OFFICE OF THE SECRETARY
OFFICIAL ORDER 111720

SUBJECT: PERMITS MANUAL

This manual has been prepared for the information and guidance of personnel of the Transportation Cabinet who issue and supervise the enforcement of permits involving the State right of way. This manual is also prepared for use by individuals, firms, and government agencies who must work on or adjacent to the right of way of the State highway system in the normal performance of their particular activities.

The objectives of the Cabinet are to ensure that all individuals, firms, or governmental agencies who utilize the State’s right of way or adjacent areas for specific use are aware of the Transportation Cabinet standards, specifications, and requirements. This manual provides uniform standards and policies by which the safety and convenience of the traveling public and the public interest in general is safeguarded at all times.

All previous instructions, written and oral, relative to or in conflict with this manual are hereby superseded.

Signed and approved this 2nd day of May, 2019.

Greg Thomas
Secretary

Approved as to Legal Form

Office of Legal Services
PERMITS MANUAL

COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

MAY 2019

Produced by Organizational Management Branch
Office of Human Resource Management

Kentucky UNBRIDLED SPIRIT
**Permits Manual**

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**Division of Maintenance**

**Permits Manual**

**Chapter**

INTRODUCTION

**Subject**

Design of This Manual

**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**

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

- **Table of Contents**—This index at the front lists the titles of the manual’s chapters and their subjects, as well as other information, in numerical order. It includes the latest issuance dates of all the subjects. As the manual matures, these dates change.

- **Table of Exhibits**—This index at the back provides a list of all forms, diagrams, and drawings referenced in the manual.
Glossary—Most definitions used in this manual conform to the approved definitions of highway terms adopted by the American Association of State Highway Transportation Officials (AASHTO) and the report of the American Society of Civil Engineers Committee on Pipeline Crossings of Highways.

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

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

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

For copies of the manual, please contact:

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

PURPOSE

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

OBTAINING A PERMIT

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

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

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

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

This is the information available:

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

INFORMATION REQUIRED BY PERMITTEE

A TC 99-1(A) form, Application for Encroachment Permit (Exhibit 9002)

- Contact information
- A description or drawing which describes the encroachment
The Permits Staff processes the following requests:

- Air Space (TC 99-27, *Ownership Disclosure Statement* (Exhibit 9009); TC 99-28, *Categorical Exclusion Checklist* (Exhibit 9005)).
- Entrance (Access) Permits: Private (residential), Commercial, School
- Utility Encroachments
- Utilities on Bridges
- Grading on Right of Way
- Traffic Signals
- Frontage Roads on Department’s Right of Way
- Outdoor Advertising Devices on Controlled Routes [(TC 99-31, *Application for Off-Premise Static Advertising Device* (Exhibit 9001), and TC 99-207, *Application for Off-Premise Electronic Advertising Device* (Exhibit 9014))]
- Recyclers [(TC 99-56, *Application for Recycling Permit & Screening Plan Approval* (Exhibit 9003); TC 99-57, *Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard* (Exhibit 9010); TC 99-58, *Automobile, Vehicle, Machinery, or Material Recycling Yard Permit* (Exhibit 9004))]
- Drainage Alterations
- Special Event Signs
- Right-of-Way Fence Replacement
- Landscaping
- Proposals for Actual Roadway Grade or Alignment Changes
- Vegetation Management
- Ponding Encroachments
REQUESTS PROCESSED BY PERMITS (CONT.)

- Use of Roadside Chemicals
- Geophysical Surveys
- Garbage Containers
- Transit Shelters
- Fairs, Parades, etc.
- Any Encroachment According to KRS 177.106
INTRODUCTION

Overview of Authority

DISTRICT PERMITS

STAFF

District permits staff in the Traffic Engineering and Permits Section are responsible for reviewing and processing all permit applications [TC 99-1 (A), Application for Encroachment Permit (Exhibit 9002)] and maintaining the permit database and files. This responsibility includes, but is not limited to, assigning a permit number to the application, reviewing the application and obtaining the required information from the permittee, distributing copies for review 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

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

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

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

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

PERMITS REQUESTED ON BRIDGES

The district bridge engineer shall review all permit applications that call for placement of utilities on bridges. After reviewing the utility permit application, the district bridge engineer shall give recommendations and comments to the district permit staff for further processing.
In accordance with KRS 177.106 (1), before any person shall encroach upon a right of way, a permit shall be obtained from the district office responsible for the county wherein the work is proposed.

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

Any encroachment placed by any person without a permit which is found by the Department to be interfering in any way with the safe, convenient and continuous use and maintenance of such road shall, upon 30 days’ notice, be removed or relocated by such person at his or her own expense.

If such person fails to remove or change the encroachment, the Department shall proceed to remove or relocate the encroachment, and the expense thereby incurred shall be the responsibility of such person.

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

When applying for a permit, the permittee shall submit an application on the TC 99-1 (A), Application for Encroachment Permit (Exhibit 9002), and include a statement that completely details the permittee’s request. If the permit is approved, the Department shall issue an encroachment permit on the TC 99-1 (B), Encroachment Permit (Exhibit 9007). TC 99-1 (B), TC 99-1 (A), and all related and accompanying documents and drawings comprise the permit. These forms, along with all other permit forms, are located at: https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-(TC-99).aspx
REQUIRED SIGNATURES

Applications shall be signed by the property owner or a legal authorized representative of the property owner. Representatives of public utility companies and governmental agencies with local jurisdiction may sign the application form for applications involving public utilities or applications considered to be in the public interest.

CONSTRUCTION REQUIREMENTS

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

The Department may also require 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 the state’s right of way shall conform to the latest edition of the Kentucky Transportation Cabinet Department of Highways Standard Specifications for Road and Bridge Construction (Standard Specifications).

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

TRAFFIC CONTROL

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

A TC 99-28 form, *Categorical Exclusion Checklist* ([Exhibit 9005](#)), shall be completed for each permit application that involves a change in access control or use of airspace on the National Highway System. This shall be coordinated through the district’s environmental personnel. If an indication of an environmentally sensitive situation exists on the right of way, the permittee shall be immediately advised by the district that a more in-depth review must be completed before continuing. If this review confirms the sensitivity of the request, the proposal shall not continue until the situation has been mitigated to the satisfaction of the agencies having jurisdiction. The permittee shall reimburse the Department for these services if provided by the Department.

**ARCHAEOLOGICAL COORDINATION**

When archaeological artifacts are discovered during work, the 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 permittee submits their application. All permits not approved 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. Time extensions shall be given according to the current edition of the *Standard Specifications* for road and bridge construction.

**REQUEST FOR RECONSIDERATION**

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

The district office shall forward the request to the CO Permits Branch and the SHE for review and recommendation. The district will be notified of the SHE decision.
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 FHWA, if applicable.
DISTRIBUTION OFFICE (DO)

**Responsibilities**

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

CENTRAL OFFICE (CO)

**Responsibilities**

The CO Permits Branch shall review the following permits:

- Airspace (by lease or deed and all mine-related activities)
- Full or partial controlled access break request
- Utility installations in the vicinity of bridges
- Unprecedented requests requiring policy development or interpretation
- Outdoor Advertising Devices
- Major development or development of significant size including an entrance with a signal request
- School entrances
- Permits requiring Federal Highway Administration (FHWA) approval, including:
  - Requests or applications involving the interstate, except outdoor advertising devices
  - Any action that deviates from current fair market value where right of way was acquired with federal-aid funds

CO Permits Branch shall route the application to the appropriate divisions or agencies. CO Permits Branch shall forward the permit to the district with additional requirements or comments.
The following defines permit signature authority:

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

  The CDE makes the final decision on disapproval of all applications and makes the final decision on approval of all applications other than those designated to CO or FHWA. The CDE may delegate signatory authority for all permits except those not meeting Department policy.

- **CO Permits Branch**

  The CO Permits Branch has permit signature authority for outdoor advertising devices.

- **FHWA (per Stewardship Agreement)**

  The FHWA has permit approval 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

**Denial of the Permit Request**

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

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

**INDEMNITIES**

The Department shall require the permittee to obtain indemnities to defend, protect, and save harmless the Department. Indemnities shall be comprised of one or more of the following: a certificate of insurance to cover the liability to the Department, a payment bond 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 are required except 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
- Some governmental agencies and public utility companies (see “Self-Insured Status” below)
- Private entrances that do not have unusual or complicated requirements

**PAYMENT BONDS**

Payment bonds may be required for any project that affects the safety or creates unacceptable time delays to the traveling public and for Vegetation Management permits. 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.
**Performance Bonds (cont.)**

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

Bonds shall be received on a TC 99-7 form, *Encroachment Permit Bond (Exhibit 9008)*, from a surety company in favor of the Kentucky Transportation Cabinet.

**Self-Insured Status**

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

**Perpetual Bonds**

Companies that have ongoing work or multiple permits within a district or multiple districts may apply for a perpetual bond. A perpetual bond is a performance bond that remains in effect and is equal to the total amount of work that is being performed by the company.
INTRODUCTION
This section discusses the Transportation Cabinet’s (Cabinet) policy and requirements for work zone safety for encroachment permits.

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

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

TRAINING REQUIREMENTS
The Cabinet requires training and qualification as follows:

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

_Note:_ The necessary training and qualification information is available at:

[http://transportation.ky.gov/Materials/Pages/KQTL.aspx](http://transportation.ky.gov/Materials/Pages/KQTL.aspx)

- All flaggers shall be trained in current _Manual on Uniform Traffic Control Devices_ (MUTCD) flagging procedures.
- Proof of training shall be available for review at the Department’s request. Qualifications shall be current within the last 5 years.
- If the applicant does not have qualified personnel, he or she shall either obtain the services of someone who is qualified or obtain the qualifications before a TTCP can be submitted and approved.
The steps below outline TTCP requirements and shall be followed.

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

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

NEW OR RELOCATED UTILITIES

New or relocated utilities installed longitudinally shall be located back of the ditch line and toe of slope as near to the edge of the right of way as practical or in designated utility strips. Utilities, other than storm sewers, shall not be placed in medians. Due to safety concerns, any company not regulated by the Kentucky Public Service Commission which proposes to install a pipeline for transporting natural gas or other explosive or flammable substances, shall not be allowed to install such facilities longitudinally on 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.

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

NEW FACILITIES

New facilities shall not be installed longitudinally under proposed pavement and shoulder areas. Utility poles or towers installed longitudinally shall be located outside the clear zone. It is at the discretion of the chief district engineer (CDE), SHE, and FHWA (as applicable) to determine where exceptions shall be allowed.
ENTRANCE TREATMENTS: If crossroads or entrances adjacent to the mainline roadway are paved with concrete or bituminous surface, they shall be bored. Exceptions may be made if the permit engineer determines that boring is not feasible. If traffic bound base is present, the open cut method may be used, provided they are maintained in a traversable condition during construction. When the work is finished, they shall be returned to the equivalent of their original condition.

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

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

Frontage right requirements for a governmental agency or public utility companies shall be waived when the 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 a permittee seeks a permit to install or extend a utility that is or will be owned and maintained for public use by a utility company, an authorized representative of the utility company shall co-sign the application.

Exceptions to this policy shall be evaluated on a case-by-case basis by the State Highway Engineer’s (SHE) Office and the Federal Highway Administration (FHWA) (if applicable).
Utilities shall not be permitted to be installed longitudinally within the right of way of the interstate or other fully controlled access highways, unless the utility owner can show:

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

- **Construction/Servicing:** The utility facility will not be constructed or serviced by direct access from through traffic roadways or connecting ramps.

- **No Traffic Stoppages:** The utility facility will not cause any stoppages to traffic during the construction, operation, or maintenance of the facility.

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

- **Alternative Location Not in the Public Interest:** This determination shall include an engineering study that shall be prepared and submitted by the permittee.

Existing, properly permitted, overhead utility lines may be serviced or upgraded provided the proposed installation meets National Electric Safety Code (NESC) Grade “B” – Heavy loading standards, a new permit is obtained each time work on right of way is proposed, and the proposed installation meets the following design criteria:
Utility Installations
Overhead Crossings
Existing Crossings (cont.)

- All spans within KYTC right of way shall be independent of any approach spans and shall be self-supporting. This will require a double dead end configuration and shall use down guys or self-supporting poles to protect the span crossing KYTC right of way.

- All utility poles used for spans crossing KYTC right of way shall be constructed of low maintenance materials such as composite or steel. Existing wood poles may remain in place until such time as a line upgrade or replacement is proposed or a new utility proposes to attach to existing wood poles.

- All materials for components used for spans which cross KYTC right of way shall be constructed of low maintenance material (ex. fiberglass or steel arms.)

- Spacer cable systems shall not be used for crossings on fully controlled access routes.

- Ancillary equipment shall not be installed on KYTC right of way on fully controlled access routes.

- All overhead electrical crossings are required to be designed to include higher voltage insulators to reduce the chance of insulator failures. All conductors shall be supported by suspension insulators.

- A maximum number of two electrical circuits will be allowed on a distribution line. On electrical transmission lines, three circuits are acceptable. Additional circuits may be allowed on a case by case basis with the approval of the State Highway Engineer (SHE).

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

- Stamped and signed engineering drawings of the crossing showing plan view and profile view of the facility shall be submitted. These plans must also include a statement that the facility, as proposed, meets NESC Grade “B”- Heavy loading standards and all KYTC permit requirements identified in this policy.
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 NESC grade “B”- Heavy loading standard, as well as all other KYTC criteria outlined for existing overhead crossings; and the proposed facility, as installed, is supported by an engineering study which details:

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

- **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.

- **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 Temporary Traffic Control Plan 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 freeway.

- **Alternative Location Not in the Public Interest**: This determination would include an engineering study that will be prepared and submitted by the permittee. A new overhead crossing will not be permitted if a practical alternative location is available.

The following considerations apply to utility crossings:

- **Overhead Utility Lines**: Support structures for overhead utility lines crossing an interstate or other fully controlled access highways shall not be on right of way, unless authorized by the SHE and concurred in by the FHWA. If allowed, they must be outside the clear zone as designated in the current edition of the AASHTO publication *Roadside Design Guide*. 
UTILITY INSTALLATIONS
UTILITY CROSSINGS (cont.)

☑ Vertical Clearance: The vertical clearance of overhead utility lines crossing any interstate or other fully controlled access highways shall be a minimum of 24 feet.

☑ Underground: Open trenching of underground utility crossings of interstate or other fully controlled access highways shall not be allowed within the clear zone unless approved by the SHE and the Federal Highway Administration (FHWA), if applicable.

☑ Encasement Required: Encasement of utility lines under the highway right of way is required except for the following:

♦ Natural Gas/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 utilities is 42” except for natural gas and petroleum fraction lines (PE-304, “Natural Gas/Petroleum Fractions”). Valves, vents, drips, blow-offs, etc., must be located outside the right of way.

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

When the work is complete, all facilities must be returned to the equivalent of their original condition.
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 highway other than fully controlled access highways must be a minimum of 18 feet but in no case will the clearance be less than the requirements of the National Electrical Safety Code.

- **Depth Requirements**: The minimum depth for underground utilities is 42 inches under roadways, ramps, and ditch lines and 30 inches in all other areas within state right of way except for natural gas and petroleum fraction lines (PE-304, “Natural Gas/Petroleum Fractions”). Exception shall be made only where the terrain is such that this requirement is proved to be impractical and where a lesser depth will not interfere with the highway maintenance or safety.

- **Utility Installations**: Utilities shall be permitted longitudinally within, as well as across, the right-of-way limits, provided they do not interfere with the safe use of the roadway, median, and shoulder areas, and shall not interfere with maintenance operations or aesthetics.

- **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.
The requirements for the encasement of utilities are as follows:

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

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

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

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

REQUIREMENTS

The following requirements shall be referenced on the permit:

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

TRANSMISSION LINES

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

- Coated steel carrier pipe
- On non-fully controlled access, the design factor shall be Class III per Part 49 CFR 192
- On fully controlled access, the design factor shall be Class IV per Part 49 CFR 192

All permit requests for installation of transmission-rated pipelines on KYTC rights of way shall include engineering plans, specifications, and documentation requested by the Department for all proposed work on KYTC right of way.
TRANSMISSION LINES (CONT.)
The proposal shall show design calculations and safety factor for the proposed installation. These plans shall be stamped by a Kentucky professional engineer to certify that the proposal meets the requirements of the Kentucky Public Service Commission and the U.S. DOT.

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

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

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

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

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

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

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

- Lines that are cathodically protected
- Lines that are 2 inches and less on non-fully controlled access
ENCASEMENT (CONT.)

- Natural gas that has a cover of at least 60 inches
- Longitudinal pipes, outside of the ditch lines, on non-fully controlled access highways
- Unusual circumstances where encasement is not feasible, as determined by the Department

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

Longitudinal pipes located outside of the ditch lines of non-fully controlled access highways with less than a 42-inch cover may be permitted without casing on a site-by-site basis.
The Department of Highways (Department) shall grant approval of utility installations on bridges only when extensive engineering and economic research show that all other means of accommodating the utility are impractical. In all cases where permit approvals are requested, the Central Office Permits Branch shall forward the permit to the Central Office (CO) Division of Maintenance’s Bridge Preservation Branch and Division of Structural Design for review.

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

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

In all cases where permit approvals are requested, the following requirements will 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.

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.

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

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

A private entrance is an entrance that serves a private farm or single family residence.

- **Required Sight Distance**—The required sight distance for a private entrance is stopping sight distance.

  *See Design Intersection Sight Distance (Exhibit 9006).*

  If the sight distance is not adequate:

  - Sight distances less than the stopping sight distance may be considered provided a traffic engineering study from a qualified engineer is supplied justifying the decreased sight distance.

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

  Private entrances will not require paving unless the Department of Highways (Department) deems it necessary.

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 to determine if a Traffic Impact Study (TIS) is necessary per Department TIS requirements. The TIS requirements can be found at the following:

  [http://transportation.ky.gov/Permits/Pages/Policy-Memos.aspx](http://transportation.ky.gov/Permits/Pages/Policy-Memos.aspx)
**COMMERCIAL ENTRANCE (cont.)**

- **Required Site Distance**—The required sight distance for a commercial entrance is:

  - For higher volume intersections as defined by those intersections meeting the Department requirements for a traffic impact study, the sight distance is defined by the intersection sight distance per the AASHTO Green Book Manual on the Geometric Design of Highways and Streets.

    See *Design Intersection Sight Distance* (Exhibit 9006).

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

    See *Design Intersection Sight Distance* (Exhibit 9006).

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

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

**LOCAL PLANNING**

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

**MEDIAN CROSSOVER GUIDELINES**

Minimum spacing between median crossovers shall be 1,200 feet in rural areas and 600 feet in urban areas.
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; or,

- A local government recommends the requests for the change.

Any change in spacing of median crossovers shall be supported by an engineering and traffic study approved by the State Highway Engineer (SHE).

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

Turn lanes shall be evaluated in accordance with KYTC Auxiliary Turn Lane Policy.
**Policy**

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

**Processing Procedures**

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

- Permittee submits basic documentation to the district 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 99-1(A) form, Application for Encroachment Permit (Exhibit 9002)

- If the chief district engineer (CDE) denies the request, the district shall notify the permittee in writing of the reason for disapproval, and the process stops.

- The CDE may alter a preexisting access point, if the access point:
  - Remains on the same side of the highway
  - Does not go beyond another existing entrance
  - Meets minimum spacing established by KRS 177.315
  - Is an improvement based on standard engineering practices and safety criteria

If the CDE grants the request, the district shall issue the permit.
PROCESSING PROCEDURES (CONT.)

- If a new access point is requested and the CDE does not deny the request, the permittee shall give the following information to the State Highway Engineer (SHE):
  - Professional engineer stamped plans (where applicable)
  - A traffic impact or traffic engineering study prepared by a prequalified consultant when required by the Cabinet’s Traffic Impact Study Requirements policy, KRS 177.315, or when directed by the Cabinet
  - A TC 99-28 form, *Categorical Exclusion Checklist* (Exhibit 9005), 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 permittee 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 permittee performs the appraisal, the district shall notify the Central Office (CO) Division of Right of Way so that an appraisal reviewer can be assigned to work with the prequalified appraiser.

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

- The CO Permits Branch shall review the documentation, distribute to appropriate divisions for comments, and forward the request to the SHE.

- The SHE shall submit a recommendation, together with the various recommendations received, to the Commissioner of the Department of Highways. If the recommendation is for approval, the Commissioner shall provide an opportunity for a public hearing to be held, in accordance with 600 KAR 1:030.

- After notification from CO Permits Branch, the CDE shall ensure an advertisement be placed in the local newspaper one time and wait at least 20 days for a response from local citizens. If a response is received for a hearing:
PROCESSING PROCEEDURES (CONT.)

- The district shall make necessary arrangements and preparations to hold the public hearing.

- The CO Permits Branch shall be notified of the date and time of the meeting location so they may attend.

- The district office shall hold the public meeting at the scheduled time and shall provide a detailed record of the meeting (such as a video recording).

- After reviewing the results of the hearing or if no hearing is requested, the Commissioner shall make a final decision on the permit and direct the SHE to implement the decision. The CO Permits Branch shall notify the district of the Commissioner’s decision.

- If the decision is to not allow the access, the district shall notify the permittee in writing of the reasons for denial and the process stops.

- If the decision is to allow the request, the district shall notify the permittee of any changes necessary to implement the decision.

- Once the district has received final plans and documentation, the district shall notify the permittee of:

  - Formal approval

  - Amount of payback according to 603 KAR 5:120

- The district shall submit permittee’s payment to the Division of Accounts.

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

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

REQUIREMENTS

702 KAR 4:050 requires KYTC to confirm the roadway is adequate for a school site, site expansion, or other real property purchase.

KRS 177.057 requires a local school district to consult with KYTC before purchasing property for the construction of a school facility.

SITE SELECTION

When considering site selection:

- The Division of Facilities Management Branch (DFMB) shall coordinate with the Board of Education (BOE) and KYTC to inspect new sites. The request shall include a location map of the prospective sites identifying the route of the proposed access.

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

- KYTC shall provide a response confirming roadway adequacy and financial responsibility for work on state right of way or a response that the roadway is not adequate.

DESIGN, BID, & CONSTRUCTION

When considering design, bid, and construction:

- BOE is responsible for relocating utilities and providing the necessary right of way. The BOE shall transfer additional right of way acquired for the construction and maintenance of the roadway to KYTC.
The BOE shall provide a traffic impact/engineering study unless KYTC deems otherwise. The study shall evaluate the need for turn lanes based on the KYTC Auxiliary Turn Lane Policy.

KYTC shall provide design parameters for work to be performed on the right of way.

The engineering design firm hired by the BOE shall provide plans by a professional engineer. The plans shall include a detailed cost estimate based on KYTC bid items.

Before the BOE can advertise for bids, KYTC approval of the plans is required.

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 approval is required on all change orders before any additional work is performed.

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

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

**Overview**

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 deed, 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.

**Policy**

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, unless a public interest finding by the SHE shows that it is in the best interest of the public to deviate from this requirement.

**Lease**

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.

**Permit**

All requests for air rights shall include the following information:

- Vicinity map
- TC 99-1 (A), *Application for Encroachment Permit* (*Exhibit 9002*)
- TC 99-28, *Categorical Exclusion Checklist* (*Exhibit 9005*), if applicable
- TC 99-27, *Ownership Disclosure Statement* (*Exhibit 9009*)
- Survey (plat) and legal description of the property
- Highway plans with the encroachment shown
- Deeds (Highway)
CONDITIONS & REQUIREMENTS

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

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

- When the request for air rights is determined to be a lease, the permittee shall determine the fair market value utilizing a KYTC pre-qualified appraiser.

- 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 permittee shall own or be the lessee of 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 proposed facility shall not restrict any horizontal or vertical clearance that may be anticipated for highway needs. It is desirable to have a 30-foot vertical clearance and a 30-foot horizontal clearance for the ultimate roadway section. The clearance shall not be less than those specified in Airspace Guidelines to 23 CFR 710.405 and 710.407.B. The proposed air rights permit area shall have adequate clearance from all highway facilities to provide room for inspection and maintenance work. The permit agreement shall specifically authorize the Department to enter the leased premises for maintenance, inspection, or reconstruction when necessary.

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

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

Indemnities shall remain in force during the life of the air rights agreement.
Requests to alter drainage on a right of way shall result in conditions that are equal to or better than the existing facilities.

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

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

If a permittee’s 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, the permittee shall perform either of the following:

- Modify or replace the downstream drainage facility or facilities so the increased flow is adequately accommodated to the Department of Highway’s satisfaction.

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

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

Geophysical surveys of underground natural resources shall be permitted if the permitted survey is conducted in a way that will not impair the use and safety of the highway.
The Department of Highways (Department) may permit the grading of right of way.

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 applicant pays fair market value for the removed material.

Restoration shall follow the procedures outlined in the Department’s Standard Specifications.
Policy

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

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

- Not exceed 200 square feet in size
- Have a clear zone that meets Department’s approval
- Be located at or near the city or county limits
- Be limited to one sign erected facing any one direction of travel
- Submitted by the city or county government
- Shall not contain advertising or sponsorship recognition

The permittee shall maintain the sign in a clean and well-kept manner.
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 the event if conducted by nonprofit or governmental groups. Fairs, parades, and festivals may not require a permit but shall meet the conditions and requirements detailed below.

Sponsors shall give the district proof that local governing bodies and law enforcement agencies have given their approval and provide a certificate of liability insurance, regardless of whether or not a permit is required. A minimum amount of 3 million dollars is recommended for the Liability Insurance policy.

BANNERS
Overhead advertising across streets on the State Highway System shall be allowed only if advertising public or charity events and if they do not obstruct traffic signs and signals. Political campaigning and private advertising are not permitted. Banners shall not be erected sooner than 10 days prior to the event and shall be removed within one week following the event. 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 may be erected 30 days prior to and shall be removed within 24 hours after the close of the event, Sunday excluded. Signs shall be of a breakaway design.

TRAFFIC CONTROL
The event sponsor shall provide safe and well-marked or directed detours continuously available for through traffic, fire apparatus, ambulances, funerals, 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 main thoroughfare is the only parade route. 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.
POLICY

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

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


ELECTRICAL TRAFFIC CONTROL DEVICES

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


DEVELOPMENTS

When lighting or electrical traffic control devices are proposed as part of a major development with additional work on right of way, the permit application will be processed by the permits staff with the lighting and signalization component of the permit being reviewed and recommended by the Division of Traffic Operations. These applications shall be submitted according to section PE-201 of this manual. Central Office Permits Branch will coordinate the review with the Division of Traffic Operations and others, as applicable.
POLICY
Underground mining activities within right of way are limited to a minimal number of developmental entries crossing the highway as near perpendicular to the centerline as possible. The mining operation must control the mineral rights on both sides of the highway. 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 indemnity shall be released only after the Kentucky Transportation Cabinet (KYTC) has received a final mine map, certified by a registered professional engineer, that shows all pillars remain intact within the subsidence protection zone and no damage has occurred as a result of the mining operation.

REQUIRED DOCUMENTS
The permittee shall supply the following:

- A legal survey description of the area to be affected that shall include the most current KYTC highway plans stations for the affected roadway
- Mining geometry
- Profile and section views
- Mining method
- Depth and type of cover
- Subsidence protection plan
- Mitigation plan
- Safety factor calculation
- Determination of extraction ratios
- Floor stability
- Ownership of minerals under KYTC right of way
- Life expectancy of the mining operation
- Termination plan
REQUIRED DOCUMENTS (CONT.)

- A map showing existing and proposed work in the vicinity of the right of way and the proposed standard subsidence protection zone per the Society of Mining Engineers’ *SME Mining Engineering Handbook*, as detailed in Kentucky Division of Mines permits document RAM 107.
- A final mine map showing all pillars and cribbing that remain intact within the subsidence protection zone.
- All mining documents shall be certified by a professional engineer.

COAL EXTRACTION LIMITS

No coal shall be removed under the right of way except for entries as approved by the Department of Highways. The extraction rate within the subsidence protection zone shall be based on the ratio of pillar strength to pillar stress. This ratio, expressed as a safety factor, shall be greater than the required safety factor for a Category 4 structure per Division of Mine Permits document RAM 107.
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 Cabinet with the right, without liability for interrupted usage of water service, to lower the pool stage for repairs temporarily.

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

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

The following conditions and requirements apply:

- **Liability**

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

- **Erosion-Controlling Vegetation**

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

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

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

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

Concurrence may be given by the chief district engineer by a “letter of permission” for gas and oil well drilling on private property that is closer to the right of way than the spacing limitations set forth in KRS 353.610—353.620.
The Department of Highways shall consider requests to place plantings upon the right of way. Review and approval recommendation is required by the roadside environmental district administrator (REDA) for all applications involving landscaping.

All permits concerning landscaping are subject to the following:

- Plantings shall not infringe upon the frontage rights of an abutting property owner without written consent of the property owner.
- Plantings shall not be placed where they will adversely affect drainage or the maintenance of drainage facilities.
- Plantings shall not restrict sight distance or traffic control devices as required by local, state, and federal standards.
- Plantings shall not represent a hazard within the clear zone.
- Plantings shall not restrict the visibility of an existing legal or non-conforming outdoor advertising device.
Kentucky Administrative Regulation (KAR) 603 KAR 5:155 details the regulatory requirements regarding removal and pruning of vegetation on right of way. The regulations enable the Kentucky Transportation Cabinet’s Department of Highways to administer the vegetation program and are available at:

https://apps.legislature.ky.gov/lrcsearch

An applicant requesting a permit shall submit a completed TC 99-1(A), Application for Encroachment Permit (Exhibit 9002), and required documentation to the district office responsible for the county wherein the request is being made.

For commercial applicants, TC 99-22, Agreement for Services to be Performed (Exhibit 9011), will be required as part of the permitting process once an estimate for the cost of the pre-qualified arborists are known.

The TC 99-1(A) and TC 99-22 are available online at:

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

District contact information is available at:

http://transportation.ky.gov/DistrictPages/Pages/default.aspx
Policy

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

https://apps.legislature.ky.gov/lrcsearch

Procedures

An applicant seeking to operate an automobile, vehicle, machinery, or material recycling establishment shall submit a completed TC 99-56 form, Application for Recycling Permit and Screening Plan Approval (Exhibit 9003), to the district office responsible for the county wherein the request is being made.

The TC 99-56 form is available online at:

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

District contact information is available at:

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

The department shall issue a permit using a TC 99-57 form, Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard (Exhibit 9010), and shall issue a recycler card using the TC 99-58 form, Automobile, Vehicle, Machinery, or Material Recycling Yard Permit (Exhibit 9004).
Kentucky Revised Statutes (KRS) 177.830 to 177.890 and Kentucky Administrative Regulations (KAR) 603 KAR 10:002 to 10:021 detail the statutory and regulatory requirements regarding outdoor advertising devices (OADs). The statutes and regulations pertaining to the OADs enable the Kentucky Transportation Cabinet's Department of Highways to administer the OAD program and are available online at:

https://apps.legislature.ky.gov/lrcsearch

An applicant requesting an OAD shall submit a completed TC 99-31 form, Application for Off-Premise Static Advertising Device (Exhibit 9001), or TC 99-207 form, Application for Off-Premise Electronic Advertising Device (Exhibit 9014), to the district office responsible for the county wherein the request is being made.

For change in ownership of an outdoor advertising device, Form TC 99-205, Advertising Device Ownership Transfer (Exhibit 9012) must be completed.

Biennial Certifications must be completed using Form 99-206, Advertising Device Biennial Certification (Exhibit 9013).

The TC 99-31, 99-205, 99-206, and 99-207 forms are available online at:

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

District contact information is available at:

http://transportation.ky.gov/Pages/Highway-Districts.aspx
**ACCESS CONTROL**

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

- **Fully Controlled Access**: All highways which give preference to through traffic and which shall have access only at selected public roads or streets and which shall have no highway at grade crossings or intersections. The termini for control of access shall be as shown on the Department's plans.

- **Partially Controlled Access**: All highways which give preference to through traffic. However, access to selected public roads and streets may be provided, and there may be some highway at grade intersections as shown on the Department's plans. The termini for control of access shall be as shown on the Department's plans.

- **Access by Permit**: All highways designated as access by permit on the Department's plans

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

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

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

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

**AIR RIGHTS**
Real property interests defined by agreement and conveyed by deed, lease, or permit for the use of airspace
<table>
<thead>
<tr>
<th><strong>AUXILIARY LANE</strong></th>
<th>The portion of the traveled way that is used to supplement through traffic movement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CARRIER PIPE</strong></td>
<td>Pipe directly enclosing a transmitted fluid (liquid or gas)</td>
</tr>
<tr>
<td><strong>Casing Pipe</strong></td>
<td>A larger diameter pipe encasing a carrier pipe</td>
</tr>
<tr>
<td><strong>Categorical Exclusion</strong></td>
<td>Environmental documentation, TC 99-28 (<a href="#">Exhibit 9005</a>), required for actions that do not individually or cumulatively have a significant environmental effect</td>
</tr>
<tr>
<td><strong>Cancellation Date</strong></td>
<td>The date by which a permit application must be approved</td>
</tr>
<tr>
<td><strong>Completed Permits</strong></td>
<td>Permits that have been completed, all work inspected, and released</td>
</tr>
<tr>
<td><strong>Completion Date</strong></td>
<td>The date by which all work approved by the permit shall be completed</td>
</tr>
<tr>
<td><strong>Department's Plans</strong></td>
<td>The Department of Highway's current plans that are based on plans at the time of contract letting together with any subsequent changes in access control in conformance with applicable laws and regulations</td>
</tr>
<tr>
<td><strong>Entrance</strong></td>
<td>An access to the highway</td>
</tr>
<tr>
<td></td>
<td>➢ Private Entrance: An entrance that serves a private farm or single-family residence</td>
</tr>
<tr>
<td></td>
<td>➢ Commercial Entrance: An entrance that is used for commercial or any purpose other than farming or single-family dwelling</td>
</tr>
<tr>
<td><strong>Frontage Rights</strong></td>
<td>A general term denoting a property owner’s interest alongside the road onto which a piece of property fronts</td>
</tr>
<tr>
<td><strong>Illegal Encroachment</strong></td>
<td>Any unauthorized encroachment, specific acts, or installations on, under, or over the right of way</td>
</tr>
<tr>
<td><strong>Indemnity</strong></td>
<td>Protection or security against damage or loss by:</td>
</tr>
<tr>
<td></td>
<td>➢ Liability insurance</td>
</tr>
<tr>
<td></td>
<td>➢ Performance bond</td>
</tr>
<tr>
<td></td>
<td>➢ Payment bond</td>
</tr>
<tr>
<td><strong>INTERSTATE HIGHWAY</strong></td>
<td>A highway, road, street, access facility, bridge, or overpass which is designated as a portion of the National System of Interstate and Defense Highways as established by law or designated by the Kentucky Department of Highways and the U.S. Department of Transportation, Federal Highway Administration (FHWA)</td>
</tr>
<tr>
<td><strong>LEGAL</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ENCROACHMENT</strong></td>
<td>Authorized use (by permit, contract, or agreement) of highway right of ways or easements for specific acts or installations, physical or otherwise</td>
</tr>
<tr>
<td><strong>MARKET VALUE</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>MODIFICATION</strong></td>
<td>Any physical or usage change to a permitted facility contrary to that prescribed by the permit and plan</td>
</tr>
<tr>
<td><strong>PERMITTED</strong></td>
<td>As used in this manual, to exist only by permit from the Kentucky Department of Highways</td>
</tr>
<tr>
<td><strong>PERMITTEE</strong></td>
<td>Any person who has applied for a permit or who has received an approved permit</td>
</tr>
<tr>
<td><strong>RAILROAD ACCESS</strong></td>
<td>An approved access to a highway which is used for railroad maintenance purposes only and which is specifically shown on plans</td>
</tr>
<tr>
<td><strong>REAL PROPERTY</strong></td>
<td>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</td>
</tr>
<tr>
<td><strong>RIGHT OF WAY</strong></td>
<td>A general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to a highway</td>
</tr>
<tr>
<td><strong>TRAVELED WAY</strong></td>
<td>The portion of a roadway for the movement of vehicles, not including the shoulders</td>
</tr>
</tbody>
</table>
### Table of Exhibits

<table>
<thead>
<tr>
<th>EXHIBIT NUMBER</th>
<th>EXHIBIT TITLE</th>
<th>MANUAL REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9001</td>
<td>Application for Off-Premise Static Advertising Device, TC 99-31</td>
<td>102, 2301</td>
</tr>
<tr>
<td>9002</td>
<td>Application for Encroachment Permit, TC 99-1(A) ...</td>
<td>102, 103, 201, 501, 701, 2101</td>
</tr>
<tr>
<td>9003</td>
<td>Application for Recycling Permit &amp; Screening Plan Approval, TC 99-56</td>
<td>102, 2201</td>
</tr>
<tr>
<td>9004</td>
<td>Automobile, Vehicle, Machinery or Material Recycling Yard Permit, TC 99-58</td>
<td>102, 2201</td>
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<tr>
<td>9005</td>
<td>Categorical Exclusion Checklist, TC 99-28</td>
<td>02, 102, 201, 501, 701</td>
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<td>9006</td>
<td>Design Intersection Sight Distance (AASHTO Green Book)</td>
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<td>9007</td>
<td>Encroachment Permit, TC 99-1(B)</td>
<td>201</td>
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<tr>
<td>9008</td>
<td>Encroachment Permit Bond, TC 99-7</td>
<td>203</td>
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<tr>
<td>9009</td>
<td>Ownership Disclosure Statement, TC 99-27</td>
<td>102, 701</td>
</tr>
<tr>
<td>9010</td>
<td>Permit for Automobile, Vehicle, Machinery, or Material Recycling Yard, TC 99-57</td>
<td>102, 2201</td>
</tr>
<tr>
<td>9011</td>
<td>Agreement for Services to be Performed, TC 99-22</td>
<td>2101</td>
</tr>
<tr>
<td>9012</td>
<td>Advertising Device Ownership Transfer, TC 99-205</td>
<td>2301</td>
</tr>
<tr>
<td>9013</td>
<td>Advertising Device Biennial Certification Form, TC 99-206</td>
<td>2301</td>
</tr>
<tr>
<td>9014</td>
<td>Application for Off-Premise Electronic Advertising Device, TC 99-207</td>
<td>102, 2301</td>
</tr>
</tbody>
</table>
EXHIBIT
Application for Off-Premise Static Advertising Device, TC 99-31

KENTUCKY TRANSPORTATION CABINET
Department of Highways
PERMITS BRANCH

APPLICATION FOR OFF-PREMISE STATIC ADVERTISING DEVICE

PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576, 603 KAR 10.002 and 10.010

SECTION 1: PERMITTEE INFORMATION

<table>
<thead>
<tr>
<th>NAME OF PERMITTEE</th>
<th>CONTACT NAME</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
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</table>

<table>
<thead>
<tr>
<th>EMAIL ADDRESS</th>
<th>PHONE (office)</th>
<th>PHONE (mobile)</th>
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<tbody>
<tr>
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SECTION 2: DEVICE INFORMATION

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>ROUTE</th>
<th>MILE POINT</th>
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<tbody>
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<tr>
<th>LATITUDE (DD)</th>
<th>LONGITUDE (DD)</th>
<th>MAX SQ. FT PER FACING</th>
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SECTION 3: DEVICE REQUIREMENTS

1. Provide the following for all devices:
   a. Location of the advertising device in relation to:
      i. The Department right of way (measured from the nearest portion of the device)
      ii. The edge of the traveled way (measured from the nearest portion of the device)
   b. Local permit or a letter from the local governing agency stating no permit required
   c. Drawing of the proposed sign showing sign faces, size, and directional orientation
   d. Drawing showing the location of the required businesses, industrial/commercial area, or municipal lines
   e. Copy of the lease agreement with the property owner
   f. Documentation that verifies required business, industrial/commercial area, or municipal lines

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. This point is for general location purposes only. The permittee shall ensure that the permitted device does not encroach upon the Kentucky Transportation Cabinet’s right-of-way.

SECTION 4: SIGNATURE AUTHORIZATION

Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department’s permits manual, and all applicable regulations and statutes as to and in effect on the date of issuance of the permit. This information and application is certified to be correct to the best knowledge and belief of the undersigned. This application does not become a permit without KYTC form TC 99-32 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 permittee submits their application.

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

TITLE (signee)

05/19

Page 1 of 1
APPLICATION FOR ENCROACHMENT PERMIT

SECTION 1: APPLICANT CONTACT INFORMATION

NAME | ADDRESS | CITY
--- | --- | ---

EMAIL | STATE | ZIP
--- | --- | ---

CONTACT NAME 1 | EMAIL | PHONE # | CELL #
--- | --- | --- | ---

CONTACT NAME 2 (if applicable) | EMAIL | PHONE # | CELL #
--- | --- | --- | ---

SECTION 2: PROPOSED WORK LOCATION

ADDRESS | CITY | STATE | ZIP
--- | --- | --- | ---

COUNTY | ROUTE # | MILE POINT | LONGITUDE (X) | LATITUDE (Y)
--- | --- | --- | --- | ---

FOR KYTC USE ONLY

Permit Type: [ ] Air Right [ ] Entrance [ ] Utilities [ ] Vegetation Removal [ ] Other:

Location: [ ] Left [ ] Right [ ] Crossing

Access: [ ] Full [ ] Partial [ ] by Permit

SECTION 3: GENERAL DESCRIPTION OF WORK

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

_________________________  __________________________
SIGNATURE                  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.
APPLICATION FOR ENCOGRAPHMENT 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 Highways'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.
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 Rights 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.
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 benefitted 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 who 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.

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

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

Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch

APPLICATION FOR RECYCLING PERMIT AND SCREENING PLAN APPROVAL

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

1. NAME OF APPLICANT: ____________________________ BUSINESS PHONE: ____________________________

2. BUSINESS NAME: ____________________________ BUSINESS ADDRESS: ____________________________

   (Street)   (City)   (State & Zip Code)

   (County)   (Road Name)   (Road Number)

MILEPOINT __________________ PLEASE CHECK ONE: ☐ FEDERAL HIGHWAY    ☐ COUNTY ROAD
                                          ☐ STATE HIGHWAY    ☐ PRIVATE ROAD

4. If automobile, vehicle or machinery recycling establishment, does it contain a combined total of five (5) or more
   junked, wrecked, or nonoperative automobiles, vehicles or machines? ☐ YES    ☐ NO

5. If automotive dealer, body shop operator, wrecker service operator or service station operator, does it contain ten
   (10) or more junked, wrecked, or nonoperative automobiles, vehicles or machines? ☐ YES    ☐ NO

6. If material recycling establishment, describe materials: ______________________________________________________

7. Does the county or city have zoning regulations? ☐ YES    ☐ NO
   If yes, is the location of the recycling storage area within a legally zoned area? ☐ YES    ☐ NO

8. Is the recycling storage area presently screened from view of the traveling motorist on a year-round basis? 
   ☐ YES    ☐ NO
   If "NO", answer question 9.

9. Describe proposed screening in detail, including materials to be used for screening, height, length, color, etc.
   (Attach screening plan drawing.)
   ______________________________________________________
   ______________________________________________________

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

Applicant Signature(s) ____________________________  Date ____________

__________________________________________________  Date ____________

NOTE: An automotive recycling dealer license is required by law and available from the:

Motor Vehicle Commission
105 Sea Hero Road, Suite 1
Frankfort, KY 40601
502-573-1000
## Application for Recycling Permit and Screening Plan Approval

**Kentucky Transportation Cabinet**
**Division of Maintenance**
**Permits Branch**

**APPLICATION FOR RECYCLING PERMIT AND SCREENING PLAN APPROVAL**

<table>
<thead>
<tr>
<th>DISTRICT ONE</th>
<th>DISTRICT TWO</th>
<th>DISTRICT THREE</th>
<th>DISTRICT FOUR</th>
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<tr>
<td>5501 Kentucky Rd</td>
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<td>900 Morgantown Rd</td>
<td>634 East Ullie</td>
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<tr>
<td>Paducah, KY 42003</td>
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<td>Bowling Green, KY 42101</td>
<td>Elizabethown, KY 42701</td>
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<td>270-766-5056</td>
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<td>600 Newtown Court</td>
<td>1660 S. Highway 27</td>
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<tr>
<td>Louisville, KY 40223</td>
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<td>Somerset, KY 42502</td>
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<td>Henry</td>
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<tr>
<td>822 Elizaville Ave</td>
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<td>603 Railroad Ave</td>
<td>109 Lorraine Street</td>
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<td>Flemingsburg, KY 41041</td>
<td>Jackson, KY 41339</td>
<td>Manchester, KY 40962</td>
<td>Pikeville, KY 41501</td>
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<td>606-866-2551</td>
<td>606-866-8841</td>
<td>606-598-2145</td>
<td>606-433-7792</td>
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<td>Magoffin</td>
<td>Wolfe</td>
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<td>Fleming</td>
<td>Menifee</td>
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Kentucky Transportation Cabinet
Permits Branch
Automobile, Vehicle, Machinery, or Material
Recycling Yard Permit

Permitee: ________________________________________________

KEPT #: ___________________ Expires: _____________________

Approved by: ___________________________________________
# Categorical Exclusion Checklist, TC 99-28

**SECTION 1: PROJECT IDENTIFICATION**

<table>
<thead>
<tr>
<th>ROUTE</th>
<th>MILEPOINT</th>
<th>REVIEWED BY</th>
<th>DATE</th>
<th>COUNTY</th>
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<td>ENCROACHMENT TYPE</td>
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<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PERMIT #</th>
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<tbody>
<tr>
<td>Existing conditions:</td>
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<tr>
<td>Proposed use:</td>
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**SECTION 2: IMPACT EVALUATION**

<table>
<thead>
<tr>
<th>*SIG</th>
<th>MIN</th>
<th>N/A</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td></td>
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</table>

- A. Traffic/Travel Pattern Changes
- B. Planned Growth Changes
- C. Land Use Changes
- D. Relocation/Displacements
- E. 4(f) Lands
  - 1. Historic Site/District Effects
  - 2. Archaeological Site Effects
  - 3. Public Recreation Effects
  - 4. Wildlife-Waterfowl Refuge effects
  - 5. 6(f) Lands
    - a. Historic Site/District Effects
    - b. Archaeological/Site Effects
- F. Wetlands effects
- G. Floodplain Effects
- H. Prime-Unique Farmland Effects
- I. Endangered Species/Habitat Effects
- J. Air Quality Effects
- K. Noise Impacts
- L. Water Quality Impacts
- M. 401/404 Permits
- N. Hazmat/UST Issues
- O. Other Issues (discuss): |

**SECTION 3: RECOMMENDATIONS/CONDITIONS/COMMENTS**

<table>
<thead>
<tr>
<th>APPROVED BY</th>
<th>TITLE</th>
<th>DATE</th>
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<tbody>
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*If any item is checked in this column, a request for Categorical Exclusion Review by the Division of Environmental Analysis must be made. CC: Director, Division of Environmental Analysis.*
## AASHTO – DESIGN INTERSECTION SIGHT DISTANCE – CASE B1 – LEFT TURN FROM STOP

<table>
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<tr>
<th>Posted Speed Limit</th>
<th>Stopping Sight Distance</th>
<th>Intersection Sight Distance</th>
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<td>70</td>
<td>730</td>
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Kentucky Transportation Cabinet
Department of Highways
Division of Maintenance
Permits Branch

ENCROACHMENT PERMIT

KYTC KEPT #:

Permittee:

 Permit Type / Subtype:

Work Completion Date:

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

This permit has been:  APPROVED  DENIED  

SIGNATURE  TITLE  DATE

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

<table>
<thead>
<tr>
<th>LOCATION(S)</th>
<th>Description</th>
<th>County - Route</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
</table>

To Submit a Locate Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007
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, __________________ (____________ ) 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 ________, ______.

BONDING AGENT/CORPORATE INSIGNIA EMAIL PHONE

MAILING ADDRESS CITY STATE ZIP

__________________________________________ __________________________________________
Principal Surety

By: ____________________________________________ Bond Company, Attorney-in-Fact Signature

Applicant Signature
## Encroachment Permit Bond

### District One
5501 Kentucky Dam Road
Paducah, KY 42003
(270) 898-2431
- Ballard
- Calloway
- Carlisle
- Crittenden
- Fulton
- Graves
- Hickman
- Livingston
- Lyon
- McCracken
- Marshall
- Trigg

### District Two
1840 North Main Street
Madisonville, KY 42431
(270) 824-7080
- Caldwell
- Christian
- Daviess
- Hancock
- Henderson
- Hopkins
- McLean
- Muhlenberg
- Ohio
- Union
- Webster

### District Three
900 Morgantown Road
Bowling Green, KY 42101
(270) 746-7898
- Allen
- Barren
- Butler
- Edmonson
- Logan
- Metcalfe
- Monroe
- Simpson
- Todd
- Warren

### District Four
634 East Dixie Highway
Elizabethtown, KY 42701
(270) 766-5066
- Breckinridge
- Grayson
- Green
- Hardin
- Hart
- LaRue
- Marion
- Meade
- Nelson
- Taylor
- Washington

### District Five
8310 Westport Road
Louisville, KY 40242
(502) 210-5400
- Bullitt
- Franklin
- Henry
- Jefferson
- Oldham
- Shelby
- Spencer
- Trimble

### District Six
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700
- Boone
- Bracken
- Campbell
- Carroll
- Gallatin
- Grant
- Harrison
- Kenton
- Owen
- Pendleton
- Robertson

### District Seven
800 Newtown Court
Lexington, KY 40511
(859) 246-2355
- Anderson
- Bourbon
- Boyle
- Clark
- Fayette
- Garrard
- Jessamine
- Madison
- Mercer
- Montgomery
- Scott
- Woodford

### District Eight
1660 S. Highway 27
Somerset, KY 42502
(606) 677-4017
- Adair
- Casey
- Clinton
- Cumberland
- Lincoln
- McCreary
- Pulaski
- Rockcastle
- Russell
- Wayne

### District Nine
822 Elizaville Avenue
Flemingsburg, KY 41041
(606) 845-2551
- Bath
- Boyd
- Carter
- Elliott
- Fleming
- Greenup
- Lewis
- Mason
- Nicholas
- Rowan

### District Ten
473 Highway 15 South
Jackson, KY 41339
(606) 866-8841
- Breathitt
- Estill
- Lee
- Magoffin
- Menifee
- Morgan
- Owsley
- Perry
- Powell
- Wolfe

### District Eleven
603 Railroad Avenue
Manchester, KY 40962
(606) 598-2145
- Bell
- Clay
- Harlan
- Jackson
- Knox
- Laurel
- Leslie
- Whitley

### District Twelve
109 Lorraine Street
Pikeville, KY 41501
(606) 433-7791
- Floyd
- Johnson
- Knott
- Lawrence
- Letcher
- Martin
- Pike
# Ownership Disclosure Statement

**Section 1: Lessee Information**

<table>
<thead>
<tr>
<th>NAME</th>
<th>HOME ADDRESS</th>
<th>SSN</th>
<th>% of Ownership</th>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Owner</th>
<th>Full Name of Relative &amp; SSN</th>
<th>Agency, Board, or Commission</th>
<th>Title</th>
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<tbody>
<tr>
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</tbody>
</table>

II. Are any of the owners of this lease or agreement listed heretofore and/or their immediate relatives *(father, mother, sister, brother, son, daughter, spouse)* an officer or employee of any state agency, board, commission, etc.? *(If yes, provide more details. If more space is needed, attach a separate sheet.)*

<table>
<thead>
<tr>
<th>Owner</th>
<th>Full Name of Relative &amp; SSN</th>
<th>Agency, Board, or Commission</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 2: Authorized Agent or Lessee Information**

<table>
<thead>
<tr>
<th>Name of Authorized Agent or Lessee</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Address</th>
<th>Phone (daytime)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 3: Signature Authorization**

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

<table>
<thead>
<tr>
<th>Authorized Agent or Lessee</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

State of ___________________ County of ___________________

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

_____________________________ NOTARY PUBLIC (signature) ________________________________ MY COMMISSION EXPIRES (date)
PERMIT FOR AUTOMOBILE, VEHICLE, MACHINERY, OR MATERIAL RECYCLING YARD
Pursuant to KRS 177.905 to 177.950

KEPT No.: ____________________________________

Permittee: ____________________________________

Address: ____________________________________

Expiration Date: ____________________________________
(Unless Revoked)

The holder is authorized to operate a recycling yard as defined by KRS 177.905 at the address and location named above. The holder promises to comply with KRS 177.905 to 199.950 and with regulations therewith. The Cabinet and permittee agree that the issuance and continuance of said permit is in consideration of the required fee, receipt of which is hereby acknowledged.

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

CONDITIONS OF APPROVAL

1. The holder of this permit is subject to all the provisions of KRS 177.905 to 177.950 and with existing regulations or regulations which may be adopted hereafter.
2. This permit may be revoked for noncompliance with its terms, the terms of KRS 177.905 to 177.050 or the terms of the regulations now in effect or any regulations that may be adopted hereafter.
3. In any case of revocation of this permit, the holder thereof will be granted a hearing upon request to determine whether or not the permit should be restored. Any such hearing shall be in accordance with the rules and regulations adopted by the Cabinet for the conduct of such hearing.
4. Make checks payable to Treasurer, Commonwealth of Kentucky.

This permit has been: APPROVED ☐ DENIED ☐

SIGNATURE _______________________________ TITLE _______________________________ DATE ____________

LOCATION

<table>
<thead>
<tr>
<th>Description</th>
<th>County - Route</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>CONTRACT COST</th>
<th>LABOR COST</th>
<th>EQUIPMENT RENTAL COST</th>
<th>TRAVEL COST</th>
<th>COST PER PURCHASE ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Note: Due to fluctuation in costs, estimated amount is subject to change.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

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
EXHIBIT
Agreement for Services to be Performed, TC 99-22

Kentucky Transportation Cabinet
Division of Maintenance
Permits Branch

AGREEMENT FOR SERVICES TO BE PERFORMED

TASK ORDER DATA SHEET

Please forward Pages 1 and 2 to the Division of Accounts
Phone: 502-564-7334 Fax: 502-564-5621

SECTION 3: CONTACT INFORMATION

COUNTY __________________________ LOCATION OF TASK ORDER __________________________

SECOND PARTY NAME __________________________ FEDERAL ID/SSN: __________________________

SECOND PARTY ADDRESS ________________________________________________________________

SECOND PARTY CONTACT __________________________ PHONE __________________________

NAME OF KYTC DISTRICT

EMPLOYEE OVERSEEING TASK ____________________________________________________________

DISTRICT PHONE NUMBER __________________________

DISTRICT FAX NUMBER __________________________

NAME OF PERSON(S) POSTING TASK ORDER CHARGES _______________________________________

START DATE __________________________ ESTIMATED END DATE __________________________

SUBMITTED BY __________________________ DATE __________________________

District Bookkeeper

SECTION 4: FUNDING INFORMATION (Please fill out as completely as possible.)

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>LOCATION</th>
<th>FUNCTION</th>
<th>SUB-FUNCTION</th>
<th>ACTIVITY</th>
<th>OBJECT</th>
<th>TASK ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>625</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ISSUED BY __________________________ DATE __________________________

Central Office Accounts Staff

PHONE: 502-564-7334 FAX: 502-564-5621
# Advertising Device Ownership Transfer

## KEPT #

<table>
<thead>
<tr>
<th>SECTION 1: TRANSFEROR INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>CONTACT PERSON</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
</tr>
<tr>
<td>EMAIL</td>
<td>PHONE (office)</td>
</tr>
</tbody>
</table>

## SECTION 2: TRANSFEREE INFORMATION

<table>
<thead>
<tr>
<th>SECTION 2: TRANSFEREE INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>CONTACT PERSON</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
</tr>
<tr>
<td>EMAIL</td>
<td>PHONE (office)</td>
</tr>
</tbody>
</table>

## SECTION 3: DEVICE INFORMATION

<table>
<thead>
<tr>
<th>SECTION 3: DEVICE INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PREVIOUS PERMIT # (if applicable)</td>
<td>DISTRICT</td>
</tr>
<tr>
<td>ROUTE</td>
<td>MILE POINT</td>
</tr>
</tbody>
</table>

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.

## 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 outdoor advertising statutes and regulations shall be followed.

<table>
<thead>
<tr>
<th>TRANSFEROR SIGNATURE</th>
<th>TITLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRANSFEREE SIGNATURE</td>
<td>TITLE</td>
<td>DATE</td>
</tr>
</tbody>
</table>

FOR OFFICIAL USE ONLY

<table>
<thead>
<tr>
<th>KYTC APPROVER SIGNATURE</th>
<th>TITLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>KYTC APPROVED STATUS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Conforming</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illegal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ADVERTISING DEVICE BIENNIAL CERTIFICATION FORM

SECTION 1: CERTIFICATION TYPE & LOCATION

<table>
<thead>
<tr>
<th>DISTRICT #</th>
<th>Legal Renewal</th>
<th>Nonconforming Update</th>
<th>NHS or FAP</th>
<th>Interstate or Parkway</th>
<th>Scenic</th>
<th>Electronic</th>
<th>Static</th>
</tr>
</thead>
</table>

SECTION 2: DEVICE AND PERMITTEE INFORMATION

<table>
<thead>
<tr>
<th>Device KEPT #s</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Permittee or Owner Name: ____________________________
Contact Person: __________________________________
Address: _______________________________________

Email Address: ___________________________________
Office Number: _____________________________
Mobile Number: _______________________________

Electronically submit this form with detailed digital photographs of the front and back of each facing of each device.

As a legal representative of the above permittee or owner, I certify that the referenced device(s) have been maintained in accordance with and currently meet the requirements of all applicable outdoor advertising statutes and regulations. I understand that if the information submitted and certified on this form is intentionally false or misleading, the permit for the device(s) shall be revoked and the device(s) shall be removed pursuant to KRS 177.870.

_________________________ / ______________________ / ______________________
Permittee or Owner Signature  Date  Title
EXHIBIT

Application for Off-Premise Electronic Advertising Device, TC 99-207

KENTUCKY TRANSPORTATION CABINET
Department of Highways
PERMITS BRANCH

APPLICATION FOR OFF-PREMISE ELECTRONIC ADVERTISING DEVICE

PURSUANT TO KRS 177.830 TO 177.890, KRS 177.576, 603 KAR 10.002 and 10.021

SECTION 1: PERMITTEE INFORMATION

<table>
<thead>
<tr>
<th>NAME OF PERMITTEE</th>
<th>CONTACT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EMAIL ADDRESS</th>
<th>PHONE (office)</th>
<th>PHONE (mobile)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2: DEVICE INFORMATION

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

<table>
<thead>
<tr>
<th>LATITUDE (DD)</th>
<th>LONGITUDE (DD)</th>
<th>MAX SQ FT PER FACING</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

SECTION 3: DEVICE REQUIREMENTS

1. Provide the following for all devices where applicable:
   a. Location of the advertising device in relation to:
      i. The Department right of way (measured from the nearest portion of the device)
      ii. The edge of the traveled way (measured from the nearest portion of the device)
   b. Local permit or variance from the local governing body meeting the requirements of 603 KAR 10:021
   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, or municipal lines
   e. Copy of lease agreement with the property owner
   f. Documentation that verifies required business, industrial/commercial area, or municipal lines
   g. Provide manufacturer’s certification for luminance
   h. Identification of devices used for exchange

<table>
<thead>
<tr>
<th>Devices Proposed to be Exchanged</th>
<th>Official Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>KEPT #</td>
<td>Current Status (Illegal, Non-conforming, Removed)</td>
</tr>
<tr>
<td>KEPT #</td>
<td>Latitude</td>
</tr>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6 (if required)</td>
<td></td>
</tr>
</tbody>
</table>

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. 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.
### APPLICATION FOR OFF-PREMISE 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 99-32 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 permittee submits their application.

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

**TITLE(sigee)**

|            |      |