Office of Broadband Development: Permitting Workshop

Kentucky OBD Telecommunication Utility Permitting Process

Kentucky Transportation Cabinet – Permits Branch

Center for Rural Development, Somerset, KY

September 26, 2024

Permits Manual

PE-301: New or Relocated Utility Facilities

- New or relocated utilities installed longitudinally shall
  - Be located behind the ditch and toe of slope as near to the edge of right of way as practical
  - Or in designated utility strips
- Shall NOT
  - Be installed longitudinally under pavement, shoulder areas, or ditches
- New pole lines installed longitudinally **shall** be located outside the clear zone.
- Utilities, other than storm sewers, **shall not** be placed in medians
- With certain restrictions, utilities are permitted to cross any roadway.
- When practical, facilities shall cross perpendicular to the highway alignment and **preferably, under the highway**.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-301: Existing Longitudinal Utilities Located Underground Inside of Ditches

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

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-301: Entrance Treatments

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

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-301: Restoration of Right of Way

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

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-301: Frontage Rights Requirements

- **If an application is made to install an encroachment on Department right of way extending in front of the property of others**, the signature of the owners stating their approval or a copy of the recorded easement shall be attached to the application before a permit is issued.
- This requirement shall be waived when the applicant/permittee is a governmental agency or public utility company installing facilities to serve the public.
- **When a governmental agency or public utility company applies for permits to install private facilities not intended to serve the community, it is subject to the frontage rights requirement.**

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-301: Emergency Work

- To expedite opening of a state route in an emergency, temporary exceptions may be granted for utility pole and appurtenances, loading standards, and splices.
- Once the emergency work is complete, utility owners shall begin the permitting process to remove all temporary material within Department right of way and to reconstruct the utility facility to meet this policy.
- The utility owner shall adhere to the timeline set by the district for correction of emergency work.
- The Chief District Engineer (CDE) or designee has authority to decide if a situation is an emergency.
- For emergencies on interstate routes, the district shall notify Central Office Permits and Central Office Permits shall notify FHWA.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: New Longitudinal Utility Installations

- Utilities **shall not** be permitted to be installed longitudinally within the right of way of the interstate or other fully controlled access highways, unless supported by an engineering study prepared by a registered professional engineer that shows that the utility facility will **NOT**:
  - Adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.
  - Be constructed or serviced by direct access from through traffic roadways or connecting ramps.
  - Cause any stoppages to traffic during construction, operation, or maintenance of the facility.
  - Interfere with or impair the present use or future expansion of the highway.
- A new longitudinal utility facility **shall not** be permitted if a practical alternative location is available.

TEAM KENTUCKY
TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: Existing Overhead Utility Crossings

- Existing, properly permitted, overhead utility lines may be serviced or upgraded.
- A new permit is required each time work on right of way is proposed, and the proposed installation **shall meet** the following design criteria:
  - All spans within Department of Highways right of way **shall be** independent of any approach spans and shall be self-supporting.
  - Ancillary equipment **shall not** be installed on Department of Highways right of way.
  - **No** conductor splices shall be allowed within Department of Highways right of way.
  - Support structures for overhead utility lines shall not be on right of way, unless authorized by the State Highway Engineer and, when applicable, the Federal Highway Administration. If allowed, they shall be outside the clear zone as designated in the current edition of the AASHTO publication, Roadside Design Guide.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: Existing Overhead Utility Crossings

- A new permit is required each time work on right of way is proposed, and the proposed installation **shall meet** the following design criteria (cont.):
  - The vertical clearance of overhead utility lines shall be a minimum of 24 feet as measured from the surface of the travelled way and shoulders.
  - Stamped and signed engineering drawings of the crossing showing plan view and profile of the facility shall be submitted.
  - The plans shall include a statement that the facility, as proposed, meets National Electrical Safety Code Grade “B” – Heavy Loading standards and all Department permit requirements identified in the Kentucky Transportation Cabinet’s Permits Manual policy PE-302, Utilities – “Installations on Fully Controlled Access Highways.”

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: New Overhead Utility Crossings

- **The preferred method for new utility crossings on fully controlled access highways is underground.** However, new overhead utility crossings may be allowed if the utility owner can show the proposed facility will meet the criteria outlined for existing overhead crossings in this policy; and the proposed facility, as installed, is supported by an engineering study prepared by a registered professional engineer which details:
  - **No Adverse Effects**: Under normal operating conditions, the utility facility will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.
  - **Construction/Servicing**: The utility facility will not be constructed or serviced from the through traffic roadways or connecting ramps. Access to utility poles from the interstate right of way shall be executed as part of an approved Temporary Traffic Control Plan (TTCP).

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: New Overhead Utility Crossings

- **The preferred method for new utility crossings on fully controlled access highways is underground.** However, new overhead utility crossings may be allowed if the utility owner can show the proposed facility will meet the criteria outlined for existing overhead crossings in this policy; and the proposed facility, as installed, is supported by an engineering study prepared by a registered professional engineer which details (cont.):
  - **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 disruptions to traffic during construction, operation, or maintenance of the facility. Any proposed impact to traffic **shall be** planned and executed as part of an approved TTCP and scheduled at such times to minimize impact to traffic.
  - **No Interference**: The utility facility **will not** interfere with or impair the present use or future expansion of the highway.
  - **Alternative Location Not in the Public Interest**: A new overhead crossing shall not be permitted if a practical alternative location is available.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: Underground Utility Facilities

- Underground facilities **shall comply** with the following requirements:
  - Open trenching of underground utility facilities **shall not** be allowed within the clear zone.
  - Longitudinal installations of underground utilities **shall not** be located under pavement, shoulder areas, or ditches.
  - Valves, vents, drips, blow-oofs, etc., **shall be** located outside of right of way.
  - Upgrades, improvements, or modifications other than routine maintenance **shall be prohibited** for existing longitudinal facilities located underground inside of the ditches on right of way. The existing utility facilities shall be relocated from inside the ditches and installed in accordance with Department policy for new underground utility installations if they are to remain on right of way.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: Underground Utility Facilities

- Underground facilities **shall comply** with the following requirements (cont.):
  - Encasement of utility lines under the highway right of way is required except for the following:
    - Natural Gas/Petroleum Fraction lines
    - Electrical, cable, phone, fiber optic, and other such utility lines encased in conduit
  - Depth Requirements:
    - The minimum depth for underground electrical lines is 60 inches under roadways, ramps, and ditch lines. The minimum depth for underground electrical lines in all other areas is 42 inches, unless the National Electrical Safety Code requires additional depth.
    - The minimum depth for natural gas and petroleum fraction lines can be found in policy PE-304.
    - The minimum depth for all other underground utilities is 42 inches.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: Design Considerations & Construction Methods

- The following design considerations and construction methods **shall be** met:
  - Casing diameter **shall provide** a minimum of 4 inches between the inside of the casing pipe and the largest outside diameter of the carrier pipe (including bells) to allow for deflection of the casing pipe and installation of the casing spacers.
  - Adequate spacing **shall be** provided at the ends of the casing pipe to accommodate future pipe replacement.
  - The casing pipe shall have a minimum strength of 35,000 psi. The casing pipe shall meet specifications for American Water Works Association C200 for steel encasement. In locations where steel is not feasible, SDR 9 or thicker HDPE may be used. Other casing pipe material will be considered on a site-by-site basis.
  - Construction methods or materials shall limit voids in the roadway foundation.
  - **No bell or spigot pipe** or other pipe that does not have a uniform outside diameter shall be permitted in bored or augured installation unless they are encased.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-302: Fully Controlled Access Highways: Design Considerations & Construction Methods

- The following design considerations and construction methods **shall be** met (cont.):
  - The diameter of the bore **shall be** no more than one (1) inch larger than the outer diameter of the encasement. Larger bore diameters may be considered on a case-by-case basis, given that the proposed construction methods and materials are consistent with limiting voids in the roadway foundation.
  - When work is complete, all facilities **shall be** returned to the equivalent of their original condition.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways

- The requirements for non-fully controlled access highways area as follows:
  - **Overhead Requirements**: The Department of Highways (Department) shall designate which utilities shall be permitted to be installed overhead within the right of way. The vertical clearance of an overhead utility crossing on a non-fully controlled highway **shall be** a minimum of **18 feet**, but in no case shall the clearance be less than the requirements of the National Electrical Safety Code.
  - **Depth Requirements**: Exception to this policy shall be made only where the terrain is such that this requirement is proved to be impractical and where a lesser depth will not interfere with the highway maintenance or safety and is subject to approval by the State Highway Engineer.
    - The minimum depth for underground electrical lines is 60 inches under roadways, ramps, and ditch lines. The minimum depth for underground electrical lines in all other areas is 42 inches, unless the National Electrical Safety Code requires additional depth.
    - The minimum depth for natural gas and petroleum fraction lines can be found in policy PE-304.
    - The minimum depth for all other underground utilities is 42 inches under roadways, ramps, ditch lines, and all other areas.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways

- The requirements for non-fully controlled access highways area as follows (cont.):
  - **Utility Installations**: Utilities may be permitted longitudinally within, as well as across, the right of way limits, provided they do not interfere with the safe use of the roadway, median, and shoulder areas. Permitted utility installations **shall not** interfere with maintenance operations or aesthetics.
  - New or relocated utility facilities **shall not** be installed longitudinally under pavement, shoulder areas, or ditches.
  - Upgrades, improvements, or modifications other than routine maintenance **shall be prohibited** for existing longitudinal facilities located underground inside of ditches on right of way. The existing utility facilities **shall be** relocated from inside the ditches and installed in accordance with Department policy for new underground utility installations if they are to remain on right of way.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways

- The requirements for non-fully controlled access highways area as follows (cont.):
  - **Traffic Impact**: The utility facility shall not cause any disruptions to traffic during 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.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways: Encasement of Utilities

- The requirements for the encasement of utilities are as follows:
  - Encasement shall be required for any new water, sewer, or drainage pipe installation within Department right of way in which the following scenarios apply:
    - Crossing state highways
    - Crossing railroads, unless permitting requirements by other applicable agencies do not allow encasement
    - Water crossings, unless the District deems the location impractical for encasement due to terrain or permitting requirements by other applicable agencies do not allow encasement
    - Shallow depth of cover under any surface used by vehicles, such as under roadways, shoulders, local side streets, or entrances
    - Lack of adequate clearance from existing utilities, as required by the Kentucky Public Service Commission

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways: Encasement of Utilities

- The requirements for the encasement of utilities are as follows (cont.):
  - Encasement of utility lines may not be required for the following:
    - Natural Gas/Petroleum Fraction lines (PE-304)
    - Longitudinal lines outside the ditch line
    - Pipe crossings 2 inches or less in diameter, unless the District deems it necessary
    - Electrical, cable, phone, fiber optic, and other such utility lines encased in conduit
    - Replacement of existing water, sewer, or drainage pipe inside the edge of pavement where constructability or future maintenance access may be a concern, at the discretion of the District

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways: Design Considerations & Construction Methods

- The following design considerations and construction methods **shall be** met:
  - Casing diameter **shall provide** a minimum of 4 inches between the inside of the casing pipe and the largest outside diameter of the carrier pipe (including pipe bells) to allow for deflection of the casing pipe and installation of the casing spacers
  - Casing pipe **shall extend** from ditch line to ditch line for roadway crossings. **Exceptions** may be considered at the discretion of the District, to a minimum of 3 feet beyond edge or pavement back of curb on each side of the roadway.
  - In locations where Districts deem that the terrain makes it impractical to extend the casing pipe to the back of the ditch line, the casing pipe shall extend to the bottom of the slope
  - Adequate spacing **shall be** provided at the ends of the casing pipe to accommodate future pipe replacement
  - Both ends of the encasement pipe **shall be** closed with a removable watertight boot
  - The casing pipe shall have a minimum strength of 35,000 psi. The casing pipe shall meet specifications for American Water Works Association C200 for steel encasement. In locations where steel is not feasible, SDR 9 or thicker HDPE may be used. Other casing pipe material will be considered on a site-by-site basis

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-303: Installations on Non-Fully Controlled Access Highways: Design Considerations & Construction Methods

- The following design considerations and construction methods **shall be** met (cont.):
  - Construction methods or materials **shall limit voids** in the roadway foundation
  - **No bell or spigot pipe** that does not have a uniform outside diameter shall be permitted in bored or augured installation unless they are encased
  - The diameter of the bore **shall be** no more than one (1) inch larger than the outer diameter of the encasement. Larger bore diameters may be considered on a case-by-case basis, given that the proposed construction methods and materials are **consistent with limiting voids** in the roadway foundation
  - When work is complete, al facilities **shall be** returned to the equivalent of their original condition

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-305: Bridge Installations

- The Department of Highways (Department) may grant approval of utility installations on bridges **only** when extensive engineering and economic research show that all other means of accommodating the utility are impractical.
- Proposed utility installations on bridges shall be reviewed by the district bridge engineer and the Central Office Division of Maintenance's Bridge Preservation Branch.
- **Unless an exception is granted** by the State Highway Engineer and, when applicable the Federal Highway Administration, 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.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-305: Bridge Installations: Requirements

- For all requests to install utilities on bridges, the following requirements shall apply:
  - In no case shall the highway interest be compromised or sacrificed for the positioning of a utility that would deny or complicate access to any portion of the bridge for repairs or maintenance.
  - All permanent installations shall be placed below the elevation of the bridge floor, when possible. Only where necessary for maintenance of the utility shall installations be permitted on the outside of beams or girders. In this event, the utility shall be located underneath the curb or sidewalk. Emergency temporary permits to the contrary will expire one year from the date of issuance and are not renewable.
  - Utilities shall not be permitted to be installed through the back walls of abutments under approach pavements to bridges at elevations above the elevation of the bridge seat.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-305: Bridge Installations: Requirements

- For all requests to install utilities on bridges, the following requirements shall apply (cont.):
  - 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 installation 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.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-305: Bridge Installations: Requirements

- For all requests to install utilities on bridges, the following requirements shall apply (cont.):
  - 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.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-305: Bridge Installations: Review By Central Office Bridge Maintenance

- All requests for utility installations on bridges shall be subject to review by Central Office Bridge Maintenance. At minimum, the applicant shall supply sufficient details in the submittal for evaluation of the following criteria:
  - Weight: Proposed additional weight shall not cause the bridge to be posted for load restriction.
  - Attachment: No drilling, welding, or torch cutting on beams shall be permitted.
  - Corrosion: Proposed attachment components shall each provide a suitable method of corrosion inhibition, such as galvanization, epoxy-coating, or stainless steel.
  - Access: Proposed attachment shall not significantly impede inspection or maintenance access.

TEAM KENTUCKY TRANSPORTATION CABINET

Permits Manual (cont.)

PE-305: Bridge Installations: Annual Maintenance Inspection

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

PE-305: Bridge Installations: Immediate Repairs

- If the district discovers gas or water leaks, electrical transmission deficiencies, or any other problem that requires immediate attention, repairs shall be requested of the utility owner.
- If the utility company fails to act within the specified time allowed, the district shall request that district office legal counsel send the permittee a legal notice. The legal notice should advise the permittee that if necessary repairs are not made immediately, the Department shall revoke the permit and the utility shall be removed at the owner's expense.

TEAM KENTUCKY TRANSPORTATION CABINET

Telecommunication / Broadband Permits

- The Broadband provider (applicant) shall apply for an encroachment permit with the Kentucky Transportation Cabinet (KYTC) to perform work on State right-of-way.
- The application for the permit shall be submitted to the appropriate District Office Permit Engineer.
- The District Permit Engineer should be contacted prior to the application submittal to discuss specifics related to the District's requirements.
- If the broadband installation is an Office of Broadband Development (OBD) designated project; the District Permit Engineer should be made aware at the earliest opportunity. Include a note with the initial permit application stating as such.

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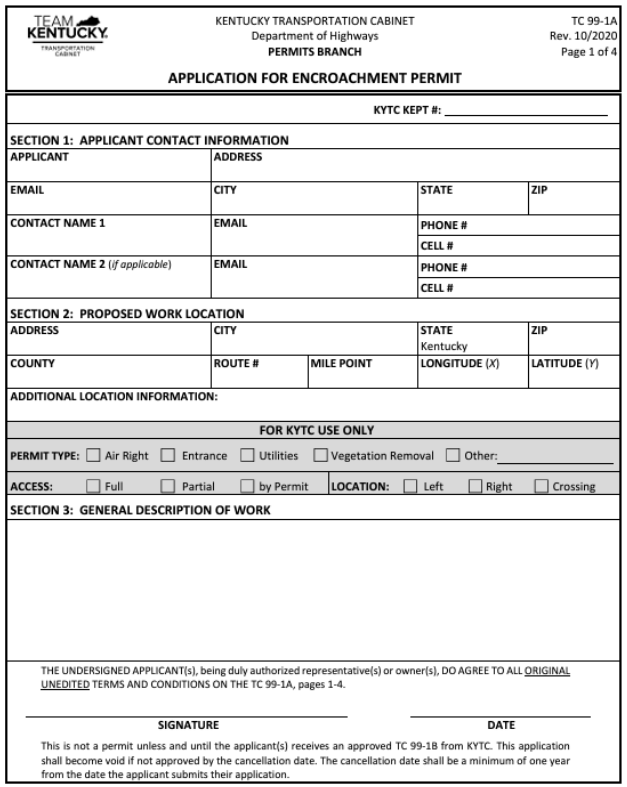
TRANSPORTATION CABINET

Telecommunication / Broadband Permits

- Complete the Form TC99-1(A) Application for Encroachment Permit



TEAM KENTUCKY TRANSPORTATION CABINET

KENTUCKY TRANSPORTATION CABINET
Department of Highways
PERMITS BRANCH

TC 99-1A
Rev. 10/2020
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APPLICATION FOR ENCROACHMENT PERMIT

KYTC KEPT #: _____

SECTION 1: APPLICANT CONTACT INFORMATION

APPLICANT	**ADDRESS**		
EMAIL	**CITY**	**STATE**	**ZIP**
CONTACT NAME 1	**EMAIL**	**PHONE #**	
		CELL #	
CONTACT NAME 2 (*if applicable*)	**EMAIL**	**PHONE #**	
		CELL #	

SECTION 2: PROPOSED WORK LOCATION

ADDRESS	**CITY**		**STATE** Kentucky	**ZIP**
COUNTY	**ROUTE #**	**MILE POINT**	**LONGITUDE** (*X*)	**LATITUDE** (*Y*)

ADDITIONAL LOCATION INFORMATION:

FOR KYTC USE ONLY

PERMIT TYPE: ☐ Air Right ☐ Entrance ☐ Utilities ☐ Vegetation Removal ☐ Other: _____

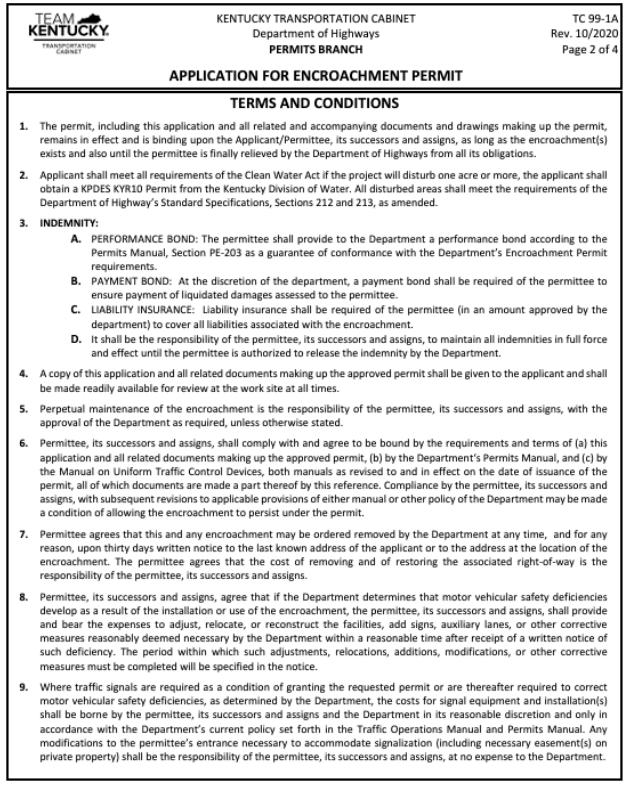
ACCESS: ☐ Full ☐ Partial ☐ by Permit **LOCATION:** ☐ Left ☐ Right ☐ Crossing

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.



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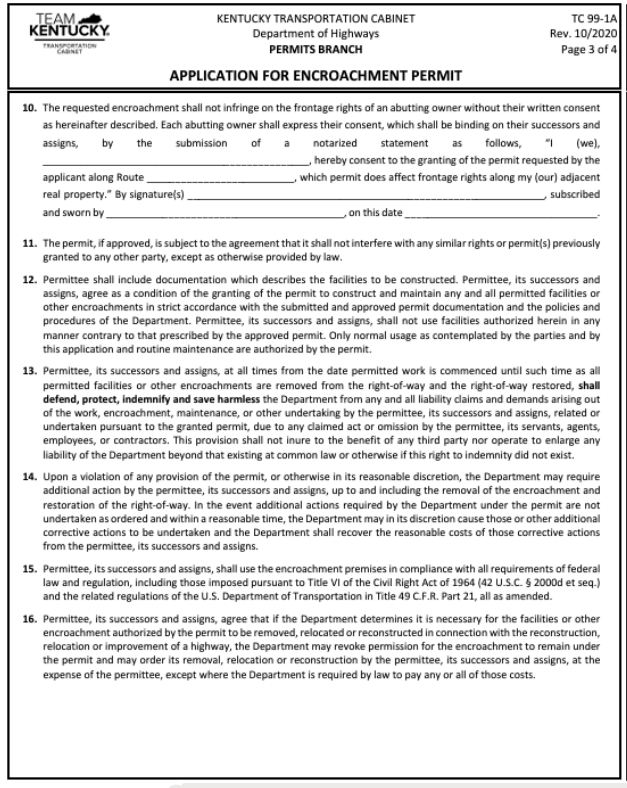
APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
   - **A.** PERFORMANCE BOND: The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
   - **B.** PAYMENT BOND: At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
   - **C.** LIABILITY INSURANCE: Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
   - **D.** It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
4. A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.
5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.
9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.



TEAM KENTUCKY TRANSPORTATION CABINET

KENTUCKY TRANSPORTATION CABINET
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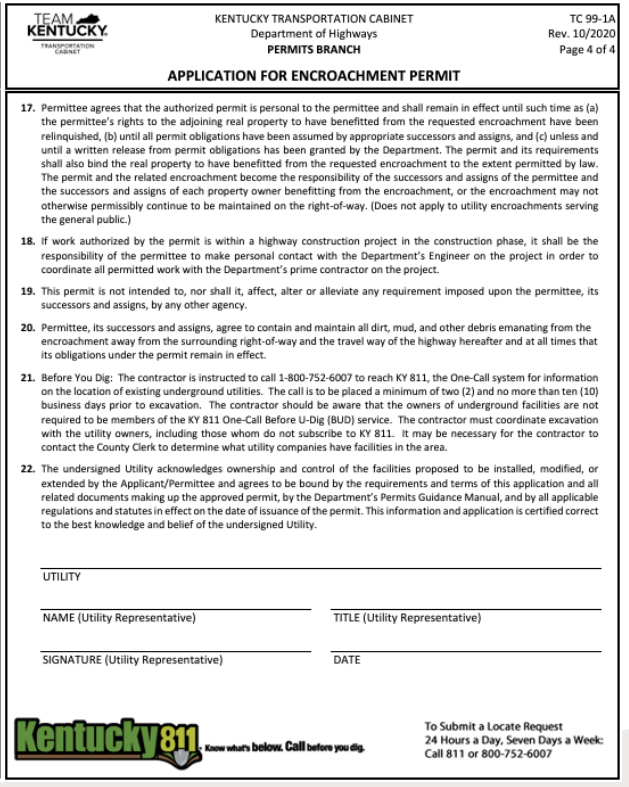
APPLICATION FOR ENCROACHMENT PERMIT

10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, "I (we), _____, hereby consent to the granting of the permit requested by the applicant along Route _____, which permit does affect frontage rights along my (our) adjacent real property." By signature(s) _____, subscribed and sworn by _____, on this date _____.
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.
12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.
13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, **shall defend, protect, indemnify and save harmless** the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.
15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.
16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.



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PERMITS BRANCH

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APPLICATION FOR ENCROACHMENT PERMIT

17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.
21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.
22. The undersigned Utility acknowledges ownership and control of the facilities proposed to be installed, modified, or extended by the Applicant/Permittee and agrees to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department's Permits Guidance Manual, and by all applicable regulations and statutes in effect on the date of issuance of the permit. This information and application is certified correct to the best knowledge and belief of the undersigned Utility.

_____
UTILITY

_____ _____
NAME (Utility Representative) TITLE (Utility Representative)

_____ _____
SIGNATURE (Utility Representative) DATE

Kentucky 811 Know what's below. Call before you dig.

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

Telecommunication / Broadband Permits

- Provide Construction Plans:
  - Include detailed drawings indicating the proposed location of the fiber optic cable with respect to the right-of-way and edge of existing pavement, lines indicating underground bores or ariel installation (longitudinal or roadway corssings)
  - Applicable Standard Drawings
  - General Construction Notes
  - Plan Title Sheet that includes Area & Route Maps
  - Contact Information
  - Drawing Index
  - Etc.
  - All Plans should be stamped and signed by a Professional Engineer with current registration in KY.
- Provide Traffic Control Plan (TTCP):
  - Include applicable drawings from the Manual for Uniform Traffic Control Devices (MUTCD)
  - Include KY Standard Drawings

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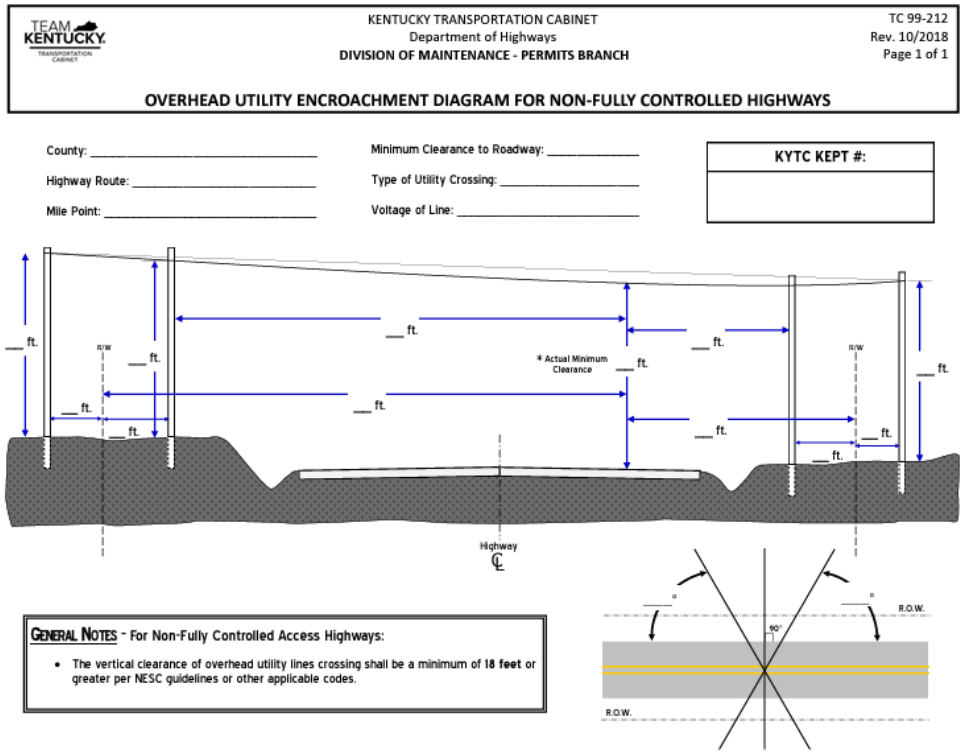
Telecommunication / Broadband Permits

- Complete Form TC99-212 Overhead Utility Encroachment Diagram



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OVERHEAD UTILITY ENCROACHMENT DIAGRAM FOR NON-FULLY CONTROLLED HIGHWAYS

County: _____
Highway Route: _____
Mile Point: _____

Minimum Clearance to Roadway: _____
Type of Utility Crossing: _____
Voltage of Line: _____

KYTC KEPT #:

GENERAL NOTES - For Non-Fully Controlled Access Highways:

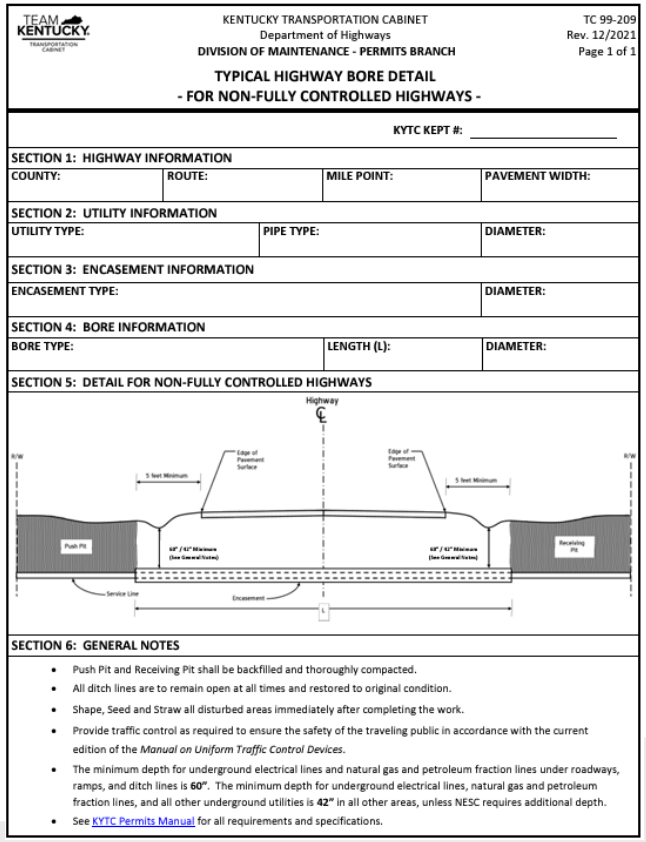
- The vertical clearance of overhead utility lines crossing shall be a minimum of **18 feet** or greater per NESC guidelines or other applicable codes.

or site specific drawing indicating overhead clearances, pole locations.

Telecommunication / Broadband Permits

- Complete Form TC99-209 Typical Highway Bore Details

or site specific drawing indicating depth of bore (42” minimum), location of bore pit.



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TYPICAL HIGHWAY BORE DETAIL
- FOR NON-FULLY CONTROLLED HIGHWAYS -

KYTC KEPT #: _____

SECTION 1: HIGHWAY INFORMATION

COUNTY:	ROUTE:	MILE POINT:	PAVEMENT WIDTH:

SECTION 2: UTILITY INFORMATION

UTILITY TYPE:	PIPE TYPE:	DIAMETER:

SECTION 3: ENCASEMENT INFORMATION

ENCASEMENT TYPE:	DIAMETER:

SECTION 4: BORE INFORMATION

BORE TYPE:	LENGTH (L):	DIAMETER:

SECTION 5: DETAIL FOR NON-FULLY CONTROLLED HIGHWAYS

SECTION 6: GENERAL NOTES

- Push Pit and Receiving Pit shall be backfilled and thoroughly compacted.
- All ditch lines are to remain open at all times and restored to original condition.
- Shape, Seed and Straw all disturbed areas immediately after completing the work.
- Provide traffic control as required to ensure the safety of the traveling public in accordance with the current edition of the *Manual on Uniform Traffic Control Devices*.
- The minimum depth for underground electrical lines and natural gas and petroleum fraction lines under roadways, ramps, and ditch lines is **60”**. The minimum depth for underground electrical lines, natural gas and petroleum fraction lines, and all other underground utilities is **42”** in all other areas, unless NESC requires additional depth.
- See KYTC Permits Manual for all requirements and specifications.

Telecommunication / Broadband Permits

Common issues during permits process:

- Delays by District in their review and recommendations in the KEPT Approval Workflow process.
- Waiting on revised plans from the applicant after they have been sent a letter from KYTC requesting additional information or changes to the plans.
- For utility crossings along Interstate routes; FHWA final approvals can cause delays.

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Telecommunication / Broadband Permits

Common issues during installation:

- Installation of the fiber optic cable in a different location than shown on the plans:
  - Too close to edge of pavement (under shoulders, under the ditch line)
  - Not within the last five (5) feet of right-of-way; when possible
  - Not maintaining proper depth (less than 42” minimum)
- Improper traffic control
- Tracking of mud on pavement
- Not maintaining good communication between the District and permittee / contactors related to their proposed work schedule (location and time of day)

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Telecommunication / Broadband Permits

Steps to help the process:

- KYTC reviews and correspondence should be completed in a timely manner.
- Save time and effort during the permitting process with good communication between KYTC and the permit applicant.
- Close communication between the applicant and their representative (consultant) with KYTC's District Permit Engineer is essential to ensure the minimum amount of possible or potential delays during the permitting process.

Communication is the key.

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Questions?

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Kentucky Transportation Cabinet: Division of Maintenance – Permits Branch

KYTC Permits Branch Homepage

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

KYTC Permits Contact Information

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

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