulations, shall be treated as a properly permitted entrance as far as maintenance is concerned. This does not give the property owner the same rights as a properly permitted entrance, as set forth in this manual.

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## ACCESS CONTROL

### Subject

Overview

### Policy

KRS 177.315 and 603 KAR 5:120 authorize the Department of Highways (Department) 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.

- Applicant submits basic documentation to the district as follows:
  - 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 99-1A form, Application for Encroachment Permit (Exhibit 9001)

- If the Chief District Engineer (CDE) denies the request, the district shall notify the applicant in writing of the reason for disapproval, and the process stops.

Policy PE-201, “General,” provides information on filing a request for reconsideration following a CDE denial.

- The CDE may alter an existing access point, if the proposed modified access point meets the following four criteria:
  - Remains on the same side of the highway
  - Does not go beyond another existing entrance
PROCESSING PROCEDURES (CONT.)

- 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 applicant shall provide the following information to be reviewed by the State Highway Engineer (SHE):
  - Registered professional engineer stamped plans
  - Traffic impact or traffic engineering study prepared by a prequalified consultant when required by the Cabinet’s Traffic Impact Study Requirements policy (*Exhibit 9010*), KRS 177.315, or when directed by the Cabinet
  - TC 99-28 form, *Categorical Exclusion Checklist* (*Exhibit 9003*), if the request is on the National Highway System (NHS)

  **Note:** At the district’s discretion, a TC 99-28 form may also be required on non-NHS routes.

- An appraisal by the applicant to determine any increase in value to the affected property attributable to the new access based on before and after value appraisals

  **Note:** Before the applicant performs the appraisal, the district shall notify the Central Office 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 Central Office Permits Branch for the SHE’s consideration.

* The Central Office Permits Branch shall review the documentation, distribute to appropriate divisions for comments, and forward the request to the SHE.
The SHE shall review the request and provide a decision on allowing the process to continue. If approved to continue, an opportunity to hold a public hearing shall be provided.

After notification from Central Office Permits Branch, the district shall provide notification to the applicant to place an advertisement in the local newspaper one time and wait at least 20 days for a response from local citizens. The applicant shall provide evidence/proof of advertisement. If a response for a hearing is received:

- The district shall make necessary arrangements and preparations to hold the public hearing.
- The Central Office 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 written meeting minutes, a voice recording, or a video recording.

After reviewing the results of the hearing or if no hearing is requested, the Commissioner shall make a final decision on the permit. The Central Office 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 applicant in writing of the reasons for denial and the process stops.
- If the decision is to allow the request, the district shall notify the applicant of any changes necessary to implement the decision.

Once the district has received and approved final plans and documentation, the district shall notify the applicant of:

- Formal approval contingent upon payment
- Amount of payback (enhancement value & administrative costs) according to 603 KAR 5:120

The district shall submit applicant’s payment to the Division of Accounts.
PROCESSING PROCEDURES (CONT.)

- When confirmation of funding is received, the district shall issue the permit and monitor the construction of the entrance to completion.

NOTE ON PUBLIC HEARINGS

603 KAR 5:120 requires that public hearings be held in accordance with 600 KAR 1:030, but 600 KAR 1:030 has been repealed. This repeal does not release the Department from providing an opportunity for a public hearing on access control permits or from holding a public hearing when requested.
It is the policy of the Kentucky Transportation Cabinet (KYTC) to cooperate with local public school districts in school improvements that impact state highways. Subject to funding availability, KYTC shall pay expenses for permitted 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 public school district to consult with KYTC before purchasing property for the construction of a school facility.

702 KAR 4:160 outlines the capital construction process for public schools.

702 KAR 4:090 requirements shall be met when the school district is required to donate property to KYTC as part of the school site process.

**Site Selection**

When considering site selection:

- The Kentucky Department of Education District Facilities Branch (KDE) shall coordinate with the local board of education (BOE) and KYTC to inspect new sites. The request shall include the address of the site and a location map of the prospective sites identifying the route of the proposed access along with any other routes likely to be impacted by the proposed project.

- The BOE shall request a letter of roadway adequacy and, when applicable, funding responsibility for the selected site.

- KYTC shall provide a response that either:
  - Confirms roadway adequacy and, when applicable, funding responsibility for work on state right of way
  - States roadway is not adequate
When the BOE wishes to make an improvement that impacts state highways on an existing school property:

- The BOE shall coordinate with KYTC and KDE to inspect the existing site and review proposed improvements.
- The BOE shall request a letter of roadway adequacy and, when applicable, funding responsibility for the improvement to the existing site.
- KYTC shall provide a response that either:
  - Confirms roadway adequacy and, when applicable, funding responsibility for work on state right of way
  - States roadway is not adequate

When considering design, bid, and construction:

- The BOE is responsible for relocating utilities and providing the necessary right of way. The BOE shall transfer property deemed necessary by KYTC for the construction and maintenance of the roadway to KYTC after the construction is complete and the work is inspected and accepted by KYTC.
- The BOE shall provide a traffic impact study (Exhibit 9010) or traffic engineering study (Exhibit 9008) completed by a prequalified consultant, 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 stamped by a registered professional engineer. The plans shall include a detailed cost estimate on work within KYTC right of way based on KYTC bid items.
KYTC approval of the plans and engineer's estimate is required before the BOE can advertise for bids.

The work on KYTC right of way shall be bid as a separate alternate from the rest of the work.

The BOE shall submit to KYTC the winning bid documents for work on KYTC right of way and obtain approval from KYTC before awarding the bid.

KYTC shall enter into a Memorandum of Agreement (MOA) with the BOE to reimburse the school district for the work performed on KYTC right of way.

The encroachment permit should not be approved and issued by KYTC until the MOA is finalized. The school district shall not perform any work within KYTC right of way until KYTC approves and issues the encroachment permit.

KYTC approval is required on all change orders before any additional work is performed. The MOA shall be modified to include funds for all approved change orders.

All work on the traveled way of KYTC roadway, including turn lanes, shall be performed by a KYTC prequalified contractor.

The BOE shall inform KYTC when construction is complete. KYTC shall inspect the project site. A reimbursement request shall be made by the BOE to the Central Office Permits Branch and shall include proof of payment and other supporting documentation. If construction has been completed in accordance with the permit and the school site policy, KYTC shall reimburse the BOE.
**Policy**

The Department of Highways (Department) 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 lease or permit. The Department may issue a permit without requiring an air rights agreement for entrances, transit shelters, landscaping, garbage containers, and certain other situations covered otherwise in this manual by permit.

**Lease**

Parking lots, conveyors, or other unique facilities or structures 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, provided the ownership of the right of way was acquired in fee simple. In cases where the Department deems that it is in the best interest of the public to deviate from this requirement, an air rights permit may be issued for facilities in direct contact with Department right of way.

**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. A sample air rights by permit agreement can be found in Exhibit 9011.

**Submittal Requirements**

All requests for air rights by permit shall include the following information:

- Vicinity map
- TC 99-1A, Application for Encroachment Permit (Exhibit 9001)
- TC 99-28, Categorical Exclusion Checklist (Exhibit 9003), if applicable
- Survey (plat) and legal description of the property (At the district’s discretion, a drawing of the property may be allowed for air rights by permit.)
- Highway plans with the encroachment shown
In addition to the information required for requests for air rights by permit, requests for air rights by lease shall also include the following information:

- Deeds (Highway)
- TC 99-27, Ownership Disclosure Statement (Exhibit 9012)
- An appraisal completed by a prequalified appraiser

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 the use is not critical to the operation of the facility.

- When the request for air rights is determined to be a lease, the applicant shall determine the fair market value utilizing a KYTC prequalified appraiser. The list of prequalified appraisers is located at the website below. Applicants should contact the Appraisal Branch in the Division of Right of Way and Utilities prior to having the proposed lease area appraised.

  https://transportation.ky.gov/RightofWay/Pages/Appraisals.aspx

- If the right of way is located on the interstate, 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 proposed facility shall not restrict any horizontal or vertical clearance that may be anticipated for highway needs. The proposed air rights area shall have adequate clearance from all highway facilities to provide room for operation, inspections, and maintenance. The clearance shall not be less than specified in FHWA publication ‘Frequently Asked Questions (FAQs) Right-of-Way (ROW) 23 CFR Parts 635, 710, and 810’. This publication can be found at the link below:

The applicant, except in the case of government agencies, shall own the property adjoining the right of way that is intended to be used, or provide proof of consent by the owners of the adjoining property.

The lease or permit agreement shall specifically authorize the Department to enter the premises for maintenance, inspection, or reconstruction when necessary.

All plans developed after the approval of a permit shall be submitted through proper channels for review and approval. Any subsequent changes in the use, design, or ownership of the facility shall be subject to Department approval.

The proposed airspace usage 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 airspace 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.

Indemnities shall remain in force during the life of the air rights lease or agreement. Proof of the annual renewal of liability insurance for air rights leases shall be submitted to the central office air rights coordinator. Proof of the annual renewal of liability insurance for air rights permits shall be submitted to the district permit engineer. Policy PE-203, “Idemnity Requirements & Procedures” provides more information on liability insurance requirements.
REQUESTS to alter drainage facilities on Department of Highways (Department) 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 should be installed at approximate intervals of 50 feet, based on a minimum pipe diameter of 15 inches. At the district’s discretion, longer intervals may be allowed on a site-by-site basis. Boxes shall be constructed at all angles in pipe alignment.

HYDROLOGIC/HYDRAULIC ANALYSIS

Proposals to alter 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). Alterations affecting the performance of existing Department drainage features include, but are not limited to, the following: changes to the contributing drainage areas, adjustments to runoff parameter, and/or proposed modifications to existing drainage structures. The hydrologic analysis shall be in accordance with the Highway Design Drainage Manual located at the following website:


The hydraulic analysis shall include a comparison of existing and proposed conditions. Hydraulic analysis shall be submitted as needed to confirm performance and identify potential impacts due to the proposed conditions, along with recommendations to mitigate such impacts. If local criteria are to be included as part of the design, the analysis shall include references to those requirements, as required by the Highway Design Drainage Manual. Hydrologic and hydraulic analysis submittals, including the designer’s recommendations, shall be stamped and signed by a registered professional engineer.
Local Municipal Separate Storm Sewer Systems (MS4) have primacy for off right-of-way development. In areas where an MS4 exists, the district should require the applicant to submit approval of the hydraulic/hydrologic analysis by the local MS4 prior to approving the permit.

If a development will create additional surface drainage runoff 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 or causes negative impacts, the permittee shall, to the Department’s satisfaction:

- Modify or replace the downstream drainage facility or facilities so the increased flow is adequately accommodated.
- Provide on-site runoff mitigation, such as a detention basin, of appropriate capacity and discharge design that enables the existing downstream drainage facilities to continue to function adequately with no negative impacts.

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

All drainage structures and appurtenances (junction boxes, manholes, catch basins, curbing, inlet basins, etc.) on right of way shall conform to Department specifications, the Highway Design Drainage Manual, and shall be constructed in accordance with Department’s *Standard Drawings*. The district has discretion to allow alternative structures and appurtenances on a site-by-site basis when the Department does not have a standard that is practical. All designs of alternative structures and appurtenances shall be signed and stamped by a registered professional engineer.

It is specified that the permittee shall assume all responsibility for any lawsuits or damage claims resulting from alterations made in the existing highway drainage system or flow changes to the existing system.
**MAINTENANCE**

When a drainage structure has been approved by the Department, and it becomes inadequate to function properly or when it has been damaged, the district may require the permittee to remove or replace the structure at the permittee’s expense.
Geophysical surveys of underground natural resources may be permitted on non-fully controlled access highways if the survey is conducted in a way that will not impair the use and safety of the highway. The applicant shall provide details on proposed safety considerations during the survey and shall provide traffic control plans when deemed necessary by the Department of Highways.
**POLICY**

The Department of Highways (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 may be issued with the requirement that the permittee pays fair market value for the removed material. Payment shall be in the form of a cashier’s check payable to the Kentucky State Treasurer.

**RESTORATION**

Restoration shall follow the procedures outlined in the Department’s *Standard Specifications*. 
Welcome sign encroachments, for cities and counties, may be allowed on the right of way. Any request for installations on fully controlled access routes require approval by the State Highway Engineer (SHE) and, when applicable, the Federal Highway Administration (FHWA). Welcome signs and associated landscaping, electrical service poles, and any other structure or element associated with the welcome sign shall have a clear zone that meets the Department of Highway’s (Department’s) approval.

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

- Not exceed 200 square feet in size
- Be located at or near the city or county limits, or at another location at the discretion of the Department
- Be limited to one sign erected facing any one direction of travel per route
- Be submitted by the city or county government
- Not contain advertising or sponsorship recognition
- Be maintained in a clean and well-kept manner

To be considered for approval from the Department for an electronic welcome sign encroachment within the right of way, the sign shall:

- Not exceed 200 square feet in size
- Be located at or near the city or county limits, or at another location at the discretion of the Department
Be limited to one sign erected facing any one direction of travel per route

Be submitted by the city or county government

Not contain advertising or sponsorship recognition

Only display city or county messages and events

Not include animation, videos, rapid flashing, dissolving, exploding, scrolling or other dynamic elements

Display each message for a minimum of eight (8) seconds

Change from one message to another in less than two (2) seconds

Be programmed to freeze in a static display if a malfunction occurs

Be equipped with a sensor or other device that automatically determines the ambient illuminations and shall be programmed to automatically dim to a luminance of 300 nits* or less if the ambient light is 1.5 foot-candles** or less

* nit is a non-International System of Units (SI) term used for luminance (1 nit = 1 candela/m² SI) where luminance is a measure of the amount of light emitted or reflected from a relatively flat surface.

** foot-candle is a non-SI term for illuminance (1 foot-candle = 1 lumen/ft² = 10.764 lux SI) where illuminance is a measure of the amount of light falling upon a surface.

Not display any regulatory, warning, or guidance information that would traditionally be relayed to the public through traffic control devices

Be allowed to display safety messages, emergency alerts, AMBER alerts, etc. at the Department’s discretion

Be maintained in a clean and well-kept manner
To be considered for approval from the Department for a welcome sign encroachment attachment on a bridge within the right of way, the following requirements shall be met:

- The sign shall be requested by a city or county
- The sign shall not contain advertising or sponsorship recognition
- The sign shall be located at or near the city or county limits, or at another location at the discretion of the Department
- Welcome signs on bridges located within right of way of a fully controlled access routes shall be subject to approval by the SHE and, when applicable, FHWA
- The sign shall not negatively impact operation of the roadway facility
- The sign shall not negatively impact the structural integrity of the bridge. All requests for welcome signs on bridges shall be subject to review by CO Bridge Maintenance and CO Structural Design. At minimum, the applicant shall supply sufficient details in the submittal for evaluation of the following criteria:
  - **Weight:** Proposed additional weight shall not cause the bridge to be posted for load restriction at the time of initial installation or anytime in the future as condition of the structure warrants
  - **Attachment:** No drilling, welding, or torch cutting on beams shall be permitted
  - **Corrosion:** Proposed attachment components shall each provide a suitable method of corrosion inhibition, such as galvanization, epoxy-coating, or stainless steel
  - **Access:** Proposed attachment shall not significantly impede inspection or maintenance access

Any permittee granted approval to paint a welcome sign on a bridge, shall be required to sign a maintenance agreement to address repainting the bridge.
Except on fully controlled access facilities, the Department of Highways (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 an event, if conducted by nonprofit or governmental groups. Fairs, parades, and festivals on or under a Department-owned structure shall require a permit. Fairs, parades, and festivals in other locations may require a permit at the discretion of the district. Regardless if a permit is required or not, fairs, parades, and festivals shall meet the requirements detailed below.

Sponsors who are nonprofit organizations may be required to submit proof of 501(c)(3) status. Sponsors shall give the district proof that local governing bodies and law enforcement agencies have given their approval. Sponsors shall be required to provide a certificate of liability insurance for a minimum amount of one (1) million dollars, or a larger amount at the discretion of the district. The certificate of liability insurance shall meet all requirements in PE-203 “Indemnity Requirements & Procedures.”

**BANNERS**

Overhead advertising across streets on the State Highway System may be permitted if advertising public or charity events and if they do not obstruct traffic signs and signals. Political campaigning and private advertising are not permitted. Sponsors shall submit proof of permission from the owner of the structure to which the banners will be attached. Banners shall not be erected sooner than 15 days prior to the event and shall be removed within one (1) week following the event. Banners shall not be visible from an interstate or installed over an interstate.

**SIGNS**

Signs advertising fairs, parades, and festivals shall not obstruct official signs and signals. Signs shall not be erected sooner than 15 days prior to the event and shall be removed within one (1) week following the event. Signs shall be of breakaway design or located outside of clear zone.
TRAFFIC CONTROL

The event sponsor shall provide safe and well-marked or directed detours continuously available for through emergency vehicles and other necessary movements as determined by local law enforcement. The event sponsor shall agree to be prepared to disperse parade participants for emergency vehicles if the parade route is the main thoroughfare. The applicant may be asked for a letter from local law enforcement who will be involved in the traffic control, acknowledging their responsibility for traffic control on the KYTC route(s) for the event, and the placement of associated signs or banners.

All traffic control shall comply with the Manual on Uniform Traffic Control Devices (MUTCD), Standard Specifications, Department Standard Drawings, and other Department policies.
Except for fully controlled access routes, the Department of Highways (Department) may issue permits to county and city governments for permanent garbage container locations within the right of way of state-maintained routes.

When containers are permitted on the right of way, they shall be located outside the minimum required clear zone as designated in the current edition of the AASHTO publication *Roadside Design Guide*.

The placement of temporary garbage containers may be permitted to individuals or other entities inside the clear zone within right of way of state-maintained routes at the discretion of the district.

The permittee shall, as a provision of the permit, accept the responsibility for keeping all the area clean, free of litter or garbage, and free of obnoxious odors. The permittee shall agree to provide garbage pickup often enough to prevent garbage or litter from accumulating outside the container. Failure to meet these provisions will be grounds for revocation of the permit 24 hours after receipt of written notice from the Department to the permittee. Failure of the permittee to remove a garbage container within 24 hours after the encroachment permit is revoked may result in removal of the container by the Department at the cost of the permittee.
**POLICY**

All roadway lighting requests shall be submitted and processed in accordance with the Division of Traffic Operations policy **TO-707**. This policy can be found at the following website:


**DEVELOPMENTS**

All permit applications including lighting shall be submitted according to section **PE-201** of this manual. When lighting is proposed or required as part of a permit application, the permit application shall be processed by the district permits staff. The roadway lighting component of all permit applications, with the exception of certain types of intersection delineation lighting, shall be reviewed by the Division of Traffic Operations.

All roadway lighting shall be designed by a consultant prequalified in Electrical Engineering Roadway Lighting Services with the Department of Highways, unless otherwise approved by the Division of Traffic Operations. The permittee shall be responsible for the cost associated with the installation or modification of roadway lighting. Maintenance of all lighting installations that are to be maintained by the local public agency or installations involving decorative lighting shall be covered under a lighting maintenance agreement. An example of a maintenance agreement can be found in **Exhibit 9013**.
POLICY

All electrical traffic control devices, including, but not limited to, traffic signals, flashing beacons, and school flashers, shall be submitted according to the Division of Traffic Operations policy, TO-605. This policy can be found at the following website:


All requests for electrical traffic control devices shall meet warrants as specified in the Division of Traffic Operations Guidance Manual at the website referenced above. A traffic impact study, prepared by a consultant prequalified by the Kentucky Transportation Cabinet (KYTC) in Traffic Engineering Services, shall be submitted with requests to install or modify traffic signals. All traffic signals shall be designed by a consultant prequalified in Electrical Engineering Traffic Signal Services with the Department of Highways (Department).

DEVELOPMENTS

All permit applications including electrical traffic control devices shall be submitted according to section PE-201 of this manual. All requests for electrical traffic control devices on KYTC right of way in association with a public school shall be processed according to section PE-601, “School Sites,” of this manual. When electrical traffic control devices are proposed or required as part of a permit application, the permit application shall be processed by the district permits staff with the electrical traffic control device component of the permit being reviewed by the Division of Traffic Operations. The installation of a new traffic signal, or relocation or phasing modification of an existing traffic signal, shall be reviewed and approved by the Division of Traffic Operations. The installation of new, or relocation of existing, school flashers, flashing beacons, and other electrical traffic control devices shall be reviewed and approved by the Division of Traffic Operations.
The permittee shall be responsible for the cost associated with the installation or modification of electrical traffic control devices. If a new traffic signal, or modification to an existing traffic signal, is not warranted prior to the construction of a permitted development, but is warranted as a result of the permitted development, the district should arrange for the cost of the traffic signal installation or modification to be the responsibility of the permittee. This can be achieved by one of the following at the discretion of the district:

- Include the installation or modification of the traffic signal as part of the permit, and hold a sufficient indemnity on that permit until the traffic signal is installed and operational.

- Utilize Form TC 99-22, Agreement for Services to be Performed (Exhibit 9014), to enter into an agreement for the permittee to reimburse the Department for the cost of a future traffic signal installation or modification.
Underground excavation, mining and quarrying activities within right of way are limited to a minimal number of developmental entries crossing beneath the highway as near perpendicular to the centerline as possible. For commercial mining or quarrying operations, the operation must control the geologic resource rights on both sides of the right of way. Indemnities (see PE-203, “Indemnity Requirements & Procedures”) shall be obtained and held for a period of 5 years beyond the date of completion of the permitted mining activities. The permitted activities are not considered complete until all the required documentation is supplied to and accepted as complete by the Department of Highways (Department).

The proposed minimum standard subsidence protection zone shall be based on the current edition of the Society of Mining Engineers’ SME Mining Engineering Handbook, as detailed in Kentucky Division of Mine’s permits document RAM 107. The required minimum safety factor shall be for a Category 4 Structure for all cases. Contrary to RAM 107, state and federal roads shall be considered a Category 4 instead of a Category 3. No amount of subsidence is acceptable.

RAM 107 can be found at the website below:


The minimum allowed design life for a crossing, without an approved abandonment plan, is 100 years.

The Department reserves the right to require compensation for personnel conducting permit review activities.
### MATERIAL EXTRACTION LIMITS

No materials shall be removed under the right of way except as approved by the Department of Highways and the Department for Natural Resources, Division of Mine Reclamation and Enforcement.

Establish a Subsidence Protection Zone for all areas within and immediately adjacent to the right of way within the area of influence of the underground mining activity in accordance with the standards and procedures in the latest edition of the SME Mining Engineering Handbook.

### LINING

If initial supports are installed early and correctly, and it can be shown that they will not deteriorate within the accepted design life of the structure and, if the opening is stable, then a structural final lining may not be required. If a structural final lining is required by the Department, the lining shall meet a minimum required design life of 100 years without an approved abandonment plan. Lining design shall be completed and stamped by a registered professional engineer with experience with the subject activity.

### MEETINGS AND NOTIFICATIONS

It is highly encouraged that the applicant request a meeting to discuss the project before the complete document package is submitted to the Kentucky Transportation Cabinet (KYTC) and the Division of Mine Reclamation and Enforcement. The applicant should bring enough preliminary information to the meeting to clearly show the location and intent of the project to assist in streamlining the required data for the permit review.

Additional office and site meetings may be required as part of the permit process.

The permittee will notify the Kentucky Transportation Cabinet and the Division of Mine Reclamation and Enforcement a minimum of thirty (30) days prior to initiation of actual mining activity within the design Area of Influence.

### THIRD PARTY REVIEW

If an external review of a submittal is required, the applicant may be required to reimburse the Department of Highways for procurement of such services.
For permit review, the applicant shall supply the following where required (based on meeting and review results):

- Legal survey description of the area to be affected that includes:
  - Department highway plan stations, mile points, and enough coordinates (latitude and longitude) to clearly situate the site for the affected right of way
  - Specific deposit(s) to be mined

- Engineering plans showing:
  - Mapped surface features overlain by existing and proposed subsurface features, with surface and subsurface features depicted utilizing clearly differing line types, symbolism, and notations
  - Department right of way and all Department facilities
  - Department highway plan stations, mile points, and enough coordinates (latitude and longitude) to clearly situate the site
  - Available mapping of previous surface and underground works that clearly delineate between the various works with differing line types and labels.

  Supply mine or quarry map dates and catalogue numbers for previous works

  - Proposed mining or quarrying geometry that clearly defines the proposed mining or quarrying geometry

- Roadway Centerline Profile (with roadway stations and/or mile points from the plan sheet) that:
  - Supplies a profile showing the surveyed centerline elevation of the existing roadway centerline
  - Depicts the proposed works on the profile
  - Clearly labels cover depths and includes a stick diagram indicating the anticipated overburden materials
UNDERGROUND EXCAVATIONS, MINES, & QUARRIES WITHIN RIGHT OF WAY

Overview

REQUIRED DOCUMENTS (CONT.)

➢ Roadway Cross Sections (with roadway stations and/or mile points from the plan sheet) that:
  ◦ Supplies roadway cross sections on 25 foot intervals
  ◦ Depicts the proposed works on the cross sections
  ◦ Clearly labels cover depths and include a stick diagram indicating the anticipated overburden materials

➢ Permit Works Centerline Profile (stationed) of each crossing extending at least 200 feet in each direction past the right of way that:
  ◦ Clearly shows the surface right of way and Department facilities
  ◦ Indicates separation distances from the top of the works

➢ Permit Works Cross Sections (with matching profile stations) that supply cross sections of each proposed crossing on 25 feet intervals

Note: The Department reserves the right to ask for additional plan sheets.

➢ Plan sheets, profiles, and cross sections in digital .pdf and a .dxf formats. Supply a shape file (if required)

➢ Data with latitude and longitude coordinate ties

➢ Mining or quarrying method explanation that provides a detailed written description of the means and methods for conducting the mining or quarrying operations for any crossing and for any mining or quarrying within 500 feet of the right of way

➢ Depth and type of cover detailed in a written narrative, in addition to the plans, that includes:
  ◦ Detailed geologic descriptions of the stratigraphy
  ◦ Any applicable drilling and geologist logs within 1000 feet of the proposed right-of-way crossing. (Include all horizons of the deposit to be mined including all overburden and interburden between the horizons to be mined.)
Compressive strength used in determining the Subsidence Protection Zone of the material being mined

Mining and subsidence protection plan that is stamped and signed by a registered professional engineer and adheres to the guidelines below:

- Provides a design for the excavation works including any structural items (roof bolts, linings, etc.) utilized in the design. Clearly shows the factor of safety calculations relating to the possibility of subsidence in the right-of-way area and any area within the zone of influence of the potential failure plane area of influence or, at minimum, within 200 feet of the right of way. Indicates all parameters used in the calculations, including the source of the parameters. **Subsidence is not acceptable and shall be prevented.**

- Discusses the determination of extraction ratios calculations

- Supplies calculations for long term floor stability, roof stability, and pillar stability

**Note:** Any damage caused by subsidence shall be repaired, including but not limited to, surface effects and any adverse effects to the hydrologic balance or the environment

- Surface monitoring plan as discussed and approved by the Department of Highways

- Proof of ownership for any marketable mined or quarried material located under the Department right of way

- Reimbursement plan for any materials to be removed that are owned by the Department

- Detailed written plan for the life expectancy of the mining or quarrying operation that includes the following:

  - Anticipated useful life of the proposed crossings beneath the right of way

  - Anticipated operational life of the facility (mine or utility)
REQUIRED DOCUMENTS (CON’T.)

- All plans, narratives, and calculations shall be stamped by a registered professional engineer

**Note:** Mining shall not be conducted until a permit for such mining is approved by the Division of Mine Reclamation and Enforcement

RELEASE OF INDEMNITY

To obtain release of indemnity, the applicant shall:

- Supply as-built plans stamped by a registered professional engineer based on the required plans, profiles, and cross sections showing the final mining or quarrying geometry. Supply updated calculations as required for the permit application that are based on the final geometry and findings of the geology in the excavation. Clearly indicate any differences between the proposed permit geometry as compared to the final as-built geometry. Clearly indicate whether there is a need for additional structural support for the as-built operations. Any additional support or remediation will be at the cost of the permittee.

- Provide to the Kentucky Transportation Cabinet (within the Subsidence Protection Zone) and the Division of Mine Reclamation and Enforcement (entire mine) updated underground mine maps clearly identifying all underground mining activity conducted within the mine, including all horizons, annually within 45 days of the end of the calendar year to continue until such time that the mine is abandoned.

- Provide abandonment plans that clearly discuss the proposed abandonment plan for the operations including the anticipated service life in relation to the Department facilities. Discuss and show calculations, specifications, and plan sheets for any permanent abandonment features.

The indemnity shall be released only after the Department has received and approved all required documentation and a final mine or quarry map, certified by a registered professional engineer, along with a narrative and calculations that indicate that the final geometry satisfies all required safety factors. Clearly show that all required pillars remain intact within the subsidence protection zone and no damage has occurred as a result of the mining operation.
DIVISION OF MAINTENANCE

Permits Manual

Chapter
PONDING OF WATER
ON RIGHT OF WAY

Subject
Overview

POLICY

The Department of Highways (Department) shall allow temporary flooding of the highway right of way by Water Conservation Districts and other governmental agencies if the Department determines 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 Department with the right, without liability for interrupted usage of water service, to lower the pool stage for temporary repairs.
If repairs are impossible and the continued use of the highway facility is threatened, the Department shall have the right to drain the pond permanently, without liability to the water users or to other property owners affected by the draw-down of the water in the pond. 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 pond.
The Department of Highways (Department) may permit construction and maintenance of transit shelters at appropriate locations on the right of way, except on fully controlled access right of way.

**CONDITIONS AND REQUIREMENTS:**

Transit shelters shall be located off right of way whenever possible. Transit shelters shall be located at a safe location. Consideration should be given to existing and potential vehicular pull-offs when choosing the best location. Transit shelters shall be located such that Department maintenance operations are not impaired. Transit shelters shall not restrict sight distance, including potential sight distance restrictions caused by vehicle queues during bus stops, or interfere with vehicular or pedestrian movement. Transit shelters shall not be approved on sidewalks if the construction of the shelter would cause the sidewalk facility to not meet Americans with Disabilities Act requirements.

The construction materials and protective coatings of the transit shelter shall not be unsightly, and the proposed construction shall not impair the aesthetics of the roadside. The permittee shall perform routine vegetation management and weed removal. If the transit shelter is not maintained and becomes unsightly, the Department may remove or cause to be removed the transit shelter at the expense of the permittee and cancel the permit. A transit shelter agreement may be required, and a sample agreement can be found in Exhibit 9015.

Limitations to the frequency and number of transit shelters along all Kentucky Transportation Cabinet roadways shall be at the discretion of the Chief District Engineer. The applicant shall submit documentation that justifies the placement and number of transit shelters.
POLICY

A permit to use roadside chemicals shall be issued only to applicants utilizing properly licensed and certified individuals. Applicants, including utility companies or governmental agencies, shall include the name of the certified individual who will administer the chemicals for the permitted work. Review and approval recommendation is required by the Roadside Environmental District Administrator (REDA) for all applications involving the use of roadside chemicals. The chemical treatment of stumps, to prevent regrowth of vegetation which has been removed as part of an approved vegetation management permit, is permissible by properly licensed and certified individuals.

CONDITIONS & REQUIREMENTS

The following conditions and requirements apply:

- **Liability**
  
The permittee is fully responsible for any and all damages to nearby private property whether such damage is the result of negligence or other direct cause, or is caused indirectly by wind drift. The permittee 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 of Highways (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, either native or planted, with the use of chemicals is prohibited, regardless of location.

The list of specimen trees can be found at the following website:

https://transportation.ky.gov/Permits/Pages/Removal-and-Pruning-of-Vegetation.aspx
The Department of Highways (Department) shall not permit requests for gas and oil well drilling on rights of way.

Concurrence may be given by the Chief District Engineer (CDE) 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 to 353.620. Requests for a “letter of permission” should be made in writing to the district permit engineer. All documentation concerning the request and response from the Department shall be stored in the permit database.
The Department of Highways (Department) shall consider requests to place plantings upon the right of way. Applicants other than public agencies or quasi-public agencies shall not be permitted to do landscaping on fully-controlled access routes. Review and recommendation is required by the Roadside Environmental District Administrator (REDA) for all applications involving landscaping.

All permits concerning landscaping are subject to the following, based upon the mature size of the plant species:

- Plantings and other landscaping elements shall not infringe upon the frontage rights of an abutting property owner without written consent of the property owner.
- Plantings and other landscaping elements shall not be placed where they will adversely affect drainage or the maintenance of drainage facilities.
- Planting and other landscaping elements shall not be placed where they will adversely affect any Department structure or maintenance of any Department structure.
- Plantings and other landscaping elements shall not restrict sight distance.
- Plantings and other landscaping elements shall not restrict the visibility of traffic control devices.
- Plantings and other landscaping elements shall not represent a hazard within the clear zone.
- Plantings and other landscaping elements shall not restrict the visibility of an existing legal or non-conforming advertising device.
Based on location and complexity of the proposed landscaping, the district may require landscaping plans to be certified by a registered Professional Landscape Architect. The district may also require site profiles with species shown at different times throughout the year.

Based on location, the district may opt to utilize the Federal Highway Administration’s (FHWA) *Barrier Guide for Low Volume and Low Speed Roads* to determine an alternative clear zone distance for state routes within urban areas in curb and gutter sections with a speed limit of 35 MPH or less. Clear zone distances from this guide are shown in Exhibit 9016.

The district may require permittees to sign a landscaping maintenance agreement. A sample landscaping maintenance agreement is shown in Exhibit 9017.

**ENHANCED MAINTENANCE**

For sponsorship programs, applicants shall meet all requirements of the Kentucky Transportation Cabinet Sponsorship Policy and Federal Highways Administration Order 5160.1A, *Policy on Sponsorship Acknowledgment and Agreements within the Highway Right-of-Way*. The applicant shall be the local government, either city or county, of the jurisdiction in which the landscaping services are performed. Eligible sponsorship programs shall be approved by the Department’s Sponsorship Oversight Committee. The Department may allow the installation of sponsorship acknowledgement signs within right of way to acknowledge the provision of landscaping related services under the sponsorship program.
### POLICY

603 KAR 5:155 details the regulatory requirements regarding removal and pruning of vegetation on right of way. The regulations enable the Department of Highways (Department) to administer the vegetation management program.

### PROCEDURES

The Department’s current Vegetation Removal Guide is available at:

[https://transportation.ky.gov/Permits/Pages/Removal-and-Pruning-of-Vegetation.aspx](https://transportation.ky.gov/Permits/Pages/Removal-and-Pruning-of-Vegetation.aspx)

An applicant requesting a vegetation removal permit shall submit a completed TC 99-1A form, *Application for Encroachment Permit* (*Exhibit 9001*), and required documentation to the district office responsible for the county wherein the request is being made. District contact information is available at:

[https://transportation.ky.gov/Permits/Pages>Contact-Information.aspx](https://transportation.ky.gov/Permits/Pages>Contact-Information.aspx)

Applicants shall be responsible for any cost incurred by the Department for the review of a vegetation management application. Form TC 99-22, *Agreement for Services to be Performed* (*Exhibit 9014*), shall be completed when an estimate of these costs has been obtained. Pre-payment of the estimated cost or a payment bond shall be required prior to the Department incurring costs. If the applicant opted to obtain a payment bond, all costs to the Department shall be reimbursed prior to issuing the permit. The TC 99-1A and TC 99-22 forms are available online at:

[https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library.aspx](https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library.aspx)
COMMERCIAL APPLICANTS

Commercial applicants, for purposes of vegetation management permits, are defined as a business or company, including the owner of an outdoor advertising device, whose activities generate or are intended to generate revenue. Commercial applicants shall be required to submit vegetation management plans certified by an arborist that is prequalified with the Department. Vegetation management permits for commercial applicants are reviewed by the Department’s statewide arborist consultant at the expense of the applicant. Mitigation should be required at the discretion of the district. The list of prequalified arborists, as well as the list of desirable specimen trees and the list of undesirable trees and plants can be found at:

https://transportation.ky.gov/Permits/Pages/Removal-and-Pruning-of-Vegetation.aspx

NON-COMMERCIAL APPLICANTS

Non-commercial applicants, for purposes of vegetation management permit applications, are defined as a private home owner or private farm owner. Non-commercial applicants may opt to use the same process as the commercial applicants and hire a prequalified arborist to submit plans and reimburse the Department the cost of the statewide arborist consultant. Or, non-commercial applicants may opt to work with the district Roadside Environmental District Administrator (REDA) instead. Mitigation should be required at the discretion of the district. For applicants that do not clearly fit either definition for a commercial applicant or a non-commercial applicant, the district has discretion to determine which process the applicant will be required to follow.

PUBLIC UTILITY APPLICANTS

Utility companies removing vegetation on Department right of way require a vegetation management permit. Public utility companies seeking to remove vegetation for purposes of maintaining or installing utilities are exempt from the commercial applicant process. The district may require that the utility company work with the REDA. Mitigation should not be required.

Public utility companies seeking to remove vegetation for purposes other than maintaining or installing utilities are subject to the commercial applicant process. This includes hiring a prequalified arborist to submit a vegetation management plan, reimbursing the Department for the review by the statewide arborist consultant, and mitigating at the discretion of the district.
The use of roadside chemicals by any vegetation management applicants shall be approved as part of the vegetation management permit prior to usage, and shall comply with policy PE-1801 of this manual.
**Policy**

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

**Requirements**

Recycler permittees shall meet and maintain the following conditions:

- No junked, wrecked or inoperable automobiles, vehicles, machinery or material scrap or parts shall be placed, deposited or otherwise located on the right of way of any road.

- Every recycling establishment or place of business shall be required to be *completely* hidden from view of the traveling motorists, for 1,000 feet in each direction from the outer limits of the premises or storage area, and to a depth of 1,000 feet from the right-of-way line, along all roads.

- Any recycling establishment or place of business which cannot, as a practical matter, be screened from view of the traveling motorist on all roads shall not be issued a permit and shall be removed.

- If an operator begins a recycling establishment or place of business in a new location, such location shall be screened to comply with provisions of this policy.
Measurements shall comply with Section 3 of 603 KAR 3:051.

- In determining the 1,000 feet control distance from the right of way, the measurements shall be taken horizontally along a line at the same elevation and at a right angle to the center line of the highway.

- In measuring the 1,000 feet from the outer limits of the premises or storage area, in each direction, on all roads, two lines shall be drawn perpendicular to the center line of the main traveled way, so as to cause the two lines to embrace the greatest longitude along the center lines of the main traveled way.

Screening shall comply with Section 4 of 603 KAR 3:051.

- Completed screening shall completely hide all junked, wrecked, or inoperable automobiles, vehicles, machinery, and materials from view of the traveling public on all roads on a year round basis.

- Materials for screening shall present an attractive appearance. No wrinkled or bent metal shall be accepted.

- The completed screening shall present a neat and clean appearance.

- Piecing out of metal or wood panels or patchwork type screening shall not be acceptable.

- Unless a continuous overall neat design is created, all metal or wood panels shall be erected vertically.

- Fencing used for screening shall be of uniform height and alignment unless a variation is approved by the Department.

- Completed screening shall blend with the surrounding area as much as possible.

- In the event fencing materials are used, they shall be painted in order to blend with the surrounding area. The colors and shades of buildings and other structures in the area may be taken into account in determining the color and shade to be used on such fencing materials.
SCREENING STANDARDS
(cont.)

➢ If a building or other structure is to be used as a portion of the screening, the building or structure may be required to be painted in order to blend with the other portions of screening and surrounding area.

➢ If screening is to be effected by the use of plantings of trees or shrubs, the plantings to be used shall be of sufficient height and density of the time of planting to screen the recycling establishment or place of business from view of the traveling motorists on a year around basis.

➢ Any operator of a recycling establishment or place of business shall file an application for a permit with the Department. A plot detailing the area to be used for the storing of recycling material, automobiles, vehicles, or machinery, and the location, height, length, and kind of material to be used for screening shall accompany and be made a part of the permit application.

➢ Approval of a screening proposal shall be obtained from the Department prior to the erection of fencing or the planting of trees or shrubs to affect the screening required to high the storage area from view of the traveling public. Failure to obtain such approval may result in the necessity of removing and re-erecting part or all screening in order to comply with standards for screening as set forth in this section.

PERMIT PROCESS

➢ Application Submittal – An applicant seeking to operate an automobile, vehicle, machinery, or material recycling establishment shall submit the following to the district office serving the county in which the proposed business lies:

♦ Completed TC 99-56 Form, Application for Recycling Permit and Screening Plan Approval (Exhibit 9018)

♦ A screening plan that includes the following:

• Boundary limit of the premises to be used as a recycler

• Location of the areas to be used to store material
PERMIT PROCESS (cont.)

- Type of fence or screening to be used that complies with the standards listed herein.

- Location of all trees or shrubs along the boundary limit

**Permit Approval** – Once the screening plan is in place and the district deems it acceptable, the permit fee shall be requested. Once received, a permit shall be issued to the permittee using the TC 99-57 form, *Permit for Automobile, Vehicle, Machinery, or Materials Recycling Yard* (Exhibit 9019). Permits shall be issued for a two-year period, or portion thereof, beginning July 1 of even numbered years.

**Permit Fee** – Permit fees shall not be accepted until the recycling establishment or place of business is in full compliance with Kentucky law and regulations.

- Any recycling establishment or place of business in operation on July 1 of even numbered years shall remit the full permit fee regardless of the date of compliance with Kentucky law and regulations. The permit fee shall be fifty dollars ($50) for the two-year period.

- Any new recycling establishment or place of business which comes into existence after July 1 of even numbered years shall remit a permit fee on a prorated basis as of the beginning date of the operation regardless of the date of compliance with Kentucky law and regulations. The permit fee shall be two dollars and eight cents ($2.08) per month for each month remaining in the two-year period, upon the beginning of a new operation.

- Permit fee in the form of a cashier’s check shall be made payable to the Kentucky State Treasurer.

**Permit Renewal**

District personnel shall review all recycler establishments prior to July 1 of even numbered years for compliance with all policies and regulations. If found to be in compliance, the permit fee shall be requested. Once the permit fee has been received and processed, an updated TC 99-57 form, *Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard*, shall be issued to the recycler establishment.
REVOCATION OF PERMIT

Failure to comply with Kentucky law and administrative regulations shall be cause for the revocation of a permit. If a recycling establishment or place of business is found to not be in compliance, the establishment has 30 days from the time of notification to comply with Kentucky law and administrative regulations.
**Policy**

KRS 177.830 to 177.890 and 603 KAR 10:040 detail the statutory and regulatory requirements regarding advertising devices. The statutes and regulation pertaining to the advertising devices enable the Kentucky Transportation Cabinet's (KYTC’s) Department of Highways to administer the advertising device program.

**Procedures**


Annual permit renewals must be completed using Form 99-223, *Advertising Device Annual Permit Renewal Request* (Exhibit 9023).

For change in ownership of an advertising device or an exchange credit, Form TC 99-224, *Advertising Device or Exchange Credit Ownership Transfer* (Exhibit 9024) must be completed and acknowledged by KYTC.

The TC 99-221, TC 99-222, TC 99-223, and TC 99-224 forms are available online at:

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

Central Office Permits contact information along with additional guidelines and procedures are available at:

https://transportation.ky.gov/Permits/Pages/default.aspx
The Department of Highways (Department) may consider permit applications to remove or replace access control fencing.

For partially controlled access roadways, the Department may allow the removal of access control fencing without replacement. Right-of-way monuments shall be installed in place of removed fencing. The Department may require the replacement of access control fencing for partially controlled access roadways to protect against unauthorized encroachments. For fully controlled access roadways, access control fencing shall be replaced and right-of-way monuments shall be installed.

All right-of-way monuments shall be installed by a licensed land surveyor and conform to current Standard Specifications. If any existing right-of-way monuments are removed or damaged during fence removal or replacement, the applicant is responsible to reimburse the Department for the cost of those monuments.

An applicant requesting a permit to remove or replace access control fencing shall submit a completed TC 99-1A, Application for Encroachment Permit (Exhibit 9001), and an exhibit describing the extent of the proposed activity to the Department’s local district office. An Access Control Fence Removal/Replacement Agreement (Exhibit 9020) shall be entered into, by and between, the permittee and the Department for the removal or replacement of access control fencing.
The following requirements apply when considering permit requests to remove or replace access control fencing:

- Existing access control fencing shall be removed by the permittee. Removed fencing shall be delivered to the Department's maintenance storage yard for future reuse or the Department shall be reimbursed for the cost of fencing removed from the site. Any fencing that is not returned to the Department shall be removed from Department right of way and disposed of properly.

- If district Permits and district Project Delivery and Preservation deem the existing fencing unsuitable for future use prior to the permittee removing the fencing, the permittee will not be required to reimburse the Department for the cost of that fencing.

- Access control fencing shall be at least 48 inches high and of sufficient density to protect against encroachment.

- Access control fencing shall be constructed a minimum of one foot and a maximum of two feet beyond the right-of-way line on permittee property.

- Access control fencing material and design shall meet accepted industry standards approved by the Department and be treated or paintable. Durable finish materials such as vinyl are acceptable.

- No gates are allowed in access control fencing for fully controlled access roadway.

- Right-of-way monuments shall be installed regardless of whether or not a replacement fence is to be constructed.

- Right-of-way monuments shall be installed by a licensed land surveyor and located at all changes in alignment of the affected right of way and at all corners within the permit limits. A plat, drawing, or graphic created by a licensed land surveyor shall be provided to the Department that accurately represents all monuments established or verified with the associated right-of-way boundary and that clearly shows the location of all fencing removed and replaced.

- The permittee is required to construct and maintain the replacement access control fencing to an acceptable level of functionality and state of repair.
REQUIREMENTS (CONT.)

- All work on access control fencing shall be performed by access from private property. Access from the roadway is not allowed.

- Control of access shall not be diminished as a result of the replacement of access control fencing.

Form TC 99-1A is available at:

https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-(TC-99).aspx

District contact information is available at:

https://transportation.ky.gov/Permits/Pages/Contact-Information.aspx
**Policy**

The Department of Highways (Department) may permit the following types of signs:

- Community wayfinding guide signs
- Limited supplemental guide signs with a brown background
- Tourist-oriented directional signs (TODS)
- Specific service (Logo) signs
- Other special signing initiatives

Requests for community wayfinding signs shall originate from local government agencies. Requests for TODS and Logo signs shall originate from the statewide contractor. All permitted signs shall meet requirements set by the Manual of Uniform Traffic Control Devices (*MUTCD*) and Chapter 400 of the Kentucky Transportation Cabinet’s Traffic Operations Guidance Manual located at the following website:

ACCESS CONTROL

Per 603 KAR 5:120, the condition where the privilege to access a highway by abutting owners, occupants, or other persons is controlled by public authority. Types of access control 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 of Highways’ (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 and private driveway connections 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.

ACTIVE PERMIT

A permit that is in the permit review process.

AGREEMENT

A contract between the Department and another entity, which describes acceptable use of right 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.

APPLICANT

Any person or entity that has applied for a permit, but the permit has not been approved.
<table>
<thead>
<tr>
<th><strong>AUXILIARY LANE</strong></th>
<th>The portion of the traveled way that is used to supplement through traffic movement.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CARRIER PIPE</strong></td>
<td>Pipe directly enclosing a transmitted fluid (liquid or gas).</td>
</tr>
<tr>
<td><strong>CATEGORICAL EXCLUSION</strong></td>
<td>Environmental documentation required for actions that do not individually or cumulatively have a significant environmental effect.</td>
</tr>
<tr>
<td><strong>COMMERCIAL APPLICANT</strong></td>
<td>For purposes of vegetation management permits, a business or company, including the owner of an outdoor advertising device, whose activities generate or are intended to generate revenue.</td>
</tr>
<tr>
<td><strong>COMPLETED PERMIT</strong></td>
<td>A permit that has been completed, all work inspected, and released.</td>
</tr>
<tr>
<td><strong>DEPARTMENT’S PLANS</strong></td>
<td>The Department of Highways’ 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.</td>
</tr>
<tr>
<td><strong>ENTRANCE</strong></td>
<td>An access to the highway.</td>
</tr>
<tr>
<td></td>
<td>➢ Private Entrance: An entrance that serves private non-commercial farm(s) or single-family residence(s).</td>
</tr>
<tr>
<td></td>
<td>➢ Commercial Entrance: An entrance that is used for commercial activities or any purpose other than a private entrance.</td>
</tr>
<tr>
<td><strong>ENCASMENT PIPE</strong></td>
<td>A larger diameter pipe encasing a carrier pipe.</td>
</tr>
<tr>
<td><strong>FOOT-CANDLE</strong></td>
<td>A non-International System of Units (SI) term for illuminance (1 foot-candle = 1 lumen/ft² = 10.764 lux SI) where illuminance is a measure of the amount of light falling upon a surface.</td>
</tr>
<tr>
<td><strong>FRONTAGE RIGHTS</strong></td>
<td>A general term denoting a property owner’s interest alongside the road onto which a piece of property fronts.</td>
</tr>
<tr>
<td><strong>ILLEGAL ENCROACHMENT</strong></td>
<td>Any unauthorized encroachment, specific acts, or installations on, under, or over the right of way.</td>
</tr>
<tr>
<td><strong>INDEMNITY</strong></td>
<td>Protection or security against damage or loss.</td>
</tr>
</tbody>
</table>
**INTERSTATE HIGHWAY**  
Per KRS 177.830, any 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 United States Department of Transportation.

**LEGAL ENCROACHMENT**  
Authorized use (by permit, contract, or agreement) of highway right of way 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.

**MATURE SIZE OF PLANT SPECIES**  
Ultimate growth state of a tree or plant.

**NIT**  
A non-International System of Units (SI) term used for luminance (1 nit = 1 candela/m² SI) where luminance is a measure of the amount of light emitted or reflected from a relatively flat surface.

**NON-COMMERCIAL APPLICANT**  
For purposes of vegetation management permits, a private homeowner or private farm owner.

**PERMITTED**  
Encroachment that has been approved by the Department.

**PERMITTEE**  
Any person or entity who has received an approved permit.

**PUBLIC UTILITY**  
A business that furnishes an everyday necessity to the public at large, such as water, electricity, natural gas, telephone, or other essentials. Utilities that are subject to oversight by the Kentucky Public Service Commission, local municipalities, or regional commissions are public utilities. All utility companies that furnish cable TV, video transmission and distribution, broadband internet access, and voice-over IP to the public are also considered public utilities. Public utilities may be publicly or privately owned.

**QUASI-PUBLIC AGENCY**  
An agency that is supported by the government with a public mandate to provide a given service.

**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.
RECYCLERS

Per KRS 177.905, recyclers include automobile, vehicle or machinery recyclers and material recyclers.

- **Automobile, Vehicle, or Machinery Recyclers:** Any place where five (5) or more junked, wrecked or nonoperative automobiles, vehicles, machines and other scrap of salvage materials, excluding inoperative farm equipment, are deposited, parked, placed or otherwise located, or any automobile dealer, body shop operator, wrecker service operator, service station operator, or other similar business where ten (10) or more junked, wrecked, or nonoperative automobiles, vehicles, machines, and other similar scrap or salvage materials are deposited, parked, placed, or otherwise located.

- **Materials Recyclers:** Any establishment or place of business, including garbage dumps and sanitary fills, maintained, operated, or used for storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap ferrous or nonferrous material.

REGISTERED PROFESSIONAL ENGINEER

An engineer with a current license in Kentucky registered with the Kentucky Board of Engineers and Land Surveyors.

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.
<table>
<thead>
<tr>
<th>EXHIBIT NUMBER</th>
<th>EXHIBIT TITLE</th>
<th>MANUAL REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9001</td>
<td>Application for Encroachment Permit, TC 99-1A</td>
<td>201, 401, 501, 701, 2101, 2401</td>
</tr>
<tr>
<td>9002</td>
<td>Encroachment Permit, TC 99-1B</td>
<td>201</td>
</tr>
<tr>
<td>9003</td>
<td>Categorical Exclusion Checklist, TC 99-28</td>
<td>201, 501, 701</td>
</tr>
<tr>
<td>9004</td>
<td>Encroachment Permit Bond, TC 99-7</td>
<td>203</td>
</tr>
<tr>
<td>9005</td>
<td>Self-Insured Bond, TC 99-8</td>
<td>203</td>
</tr>
<tr>
<td>9006</td>
<td>Rolling Roadblock for Permitted Work on Fully Controlled Highways, TC 99-210</td>
<td>204</td>
</tr>
<tr>
<td>9007</td>
<td>Design Intersection Sight Distance (AASHTO Green Book)</td>
<td>401</td>
</tr>
<tr>
<td>9008</td>
<td>Traffic Engineering Study Guidelines</td>
<td>401, 601</td>
</tr>
<tr>
<td>9009</td>
<td>Design Stopping Sight Distance Guidelines for Low-Volume Roads</td>
<td>401</td>
</tr>
<tr>
<td>9010</td>
<td>Traffic Impact Study Requirements</td>
<td>401, 501, 601</td>
</tr>
<tr>
<td>9011</td>
<td>Air Right by Permit Standard Language</td>
<td>701</td>
</tr>
<tr>
<td>9012</td>
<td>Ownership Disclosure Statement, TC 99-27</td>
<td>701</td>
</tr>
<tr>
<td>9013</td>
<td>Sample Lighting Maintenance Agreement</td>
<td>1401</td>
</tr>
<tr>
<td>9014</td>
<td>Agreement for Services to be Performed, TC 99-22</td>
<td>1402, 2101</td>
</tr>
<tr>
<td>9015</td>
<td>Transit Shelter Specifications and Conditions</td>
<td>1701</td>
</tr>
<tr>
<td>Exhibit Number</td>
<td>Description</td>
<td>Page(s)</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>9016</td>
<td>Alternative Clear Zone for Low Volume and Low Speed Roads</td>
<td>2001, 2601</td>
</tr>
<tr>
<td>9017</td>
<td>Sample Landscaping Agreement</td>
<td>2001</td>
</tr>
<tr>
<td>9018</td>
<td>Application for Recycling Permit &amp; Screening Plan Approval, TC 99-56</td>
<td>2201</td>
</tr>
<tr>
<td>9019</td>
<td>Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard, TC 99-57</td>
<td>2201</td>
</tr>
<tr>
<td>9020</td>
<td>Access Control Fence Removal / Replacement Agreement</td>
<td>2401</td>
</tr>
<tr>
<td>9021</td>
<td>Application for Static Advertising Device, TC 99-221</td>
<td>2301</td>
</tr>
<tr>
<td>9022</td>
<td>Application for Electronic Advertising Device, TC 99-222</td>
<td>2301</td>
</tr>
<tr>
<td>9023</td>
<td>Advertising Device Annual Permit Renewal Request, TC 99-223</td>
<td>2301</td>
</tr>
<tr>
<td>9024</td>
<td>Advertising Device or Exchange Credit Ownership Transfer, TC 99-224</td>
<td>2301</td>
</tr>
<tr>
<td>9025</td>
<td>Advertising Device Permit, TC 99-225</td>
<td>2301</td>
</tr>
</tbody>
</table>
**APPLICATION FOR ENCROACHMENT PERMIT**

**SECTION 1: APPLICANT CONTACT INFORMATION**

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMAIL</td>
<td>CITY</td>
</tr>
<tr>
<td>CONTACT NAME 1</td>
<td>EMAIL</td>
</tr>
<tr>
<td>CONTACT NAME 2 (if applicable)</td>
<td>EMAIL</td>
</tr>
</tbody>
</table>

**SECTION 2: PROPOSED WORK LOCATION**

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNTY</td>
<td>ROUTE #</td>
<td>MILE POINT</td>
<td>LONGITUDE (X)</td>
</tr>
</tbody>
</table>

**ADDITIONAL LOCATION INFORMATION:**

**FOR KYTC USE ONLY**

<table>
<thead>
<tr>
<th>PERMIT TYPE:</th>
<th>Air Right</th>
<th>Entrance</th>
<th>Utilities</th>
<th>Vegetation Removal</th>
<th>Other:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESS:</td>
<td>Full</td>
<td>Partial</td>
<td>by Permit</td>
<td>LOCATION: Left</td>
<td>Right</td>
</tr>
</tbody>
</table>

**SECTION 3: GENERAL DESCRIPTION OF WORK**

---

*THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL ORIGINAL UNEDITED TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.*

**SIGNATURE**

This is not a permit unless and until the applicant(s) receives an approved TC 99-18 from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be a minimum of one year from the date the applicant submits their application.

**DATE**
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 shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
   C. LIABILITY INSURANCE: Liability insurance shall 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 shall 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 agree 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 end bear the expenses to adjust, relocate, or reconstruct the facilities, 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, or other corrective measures must be completed will be specified in the notice.

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 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, agree 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 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.

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.
APPLICATION FOR ENCROACHMENT PERMIT

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 permitably 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, agree 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.

21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.

22. The undersigned Utility acknowledges ownership and control of the facilities proposed to be installed, modified, or extended by the Applicant/Permittee and agrees to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department’s Permits Guidance Manual, and by all applicable regulations and statutes in effect on the date of issuance of the permit. This information and application is certified correct to the best knowledge and belief of the undersigned Utility.

UTILITY

NAME (Utility Representative) Title (Utility Representative)

SIGNATURE (Utility Representative) DATE

To Submit a Locate Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007
ENCROACHMENT PERMIT

KYTC KEPT #:

Permittee:

Permit Type / Subtype:

Work Completion Date:

<table>
<thead>
<tr>
<th>INDEMNITIES</th>
<th>Amount Required</th>
<th>Tracking Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance Bond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash / Check</td>
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<td>Self-Insured</td>
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<td>Payment Bond</td>
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<td></td>
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<tr>
<td>Liability Insurance</td>
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</tr>
</tbody>
</table>

This permit has been: [ ] APPROVED [ ] DENIED

SIGNATURE       TITLE       DATE

The TC 99-1(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

LOCATION(S)

<table>
<thead>
<tr>
<th>Description</th>
<th>County - Route</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</table>
## CATEGORICAL EXCLUSION CHECKLIST

**SECTION 1: PROJECT SUMMARY**

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>ROUTE #</th>
<th>MILE POINT</th>
<th>ENCROACHMENT TYPE</th>
</tr>
</thead>
</table>

**DESCRIPTION OF WORK:**

**EXISTING CONDITIONS:**

**PROPOSED USE:**

## SECTION 2: IMPACT EVALUATION

<table>
<thead>
<tr>
<th>FUNCTIONAL AREA</th>
<th>*SIG</th>
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**ADDITIONAL COMMENTS:**

**SECTION 3: ENVIRONMENTAL DOCUMENT APPROVAL**

Based on the information obtained during the environmental review process and included as attachments to this form, the project is determined to be a Categorical Exclusion under 23 CFR part 771.117(d)(6) &/or (7) pursuant to the National Environmental Policy Act. The action does not individually or cumulatively have a significant effect on the natural and human environment.

<table>
<thead>
<tr>
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*If any item is determined to have a significant impact, please forward completed form to the Director of the Division of Environmental Analysis and request a Categorical Exclusion Review.*
ENCROACHMENT PERMIT BOND

(Attach Standard Power of Attorney.)

Location: __________________________  Bond #: __________  KYTC KEPT #: __________

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.

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

In witness thereof, we, the parties, have set our hands and seals on this the ______ day of ______,______.

(Month) (Year)

BONDING AGENT/CORPORATE INSIGNIA  EMAIL  PHONE

MAILING ADDRESS  CITY  STATE  ZIP

______________________________  ______________________________
Principal  Surety

By: ______________________________  By: ______________________________
Applicant Signature  Bond Company, Attorney-in-Fact Signature
ENCROACHMENT PERMIT BOND

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<th>DISTRICT ONE</th>
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<th>DISTRICT FOUR</th>
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<tr>
<td>5501 Kentucky Dam Road</td>
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<td>900 Morgantown Road</td>
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<tr>
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<td>Madisonville, KY 42431</td>
<td>Bowling Green, KY 42101</td>
<td>Elizabethtown, KY 42701</td>
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<tr>
<td>(270) 898-2431</td>
<td>(270) 824-7080</td>
<td>(270) 746-7898</td>
<td>(270) 766-5066</td>
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<td>Lexington, KY 40511</td>
<td>Somerset, KY 42502</td>
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<td>603 Railroad Avenue</td>
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<td>Manchester, KY 40962</td>
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<td>(606) 845-2551</td>
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<td>(606) 598-2145</td>
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EXHIBIT
Self-Insured Bond, TC 99-8

KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF MAINTENANCE – PERMITS BRANCH

Self-Insured Bond

(TYPE OR PRINT LEGIBLY)

AFFIDAVIT

COMMONWEALTH OF KENTUCKY
COUNTY OF ____________________________

I, ____________________________, in my capacity as ____________________________,

(OFFICER NAME) (OFFICER TITLE)

of ____________________________, a corporation or other business entity

(COMPANY OR ENTITY)

of the Commonwealth of Kentucky, hereby state under oath that I have personal knowledge that the net
assets in tangible property of said ____________________________ are in excess of

(COMPANY OR ENTITY)

$ ____________________________ as shown in the financial information provided.

(ASSETS)

I am requesting a self-insured bond recognized by the Kentucky Transportation Cabinet in the amount

(Requested Self-Insured Bond Amount)

BY: ____________________________

(OFFICER NAME)

_______________________________

(OFFICER SIGNATURE)

SUBSCRIBED AND SWORN to before me a notary public in and for the County and State aforesaid,

this the ____________________________ day of ____________________________, 20___ .

(DAY) (MONTH) (YEAR)

_______________________________

(NOTARY PUBLIC NAME)

_______________________________

(NOTARY PUBLIC SIGNATURE)

MY COMMISSION EXPIRES: ____________________________

(DATE)
Self-Insured Bond

We, the undersigned ________________, a corporation or entity existing under the laws of the Commonwealth of Kentucky, do hereby covenant to and with the Commonwealth of Kentucky that whenever the highway facilities or right-of-way, subject to the jurisdiction of the Commonwealth of Kentucky, is damaged by the reason of the operation of the company upon the right-of-way of any highway of the Commonwealth of Kentucky that any and all damage will be restored at the expense of the company within a reasonable time to as good a condition as it was prior to the damage thereof; that such work will be done in a workmanlike manner; that the company will take all necessary precautions to protect traffic; that the company will assume all responsibility for any and all damage that may result by reason of the granting of any permit by the Commonwealth for use of right-of-way of any highway of the Commonwealth of Kentucky; and that the company will make installations and restore disturbed right-of-way surfaces in accordance with permits and do all such work under the supervision of and as directed by engineers of the Kentucky Transportation Cabinet ("KYTC") of the Commonwealth of Kentucky.

This ______ day of ________, 20____:

[Day] [Month] [Year]

ATTEST: ____________________________

(ATTESher NAME)

(ATTESher TITLE)

(ATTESher SIGNATURE)

BY: ____________________________

(OFFICER NAME)

(OFFICER TITLE)

(OFFICER SIGNATURE)

CERTIFICATE

(To be completed by KYTC)

The KYTC hereby certifies that ________________, a corporation or entity existing under the laws of ________________, engaged in the business of ________________, being subject to the provisions of KRS 177.103 – 106 and KRS 416.140, has made proof to the satisfaction of the KYTC Department of Highways ("Department") that the permittee has the financial ability to pay direct the costs of removal and relocation of encroachments in the amount and manner and when due as provided in said statutes, and has filed with the Department acceptable assurances (affidavit, surety bond, etc.) to secure the payment of such costs of removal or relocation of encroachments as they are incurred.

KYTC approves the self-insured bond in the amount of $__________________________ (SELF-INSURED BOND AMOUNT).

This certificate shall be continuous except that it may be immediately cancelled by the KYTC upon violation of any of the requirements of the Permits Manual or the Manual on Uniform Traffic Control Devices.

Witness the KYTC, this ______ day of ________, 20____:

[Day] [Month] [Year]

ATTEST: ____________________________

(ATTESher NAME)

(ATTESher TITLE)

(ATTESher SIGNATURE)

BY: KENTUCKY TRANSPORTATION CABINET

(State Highway Engineer Name)

(State Highway Engineer Signature)
## EXHIBIT
Rolling Roadblock for Permitted Work on Fully Controlled Highways, TC 99-210

### PE-9006

09/21 Page 1 of 6

<table>
<thead>
<tr>
<th>Guidelines &amp; Requirements</th>
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<tr>
<td>(Overhead buntings, signs, etc.) Rolling roadblocks should minimize delays and increase safety of the traveling public. Rolling roadblocks shall be utilized to temporarily slow traffic on fully controlled highways when a completed crossing is not warranted or allowed.</td>
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</table>

### 1. DESCRIPTION

#### ROLLING ROADBLOCK

**FOR PERMITTED WORK ON FULLY CONTROLLED HIGHWAYS**

**DIVISION OF MAINTENANCE – PERMITS BRANCH**

*Department of Highways*

*Kentucky Transportation Cabinet*

Page 1 of 6
Rev. 08/2016
TC 99-210
Design Intersection Sight Distance

Table 9-7. Design Intersection Sight Distance – Case B1, Left Turn from Stop

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>Stopping Sight Distance (ft)</th>
<th>Intersection Sight Distance (ft)</th>
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<tr>
<td>15</td>
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<td>170</td>
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<tr>
<td>80</td>
<td>910</td>
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Please see additional guidelines from the AASHTO publication when referencing this table.
Traffic Engineering Study Guidelines

Used primarily for entrances that do not meet the threshold for a traffic impact study or other smaller, low volume requests.

The following should be considered:

- Crash Analysis

- Sight Distance Analysis

- Turning Movements
  - Volumes
  - Vehicle Classifications

- Traffic Generated
  - Development Type & Size

- Turn Lane Analysis
  - Right & Left

- Existing and Proposed Alignment
Table 4-7 presents recommended design stopping sight distance criteria for new construction on roads with design volumes of 400 vehicles per day or less. These criteria may be used in design of both horizontal and crest vertical curves for new construction.

Please see additional guidelines from the AASHTO publication when referencing this table.

For new construction of roads with design volumes greater than 400 vehicles per day, the stopping sight distance criteria presented in Chapter 3 of the AASHTO Green Book should be applied.
Traffic Impact Study Requirements

The objectives of a Traffic Impact Study (TIS) are to:

- Determine the appropriate location, spacing, and design of access points necessary to mitigate the traffic and operational impacts on the highway.

- Determine the need for any improvements to the adjacent and nearby roadway system to maintain a satisfactory level of service and safety and to protect the function of the highway system while providing appropriate and necessary access to the proposed development.

A traffic impact study shall be required as a condition of access permit approval when the full build out potential of the proposed development requesting access meets any or all of the criteria identified below. The full build out potential shall be defined as the complete development of available land for which proposed or future connections are accommodated in the development plan. Future development shall be assumed to be the future land use identified by the applicable comprehensive plan of the local planning and zoning jurisdiction; in the absence of such a plan future development shall be assumed to be at a similar type and density as the proposed development.

- The proposed development is expected to generate greater than 100 vehicles per hour during its peak hour of operation based on trip generation estimates according to the most recent edition of the ITE Trip Generation Manual methodologies.

- The proposed access location does not meet the spacing requirements per its functional classification.
  
  - The requirement for a traffic impact study based on access spacing may be waived by the district permit engineer if the applicant can provide documentation that a) the access location is necessary due to a pre-existing condition and not the results of current property owner or applicant; b) there are no reasonable engineering or construction alternatives to provide access to the site and c) there is no existing access to the site or the request will replace an existing access point, improving safety and operations.

- The access plan proposes a change in the traffic control on a state maintained roadway including:
  
  - Installation, removal, or relocation of a stop or yield signs on an existing public street.
  
  - Installation, removal, or relocation of a traffic signal installation.
  
  - Changes in the timing and/or phasing of an existing traffic signal or signal system.
  
  - Installation or modification to a modern roundabout or other intersection control designs.

- When a proposed development does not meet the conditions above, but is deemed necessary by the Department of Highways, a TIS may be required due to known congested locations, operational and safety concerns in the area of the proposed development, and special conditions such as sensitivity to adjacent residential areas, or proximity to major planned roadway improvements in the area.

The full Traffic Impact Study requirements and additional information is available at the following address: [https://transportation.ky.gov/Permits/Pages/Policy-Memos.aspx](https://transportation.ky.gov/Permits/Pages/Policy-Memos.aspx).
STANDARD LANGUAGE AIR RIGHT BY PERMIT

1. The Department does hereby authorize the Permittee to use the airspace, subject to all terms, conditions, covenants and provisions of this Permit. The airspace encompasses right-of-way owned or maintained by the Department and is more particularly described in the Permit.

2. The Permittee shall have the right to use the airspace for the term of one year commencing upon the date of this Permit and shall have the right and option to extend its use of the airspace for further terms of one year each, commencing on the expiration of the preceding term, subject to all the terms, conditions, covenants, and provisions of this Permit. The Permittee shall be deemed to have exercised its right and option to extend its use of the airspace for an additional one-year term unless it gives the Department written notice of its intention otherwise thirty (30) days prior to the expiration of any term.

3. The airspace shall be used in accordance with the provisions of this Permit, and all at the sole cost of the Permittee without any participation by the Commonwealth of Kentucky or the Department. Any change in use of the airspace or significant alteration by the Permittee shall require the prior written approval of the Department.

4. All plans and any subsequent modifications thereof, developed by or for the Permittee in any way related to its use of the airspace shall also be submitted to and subject to the prior written approval of the Department’s Chief District Engineer in the Highway District responsible for the county where the airspace is located.

5. The airspace shall be properly maintained by the Permittee in good condition, both as to safety and appearance, and in a manner which shall cause no interference with any highway use.

6. The Permittee shall not perform any unlawful act and will be responsible for any resulting hazardous waste contamination without liability to the Department.

7. All construction, use, and maintenance of the airspace by the Permittee shall conform to all federal, state, local laws, ordinances, regulations, rules and orders, including but not limited to all Civil Rights and Equal Employment Opportunity laws.
8. The airspace shall not be used by the Permittee for the maintenance or storage of any flammable, toxic, explosive, or other materials constituting a hazard to the highway, highway users or the public at large or in such a manner that the use, enjoyment, safety or appearance of the abutting highway, is in anyway impaired by fumes, vapors, odors or other discharges.

9. Any roadway lighting or on premise signs or display devices to motorists in the airspace are subject to the approval and issuance of any required permit(s) by the Department.

10. If the proposed Air Rights usage is “at grade” or “beneath bridge”, the proposed facility will not become a critical or integral part of the adjacent development in such a way that the success of the development is dependent on the Air Rights Permit.

11. No permanent structures or attachments, including but not limited to buildings, billboards, or other advertising signs or devices, except as may be authorized elsewhere in this Permit, shall be placed in the airspace by the Permittee without the prior written approval of the Department. Any approved structures or attachments shall be removed by the Permittee at its sole cost upon the termination of this Permit.

12. The Permittee shall protect the airspace and all property of the Department from damage and shall reimburse the Department for any damage resulting from or in any way related to the Permittee’s use of the airspace. The Permittee shall not be obligated for ordinary highway maintenance or repair to the highway, unless necessitated by its use of the airspace.

13. In the event that the Permittee fails in its obligation to properly maintain the airspace, the permittee shall be financially responsible for any corrective action taken by the Department.

14. The Permittee shall indemnify and hold harmless the Department from any and all claims, causes of action, actions and demands of any kind or nature arising out of or in connection with the construction and maintenance of the facility using the airspace.

15. Department personnel and/or designees may at any time enter the airspace for any purpose they deem appropriate and necessary, including but not limited to monitoring for compliance with this Permit and inspection, maintenance or reconstruction of any highway and/or right-of-way.
16. Personnel, contractors and/or designees of any utility company or government owned utility may at any reasonable time enter the airspace for the purposes of construction, operation and maintenance of any new or existing utilities in the airspace for which there are utility easements or which have been permitted by the Department.

17. In the event that the Department, at its discretion, determines that it needs all or any part of the airspace for the maintenance, construction, improvement and/or reconstruction of any highway or right-of-way, or for any other public purpose, necessity or convenience, it shall, except in the case of an emergency when no notice shall be required, give the Permittee written advance notice of at least thirty (30) days, within which time the Permittee shall vacate the airspace or pertinent part thereof and shall at its sole cost restore the airspace to a condition and in the manner prescribed by the Department.

18. This Permit or any rights hereunder shall not be transferred, assigned, conveyed or in any other way alienated by the Permittee without the prior written approval of the Department. The Permittee shall provide to the Department a fully executed copy of any approved transfer, assignment, conveyance of other alienation within fifteen (15) days of the execution thereof. Notwithstanding any approved transfer, assignment, conveyance or other alienation, the Permittee shall not be released from any obligations under this Permit as to construction on or maintenance of the airspace unless such release is made in writing by the Department.

19. If the Permittee fails within a reasonable time to comply with any of the terms of this Permit and/or any of its obligations hereunder after written notice from the Department of noncompliance, this Permit may be terminated at the election of the Department. Forbearance by the Department of any violation of this Permit by the Permittee shall not operate as or be deemed a forbearance of any subsequent violation.

20. If the Permittee vacates, ceases to use, abandons, or is otherwise required under the terms hereof to vacate the airspace in its entirety, this Permit shall be terminated.

21. In the event of termination of this Permit, the Permittee shall not be entitled to or receive any relocation assistance benefits under any state or federal law, regulation or program.

22. In the event of termination of this Permit, the Permittee shall restore the airspace to a condition and in the manner prescribed by the Department, at the Permittee’s sole cost.
23. This Permit and all documentation contained herein constitutes the entire agreement between the parties as to the air rights and shall not be modified except in writing signed by both parties.
Kentucky Transportation Cabinet Department of Highways:

Approved to form and legality:

__________________________  ________________________
(Name), (Title of Attorney)  Date

__________________________  ________________________
(Name), (District XX, Chief District Engineer)  Date

Permittee (Permittee’s Name):

Approved to form and legality:

__________________________  ________________________
(Name), (Title of Attorney)  Date

__________________________  ________________________
(Name), (Title – Permittee’s Signature Authority)  Date

This document prepared by:

__________________________  ________________________
(Name), (Title)  Date
(Address)  
(Phone)
# Ownership Disclosure Statement

**KENTUCKY TRANSPORTATION CABINET**  
Department of Highways  
PERMITS BRANCH  

**OWNERSHIP DISCLOSURE STATEMENT**

**KYTC KEPT #:** ____________________________

**SECTION 1: LESSEE INFORMATION**

<table>
<thead>
<tr>
<th>Sole Proprietor</th>
<th>Partnership</th>
<th>Corporation</th>
<th>LLC</th>
<th>Business Trust</th>
<th>FEDERAL ID #</th>
</tr>
</thead>
</table>

I. List all persons that have an ownership interest in this property leased from the Commonwealth of Kentucky. If the owner is a corporation, business trust, or partnership, list all persons having five percent (5%) or more ownership interest in such entities to include silent or limited partners. The lessee furthermore agrees to notify the Commonwealth of all persons involved in any change of transfer of ownership of five percent (5%) or more to include silent or limited partners. Noncompliance may result in termination of lease agreement. *(If more space is needed, attach a separate sheet.)*

<table>
<thead>
<tr>
<th>NAME</th>
<th>HOME ADDRESS</th>
<th>SSN</th>
<th>% OF OWNERSHIP</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

II. Are any of the owners of this lease or agreement listed heretofore and/or their immediate relatives *(father, mother, sister, brother, son, daughter, spouse)* an officer or employee of any state agency, board, commission, etc.?

<table>
<thead>
<tr>
<th>Owner</th>
<th>FULL NAME OF RELATIVE &amp; SSN</th>
<th>AGENCY, BOARD, OR COMMISSION</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
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</table>

**SECTION 2: AUTHORIZED AGENT OR LESSEE INFORMATION**

<table>
<thead>
<tr>
<th>NAME OF AUTHORIZED AGENT OR LESSEE</th>
<th>TITLE</th>
</tr>
</thead>
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</table>

<table>
<thead>
<tr>
<th>BUSINESS ADDRESS</th>
<th>PHONE (daytime)</th>
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<tbody>
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**SECTION 3: SIGNATURE AUTHORIZATION**

The authorized agent or lessee certifies to be accurate the information submitted above.

---

AUTHORIZED AGENT OR LESSEE ____________________________  DATE ____________________________

State of ______________________  County of ______________________

Subscribed and sworn to before me, a notary public in and for the state and county aforesaid, this the ______ day of __________________, _____________.

______________________________  ________________________________
NOTARY PUBLIC (signature)  MY COMMISSION EXPIRES (date)
LIGHTING MAINTENANCE AGREEMENT BETWEEN
COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
AND
(CITY NAME)

THAT AGREEMENT, entered into by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, hereinafter referred to as the “Department”, and the City of (City Name and Address), hereinafter referred to as the “City”.

WITNESSETH:

WHEREAS, roadway lighting within the limits of cities is not typically installed or maintained by the Department; and

WHEREAS, in certain cases the Department may elect to permit the City to install lighting within City limits on projects, regardless of warrants or need for such lighting, if funding is available and the City is willing to maintain the lighting and pay for associated utility costs; and

WHEREAS, in such cases, the Department will only permit lighting that utilizes standard materials that the Cabinet utilizes to install and maintain their own lighting systems; and

WHEREAS, the City has a design project underway at (Project Details) which shall hereinafter be referred to as the “Project”; and

WHEREAS, the City desires that lighting be installed at the intersection of (Location Information) as part of the Project, and the Department agrees that it is worthwhile to include lighting at these locations and is willing to approve an encroachment permit for the Project.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the parties hereby agree as follows:

1. The City shall install intersection lighting at (Location Information) as part of the Project.
2. The City will be responsible for all costs associated with design and installation of the lighting.
3. The City shall install lighting using standard lighting materials utilized by the Department.
4. The City will be responsible for the maintenance and utility costs associated with lighting installed as part of this Agreement throughout the life of the installation. Maintenance includes providing materials to prevent deterioration of any component, repair damage due to knock downs, and replacement of a component if one or more fail.

5. To the extent permitted by law, the City shall indemnify and hold harmless the Department and all of its officers, agents, and employees from all suits, actions, or claims of any character because of any injuries or damages received by any person, persons, or property resulting from the lighting installed through this Agreement.

6. The Department reserves the right to cancel this Agreement at any time deemed to be in the best interest of the Department by giving thirty (30) days written notice of such cancellation to the City and reserves the right to remove lighting at its discretion, including (but not limited to) situations where the Department feels lighting is not being properly maintained by the City.

7. Any work performed by the City within Department right-of-way shall be done under an approved encroachment permit. Furthermore, any work performed to install, repair, or revise lighting shall be coordinated through the Department.
IN WITNESS WHEREOF, the parties have caused these presents to be executed by their officers thereunto duly authorized.

**Kentucky Transportation Cabinet Department of Highways:**

Approved to form and legality:

________________________  ________________________
(Name), (Title of Attorney)  Date

________________________  ________________________
(Name), (District XX, Chief District Engineer)  Date

**City of (City’s Name):**

Approved to form and legality:

________________________  ________________________
(Name), (Title of Attorney)  Date

________________________  ________________________
(Name), (Title of City Representative)  Date

This document prepared by:

________________________  ________________________
(Name), (Title)  Date

(Address)

(Phone)
PERMIT NUMBER

SECTION 1: AGREEMENT
This agreement made and entered into by and between Kentucky Department of Highways, party of the first part, and ______________________, party of the second part.

WITNESSETH:

WHEREAS, the party of the second part has requested the party of the first part to perform the hereinafter described services, and

WHEREAS, the party of the first part has agreed to perform said services at the expense of the party of the second part.

NOW THEREFORE, it is hereby agreed between the parties hereto as follows:

1. The party of the first part does agree to perform the hereinafter described services and does agree to request reimbursement from the party of the second part for the actual costs incurred in rendering said services.

2. The party of the first part agrees that the herein described services are to be performed on or about ___________________________.

3. The party of the second part does agree to be liable to the party of the first part for the actual costs of the herein described services and to pay the actual costs of said services upon being invoiced for said services by the party of the first part.

SECTION 2: SERVICES TO BE PERFORMED
ADDRESS

DESCRIPTION OF SERVICES (Please limit to 2 lines of text for accurate printing.)

ESTIMATION OF COSTS FOR SERVICES TO BE PERFORMED

<table>
<thead>
<tr>
<th>CONTRACT COST</th>
<th>COST PER PURCHASE ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Labor Cost:

Equipment Rental Cost:

Travel Cost:

TOTAL

IN TESTIMONY WHEREOF, witness the duly authorized signatures of the parties hereto this ____________________________

Day/Month/Year

Party of the First Part

Title

Approved as to form and legality.

KYTC Legal Services

Party of the Second Part

Title

Page 1 of 2
Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch
AGREEMENT FOR SERVICES TO BE PERFORMED

TASK ORDER DATA SHEET
Please forward Pages 1 and 2 to the Division of Accounts
Phone: 502-564-7334    Fax: 502-564-5521

SECTION 3: APPLICANT CONTACT INFORMATION

COUNTY ___________________________ LOCATION OF TASK ORDER ___________________________

SECOND PARTY NAME ___________________________ FEDERAL ID/SSN: ___________________________

SECOND PARTY ADDRESS ________________________________________________________________

SECOND PARTY CONTACT ___________________________ PHONE ___________________________

SECTION 4: KYTC INFORMATION

KYTC EMPLOYEE OVERSEEING TASK ___________________________

PHONE NUMBER ___________________________

FAX NUMBER ___________________________

PERSON(S) POSTING TASK ORDER CHARGES ___________________________

START DATE ______________ ESTIMATED END DATE ______________

SUBMITTED BY ___________________________ DATE ______________

District Bookkeeper

SECTION 5: FUNDING INFORMATION (Please fill out as completely as possible.)

<table>
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<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>LOCATION</th>
<th>FUNCTION</th>
<th>SUB-FUNCTION</th>
<th>ACTIVITY</th>
<th>OBJECT</th>
<th>TASK ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>62S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ISSUED BY ___________________________ DATE ______________

Central Office Accounts Staff

PHONE: 502-564-7334    FAX: 502-564-5521
The Permittee agrees to the following terms and conditions:

1. The permittee shall apply for and obtain a transit shelter encroachment permit.
2. Transit shelters shall meet all terms of policy PE-1701 Transit Shelters of the Permits Manual.
3. All costs associated with the construction, maintenance, and use of the transit shelter shall be the responsibility of the permittee.
4. The transit shelter shall be located in a safe location, and off of Department right-of-way whenever possible. Sight distance shall not be restricted by the location of the transit shelter, including potential sight distance restriction from vehicle queues during bus stops. Pedestrian safety shall not be impacted.
5. The transit shelter shall be located at or near existing or potential vehicular pull-offs whenever possible.
6. The construction, maintenance, and/or use of the transit shelter shall not interfere with the operation or maintenance of the roadway or sidewalk facilities.
7. The construction, maintenance, and/or use of the transit shelter shall not impact drainage within Department right-of-way, unless an acceptable drainage plan is approved by the District. All costs associated with the construction and maintenance of the drainage modifications on Department right-of-way shall be the responsibility of the permittee.
8. The shelter shall be maintained in a sighted manner. Landscaping shall be maintained and routine weed control shall be performed.
9. The permittee shall remove or relocate the transit shelter to accommodate any portion of a construction project by the Department, including the location or relocation of any public utility. All costs associated with the removal or relocation shall be the responsibility of the permittee.
10. The transit shelter shall not impact pedestrian movements. If the construction, maintenance, and/or operation of the transit shelter causes a pedestrian facility to no longer meet Americans with Disabilities Act (ADA) requirements, then the pedestrian facility shall be improved to meet ADA requirements with the presence of the transit shelter. The costs of the pedestrian facility improvements shall be the responsibility of the permittee.
11. Limitations to the frequency and number of transit shelters along all Department roadways shall be at the discretion of the Chief District Engineer.
12. Lighting of the transit shelter shall not cause a distraction or impair the vision of traveling motorists.

If the Department determines that the Permittee is not meeting the specifications and conditions of the approved transit shelter permit, then the Department may revoke the permit and remove the transit shelter. The Permittee will be responsible for the cost of removing the transit shelter and restoring the associated right-of-way.
**BARRIER GUIDE**

For Low Volume and Low Speed Roads

Table 2.1: Clear Zone Distances from Edge of Through Traveled Way

<table>
<thead>
<tr>
<th>DESIGN SPEED</th>
<th>DESIGN ADT</th>
<th>FORESLOPES 1V: 6H or flatter</th>
<th>FORESLOPES 1V: 5H to 1V: 4H</th>
<th>FORESLOPES 1V: 3H</th>
<th>BACKSLOPES 1V: 5H to 1V: 4H</th>
<th>BACKSLOPES 1V: 6H or flatter</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 mph</td>
<td>Under 750</td>
<td>2 - 6</td>
<td>3 - 7</td>
<td>2 - 6</td>
<td>2 - 6</td>
<td>3 - 7</td>
</tr>
<tr>
<td></td>
<td>750 - 1500</td>
<td>2 - 6</td>
<td>3 - 7</td>
<td>2 - 6</td>
<td>2 - 6</td>
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<td>3 - 7</td>
<td>5 - 8</td>
<td>2 - 6</td>
<td>2 - 6</td>
<td>3 - 7</td>
</tr>
<tr>
<td></td>
<td>over 6000</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>2 - 6</td>
<td>2 - 6</td>
<td>3 - 7</td>
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<tr>
<td>25 - 30 mph</td>
<td>Under 750</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>2 - 6</td>
<td>2 - 6</td>
<td>3 - 7</td>
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<tr>
<td></td>
<td>750 - 1500</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>2 - 6</td>
<td>2 - 6</td>
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<td>5 - 8</td>
<td>2 - 6</td>
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<td>3 - 7</td>
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<tr>
<td></td>
<td>over 6000</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>2 - 6</td>
<td>2 - 6</td>
<td>3 - 7</td>
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<tr>
<td>35 mph</td>
<td>Under 750</td>
<td>5 - 8</td>
<td>6 - 10</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>7 - 10</td>
</tr>
<tr>
<td></td>
<td>750 - 1500</td>
<td>5 - 8</td>
<td>6 - 10</td>
<td>3 - 7</td>
<td>5 - 8</td>
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<td>5 - 8</td>
<td>6 - 10</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>7 - 10</td>
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<tr>
<td></td>
<td>over 6000</td>
<td>5 - 8</td>
<td>6 - 10</td>
<td>3 - 7</td>
<td>5 - 8</td>
<td>7 - 10</td>
</tr>
</tbody>
</table>

* See the AASHTO Roadside Design Guide for design speeds 40 mph and higher.

** Foredrops between 1V: 4H and 1V: 3H are traversable but non-recoverable. Since vehicles will not reduce speed or change direction on these slopes the needed clear zone is determined by the slopes above and below the non-recoverable slope and extended by the width of the non-recoverable slope. See Chapter 3 of the RDG for more information on this procedure. Foredrops steeper than 1V: 3H are considered hazards.
LANDSCAPING AGREEMENT BETWEEN
COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
AND
(permittee name)

THIS AGREEMENT, entered into by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, hereinafter referred to as the “Department”, and (permittee name and address), hereinafter referred to as the “Permittee”.

WITNESSETH:

WHEREAS, the Department owns certain right-of-way located in (location information), and the Permittee has requested to install certain landscaping plots located in (location information), and

WHEREAS, the Permittee shall assume all responsibility for the general maintenance of the landscaping plots located at (location information) on Department right-of-way; and

WHEREFORE, the Department consents to the Permittee taking responsibility for the general maintenance of the afore described landscaping plots located in Department right-of-way;

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth below, the parties agree as follows:

1. The Permittee shall be responsible for the general maintenance, including but not limited to, watering, trimming, weed control, and any other services specified in the approved permit (KYTC Kept Number), of the Department’s right-of-way subject to this agreement.

2. The Permittee shall not modify in any manner the Department’s right-of-way subject to this agreement without first seeking prior written approval from the Department.

3. The Permittee is to assume all responsibility and further agrees to indemnify and hold harmless the Department from any claim, action, or incident arising from the Department or nature of the general maintenance of the Department’s right-of-way subject to this agreement.

4. This Agreement may be cancelled by either of the parties hereto at any time upon written notice thereof. Upon cancellation, the landscaped areas which are subject of this Agreement are to be returned to their original condition or left in a condition acceptable to the Department, and the Permittee will be solely responsible for the cost of any restoration and remediation required.

5. The Department may modify the right-of-way subject to this agreement for purposes of public safety.
IN WITNESS WHEREOF, the parties have caused these presents to be executed by their officers thereunto duly authorized.

Kentucky Transportation Cabinet Department of Highways:

Approved to form and legality:

__________________________________________  ________________________
(Name), (Title of Attorney)  Date

__________________________________________  ________________________
(Name), (District XX, Chief District Engineer)  Date

(Permittee):

Approved to form and legality:

__________________________________________  ________________________
(Name), (Title of Attorney)  Date

__________________________________________  ________________________
(Name), (Title of Permittee’s Representative)  Date

This document prepared by:

__________________________________________  ________________________
(Name), (Title)  Date
(Address)  
(Phone)
APPLICATION FOR RECYCLING PERMIT & SCREENING PLAN APPROVAL

SECTION 1: APPLICANT INFORMATION

NAME

BUSINESS NAME

BUSINESS PHONE #

BUSINESS ADDRESS (street)

CITY

STATE

ZIP

EMAIL

CELL PHONE #

SECTION 2: LOCATION INFORMATION

Please check one: ☐ State Highway ☐ County Road ☐ City Street ☐ Private Road

ROAD NAME

COUNTY

ROUTE #

MILE POINT

LONGITUDE (X)

LATITUDE (Y)

1. If location is an automobile, vehicle, or machinery recycling establishment, does it contain a combined total of five (5) or more junked, wrecked, or non-operative automobiles, vehicles, or machines? ☐ Yes ☐ No

2. If location is an automotive dealer, body shop operator, wrecker service operator, or service station operator, does it contain ten (10) or more junked, wrecked, or non-operative automobiles, vehicles, or machines? ☐ Yes ☐ No

3. If location is a material recycling establishment, describe materials:

4. 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

5. Is the recycling storage area presently screened from view of the traveling motorist on a year-round basis? ☐ Yes ☐ No

If no, describe proposed screening in detail, including materials to be used for screening, height, length, color, etc. (Attach screening plan drawing.)

SECTION 3: APPLICANT SIGNATURES

I certify that the above statements are correct to the best of my knowledge.

_________________________________________  ____________________________________
APPLICANT                                      DATE

Note: An automotive recycling dealer license is required by law and available at the address below:
Motor Vehicle Commission
200 Meri Street, 3rd Floor West
Frankfort, KY 40622
https://mvc.ky.gov/Pages/default.aspx
EXHIBIT

Application for Recycling Permit & Screening Plan Approval, TC 99-56

<table>
<thead>
<tr>
<th>DISTRICT ONE</th>
<th>DISTRICT TWO</th>
<th>DISTRICT THREE</th>
<th>DISTRICT FOUR</th>
</tr>
</thead>
<tbody>
<tr>
<td>5501 Kentucky Dam Road</td>
<td>1840 North Main Street</td>
<td>900 Morgantown Road</td>
<td>634 East Dixie Highway</td>
</tr>
<tr>
<td>Paducah, KY 42003</td>
<td>Madisonville, KY 42431</td>
<td>Bowling Green, KY 42101</td>
<td>Elizabethtown, KY 42701</td>
</tr>
<tr>
<td>(270) 898-2431</td>
<td>(270) 824-7080</td>
<td>(270) 746-7898</td>
<td>(270) 766-5066</td>
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<table>
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<th>DISTRICT SEVEN</th>
<th>DISTRICT EIGHT</th>
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<tr>
<td>8310 Westport Road</td>
<td>421 Buttermilk Pike</td>
<td>800 Newtown Court</td>
<td>1660 S. Highway 27</td>
</tr>
<tr>
<td>Louisville, KY 40242</td>
<td>Covington, KY 41017</td>
<td>Lexington, KY 40511</td>
<td>Somerset, KY 42502</td>
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<tr>
<td>(502) 210-5400</td>
<td>(859) 341-2700</td>
<td>(859) 246-2355</td>
<td>(606) 677-4017</td>
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<td>Bullitt</td>
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<th>DISTRICT ELEVEN</th>
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<td>603 Railroad Avenue</td>
<td>109 Lorraine Street</td>
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<tr>
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<td>Jackson, KY 41339</td>
<td>Manchester, KY 40962</td>
<td>Pikeville, KY 41501</td>
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<tr>
<td>(606) 845-2551</td>
<td>(606) 666-8841</td>
<td>(606) 598-2145</td>
<td>(606) 433-7791</td>
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<tr>
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<td>Breathitt</td>
<td>Bell</td>
<td>Floyd</td>
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<tr>
<td>Rowan</td>
<td>Wolfe</td>
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Kentucky Transportation Cabinet  
Department of Highways  
Division of Maintenance  
Permits Branch

PERMIT FOR AUTOMOBILE, VEHICLE, MACHINERY, OR MATERIAL RECYCLING YARD  
Pursuant to KRS 177.905 to 177.950

KYTC KEPT #: ____________________________
Permittee: ________________________________________________________
Address: ___________________________________________________________
Expiration Date: ________________________________ (Unless Revoked)

The holder is authorized to operate a recycling yard as defined by KRS 177.905 at the address and location named above. The holder promises to comply with KRS 177.905 to 199.950 and with regulations 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 to 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 to 177.050 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 hearing.
4. Make checks payable to Treasurer, Commonwealth of Kentucky.

This permit has been:  [ ] APPROVED  [ ] DENIED

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>TITLE</th>
<th>DATE</th>
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</thead>
</table>

LOCATION

<table>
<thead>
<tr>
<th>Description</th>
<th>County - Route</th>
<th>Latitude</th>
<th>Longitude</th>
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<tr>
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</table>
ACCESS CONTROL FENCE REMOVAL / REPLACEMENT AGREEMENT

KYTC KEPT #:_______________________

This Agreement, entered into by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, hereinafter referred to as the “Department”; and (Permittee Name and Address), hereinafter referred to as the “Permittee”. The parties are owners of adjoining parcels of real property located in the County of ________________________, Kentucky, being fully described as exhibit “A” attached hereto, which includes a legal deed description and a survey plat by a licensed land surveyor.

In consideration of the mutual covenants and agreements set forth below, the parties agree as follows:

1. Prior to the proposed removal of existing fencing on behalf of the Permittee, the Permittee agrees to hire ___________________________, PLS #___________________, a licensed land surveyor, to perform and verify pertinent boundary line survey points, as well as install all required right-of-way monuments regardless of whether or not a new fence is proposed to be installed. A plat, drawing, or graphic created by a licensed land surveyor shall be provided to the Department that accurately represents all monuments established or verified with the associated right-of-way boundary and that clearly shows the location of all fencing remove and replaced.

2. The existing fence shall be removed and transported by the Permittee to the designated local Department maintenance storage facility for future reuse by the Department. If not, the Department shall be reimbursed for the fair market value of the fence removed from the site unless the Department agreed prior to removal that the fence is unsuitable for future Department use. Any existing fencing that is not returned to the Department shall be removed from Department right-of-way and disposed of properly.

3. The replacement fence shall be a height of at least 48 inches and proposed replacement fencing material shall be approved by appropriate Department personnel prior to installation.

4. Permittee shall erect the replacement fence along the described right-of-way boundary line situated a minimum of one foot and a maximum of two feet outside of, or beyond the described right-of-way boundary line.

5. The existing access fence will be removed and, if applicable, the proposed replacement fence will be installed along the described boundary line for a distance of ___________ feet more or less.
6. The control of access shall in no way be altered and/or diminished as a result of the removal or replacement of the fence.

7. Any access control fencing removed from fully controlled access roadways shall be replaced with acceptable alternative fencing.

8. No gates will be permitted or allowed on fully controlled access roadways.

9. **Perpetual** maintenance of approved replacement fencing shall be the sole responsibility of the Permittee, its successors and assigns. All work on the fence shall be performed by access from private property. Access from the roadway will not be allowed.

10. The **Permittee** shall perpetually maintain the fence to a **Department** approved level of functionality and/or state of repair.

11. This agreement, and the rights and duties hereunder, shall bind and inure to the benefit of the parties, their successors, and assigns.

The undersigned Permittee(s), being duly authorized representative(s) or owner(s) do hereby agree to all terms and conditions stated herein.

The parties have caused these presents to be executed by their officers thereunto duly authorized.

**Kentucky Transportation Cabinet, Department of Highways:**

__________________________________________  ________________________
(Name), (District XX, Chief District Engineer)  Date

**Permittee:**

__________________________________________  ________________________
(Name), (Title of Permittee’s Representative)  Date
**APPLICATION FOR STATIC ADVERTISING DEVICE**

**PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576, and 603 KAR 10:040**

**SECTION 1: APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>NAME OF APPLICANT</th>
<th>CONTACT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
</tr>
<tr>
<td></td>
<td>STATE ZIP</td>
</tr>
<tr>
<td>EMAIL ADDRESS</td>
<td>PHONE (office)</td>
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</table>

**SECTION 2: DEVICE INFORMATION**

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>ROUTE</th>
<th>MILE POINT</th>
</tr>
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<tbody>
<tr>
<td>LATITUDE (DD)</td>
<td>LONGITUDE (DD)</td>
<td>MAX SQ FT PER FACING</td>
</tr>
<tr>
<td># OF POLES</td>
<td># OF FACES</td>
<td>DEVICE FACING CONFIGURATION</td>
</tr>
</tbody>
</table>

**SECTION 3: DEVICE REQUIREMENTS**

1. Provide the following for all devices:
   a. Location of the advertising device in relation to:
      i. The Department right of way (measured from the nearest portion of the device)
      ii. 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. Drawing showing the location of the required businesses, industrial/commercial area, and municipal lines
   e. Copy of the lease agreement with the property owner
   f. Documentation that verifies required business, industrial/commercial area, and municipal lines
   g. Required applicable fee

2. 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 [https://maps.kytc.ky.gov/PAFOA/]. 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**

Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department’s permits manual, and all applicable regulations and statutes as to and in effect on the date of issuance of the permit. 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 99-225 signed and present. This application shall become void if not approved by the cancellation date. The cancellation date shall be 60 days from the date the applicant submits the application.

<table>
<thead>
<tr>
<th>NAME (print)</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIGNATURE</td>
<td>DATE</td>
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</tbody>
</table>
APPLICATION FOR ELECTRONIC ADVERTISING DEVICE

PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576, and 603 KAR 10:040

KYTE KEPT #: _______

SECTION 1: APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>NAME OF APPLICANT</th>
<th>CONTACT NAME</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
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<th>ZIP</th>
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<table>
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<tr>
<th>EMAIL ADDRESS</th>
<th>PHONE (office)</th>
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</table>

SECTION 2: DEVICE INFORMATION

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>ROUTE</th>
<th>MILE POINT</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>LATITUDE (DD)</th>
<th>LONGITUDE (DD)</th>
<th>DEVICE FACING CONFIGURATION</th>
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</table>

<table>
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<tr>
<th># OF POLES</th>
<th># OF FACES</th>
<th>MAX SQ FT PER FACING</th>
<th>LOCATED IN URBAN AREA</th>
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<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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SECTION 3: DEVICE REQUIREMENTS

1. Provide the following for all devices where applicable:
   a. Location of the advertising device in relation to:
      i. The Department right of way (measured from the nearest portion of the device)
      ii. 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. Drawing showing the location of the required businesses, industrial/commercial area, and municipal lines
   e. Copy of lease agreement with the property owner
   f. Documentation that verifies required business, industrial/commercial area, and municipal lines
   g. Provide manufacturer’s certification for luminance
   h. Identification of devices used for exchange credits
   i. Required applicable fee

<table>
<thead>
<tr>
<th>Required Exchange Credits</th>
<th>KEPT #</th>
<th>Credited Device (Yes or No)</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Current Status</th>
<th>Approved for this application</th>
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<td>6 (if required)</td>
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2. 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 [https://maps.kytc.ky.gov/PAFOA/]. 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
Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department’s permits manual, and all applicable regulations and statutes as to and in effect on the date of issuance of the permit. 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 99-225 signed and present. This application shall become void if not approved by the cancellation date. The cancellation date shall be 60 days from the date the applicant submits the application.

NAME (print)                 TITLE

__________________________________________
SIGNATURE

__________________________________________
DATE
# ADVERTISING DEVICE ANNUAL PERMIT RENEWAL REQUEST

**DATE:**

**SECTION 1: PERMITTEE INFORMATION**

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<th>PERMITTEE</th>
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**SECTION 2: PERMIT INFORMATION**

<table>
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<tr>
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<th>COUNTY</th>
<th>LATITUDE</th>
<th>LONGITUDE</th>
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</table>

**SECTION 3: DEVICE INFORMATION**

Please confirm the following for this device:

1. The device continues to operate as permitted and is maintained in accordance with 603 KAR 10:040 and/or remains compliant with the original permit requirements/authorizations?  
   - [ ] Yes [ ] No*

2. For a static device, is lighting compliant with 603 KAR 10:040, Section 2(10)?  
   - [ ] Yes [ ] No*

3. For an electronic device, is lighting and messaging compliant with 603 KAR 10:040, Section 2(11) and 2(12)?  
   - [ ] Yes [ ] No*

4. For a nonconforming device, has the device remained unaltered without change to location or configuration and only subjected to routine maintenance as established in 603 KAR 10:040, Section 4(4)?  
   - [ ] Yes [ ] No*

5. Has KYTC Department of Highways been notified of all work performed resulting in substantial change to the device as established in 603 KAR 10:040 Section 6(16)?  
   - [ ] Yes [ ] No*

*For any items marked [No] above, please attach a written explanation and include any additional information that may help to understand the non-compliance situation.

Each year, electronically submit this documentation between the renewal period of November 1 and December 31.

Every 2 years, additionally submit current-year dated photographs of the front and back of each facing, including the supporting structure and all appurtenances associated with the device.

Check here [ ] if photographs of the device provided within the last 2 years continue to accurately and completely represent the current state of the device.

**SECTION 4: SIGNATURE AUTHORIZATION**

As an authorized representative for the above permittee, I certify that the referenced device has been maintained in accordance with and currently meets all applicable advertising device statutes and regulations. I further understand that if the information submitted and certified on this form is found to be materially false or misleading, the permit for the device may be revoked and enforcement action taken pursuant to 603 KAR 10:040 and KRS 177.990(2).

______________________________  ______________________________  __________________
NAME (Print.)  SIGNATURE  DATE

**KENTUCKY TRANSPORTATION CABINET**
DIVISION OF MAINTENANCE
PERMITS

TC 99-223
Rev. 10/2021
Page 1 of 1
### ADVERTISING DEVICE OR EXCHANGE CREDIT OWNERSHIP TRANSFER

#### SECTION 1: TRANSFEROR INFORMATION

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#### SECTION 2: TRANSFEREE INFORMATION

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<th>PHONE (mobile)</th>
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#### SECTION 3: DEVICE INFORMATION

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<th>COUNTY</th>
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The latitude and longitude provided on this form, [Decimal Degrees (DD, GRS 1980, NAD 83)], shall be obtained from the “KYTC Protected Areas for Outdoor Advertising” map (https://maps.kytc.ky.gov/PAFOA/).

#### SECTION 4: CERTIFICATION OF REPRESENTATIVES

The above information is certified to be correct to the best knowledge and belief of the undersigned representatives. The transferee acknowledges that all applicable advertising device statutes and regulations shall be followed.

<table>
<thead>
<tr>
<th>TRANSFEROR NAME (print)</th>
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<th>TRANSFEREE SIGNATURE</th>
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FOR OFFICIAL USE ONLY

<table>
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<tr>
<th>KYTC APPROVER SIGNATURE</th>
<th>TITLE</th>
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<th>KYTC APPROVED STATUS</th>
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<tr>
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<td>Illegal</td>
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<tr>
<td>Nonconforming</td>
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| ADVERTISING DEVICE |
|                   |

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<th>EXCHANGE CREDIT</th>
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10/21
ADVERTISING DEVICE PERMIT

PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576 and 603 KAR 10:040

KEPT #: ________________________________

Permittee: ________________________________

Device Type: ________________________________

Erection Completed By ________________________________

Date: ________________________________

The TC 99-225, including the application TC 99-221 or TC 99-222 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.

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

This permit has been: □ APPROVED □ DENIED

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>TITLE</th>
<th>DATE</th>
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<table>
<thead>
<tr>
<th>LOCATION(S)</th>
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<tbody>
<tr>
<td>Description</td>
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</tbody>
</table>

To Submit a Locates Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007

Know what’s below. Call before you dig

09/21 Page 1 of 1