

**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY 40622**

MANUAL TITLE: Permits Guidance Manual

REVISION NO.: 5

DATE REQUESTED: March 28, 2024

REPRINT: _____

REQUESTED BY: April Deaton

NEW: _____

REVISED POLICY

CHAPTER/ SECTION	EXPLANATION	OLD PAGES TO BE DELETED	NEW PAGES TO BE ADDED
	The purpose of this printing is to include the following revised policy in the <i>Permits Guidance Manual</i> . This revision also includes one index.		
PE-01	Table of Contents	PE-01	PE-01
PE-2101	Vegetation Management Overview	PE-2101	PE-2101
Produced & Distributed by Organizational Management Branch			

**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY 40622**

MANUAL TITLE: Permits Guidance Manual

REVISION NO.: 4

DATE REQUESTED: April 18, 2023

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REVISED POLICY

CHAPTER/ SECTION	EXPLANATION	OLD PAGES TO BE DELETED	NEW PAGES TO BE ADDED
PE-9000	<p>The purpose of this printing is to include the following revised exhibits in the <i>Permits Guidance Manual</i>.</p> <p>Traffic Impact Study Requirements</p>	PE-9010	PE-9010
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**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY 40622**

MANUAL TITLE: Permits Guidance Manual

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REQUESTED BY: April Deaton

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CHAPTER/ SECTION	EXPLANATION	OLD PAGES TO BE DELETED	NEW PAGES TO BE ADDED
	The purpose of this printing is to include the following revised exhibits in the <i>Permits Guidance Manual</i> .		
PE-01	Table of Contents	PE-01	PE-01
PE-2101	Vegetation Management- Overview	PE-2101	PE-2101
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**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY 40622**

MANUAL TITLE: Permits Guidance Manual

REVISION NO.: 2

DATE REQUESTED: June 10, 2022

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REQUESTED BY: April Deaton

NEW: _____

REVISED POLICY

CHAPTER/ SECTION	EXPLANATION	OLD PAGES TO BE DELETED	NEW PAGES TO BE ADDED
	The purpose of this printing is to include the following revised exhibits in the <i>Permits Guidance Manual</i> .		
PE-00	Table of Contents Glossary	PE-01 PE-03	PE-01 PE-03
PE-301	Overview	PE-301	PE-301
PE-302	Installations on Fully Controlled Access Highways	PE-302	PE-302
PE-303	Installations on Non-Fully Controlled Highways	PE-303	PE-303
PE-304	Natural Gas / Petroleum Fractions	PE-304	PE-304
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**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY 40622**

MANUAL TITLE: *Permits Guidance Manual*

REVISION NO.: 1

DATE REQUESTED: October 19, 2021

REPRINT: _____

REQUESTED BY: April Deaton

NEW: _____

REVISED POLICY

CHAPTER/ SECTION	EXPLANATION	OLD PAGES TO BE DELETED	NEW PAGES TO BE ADDED
	The purpose of this printing is to include the following revised exhibits in the <i>Permits Guidance Manual</i> .		
PE-9022	Application for Electronic Advertising Device, TC 99-222	PE-9022	PE-9022
PE-9023	Advertising Device Annual Permit Renewal Request, TC 99-223	PE-9023	PE-9023
PE-9024	Advertising Device or Exchange Credit Ownership Transfer, TC 99-224	PE-9024	PE-9024
Produced & Distributed by Organizational Management Branch			

PERMITS MANUAL



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET

September 2021



Produced by Organizational Management Branch
Office of Human Resource Management

TEAM 
KENTUCKY™



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
transportation.ky.gov

Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

OFFICE OF THE SECRETARY
OFFICIAL ORDER 112620

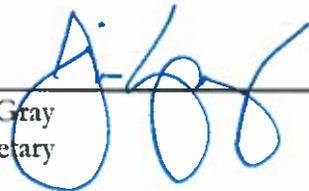
SUBJECT: *Permits Guidance Manual*

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.

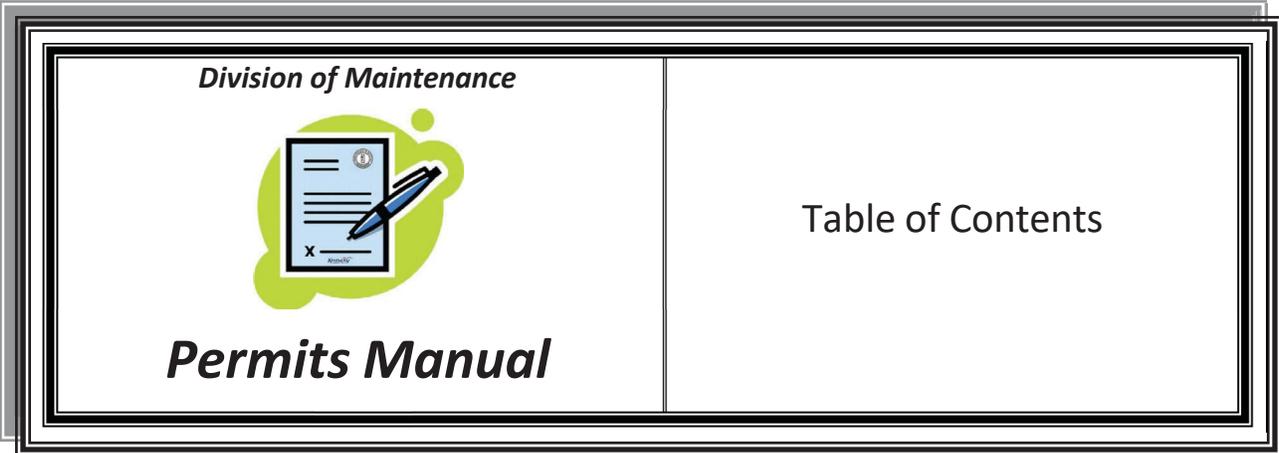


Jim Gray
Secretary

Approved as to Legal Form

DocuSigned by:
Will Fogle

Office of Legal Services



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Division of Maintenance***Permits Manual***

Abbreviations

AASHTO	American Association of State Highway and Transportation Officials
ACORD	Association of Operations Research and Development
ADT	Average Daily Traffic
AWWA	American Water Works Association
BOE	Board of Education
CABINET	Kentucky Transportation Cabinet
CDE	Chief District Engineer
COMMISSIONER	Commissioner of the Department of Highways
DEPARTMENT	Department of Highways
FHWA	Federal Highway Administration
KAR	Kentucky Administrative Regulations
KDE	Kentucky Department of Education
KRS	Kentucky Revised Statutes
KYTC	Kentucky Transportation Cabinet
MOA	Memorandum of Agreement
MS4	Municipal Separate Storm Sewer Systems
MUTCD	Manual on Uniform Traffic Control Devices

NESC	National Electric Safety Code
PE	Polyethylene pipe
PHMSA	United States Department of Transportation Pipeline Hazardous Materials Safety Administration
REDA	Roadside Environment District Administrator
SHE	State Highway Engineer
SI	System of Units
STANDARD SPECIFICATIONS	Kentucky Transportation Cabinet Department of Highways Standard Specifications for Road and Bridge Construction
SYMS	Specified Minimum Yield Strength
TEBM	Transportation Engineering Branch Manager
TODS	Tourist-oriented Directional Signs
TTCP	Temporary Traffic Control Plan
USGS	United States Geographical Survey



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

ORGANIZATION & NUMBERING

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

Subjects—Chapters are arranged by subjects.

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

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

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

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

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

LOCATING INFORMATION

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



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>INTRODUCTION</p> <hr/> <p><i>Subject</i></p> <p>Purpose & Process Overview</p>
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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](#)



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>INTRODUCTION</p> <hr/> <p><i>Subject</i></p> <p>Overview of Authority</p>
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DISTRICT PERMITS

STAFF

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.

CHIEF DISTRICT ENGINEER (CDE)

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."

PERMITS REQUESTED ON PROJECTS IN THE DESIGN PHASE

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.



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

REQUIRED PERMITS 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.

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

NON-PERMITTED ENCROACHMENTS

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](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.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>GENERAL</p> <hr/> <p><i>Subject</i></p> <p>Permit Processing Responsibility & Approval</p>
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**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

**SIGNATORY
AUTHORITY**

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.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>GENERAL</p> <hr/> <p><i>Subject</i></p> <p>Indemnity Requirements & Procedures</p>
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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.



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>GENERAL</p> <hr/> <p><i>Subject</i></p> <p>Work Zone Safety</p>
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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.

TRAINING

REQUIREMENTS (CONT.)

- If the applicant does not have qualified personnel, he or she shall either obtain the services of someone who is qualified or obtain the qualifications before a TTCP can be submitted and approved.

TTCP REQUIREMENTS

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.



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

OVERVIEW

The purpose of this chapter is to prescribe the policies and conditions for accommodating utility facilities within the right-of-way limits of the 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
UTILITY 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.

NEW OR RELOCATED**UTILITY FACILITIES****(CONT.)**

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.

EXISTING LONGITUDINAL**UTILITIES LOCATED****UNDERGROUND INSIDE****OF DITCHES**

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.

ENTRANCE**TREATMENTS**

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.

RESTORATION OF**RIGHT OF WAY**

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.



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

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/Service:** 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.



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

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

- **Overhead Requirements:** The Department of Highways (Department) shall designate which utilities shall be permitted to be installed overhead within the right of way. 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

**DESIGN CONSIDERATIONS
AND CONSTRUCTION
METHODS (CONT.)**

- 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



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

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

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.



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



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	<p><i>Subject</i></p> <p>Overview</p>

**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>

**COMMERCIAL
ENTRANCE (CONT.)**

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.



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

**PROCESSING
PROCEDURES (CONT.)**

- 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.



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

POLICY It is the policy of the Kentucky Transportation Cabinet (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

**IMPROVEMENTS TO
EXISTING SCHOOL
PROPERTIES**

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

**DESIGN, BID, &
CONSTRUCTION**

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.

**DESIGN, BID, &
CONSTRUCTION (CONT.)**

- 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.

REIMBURSEMENT

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.



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

POLICY The Department of Highways (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

**SUBMITTAL
REQUIREMENTS
(CONT.)**

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

**CONDITIONS &
REQUIREMENTS**

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

- At the established grade line, use of real property shall be considered only if the property is not surplus to the needs of the Department and 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:

https://www.fhwa.dot.gov/real_estate/policy_guidance/qa710.pdf

**CONDITIONS &
REQUIREMENTS (CONT.)**

- 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.



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

POLICY Requests to alter drainage 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 discretions, 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:

<https://transportation.ky.gov/Highway-Design/Drainage%20Manual/DR%20400%20Hydrology.pdf>

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.

MS4 PROVISIONS 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.

**INADEQUATE
DOWNSTREAM
DRAINAGE FACILITIES**

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.

**DRAINAGE
STRUCTURES**

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.

LIABILITY

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.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>GEOPHYSICAL SURVEYS</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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POLICY

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.



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

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*](#).



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

POLICY 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.

STATIC SIGNS 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

ELECTRONIC SIGNS 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

**ELECTRONIC
SIGNS (CONT.)**

- 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

SIGNS ON**BRIDGES**

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



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>FAIRS, PARADES, FESTIVALS, & BANNERS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY Except on fully controlled access facilities, the Department 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.



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

POLICY

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.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>TRAFFIC</p> <hr/> <p><i>Subject</i></p> <p>Roadway Lighting</p>
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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:

<http://transportation.ky.gov/Organizational-Resources/Policy%20Manuals%20Library/Traffic%20Operations.pdf>

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**.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>TRAFFIC</p>
	<p><i>Subject</i></p> <p>Electrical Traffic Control Devices</p>

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:

<http://transportation.ky.gov/Organizational-Resources/Policy%20Manuals%20Library/Traffic%20Operations.pdf>

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.

DEVELOPMENTS**(CONT.)**

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.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>UNDERGROUND EXCAVATIONS, MINES, & QUARRIES WITHIN RIGHT OF WAY</p>
<p><i>Subject</i></p> <p>Overview</p>	

POLICY

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:

<https://eec.ky.gov/Natural-Resources/Mining/Mine-Permits/RAMS/RAM107.pdf>

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.

REQUIRED**DOCUMENTS**

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

**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.)

**REQUIRED
DOCUMENTS (CONT.)**

- 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 (CONT.)**

- 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.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>PONDING OF WATER ON RIGHT OF WAY</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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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.

**REPAIRS
(CONT.)**

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.



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

POLICY 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.



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

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.

**CONDITIONS &
REQUIREMENTS (CONT.)**➤ 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>



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>GAS & OIL WELL DRILLING ADJACENT TO RIGHT OF WAY</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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POLICY

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.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>LANDSCAPING</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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POLICY

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.

POLICY (CONT.)

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.



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>VEGETATION MANAGEMENT</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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POLICY [603 KAR 5:155](#) details the regulatory requirements regarding removal and pruning of vegetation on right of way. The regulation enables 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/Vegetation-Management.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>

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 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>

MITIGATION

Mitigation is required for requests that include removal of any trees that are 5 inch or greater in diameter measured at breast height (dbh). Mitigation shall be in the form of a payment to the Kentucky Transportation Cabinet (KYTC). The funding shall be used by KYTC to re-plant native trees at KYTC Stream and Wetland Mitigation sites or KYTC Pollinator Plots. The Department shall calculate the payment amount based on the lesser amount of \$150 for each tree of 5 inch or greater dbh removed or \$2,000 per acre.

District Permits staff shall coordinate with Central Office Permits Branch on all requests that require mitigation. Central Office Permits Branch shall calculate the required payment amount. Central Office Permits Branch shall relay the required payment amount to district office Permits staff, and district office Permits staff shall notify the applicant. Central Office Permits shall notify the Division of Environmental Analysis when a mitigation payment is submitted. District office Permits staff shall require mitigation payment prior to issuing the permit.

The following applications are exempt from mitigation:

- Requests from government agencies to remove vegetation for purposes of installing or maintaining government facilities
- Requests from public utility companies to remove vegetation for purposes of installing or maintaining utility lines

ROADSIDE CHEMICALS

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.



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

POLICY [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

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
STANDARDS**

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.



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

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 An applicant requesting an advertising device permit shall submit a completed TC 99-221 form, *Application for Static Advertising Device* ([Exhibit 9021](#)), or TC 99-222 form, *Application for Electronic Advertising Device* ([Exhibit 9022](#)), to the KYTC Central Office Permits Branch. Approved advertising device permits shall be issued to the permittee using the TC 99-225 form, *Advertising Device Permit* ([Exhibit 9025](#)).

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>



<p><i>Division of Maintenance</i></p>  <p>Permits Manual</p>	<p><i>Chapter</i></p> <p>ACCESS CONTROL FENCE REMOVAL / REPLACEMENT</p> <hr/> <p><i>Subject</i></p> <p>Overview</p>
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POLICY 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.

PROCEDURES 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.

REQUIREMENTS

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](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>



<p><i>Division of Maintenance</i></p>  <p><i>Permits Manual</i></p>	<p><i>Chapter</i></p> <p>WAYFINDING, TODS, LOGO, & OTHER PERMITTED SIGNS</p>
	<p><i>Subject</i></p> <p>Overview</p>

POLICY

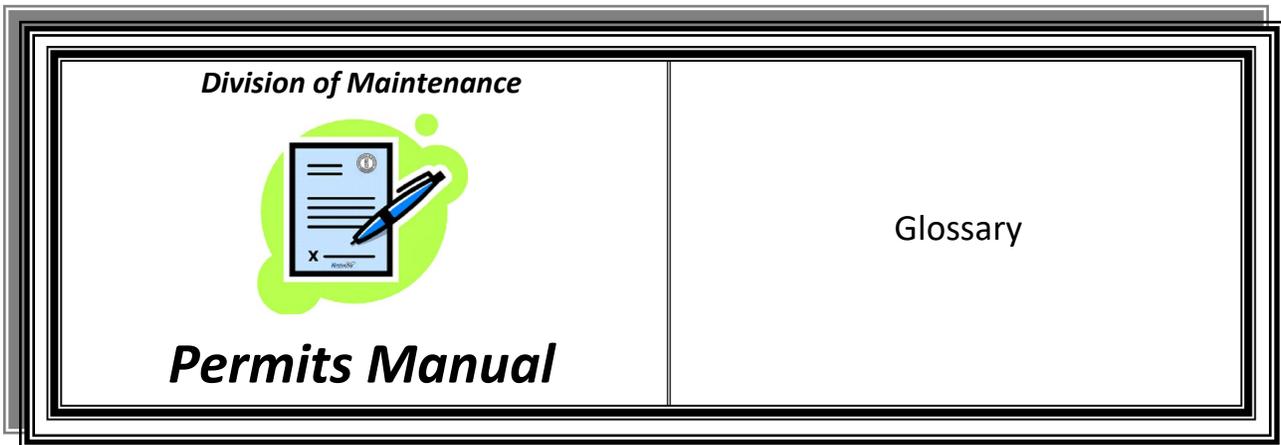
The Department of Highways (Department) may permit the following types of signs:

- 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:

<https://transportation.ky.gov/Organizational-Resources/Policy%20Manuals%20Library/Traffic%20Operations.pdf>



**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.

AUXILIARY LANE	The portion of the traveled way that is used to supplement through traffic movement.
CARRIER PIPE	Pipe directly enclosing a transmitted fluid (liquid or gas).
CATEGORICAL EXCLUSION	Environmental documentation required for actions that do not individually or cumulatively have a significant environmental effect.
COMMERCIAL APPLICANT	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.
COMPLETED PERMIT	A permit that has been completed, all work inspected, and released.
DEPARTMENT'S PLANS	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.
ENTRANCE	An access to the highway. <ul style="list-style-type: none">➤ Private Entrance: An entrance that serves private non-commercial farm(s) or single-family residence(s).➤ Commercial Entrance: An entrance that is used for commercial activities or any purpose other than a private entrance.
ENCASEMENT PIPE	A larger diameter pipe encasing a carrier pipe.
FOOT-CANDLE	A non-International System of Units (SI) term for illuminance (1 foot-candle = 1 lumen/ft ² = 10.764 lux SI) where illuminance is a measure of the amount of light falling upon a surface.
FRONTAGE RIGHTS	A general term denoting a property owner's interest alongside the road onto which a piece of property fronts.
ILLEGAL ENCROACHMENT	Any unauthorized encroachment, specific acts, or installations on, under, or over the right of way.
INDEMNITY	Protection or security against damage or loss.

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/m ² 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	<p>Per KRS 177.905, recyclers include automobile, vehicle or machinery recyclers and material recyclers.</p> <ul style="list-style-type: none">➤ 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	<p>An engineer with a current license in Kentucky registered with the Kentucky Board of Engineers and Land Surveyors.</p>
RIGHT OF WAY	<p>A general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to a highway.</p>
TRAVELED WAY	<p>The portion of a roadway for the movement of vehicles, not including the shoulders.</p>



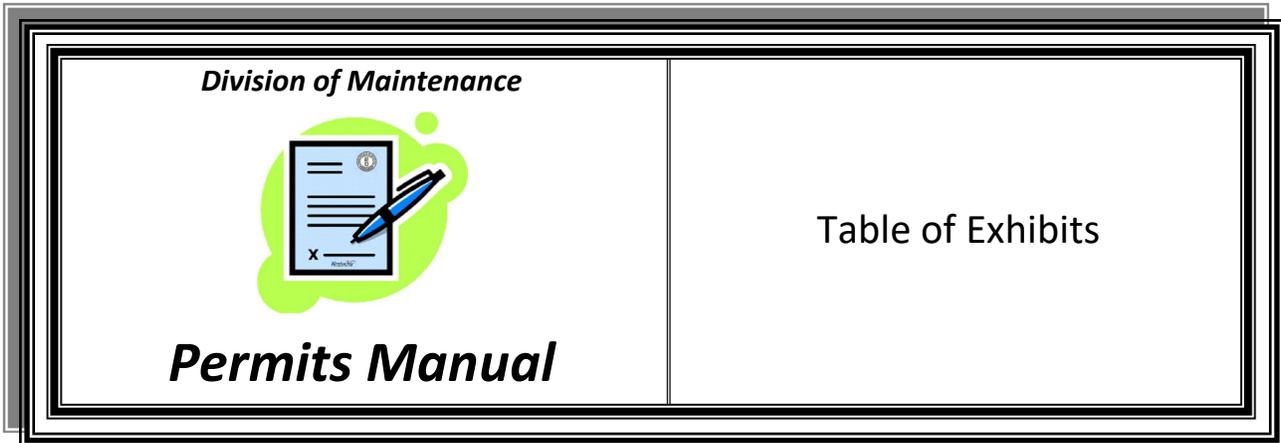


EXHIBIT NUMBER	EXHIBIT TITLE	MANUAL REFERENCE
9001	Application for Encroachment Permit, TC 99-1A....	201, 401, 501, 701, 2101, 2401
9002	Encroachment Permit, TC 99-1B.....	201
9003	Categorical Exclusion Checklist, TC 99-28.....	201, 501, 701
9004	Encroachment Permit Bond, TC 99-7.....	203
9005	Self-Insured Bond, TC 99-8	203
9006	Rolling Roadblock for Permitted Work on Fully Controlled Highways, TC 99-210	204
9007	Design Intersection Sight Distance (AASHTO Green Book)	401
9008	Traffic Engineering Study Guidelines	401, 601
9009	Design Stopping Sight Distance Guidelines for Low-Volume Roads	401
9010	Traffic Impact Study Requirements	401, 501, 601
9011	Air Right by Permit Standard Language	701
9012	Ownership Disclosure Statement, TC 99-27	701
9013	Sample Lighting Maintenance Agreement	1401
9014	Agreement for Services to be Performed, TC 99-22.....	1402, 2101
9015	Transit Shelter Specifications and Conditions	1701

9016	Alternative Clear Zone for Low Volume and Low Speed Roads	2001, 2601
9017	Sample Landscaping Agreement.....	2001
9018	Application for Recycling Permit & Screening Plan Approval, TC 99-56.....	2201
9019	Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard, TC 99-57.....	2201
9020	Access Control Fence Removal / Replacement Agreement	2401
9021	Application for Static Advertising Device, TC 99-221	2301
9022	Application for Electronic Advertising Device, TC 99-222	2301
9023	Advertising Device Annual Permit Renewal Request, TC 99-223	2301
9024	Advertising Device or Exchange Credit Ownership Transfer, TC 99-224.....	2301
9025	Advertising Device Permit, TC 99-225	2301



	KENTUCKY TRANSPORTATION CABINET Department of Highways PERMITS BRANCH	TC 99-1A Rev. 10/2020 Page 1 of 4	
APPLICATION FOR ENCROACHMENT PERMIT			
KYTC KEPT #: _____			
SECTION 1: APPLICANT CONTACT INFORMATION			
APPLICANT	ADDRESS		
EMAIL	CITY	STATE	ZIP
CONTACT NAME 1	EMAIL	PHONE #	
		CELL #	
CONTACT NAME 2 (if applicable)	EMAIL	PHONE #	
		CELL #	
SECTION 2: PROPOSED WORK LOCATION			
ADDRESS	CITY	STATE Kentucky	ZIP
COUNTY	ROUTE #	MILE POINT	LONGITUDE (X) LATITUDE (Y)
ADDITIONAL LOCATION INFORMATION:			
FOR KYTC USE ONLY			
PERMIT TYPE: <input type="checkbox"/> Air Right <input type="checkbox"/> Entrance <input type="checkbox"/> Utilities <input type="checkbox"/> Vegetation Removal <input type="checkbox"/> Other: _____			
ACCESS: <input type="checkbox"/> Full <input type="checkbox"/> Partial <input type="checkbox"/> by Permit		LOCATION: <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> Crossing	
SECTION 3: GENERAL DESCRIPTION OF WORK			
THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL <u>ORIGINAL UNEDITED</u> TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.			
_____		_____	
SIGNATURE		DATE	
This is not a permit unless and until the applicant(s) receives an approved TC 99-1B 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.			



KENTUCKY TRANSPORTATION CABINET
Department of Highways
PERMITS BRANCH

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APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
 - A. **PERFORMANCE BOND:** The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
 - B. **PAYMENT BOND:** At the discretion of the department, a payment bond 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 and 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.



KENTUCKY TRANSPORTATION CABINET
Department of Highways
PERMITS BRANCH

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APPLICATION FOR ENCROACHMENT PERMIT

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.



KENTUCKY TRANSPORTATION CABINET
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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 permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
- 18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
- 19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
- 20. Permittee, its successors and assigns, 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

	KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF MAINTENANCE – PERMITS BRANCH CATEGORICAL EXCLUSION CHECKLIST For Encroachment Permits; Joint or Limited Use Right-of-Way; Changes in Access Control	TC 99-28 Rev. 08/2019 Page 1 of 1
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SECTION 1: PROJECT SUMMARY

KYTC KEPT #			ENCROACHMENT TYPE	
COUNTY	ROUTE #	MILE POINT	LONGITUDE (X)	LATITUDE (Y)
DESCRIPTION OF WORK:				
EXISTING CONDITIONS:				
PROPOSED USE:				

SECTION 2: IMPACT EVALUATION

FUNCTIONAL AREA	*SIG	MIN	N/A	COMMENTS
Planned Growth Changes				
Land Use Changes				
Traffic/Travel Pattern Changes				
Relocations/Displacements				
Prime/Unique Farmland Impacts				
Public and Resource Agency Controversy				
Environmental Justice Impacts				
Section 106: Architectural Historic Impacts				
Section 106: Archaeological Resource Impacts				
Section 4 (f) Impacts				
Section 6(f) Impacts				
Noise Impacts				
Air Quality Impacts				
Hazardous Materials Impacts				
Section 7: T & E Species Impacts				
Stream Impacts				
Wetland Impacts				
Permits				
Other:				

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.

_____ APPROVER NAME (<i>print</i>)	_____ APPROVER TITLE
_____ APPROVER SIGNATURE	_____ DATE

*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.

	KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch	TC 99-7 Rev. 08/2018 Page 1 of 2
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: _____ Applicant Signature	By: _____ Bond Company, Attorney-in-Fact Signature

		KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch		TC 99-7 Rev. 08/2018 Page 2 of 2
		ENCROACHMENT PERMIT BOND		
<p><u>DISTRICT ONE</u> 5501 Kentucky Dam Road Paducah, KY 42003 (270) 898-2431</p> <p>Ballard Calloway Carlisle Crittenden Fulton Graves Hickman Livingston Lyon McCracken Marshall Trigg</p>	<p><u>DISTRICT TWO</u> 1840 North Main Street Madisonville, KY 42431 (270) 824-7080</p> <p>Caldwell Christian Daviess Hancock Henderson Hopkins McLean Muhlenberg Ohio Union Webster</p>	<p><u>DISTRICT THREE</u> 900 Morgantown Road Bowling Green, KY 42101 (270) 746-7898</p> <p>Allen Barren Butler Edmonson Logan Metcalfe Monroe Simpson Todd Warren</p>	<p><u>DISTRICT FOUR</u> 634 East Dixie Highway Elizabethtown, KY 42701 (270) 766-5066</p> <p>Breckinridge Grayson Green Hardin Hart LaRue Marion Meade Nelson Taylor Washington</p>	
<p><u>DISTRICT FIVE</u> 8310 Westport Road Louisville, KY 40242 (502) 210-5400</p> <p>Bullitt Franklin Henry Jefferson Oldham Shelby Spencer Trimble</p>	<p><u>DISTRICT SIX</u> 421 Buttermilk Pike Covington, KY 41017 (859) 341-2700</p> <p>Boone Bracken Campbell Carroll Gallatin Grant Harrison Kenton Owen Pendleton Robertson</p>	<p><u>DISTRICT SEVEN</u> 800 Newtown Court Lexington, KY 40511 (859) 246-2355</p> <p>Anderson Bourbon Boyle Clark Fayette Garrard Jessamine Madison Mercer Montgomery Scott Woodford</p>	<p><u>DISTRICT EIGHT</u> 1660 S. Highway 27 Somerset, KY. 42502 (606) 677-4017</p> <p>Adair Casey Clinton Cumberland Lincoln McCreary Pulaski Rockcastle Russell Wayne</p>	
<p><u>DISTRICT NINE</u> 822 Elizaville Avenue Flemingsburg, KY 41041 (606) 845-2551</p> <p>Bath Boyd Carter Elliott Fleming Greenup Lewis Mason Nicholas Rowan</p>	<p><u>DISTRICT TEN</u> 473 Highway 15 South Jackson, KY 41339 (606) 666-8841</p> <p>Breathitt Estill Lee Magoffin Menifee Morgan Owsley Perry Powell Wolfe</p>	<p><u>DISTRICT ELEVEN</u> 603 Railroad Avenue Manchester, KY 40962 (606) 598-2145</p> <p>Bell Clay Harlan Jackson Knox Laurel Leslie Whitley</p>	<p><u>DISTRICT TWELVE</u> 109 Lorraine Street Pikeville, KY 41501 (606) 433-7791</p> <p>Floyd Johnson Knott Lawrence Letcher Martin Pike</p>	



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

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Self-Insured Bond

(Type or Print Legibly)

AFFIDAVIT

COMMONWEALTH OF KENTUCKY

COUNTY OF _____
(COUNTY)

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 of \$ _____.
(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)



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

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Self-Insured Bond

(Type or Print Legibly)

We, the undersigned _____, a corporation or entity existing under the laws
(COMPANY OR ENTITY)

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 bond shall be and remain in full force and effect until release is granted or the bond is cancelled by the KYTC.

This _____ day of _____, 20____.
(DAY) (MONTH) (YEAR)

ATTEST: _____ BY: _____
(ATTESTER NAME) (OFFICER NAME)

(ATTESTER TITLE) (OFFICER TITLE)

(ATTESTER SIGNATURE) (OFFICER SIGNATURE)

CERTIFICATE

(To be completed by KYTC)

The KYTC hereby certifies that _____
(COMPANY OR ENTITY)
of _____ engaged in the business of _____
(COMPANY OR ENTITY ADDRESS) (BUSINESS ACTIVITY)
at _____ being subject to the provisions of
(LIST COUNTIES, KYTC DISTRICTS, OR STATEWIDE)

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: _____ BY: KENTUCKY TRANSPORTATION CABINET
(ATTESTER NAME) (STATE HIGHWAY ENGINEER NAME)

(ATTESTER TITLE) (STATE HIGHWAY ENGINEER SIGNATURE)

(ATTESTER SIGNATURE) (STATE HIGHWAY ENGINEER SIGNATURE)



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

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FOR PERMITTED WORK ON FULLY CONTROLLED HIGHWAYS

KYTC KEPT #: _____

SECTION 1: DESCRIPTION

Rolling roadblocks shall be utilized to temporarily slow traffic on fully controlled highways when a completed closure is not warranted or allowed (overhead utilities, signs, etc.). Rolling roadblocks should minimize delays and increase safety of the traveling public.

SECTION 2: GUIDELINES & REQUIREMENTS

- Applicable sections of the "Policy and Procedures for the Safety and Mobility of Traffic through Work Zones" must be followed.
 - Traffic Control Plan (TCP) must be submitted and approved by the District prior to any work on right-of-way.
 - A Public Information Plan must be submitted and approved by the District prior to any work on right-of-way.
 - Traffic shall be paced at a safe speed to provide a gap in traffic and allow work activities to be performed.
 - The pacing of traffic shall be controlled for each lane by pilot vehicles. Law enforcement (fully marked and roof bar blue lights flashing) driven by uniformed law enforcement personnel shall be provided in at least one lane of traffic for each direction. Law enforcement personnel must have completed the FHWA Work Zone for Law Enforcement Training in accordance to 23 CFR Part 630 Subpart K. Additional lanes of traffic can be controlled by contractor equipment with appropriate flashing lights.
 - Once notified by the traffic control supervisor to begin the rolling roadblock operation, the safety vehicle at the indicated ramp shall turn their flashing lights on, and position the vehicle across the ramp lane(s) to close ramp access. Once the rolling roadblock operation passes the closed on-ramp, the safety vehicle on the ramp shall turn off their flashing lights, and move from the ramp lane(s) to allow traffic to enter the mainline rolling roadblock operation.
 - Communicating devices must be utilized to provide constant communication between the location of work and contractor vehicles.
 - Advanced signing warning motorists of the rolling roadblock shall be provided by variable message signs. Variable message signs shall be placed after the last possible entry location prior to the work area.
 - Contractor shall provide additional equipment on-site in case of critical equipment malfunctions or failures.
 - Truck mounted crash cushions meeting the current MUTCD shall be placed at the work area for any equipment in the driving lanes.
 - Equipment located on shoulders must be protected by safety devices meeting the current MUTCD.
- The Permit Traffic Control Plan (TCP) must at a minimum include the following:**
- Identification of the qualified work zone traffic control personnel
 - Work schedules
 - Rolling roadblock schedule
 - Anticipated time of delays to traveling public
 - Proposed blocking procedures must be included for mainline and on-ramps
 - List of critical equipment for work activity
 - Name, Signature, and Work Zone Traffic Control Supervisor Number

KYTC KEPT #: _____

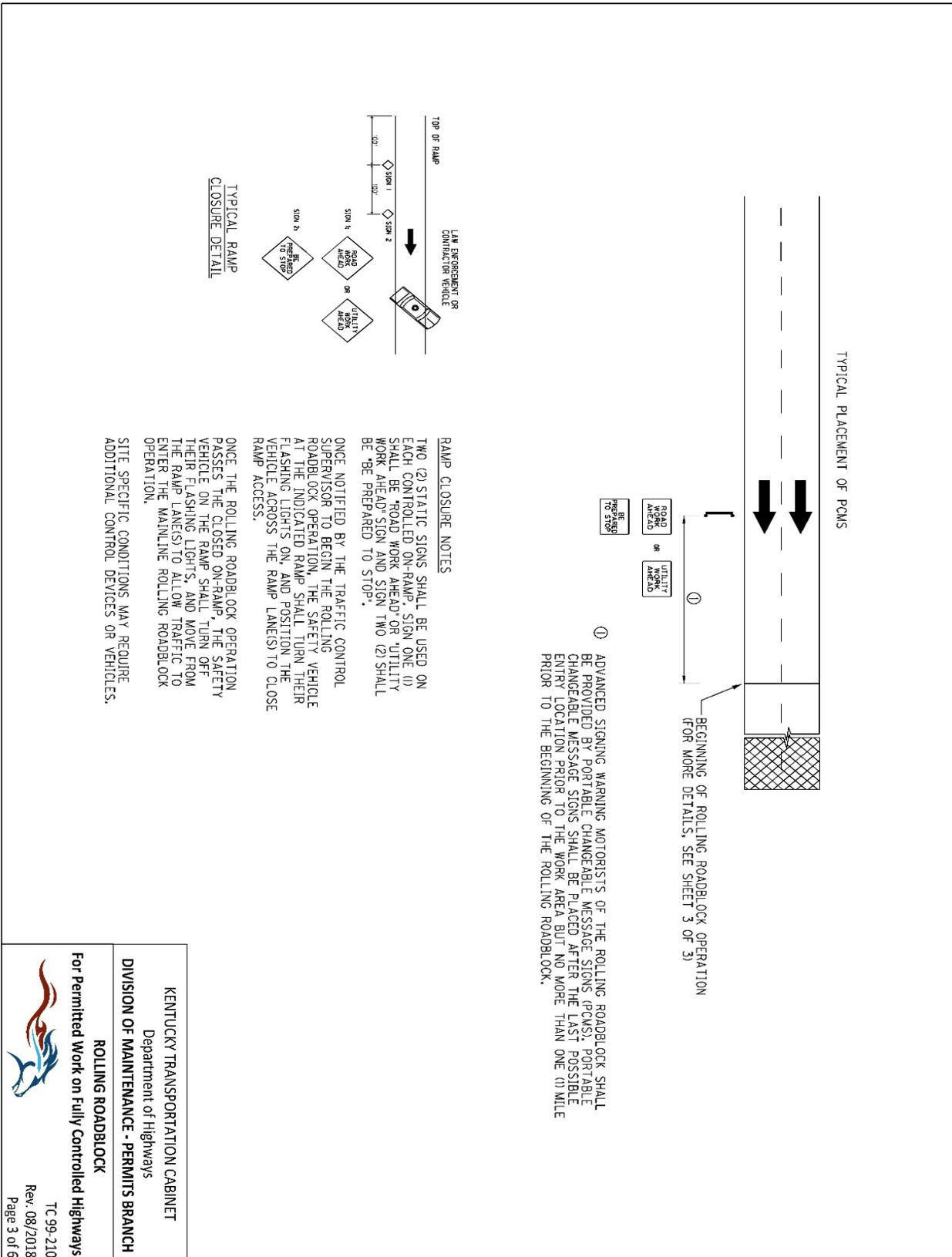
GENERAL NOTES

1. ROLLING ROADBLOCK IS A TRAFFIC CONTROL TECHNIQUE TO SLOW TRAFFIC TO FACILITATE SHORT DURATION WORK OPERATIONS WITHOUT AN ELABORATE AND DIFFICULT DETOUR. TRAFFIC CONTROL LAW ENFORCEMENT OFFICERS PAGE, OR SLOW, THE TRAFFIC TO A SPEED THAT PROVIDES UP TO 15 MINUTES OF WORK TIME.
2. WHEN MORE THAN ONE ROLLING ROADBLOCK OPERATION IS REQUIRED IN ONE WORK PERIOD, THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME BETWEEN ROLLING ROADBLOCK OPERATIONS TO PERMIT TRAFFIC TO RETURN TO NORMAL SPEEDS AND FLOW.
3. POLICY AND PROCEDURES FOR THE SAFETY AND MOBILITY OF TRAFFIC THROUGH WORK ZONES FOR PERMIT PROJECTS MUST BE FOLLOWED FOR ALL WORK. <http://transportation.ky.gov/Permits>
4. TEMPORARY TRAFFIC CONTROL PLAN (TTCP) MUST BE SUBMITTED AND APPROVED BY THE KYTC PRIOR TO ANY WORK ON STATE R/W.
5. LAW ENFORCEMENT PERSONNEL MUST HAVE COMPLETED THE FHWA WORK ZONE FOR LAW ENFORCEMENT TRAINING IN ACCORDANCE TO 23 CFR PART 630 SUBPART K.
6. COMMUNICATING DEVICES MUST BE UTILIZED TO PROVIDE CONSTANT COMMUNICATION BETWEEN THE WORK LOCATION, CONTRACTOR VEHICLES AND LAW ENFORCEMENT VEHICLES.
7. CONTRACTOR SHALL PROVIDE ADDITIONAL EQUIPMENT ON-SITE IN CASE OF CRITICAL EQUIPMENT MALFUNCTIONS OR FAILURES.
8. EQUIPMENT LOCATED ON SHOULDERS MUST BE PROTECTED BY CHANNELIZING DEVICES MEETING THE CURRENT MUTCD.
9. TRAFFIC CONTROL DEVICES SHALL BE PLACED AT A TIME AS CLOSE AS PRACTICAL TO THE BEGINNING OF THE ROLLING ROADBLOCK.
10. AFTER ROLLING ROADBLOCK OPERATIONS ARE COMPLETE, THE TRAFFIC CONTROL DEVICES THAT ARE NOT BEING UTILIZED FOR OTHER OPERATIONS SHALL BE IMMEDIATELY REMOVED.
11. ROLLING ROADBLOCKS REQUIRING THE CONTROL OF ON-RAMPS FROM MAJOR CROSSROADS WILL REQUIRE A MORE SPECIFIC/ DETAILED TTCP AND DETAILED DIAGRAMS.
12. A PAYMENT BOND SHALL BE RECEIVED BY THE DEPARTMENT IN AN AMOUNT SUFFICIENT TO COVER LIQUIDATED DAMAGES THAT MAY BE APPLIED IF THE ROADWAY IS CLOSED FOR MORE THAN THE TIME ALLOTTED FOR THE ROLLING ROADBLOCK.
13. LIQUIDATED DAMAGES MAY ALSO BE ASSESSED IF THE APPROVED TEMPORARY TRAFFIC CONTROL PLAN IS NOT FOLLOWED.
14. CONTRACTOR MUST NOTIFY AND RECEIVE APPROVAL FROM THE KYTC 7 DAYS IN ADVANCE OF THE ROLLING ROADBLOCK.

GENERAL SYMBOLS

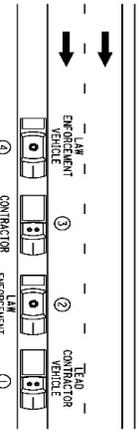
-  STATIC SIGN (48" x 48")
-  PORTABLE VARIABLE MESSAGE SIGN (VMS)
-  LAW ENFORCEMENT VEHICLE WITH FLASHING BLUE LIGHTS
-  CONTRACTOR VEHICLE WITH FLASHING LIGHTS
-  DIRECTION OF TRAVEL
-  WORK AREA

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KENTUCKY TRANSPORTATION CABINET
 Department of Highways
DIVISION OF MAINTENANCE - PERMITS BRANCH
ROLLING ROADBLOCK
 For Permitted Work on Fully Controlled Highways

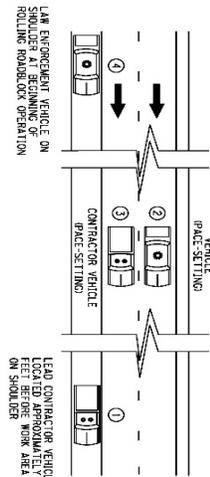
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STAGE 1

STAGE 1 NOTES:

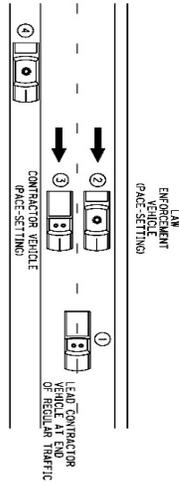
1. MINIMUM OF FOUR SAFETY VEHICLES LOCATED UPSTREAM OF THE ROLLING ROADBLOCK OPERATION WITH FLASHING LIGHTS OFF. A MINIMUM OF TWO (2) LAW ENFORCEMENT VEHICLES ARE REQUIRED. THE LOCATION OF STAGE 1 SHALL BE AT A LOCATION THAT GIVES A SUFFICIENT DISTANCE TO SLOW VEHICLES PRIOR TO THE BEGINNING MILEPOINT OF THE ROLLING ROADBLOCK.
2. THERE SHALL BE A PACE-SETTING VEHICLE IN EACH TRAVEL LANE.



STAGE 3

STAGE 3 NOTES:

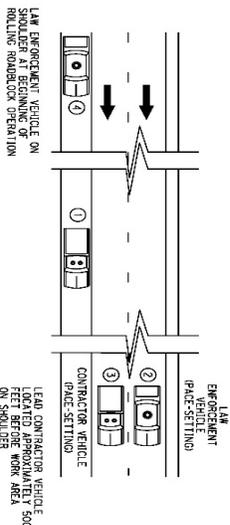
1. THE TWO (2) PACE-SETTING SAFETY VEHICLES NUMBERS TWO (2) AND THREE (3) SHALL BEGIN TO SLOW TO THE PACING SPEED (10 MPH MINIMUM) FOR THE DURATION OF THE ROLLING ROADBLOCK OPERATION.
2. THE LEAD CONTRACTOR VEHICLE NUMBER ONE (1) (FLASHING LIGHTS OFF) SHALL MATCH THE SPEED OF THE LAST VEHICLES AHEAD OF THE PACE-SETTING SAFETY VEHICLE NUMBERS TWO (2) AND THREE (3), AND CONTINUE FOLLOWING TRAFFIC UNTIL A POINT IN ADVANCE OF THE WORK AREA. THE LEAD CONTRACTOR VEHICLE NUMBER ONE (1) SHALL THEN COME TO A COMPLETE STOP ON THE RIGHT SHOULDER, AND THEN TURN ON ITS FLASHING LIGHTS.



STAGE 2

STAGE 2 NOTE:

ONCE ALL SAFETY VEHICLES ARE IN PLACE AND THE SUPERVISOR AT THE WORK AREA NOTIFIES ALL SAFETY VEHICLES TO BEGIN THE ROLLING ROADBLOCK OPERATION, ALL SAFETY VEHICLES NUMBERS ONE (1), TWO (2), THREE (3) AND FOUR (4) SHALL TURN ON THEIR FLASHING LIGHTS. VEHICLE NUMBERS ONE (1), TWO (2) AND THREE (3) SHALL ENTER THE TRAVEL LANES, WITH VEHICLE NUMBERS TWO (2) AND THREE (3) IMMEDIATELY FORMING A SIDE-BY-SIDE "PACING OPERATION" OF ALL LANES BEHIND THE LEAD CONTRACTOR VEHICLE NUMBER ONE (1), ONCE VEHICLE NUMBER ONE (1) HAS ENTERED THE TRAVEL LANE. FLASHING LIGHTS SHALL BE TURNED OFF.



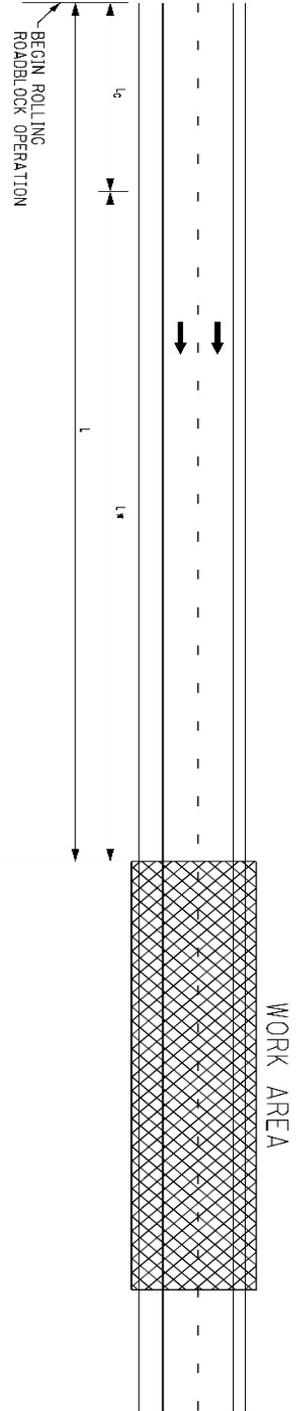
STAGE 4

STAGE 4 NOTES:

1. THE CONTRACTOR'S ON-SITE SUPERINTENDENT SHALL REMAIN IN CONSTANT CONTACT WITH THE PACE-SETTING SAFETY VEHICLES, NUMBERS TWO (2) AND THREE (3) LOCATION. THE CONTRACTOR SHALL HAVE THE TRAVEL LANES "CLEARED" PRIOR TO SAFETY VEHICLES ARRIVAL, OF ALL EQUIPMENT AND DEBRIS IN ORDER TO REOPEN ALL TRAVEL LANES.
2. THE TWO (2) PACE-SETTING SAFETY VEHICLES NUMBERS TWO (2) AND THREE (3) SHALL CLEAR THE WORK AREA AND IMMEDIATELY MOVE TO THE RIGHT SHOULDER OR AN AREA DESIGNATED BY THE TRAFFIC CONTROL SUPERVISOR, AND TURN OFF THE FLASHING LIGHTS. ONCE THE TWO PACE-SETTING SAFETY VEHICLES NUMBERS TWO (2) AND THREE (3) PASS THE WORK AREA, THE TRAFFIC CONTROL SUPERVISOR SHALL INSTRUCT THE LEAD CONTRACTOR VEHICLE NUMBER ONE (1) AND THE LAW ENFORCEMENT VEHICLE NUMBER FOUR(4) TO TURN OFF THEIR FLASHING LIGHTS.

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PACING DISTANCES, L (MILES)

Sp	Sp = 10 MPH		
	T _w (MIN.) 5	T _w (MIN.) 10	T _w (MIN.) 15
70	L = 0.97	1.94	2.92
65	L = 0.98	1.97	2.95
60	L = 1.00	2.00	3.00
55	L = 1.07	2.01	3.06
50	L = 1.04	2.08	3.13

Sp	Sp = 15 MPH		
	T _w (MIN.) 5	T _w (MIN.) 10	T _w (MIN.) 15
70	L = 1.59	3.18	4.77
65	L = 1.63	3.25	4.88
60	L = 1.67	3.33	5.00
55	L = 1.72	3.44	5.16
50	L = 1.79	3.57	5.35

Sp	Sp = 20 MPH		
	T _w (MIN.) 5	T _w (MIN.) 10	T _w (MIN.) 15
70	L = 2.33	4.67	7.00
65	L = 2.44	4.81	7.22
60	L = 2.50	5.00	7.50
55	L = 2.62	5.24	7.86
50	L = 2.78	5.56	8.33

Sp = REGULATORY SPEED, MPH

Sp = PACING SPEED, MPH

T_w = WORK DURATION, MINUTES

L = TOTAL PACING DISTANCE, MILES

$$= \frac{T_w}{60} Sp \left(\frac{Sp}{Sp - Sp} + 1 \right)$$

$$= L_c + L_w$$

L_c = DISTANCE PAGE-SETTING LAW ENFORCEMENT VEHICLES SHALL TRAVEL BEFORE THE VEHICLES AT REGULATORY SPEED HAVE CLEARED THE WORK AREA

$$= \left(\frac{T_w}{60} \times Sp \right) \frac{Sp}{Sp - Sp}$$

L_w = DISTANCE PAGE-SETTING LAW ENFORCEMENT VEHICLES TRAVEL WHILE CONSTRUCTION WORK IS PERFORMED

$$= \left(\frac{T_w}{60} \times Sp \right)$$

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ROLLING ROADBLOCK
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SITE SPECIFIC ROLLING ROADBLOCK INFORMATION

APPLICANT COMPANY: _____

CONTACT NAME: _____

CONTACT PHONE #: _____

COUNTY: _____

ROUTE #: _____

MILE POINT OF WORK AREA: _____

NUMBER OF ROLLING ROADBLOCKS NEEDED (PER DIRECTION):
 EASTBOUND/SOUTHBOUND _____ WESTBOUND/NORTHBOUND _____

WORK TIME REQUIRED FOR EACH ROLLING ROADBLOCK (T_W): _____ MINUTES

PACING SPEED OF ROLLING ROADBLOCK (S_P): _____ MPH

WORK DAY OF THE WEEK: _____

WORK STARTING TIME: _____ AM/PM

TRAFFIC CONTROL SUPERVISOR NAME: _____

CERTIFICATION #: _____

24 HR PHONE #: _____

LAW ENFORCEMENT CONTACT NAME: _____

COMPANY/DEPARTMENT NAME: _____

PHONE #: _____ CELL #: _____

MAINLINE ROLLING ROADBLOCK

BEGIN MP EASTBOUND/SOUTHBOUND: _____

PCMS POSITIONED AT MP EASTBOUND/SOUTHBOUND: _____

BEGIN MP WESTBOUND/NORTHBOUND: _____

PCMS POSITIONED AT MP WESTBOUND/NORTHBOUND: _____

LIST OF ALL ON-RAMPS AND MP EACH:

LIST OF CRITICAL EQUIPMENT REQUIRED TO COMPLETE WORK:

KYTC KEPT #: _____

APPLICANT TRAFFIC CONTROL SUPERVISOR:

Printed Name _____

Work Zone Traffic Control Supervisor # _____

Approval Signature _____ Date _____

KYTC TRAFFIC CONTROL SUPERVISOR:

Printed Name _____

Work Zone Traffic Control Supervisor # _____

Approval Signature _____ Date _____

KENTUCKY TRANSPORTATION CABINET
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ROLLING ROADBLOCK

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Design Intersection Sight Distance

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

Posted Speed Limit (mph)	Stopping Sight Distance (ft)	Intersection Sight Distance (ft)
15	80	170
20	115	225
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610
60	570	665
65	645	720
70	730	775
75	820	830
80	910	885

From *A Policy on Geometric Design of Highways and Streets, 7th Edition, 2018*, by the American Association of State Highway and Transportation Officials (AASHTO), Washington, D.C. Used with permission.

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

Design Stopping Sight Distance Guidelines for Low-Volume Roads

Table 4-7. Design Stopping Sight Distance Guidelines for New Construction of Low-Volume Roads with Design Volumes of 2,000 Vehicles per Day or Less

U.S. Customary					
Minimum Sight Distance (ft) for Specified Design Traffic Volumes and Location Types					
Design Speed (mph)	0-100 veh/day		101-250 veh/day		401-2,000 veh/day
	All Locations	"Lower Risk" Locations ¹	"Higher Risk" Locations ²	All Locations	All Locations
15	65	65	65	65	80
20	90	90	95	95	115
25	115	115	125	125	155
30	135	135	165	165	200
35	170	170	205	205	250
40	215	215	250	250	305
45	260	260	300	300	360
50	310	310	350	350	425
55	365	365	405	405	495
60	435	435	470	470	570

From *Guidelines for Geometric Design of Low-Volume Roads, 2nd Edition, 2019*, by the American Association of State Highway and Transportation Officials (AASHTO), Washington, D.C. Used with permission.

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, or b) there are no reasonable engineering or construction alternatives to provide access to the site.
- 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 district permit engineer, 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>.

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 or 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)
(Address)
(Phone)

Date

(COUNTY NAME)
(CITY NAME)
(PROJECT DETAILS)
(KYTC KEPT #)

**LIGHTING MAINTENANCE AGREEMENT BETWEEN
COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
AND
(CITY NAME)**

THIS 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**.

*(COUNTY NAME)**(CITY NAME)**(PROJECT DETAILS)**(KYTC KEPT #)*

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**.

(COUNTY NAME)
(CITY NAME)
(PROJECT DETAILS)
(KYTC KEPT #)

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)
(Address)
(Phone)

Date



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch

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10/2019
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AGREEMENT FOR SERVICES TO BE PERFORMED

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

_____ Date (optional)

- (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

CONTRACT COST _____ COST PER PURCHASE ORDER _____

LABOR COST _____ Note: Due to fluctuation in costs, estimated amount is

EQUIPMENT RENTAL COST _____ subject to change.

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.

Party of the Second Part

Title

KYTC Legal Services



Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch

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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: 502-564-5621

SECTION 3: APPLICANT CONTACT INFORMATION

COUNTY _____ LOCATION OF TASK ORDER _____

SECOND PARTY NAME _____ FEDERAL ID/SSN: _____
(if Applicable)

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.)

FUND	DEPT	UNIT	LOCATION	FUNCTION	SUB-FUNCTION	ACTIVITY	OBJECT	TASK ORDER
	625							

ISSUED BY _____ DATE _____
Central Office Accounts Staff

PHONE: 502-564-7334

FAX: 502-564-5621



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

Rev. 01/2020
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**TRANSIT SHELTER
SPECIFICATIONS AND CONDITIONS**

KTYC KEPT # _____

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 sightly 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 associating 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.

Alternative Clear Zone for Low Volume and Low Speed Roads

For facilities with both an ADT of less than 2000 vpd and speeds of less than 40 mph

BARRIER GUIDE For Low Volume and Low Speed Roads

Publication No. FHWA-CFL/TD-05-009

November 2005

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

(Continued) (U.S. Customary Units)

DESIGN SPEED	DESIGN ADT	FORESLOPES			BACKSLOPES		
		1V: 6H or flatter	1V: 5H to 1V: 4H	1V: 3H	1V: 3H	1V: 5H to 1V: 4H	1V: 6H or flatter
20 mph	Under 750	2 - 6	3 - 7		2 - 6	2 - 6	3 - 7
	750 - 1500	3 - 7	5 - 8	**	2 - 6	2 - 6	3 - 7
	1500 - 6000	5 - 8	6 - 10		3 - 7	3 - 7	5 - 8
	over 6000	7 - 10	7 - 10		5 - 8	5 - 8	7 - 10
25 - 30 mph	Under 750	3 - 7	5 - 8		2 - 6	2 - 6	3 - 7
	750 - 1500	5 - 8	6 - 10	**	3 - 7	3 - 7	5 - 8
	1500 - 6000	7 - 10	7 - 10		5 - 8	5 - 8	7 - 10
	over 6000	7 - 10	10 - 12		7 - 10	7 - 10	7 - 10
35 mph	Under 750	5 - 8	6 - 10		3 - 7	3 - 7	5 - 8
	750 - 1500	7 - 10	7 - 12	**	5 - 8	5 - 8	7 - 10
	1500 - 6000	10 - 12	12 - 14		7 - 10	7 - 10	10 - 12
	over 6000	12 - 14	14 - 16		10 - 12	10 - 12	12 - 14

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

** Foreslopes 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. Foreslopes steeper than 1V: 3H are considered hazards.

(*PERMITTEE NAME*)
(*KYTC KEPT NUMBER*)
(*LOCATION INFORMATION*)

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.

(PERMITTEE NAME)
(KYTC KEPT NUMBER)
(LOCATION INFORMATION)

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)
(Address)
(Phone)

Date

	KENTUCKY TRANSPORTATION CABINET DIVISION OF MAINTENANCE Permits Branch	TC 99-56 Rev. 06/2019 Page 1 of 2
APPLICATION FOR RECYCLING PERMIT & SCREENING PLAN APPROVAL		
KYTC KEPT #: _____		
SECTION 1: APPLICANT INFORMATION		
NAME	BUSINESS NAME	BUSINESS PHONE #
BUSINESS ADDRESS (<i>street</i>)	CITY	STATE ZIP
EMAIL		CELL PHONE #
SECTION 2: LOCATION INFORMATION		
Please check one: <input type="checkbox"/> State Highway <input type="checkbox"/> County Road <input type="checkbox"/> City Street <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No		
3. If location is a material recycling establishment, describe materials:		
4. Does the County or City have zoning regulations? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, is the location of the recycling storage area within a legally zoned area? <input type="checkbox"/> Yes <input type="checkbox"/> No		
5. Is the recycling storage area presently screened from view of the traveling motorist on a year-round basis? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, describe proposed screening in detail, including materials to be used for screening, height, length, color, etc. (<i>Attach screening plan drawing.</i>)		
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 Mero Street, 3 rd Floor West Frankfort, KY 40622 https://mvc.ky.gov/Pages/default.aspx		

 <div style="text-align: center;"> <p>KENTUCKY TRANSPORTATION CABINET DIVISION OF MAINTENANCE Permits Branch</p> </div> <div style="text-align: right;"> <p>TC 99-56 Rev. 06/2019 Page 2 of 2</p> </div>			
APPLICATION FOR RECYCLING PERMIT & SCREENING PLAN APPROVAL			
<p><u>DISTRICT ONE</u> 5501 Kentucky Dam Road Paducah, KY 42003 (270) 898-2431</p> <p>Ballard Calloway Carlisle Crittenden Fulton Graves Hickman Livingston Lyon McCracken Marshall Trigg</p>	<p><u>DISTRICT TWO</u> 1840 North Main Street Madisonville, KY 42431 (270) 824-7080</p> <p>Caldwell Christian Daviess Hancock Henderson Hopkins McLean Muhlenberg Ohio Union Webster</p>	<p><u>DISTRICT THREE</u> 900 Morgantown Road Bowling Green, KY 42101 (270) 746-7898</p> <p>Allen Barren Butler Edmonson Logan Metcalfe Monroe Simpson Todd Warren</p>	<p><u>DISTRICT FOUR</u> 634 East Dixie Highway Elizabethtown, KY 42701 (270) 766-5066</p> <p>Breckinridge Grayson Green Hardin Hart LaRue Marion Meade Nelson Taylor Washington</p>
<p><u>DISTRICT FIVE</u> 8310 Westport Road Louisville, KY 40242 (502) 210-5400</p> <p>Bullitt Franklin Henry Jefferson Oldham Shelby Spencer Trimble</p>	<p><u>DISTRICT SIX</u> 421 Buttermilk Pike Covington, KY 41017 (859) 341-2700</p> <p>Boone Bracken Campbell Carroll Gallatin Grant Harrison Kenton Owen Pendleton Robertson</p>	<p><u>DISTRICT SEVEN</u> 800 Newtown Court Lexington, KY 40511 (859) 246-2355</p> <p>Anderson Bourbon Boyle Clark Fayette Garrard Jessamine Madison Mercer Montgomery Scott Woodford</p>	<p><u>DISTRICT EIGHT</u> 1660 S. Highway 27 Somerset, KY. 42502 (606) 677-4017</p> <p>Adair Casey Clinton Cumberland Lincoln McCreary Pulaski Rockcastle Russell Wayne</p>
<p><u>DISTRICT NINE</u> 822 Elizaville Avenue Flemingsburg, KY 41041 (606) 845-2551</p> <p>Bath Boyd Carter Elliott Fleming Greenup Lewis Mason Nicholas Rowan</p>	<p><u>DISTRICT TEN</u> 473 Highway 15 South Jackson, KY 41339 (606) 666-8841</p> <p>Breathitt Estill Lee Magoffin Menifee Morgan Owsley Perry Powell Wolfe</p>	<p><u>DISTRICT ELEVEN</u> 603 Railroad Avenue Manchester, KY 40962 (606) 598-2145</p> <p>Bell Clay Harlan Jackson Knox Laurel Leslie Whitley</p>	<p><u>DISTRICT TWELVE</u> 109 Lorraine Street Pikeville, KY 41501 (606) 433-7791</p> <p>Floyd Johnson Knott Lawrence Letcher Martin Pike</p>

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

 <p style="margin: 0;">KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF MAINTENANCE - PERMITS BRANCH</p>	<p style="margin: 0;">TC 99-221 Rev. 07/2021 Page 1 of 1</p>
APPLICATION FOR STATIC ADVERTISING DEVICE	
PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576, and 603 KAR 10:040	
KYTC KEPT #: _____	
SECTION 1: APPLICANT INFORMATION	
NAME OF APPLICANT	CONTACT NAME
ADDRESS	CITY STATE ZIP
EMAIL ADDRESS	PHONE (office) PHONE (mobile)
SECTION 2: DEVICE INFORMATION	
COUNTY	ROUTE MILE POINT
LATITUDE (DD) LONGITUDE (DD)	MAX SQ FT PER FACING
# OF POLES # OF FACES	DEVICE FACING CONFIGURATION
SECTION 3: DEVICE REQUIREMENTS	
<p>1. Provide the following for all devices:</p> <ul style="list-style-type: none"> a. Location of the advertising device in relation to: <ul style="list-style-type: none"> 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 <p>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.</p>	
SECTION 4: SIGNATURE AUTHORIZATION	
<p>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.</p>	
_____ NAME (print)	_____ TITLE
_____ SIGNATURE	_____ DATE

		KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF MAINTENANCE - PERMITS BRANCH		TC 99-222 Rev. 10/2021 Page 1 of 2		
APPLICATION FOR ELECTRONIC ADVERTISING DEVICE						
PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576, and 603 KAR 10:040						
KYTC KEPT #: _____						
SECTION 1: APPLICANT INFORMATION						
NAME OF APPLICANT			CONTACT NAME			
ADDRESS		CITY		STATE	ZIP	
EMAIL ADDRESS		PHONE (office)		PHONE (mobile)		
SECTION 2: DEVICE INFORMATION						
COUNTY		ROUTE		MILE POINT		
LATITUDE (DD)	LONGITUDE (DD)		DEVICE FACING CONFIGURATION			
# OF POLES	# OF FACES	MAX SQ FT PER FACING	LOCATED IN URBAN AREA <input type="checkbox"/> YES <input type="checkbox"/> NO			
SECTION 3: DEVICE REQUIREMENTS						
1. Provide the following for all devices where applicable: <ol style="list-style-type: none"> a. Location of the advertising device in relation to: <ol style="list-style-type: none"> 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 						
Required Exchange Credits				Official Use Only		
	KEPT #	Credited Device (Yes or No)	Latitude	Longitude	Current Status	Approved for this application
1		<input type="checkbox"/> Yes <input type="checkbox"/> No				
2		<input type="checkbox"/> Yes <input type="checkbox"/> No				
3		<input type="checkbox"/> Yes <input type="checkbox"/> No				
4		<input type="checkbox"/> Yes <input type="checkbox"/> No				
5		<input type="checkbox"/> Yes <input type="checkbox"/> No				
6 (if required)		<input type="checkbox"/> Yes <input type="checkbox"/> No				
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.						



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

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APPLICATION FOR ELECTRONIC ADVERTISING DEVICE

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

	KENTUCKY TRANSPORTATION CABINET DIVISION OF MAINTENANCE PERMITS	TC 99-223 Rev. 10/2021 Page 1 of 1	
ADVERTISING DEVICE ANNUAL PERMIT RENEWAL REQUEST			
DATE: _____			
SECTION 1: PERMITTEE INFORMATION			
PERMITTEE		CONTACT NAME	
MAILING ADDRESS	CITY	ZIP	
EMAIL ADDRESS	PHONE NUMBER(S) Office: _____ Mobile: _____		
SECTION 2: PERMIT INFORMATION			
KEPT #	ADVERTISING DEVICE TYPE	STATUS	EXPIRATION DATE
DISTRICT	COUNTY	LATITUDE	LONGITUDE
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?	<input type="checkbox"/> Yes	<input type="checkbox"/> No*
2.	For a static device, is lighting compliant with 603 KAR 10:040, Section 2(10)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No*
3.	For an electronic device, is lighting and messaging compliant with 603 KAR 10:040, Section 2(11) and 2(12)?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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)?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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)?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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 <input type="checkbox"/> 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	

 <p style="margin: 0;">KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF MAINTENANCE - PERMITS BRANCH</p>	<p style="margin: 0;">TC 99-224 Rev. 10/2021 Page 1 of 1</p>
ADVERTISING DEVICE OR EXCHANGE CREDIT OWNERSHIP TRANSFER	

SECTION 1: TRANSFEROR INFORMATION			
NAME		CONTACT PERSON	
ADDRESS		CITY	STATE ZIP
EMAIL	PHONE (office)	PHONE (mobile)	

SECTION 2: TRANSFEREE INFORMATION			
NAME		CONTACT PERSON	
ADDRESS		CITY	STATE ZIP
EMAIL	PHONE (office)	PHONE (mobile)	

SECTION 3: DEVICE INFORMATION			
KEPT PERMIT #		DISTRICT	COUNTY
ROUTE	MILE POINT	LATITUDE (DD)	LONGITUDE (DD)

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.

TRANSFEROR NAME (print)	TITLE
TRANSFEROR SIGNATURE	DATE
TRANSFEREE NAME (print)	TITLE
TRANSFEREE SIGNATURE	DATE

FOR OFFICIAL USE ONLY

KYTC APPROVER SIGNATURE	TITLE	DATE
KYTC APPROVED STATUS	ADVERTISING DEVICE	
	<input type="checkbox"/> Legal	
	<input type="checkbox"/> Illegal	
	<input type="checkbox"/> Nonconforming	
EXCHANGE CREDIT		
<input type="checkbox"/> Transferred <input type="checkbox"/> other		

