



Terms and Conditions Relating to Right-of-Way Occupancy Permits

2015 Edition



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**TERMS AND CONDITIONS
RELATING TO
RIGHT-OF-WAY OCCUPANCY
PERMITS**



**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

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I

DEFINITIONS

All Right-of-Way Occupancy Permits issued by the Department of Transportation to private or publicly-owned facilities, relating to approaches, intersections, poles, wires, cables, overhead structures, pipes, conduits, manholes, miscellaneous facilities, railroad crossings, and minor work is subject to all of the terms and conditions, except as otherwise specifically provided on page 2 of the permit.

For the purposes of this permit, the following definitions will apply:

1. AASHTO: American Association of State Highway and Transportation Officials
2. ADA: Americans with Disability Act
3. ADT: Average Daily Traffic
4. ANSI: American National Standards Institute
5. Backfill: The material to be placed in a trench from the bottom of the pipe to the bottom of type 2 base as per State Standards
6. BMPs: Best Management Practices
7. CFR: Code of Federal Regulations
8. CGP: Stormwater Construction General Permit
9. CWA: Clean Water Act
10. Clear Zone: The total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry, in accordance with the AASHTO Roadside Design Guide
11. Control of Access: The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority
12. Department: The State of Nevada, Department of Transportation
13. District Engineer: The senior officer of an engineering district of the Department or an authorized representative in whose district the activities contemplated by the permit occur
14. EPA: Environmental Protection Agency
15. FEMA: Federal Emergency Management Agency
16. FHWA: Federal Highway Administration
17. Licensed Engineer: Means a person who by reason of his professional education and practical experience is granted a certificate of registration by the Nevada Board of Professional Engineers and Land Surveyors to practice professional engineering

18. MUTCD: Manual on Uniform Traffic Control Devices
19. NAC: Nevada Administrative Code
20. NCHRP 350 Compliance: National Cooperative Highway Research Program - A standard set by AASHTO and FHWA for the use of roadside hardware, including some work zone hardware
21. NDEP: Nevada Division of Environmental Protection
22. NDPES: National Pollutant Discharge Elimination System
19. NESC: National Electrical Safety Code
20. Noxious Weeds: Means any living stage, such as seeds and reproductive parts, of any parasitic or other plant of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock or poultry or other interest of agriculture, including irrigation or navigation, or the fish or wildlife resources of the United States or the public health
21. NRS: Nevada Revised Statutes
22. Permit: Right-of-Way Occupancy Permit issued pursuant to the provisions of NRS 408.423, NRS 408.210 and NAC 408
23. Permittee: The corporation(s), person(s), entities(s), or their agent(s) to whom this permit may be issued
24. RCP: Reinforced Concrete Pipe
25. Roadway Prism: A general term denoting the cross sectional elements of a highway including the side slopes, structural section and depth of the base and surface, and roadside features such as curb, gutter, sidewalk and guardrail
26. Standard Plans for Road and Bridge Construction: Most recent editions of the Department Standard Plans, which incorporates the most recent revisions
27. Standard Specifications for Road and Bridge Construction: Most recent editions of the Department Standard Specifications, which incorporates the latest revisions and pull sheets
28. SWPPP: Stormwater Pollution Prevention Plan
29. Terms and Conditions: Standards for permit work

**TERMS AND CONDITIONS
RELATING TO RIGHT-OF-WAY OCCUPANCY PERMITS**

II GENERAL REQUIREMENTS REGARDING PREPARATION AND SUBMISSION

1. Fees

Fees will be charged for the processing of Right-of-Way Occupancy Permit applications as authorized by NRS 408.423. The fees are non-refundable once processing of the Right-of-Way Occupancy Permit application has commenced, even if the permit application is denied or subsequently withdrawn, or if issued and subsequently revoked. In the event a permit is issued but the encroachment is not constructed within the prescribed period, the permit will be revoked and a new processing fee required for reapplication.

Permit Category	Description	Minimum Fee
IA.	Underground and Aerial installations, including but not limited to gas, sewer, electric lines, water lines, storm drains, traffic signal appurtenances, street light circuits, electrical, fire alarm cables (for telecommunication fees see Section 2.) Less than 2.5 miles	\$ 600.00
IB.	2.5 miles to 5 miles.....	\$1,000.00
IC.	Greater than 5 miles The Department will charge and collect a fee in an amount equal to the cost incurred by the Department to review an application for an occupancy permit and inspect the installation of Underground and Aerial facilities. The utility shall submit the fee to the Department not later than fifteen days after the utility receives a notice from the Department, by a certified mail, setting forth the amount of the fee. If, upon the completion of the installation, the Department determines that the amount of the fee collected was:	
	1) More than the cost incurred by the Department, the Department will refund to the utility the amount by which the fee exceeded the cost; or	
	2) Less than the cost incurred by the Department, the department will send the utility, by certified mail, a notice setting forth the amount by which the cost exceeded the fee. The utility shall submit the amount set forth in the notice not later than fifteen days after the utility receives the notice.	
II.	Highway access approach or driveway for single family residences (less than 100 ADT), sidewalks, residential landscaping, minor revisions	\$ 50.00
III.	Highway access approach or driveway for two to ten residences (less than 100 ADT), sidewalks, residential landscaping, minor revisions	\$ 500.00
IV.	Highway access approach or driveway for commercial traffic and access opening in conjunction with sidewalks, landscaping and minor drainage revisions that does not require a traffic impact study	\$ 500.00*

- V. Permits related to subdivision or commercial developments which require a traffic impact study or hydraulic study including but not limited to roadway widening, turning lanes, acceleration-deceleration lanes, curbs, gutters, sidewalks, drainage structures, approaches, street lights, traffic signals, adjustment of roadway safety features..... \$1,000.00*
- VI. Miscellaneous, including but not limited to commercial landscaping, bike paths, awnings, fences, residential service connection on same side of highway outside of oil \$ 100.00*
- VII. Telecommunications – the installation of any line, fiber, wire, conduit, interduct, access manhole, handhole, tower, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, system or device of a provider of telecommunications or a community antenna television company that is used to transmit, receive, produce or distribute a wireless, wireline, electronic or optical signal for communication..... Fees vary

* Additional fees for required review by NDOT headquarters divisions including Archaeology, Design, Geotechnical, Landscape, Hydraulics, Structural, Right-of-Way and others will be assessed on in-depth or complicated applications.

- Note: 1. An assessment equal to fifty percent (50%) of the permit fee will be charged for any application that is substantially amended by the applicant. In this instance, “Substantially amended” shall include but not be limited to; “a change in the alignment, a change in the construction or the closure of lane/lanes if not previously specified in the original application. The ultimate decision will be up to each District Engineer however; if a Permittee feels that the District Engineer has made an error in his determination, the Permittee will be allowed to appeal this decision to the director.
2. NDOT will grant at no cost a one-time extension of six (6) months to complete the installation/construction approved in the encroachment permit. Future extensions will require a new application and fee, however, NDOT will have the discretion to waive an application fee for an extension of time if there are no changes in the proposed project or in the proposed alignment submitted by the applicant that would cause significant time for staff to review.

Any permit, regardless of the category, requiring an abnormal amount of engineering, technical review, or inspection may be charged actual cost based on the Department's direct and related indirect costs. This may include the hiring of field inspectors, contracting the reviews, etc. The PERMITTEE may be required to contract for on-site inspectors from a list of pre-qualified contractors, which may be furnished by the Department.

Local governmental entities including general improvement districts, water districts, etc. when incorporated by an act of the State legislature) and other state agencies, when working on their own systems, and not performing work necessitated by or on behalf of a private development, are exempt from the fees. It is the responsibility of the PERMITTEE to demonstrate its qualification for exemption when questions arise.

All encroachment permits may be required to be submitted in English (Imperial Units).

Initial contact will be made and completed applications with the appropriate fees will be submitted to the appropriate District Engineer. For large projects, preliminary review by the appropriate District is encouraged. Where early reviews are indicated, the following NDOT organizations should normally be involved: Districts, Hydraulics, Traffic, Bridge, and Roadway Design. Other divisions may be included as necessary.

2. Telecommunication fees

The following are fees for the Nevada Department of Transportation to process application for telecommunication facilities in state highway right-of-way pursuant to NAC 408 (effective 11/1/01):

New facilities less than two and one half (2 ½) miles in length

- 7A. For the reviewing of an application, for an occupancy permit and inspecting the installation of a telecommunications facility, that is not more than two and one-half mile in length, a fee of \$600.00, \$175.00 of which is not refundable. The \$175.00 non-refundable application fee must accompany the application. The remainder of the fee is due and payable upon the delivery of the occupancy permit.

New facilities greater than two and one half (2 ½) miles, but less than five (5) miles in length

- 7B. For the reviewing of an application, for an occupancy permit and inspecting the installation of a telecommunications facility which is more than two and a half miles but less than five miles in length, a fee of \$1,000.00, \$375.00 of which is not refundable. The \$375.00 non-refundable application fee must accompany the application. The remainder of the fee is due and payable upon the delivery of the occupancy permit.

New and existing facilities five miles in length or longer

- 7C. The Department will charge and collect a fee in an amount equal to the cost incurred by the Department to review an application for an occupancy permit and inspect the installation of a telecommunications facility or the changes to a telecommunications facility for which an occupancy permit has been issued by the Department and which is more than five miles in length. The fee shall be calculated at \$1,000 for the first five miles and \$600 for each additional two (2) miles or portion thereof. (For example, if an applicant has a seven-mile project in which they will be installing new fiber optics, the deposit that will be required at the time of submission would be \$1,600 (\$1,000 for the first five (5) miles and \$600 for the additional two (2) miles). The deposit must accompany the occupancy permit application. If, upon the completion of the installation of or change to the telecommunications facility, the Department determines that the amount of the fee collected was:
- 1) More than the cost incurred by the Department, the Department will refund to the utility the amount by which the fee exceeded the cost; or
 - 2) Less than the cost incurred by the Department, the Department will send the utility, by certified mail, a notice setting forth the amount by which the cost exceeded the fee. The utility shall submit the amount set forth in the notice not later than fifteen days after the utility receives the notice.

Annual occupancy permits

- 7D. For the reviewing of an application for an annual occupancy permit, a fee of \$9,500.00, \$500.00 of which is not refundable. The \$500.00 non-refundable application fee must accompany the application. The remainder of the fee is due and payable upon the delivery of the occupancy permit.

Existing Facilities less than five miles in length

- 7E. For the reviewing of an application for an occupancy permit and inspecting the change to a telecommunications facility, for which an occupancy permit has been issued by the Department and which is not more than five miles in length, a fee of \$500.00, \$125.00 of which is not refundable. The \$125.00 non-refundable application fee must accompany the application. The remainder of the fee is due and payable upon the delivery of the occupancy permit.

Miscellaneous

- 7F. For reviewing an application for an occupancy permit and inspecting the installation of a telecommunications facility that is a residential service connection on same side of highway outside of oil, a fee of \$100.00 will be collected at the time the application is submitted.

Additional fees

- A. In addition to the fees for new and existing facilities less than five miles in length, the Department may charge and collect a fee in an amount equal to but not more than ten percent (10%) of the published fee if the Department determines that the cost to review an application for an occupancy permit and inspect a telecommunications facility of the utility is more than the amount of the fee charged and collected pursuant to the published fee.

NOTE: All non-refundable fees must be collected at the time of submission of the application. If a permit is approved, the remainder of the fee must be paid at the time the permit is picked up.

3. Plans

The PERMITTEE must attach four complete sets of detailed plans, drawings or maps for each permit, with additional sets required if construction is scheduled at night and/or FHWA approval is required. Permits (except Category III, i.e., residential driveways and minor improvements, at the discretion of the District Engineer) will not be processed without detailed plans reviewed and stamped by a Licensed Engineer in the State of Nevada. The plans, at the discretion of the District Engineer, must, at a minimum, show:

- A. The highway alignment, including centerline, and right-of-way lines, mileposts and highway NDOT engineering stationing, in relation to the proposed work;
- B. Color coding (with legend) showing the facilities to be installed (red), removed, abandoned and/or adjusted (green), and existing facilities (blue);
- C. Directional orientation, i.e., north arrows, tangent bearings, etc., drawn to engineering or architectural scale;
- D. Vicinity Map (location sketch) with section, township and range for proposed work;

- E. Highway right-of-way widths, boundaries, relevant property lines, adjacent and opposite property approaches and significant topographic features;
- F. Profile or cross section drawings indicating the proposed overhead utility or underground utility or drainage installations in relation to the highway.

4. Traffic Control Plan

A traffic control plan, at the discretion of the District Engineer may be required. A traffic control plan must be submitted prior to commencement of work when one is required. The traffic control plan must show the location of signs, barricades, certified flaggers, lane restrictions, hours of operation and other pertinent devices to protect the motoring and pedestrian traffic during construction in accordance with the Department Standard Plans, MUTCD, and as required by the District Engineer. The traffic control plans will be prepared and signed by American Traffic Safety Services Association Traffic Control Supervisor or a Professional Traffic Operations Engineer, Certified by the Institute of Transportation Engineers who will include his certification number.

Guidelines for submittal of Traffic Control Plans are as follows:

- A. The Traffic Control Plan will be of an adequate size and quality to clearly show:
 - 1) Driveways, alleys, cross streets, sidewalks, parking areas, parking meters and other roadway features which may be affected by the traffic control devices;
 - 2) Lane configurations of the affected streets and driveways including dimensions such as lane widths, left turn pocket lengths, etc;
 - 3) Posted speed limits;
 - 4) Existing traffic control devices;
 - 5) Traffic control plans need not be drawn to scale but must include dimensions of all aspects of traffic control including, but not limited to, construction area, transition areas, delineator spacing, sign spacing and lane widths;
 - 6) The permit number (if applicable);
 - 7) The traffic control plan shall include "UTILITY WORK AHEAD" signs on all permits associated with utility installation.
- B. The Traffic Control Plan will include the name and phone number of a responsible person who will be available twenty-four (24) hours a day, seven (7) days a week to correct any deficiencies.

5. Traffic Impact Study

A traffic impact study is required for all driveway and/or street permits, which serve major traffic generators, in accordance with the Department's Access Management System and Standards. The Traffic Impact Study for major traffic generators (100 or more vehicles per hour {vph} generated during peak hours) will be required and will contain the requirements set forth in Appendix "A," which is made a part hereof.

Those developments that generate less than 100 vph and contribute to congested or high accident areas may be required, at the discretion of the District Engineer, to complete a Traffic Impact Study, which will contain the requirements set forth in Appendix "A".

The study will be prepared by and contain the seal of a Licensed Engineer.

6. Drainage Requirements

The Drainage Information Form in Appendix "B" must be submitted with the permit. A drainage report will be required for any development or construction impacting drainage within the highway right-of-way and must be prepared in conformance with the policies, criteria and guidelines outlined in the latest version of the Department's Drainage Manual, unless waived at the discretion of the District Engineer. The Department's Hydraulics section should be contacted early in the design process regarding any questions relating to drainage design issues affecting Department right-of-way.

It is the responsibility of the PERMITTEE to comply with the following from the Department's general drainage policy:

- A. Existing natural and manmade drainage patterns within Department right-of-way shall be perpetuated to the extent possible;
- B. Flows up to the 100-year event must not be diverted into or obstructed from leaving Department right-of-way. This includes flows generated outside and within Department right-of-way;
- C. Department right-of-way must be protected from potential storm water damage due to the encroachment/development;
- D. The encroachment/development shall not unreasonably increase the rate of flows entering Department right-of-way;
- E. Construction of hydraulic facilities within Department right-of-way is not allowed unless direct benefit to Department and the general public is demonstrated by the PERMITTEE;
- F. The encroachment/development drainage design shall have no adverse hydraulic impact to Department right-of-way or to the traveling public;
- G. Construction of new facilities or modification of existing drainage structures within Department right-of-way shall be in compliance with current Department Standard Plans and Specifications;
- H. Proposed drainage facilities shall not be in conflict with applicable FEMA regulations or with existing and proposed local drainage master plan facilities;
- I. Existing drainage facilities shall not be decreased in size;
- J. Permanent utility service pipes (see Section IV, 1) shall not be placed inside culverts used as drainage structures. Temporary service pipe(s) (which will remain in place less than six months) will only be allowed inside culverts insofar as significant drainage concerns do not result;

- K. Design of new facilities shall consider potential impacts of future development of the contributing basin. The drainage design and runoff calculations for any facilities located within Department right-of-way shall meet current Department drainage policies, criteria and guidelines. With adequate written justification, it may be acceptable to follow locally developed and adopted drainage design criteria in lieu of Department criteria. Local community criteria may only be used for Department roadways classified as "Other Principal Arterial" or lower and with the approval of the Department Chief Hydraulic Engineer.

Peak flow rates to Department drainage facilities shall be determined for pre- and post-development conditions. The encroachment/development shall not increase flows to Department facilities up to the facility design return frequency (see Department Drainage Manual) unless it is demonstrated that Department facilities are capable of handling the increased flow rates and neither the Department nor adjacent property owners are adversely impacted as a result of increased flows. Onsite detention is recommended. It must also be demonstrated that the encroachment/development will not substantially aggravate 100-year flow conditions within Department right-of-way. Mitigation must be provided as necessary.

The Department reserves the right to modify or revise drainage policy and encroachment permit application terms and conditions as necessary.

6.1 Drainage Report

A completed Drainage Information Form (see Appendix "B") shall be submitted with all Department right-of-way encroachment permit applications. This form must be signed and sealed by a Licensed Engineer. This form serves as a conceptual drainage study and will guide the PERMITTEE to determine if a comprehensive drainage study is needed for the encroachment.

A report including stamped final plans and drainage calculations shall be submitted for any development or construction that impacts flows to or within Department right-of-way.

The drainage report shall include the following:

- 1) Department Drainage Information Form;
- 2) A general statement explaining the nature of the encroachment, its impacts to Department right-of-way, and the reason for the proposed encroachment;
- 3) Analysis of pre and post-development drainage conditions within the development and Department right-of-way supported by any necessary calculations and figures;
- 4) Hydrologic analysis for the drainage basin(s) that impacts the proposed development/encroachment and Department right-of-way, including a table comparing pre- and post-development flow conditions in Department right-of-way;
- 5) Hydraulic analysis for all hydraulic appurtenances within the development that will impact Department right-of-way;
- 6) Hydraulic analysis for all existing hydraulic appurtenances within Department right-of-way impacted by the development/encroachment, including a table comparing the performance of these facilities for pre- and post-development flow conditions;

- 7) Impacts of development/encroachment on properties upstream and downstream of Department right-of-way;
- 8) Impacts of development/encroachment on existing and planned regional drainage facilities (if any);
- 9) Applicable design procedures and criteria;
- 10) Existing Department contract plan sheet(s) highlighted showing location of encroachment with Department right-of-way clearly identified;
- 11) Final plans including grading (existing and proposed topography extending a minimum 100 feet past the project limits) and drainage plans and special details for any nonstandard facilities.

The submitted report shall include assumptions, discussions, calculations, plans, special details, and other pertinent information leading to the design of proposed channels, culverts, detention basins, bridges, and other drainage structures within or affecting Department right-of-way. The consultant is responsible for verification and acceptance of all background information, design calculations, and conclusions included in the drainage report.

The report must be signed and sealed by a Licensed Engineer registered in the state of Nevada.

7. Cultural Resources Survey

Those encroachments requiring compliance with cultural resources preservation regulations must have a cultural resource survey and/or project effect recommendations attached to the permit.

The Department's District offices have a listing of those portions of the existing right-of-way, which have been surveyed for cultural resource sites. The Department's Chief Archeologist is available to assist with the compliance process.

8. Approval from Other Public Agencies

The PERMITTEE, in addition to obtaining the Right-of-Way Occupancy Permit, must also obtain any and all other permits required by Federal and State law or local ordinances.

PERMITTEE will obtain and abide by any and all environmental permits applicable under, but not limited to, the "Clean Air Act", the "Clean Water Act" and "Endangered Species Act".

III GENERAL PROVISIONS

1. Acceptance of Provisions and Completion Time

The performance of ANY work contemplated by this permit will constitute an acceptance by the PERMITTEE of ALL the provisions and terms of this permit and ALL work will be prosecuted diligently. ALL work authorized by this permit will be completed within one year from the date of issuance hereof, or this permit will be revoked; except upon written request, the PERMITTEE may be given, at the discretion of the District Engineer, an extension.

2. Permittee Will Be Liable for Damages

Subject to and including NAC 408.4418 and 408.442, the PERMITTEE shall indemnify, defend and save harmless the State of Nevada, its agencies, its officers, employees, agents, and contractors (hereinafter "INDEMNITEES) from and against any and all demands, liens, liabilities, actions and causes of actions, suits for damages, at law or in equity, claims of any character, liability, loss, damage, costs, attorneys' fees and expense which the INDEMNITEES may incur, suffer, or be required to pay by reason of, and or based upon, death, disease, or bodily injury to any person or persons, or injury to, destruction of, or loss of use of any property, real or personal, including property belonging to the State of Nevada, arising out of or incident to activities contemplated by or performed under this permit due to any error, negligence, act or omission of the PERMITTEE, including but not limited to, any negligent operation of the PERMITTEE, any defective materials, any negligent safeguarding of work and/or any negligent design of the permitted work, even if proximately caused, in whole or in part, by any act, omission, or negligence of the INDEMNITEES, unless it is established by the PERMITTEE, in a court of competent jurisdiction, that the proximate cause was the willful misconduct or gross negligence of the INDEMNITEES. The sums for which the PERMITTEE indemnifies INDEMNITEES, in the event of any claim or action, shall include, but is not limited to, the amounts of any judgment, settlement, court costs, litigation expenses, witness fees, expert witnesses fees, and attorney fees.

3. Subject to Prior and Subsequent Permits and Department Projects

This permit is issued subject to all prior valid and existing permits (whether constructed or not), agreements, contracts, leases, licenses, liens, reservations, conditions, encumbrances, or claims of title which may affect the property covered by this permit whether of record or not, and PERMITTEE is responsible for obtaining the consent of the underlying fee owner in the event the Department does not own the full fee simple interest in the right-of-way.

Any delay in the prosecution of work under this permit and the subsequent conflict with another permit within the same area will be the sole responsibility of the PERMITTEE. The Department will make every attempt to identify such permitted work which may be ongoing, however, any adjustments to facilities previously installed or which may be under construction by reason of other permits issued thereafter or simultaneously thereto will be the sole responsibility of the PERMITTEE and the Department assumes no responsibility therefore.

It is imperative that PERMITTEE investigates and reviews any projects underway, planned, or contemplated by the Department or other entities authorized by or working in conjunction with the Department in or near the proposed permit work. Any costs associated with any conflict related thereto will be borne by the PERMITTEE.

4. Revocation or Modification

The terms, conditions, and general provisions of this Right-of-Way Occupancy Permit are revocable, or subject to modification or abrogation by the State of Nevada, at any time, without prejudicing any prior rights, including those evidenced by any joint-use agreements, franchise rights, or reserved rights for operating purposes in a grant of a highway easement. In the event of revocation, the PERMITTEE will, at the direction of the District Engineer, remove any or all encroachments installed or constructed pursuant to this Right-of-Way Occupancy Permit, and will restore the right-of-way to a safe condition.

At any future date should the highway need to be modified or if it be modified, the Permittee may be required to bear any cost to potholing, relocation or damages to facilities.

5. Plan Changes

The PERMITTEE must obtain prior written approval from the District Engineer before making any changes to the approved plans (including the additional terms and conditions) and/or method. Should any change in the plans be approved, the PERMITTEE will submit revised drawings, in quadruplicate, delineating the change within thirty (30) days after the date of approval of the change.

6. Permit Transfer

PERMITTEE may not transfer, convey, or assign this permit, or any privilege or responsibility contained herein pertaining to actual work to be accomplished within the right-of-way without prior written approval of the Department. PERMITTEE will insure that the continuing responsibility for the upkeep and repair of any facility erected or installed in connection with this permit will be transferred to PERMITTEE's successors in interest or assigns. PERMITTEE is solely responsible for performance of the work authorized herein.

7. No Precedent Established

Right-of-Way Occupancy Permits are issued with the understanding that any particular action will not be considered as establishing any precedent on the question of the expediency of permitting any kind of right-of-way occupancy to be erected within the right-of-way of state highways, or as to any utility or the acceptability of any such permits as to any other or future situations.

8. Notice Prior to Starting Work and Notice of Completion

The PERMITTEE will notify the District Engineer two (2) working days prior to commencing work. The PERMITTEE will immediately notify the District Engineer upon completion of work.

9. Location of Utilities

PERMITTEE will arrange to have any and all utilities located within the construction area by contacting the "one-call" location service "UNDERGROUND SERVICE ALERT" (USA) at 1-800-227-2600, at least two (2) working days prior to commencing work hereunder. It is the sole responsibility of the PERMITTEE to locate (using Underground Locating Services where necessary), adjust or relocate utilities, which may conflict with the PERMITTEE's proposed work. All costs in conjunction therewith are the sole responsibility of the PERMITTEE. Please note: Local governmental entities, state agencies and some smaller utility companies may not subscribe to, UNDERGROUND SERVICE ALERT

PERMITTEE will contact any and all railroad entities (e.g. Union Pacific Railroad Company at 1-800-336-9193 or www.uprr.com) when the anticipated work is within their respective railroad rights-of-way.

10. Working Days

No work will be performed by the PERMITTEE on Saturdays, Sundays, or holidays (including those holidays observed by the state as listed in the Standard Specifications for Road and Bridge Construction) or during hours of darkness unless required by the Department and with the prior written approval of the District Engineer when for the convenience of the PERMITTEE.

11. Posting Permit

The Right-of-Way Occupancy Permit which includes the approved Traffic Control Plan, if applicable, will be kept at the site of the work at all times and must be shown to any representative of the Department of Transportation or any law enforcement officer on demand. **WORK WILL BE SUSPENDED IF THE PERMIT, CONSTRUCTION AND TRAFFIC CONTROL PLANS ARE NOT AT THE JOB SITE AS PROVIDED.**

12. Inspection and Approval by Department

A final inspection of the work accomplished by the PERMITTEE may be performed by the District Engineer to insure that the PERMITTEE has complied with the terms and conditions of this permit.

Periodic inspections by the District Engineer during the progress of work may be made to insure conformance to the Department's standards and those specified by this permit. If the periodic inspection shows that the work performed under the permit does not conform to the permit requirements, the District Engineer has the authority to demand that the items not conforming be immediately corrected, or to require that work on the job site within the highway right-of-way be immediately suspended until the problems concerning the items which are not conforming are resolved.

13. Expense of Inspection

For complex or extensive work under this permit, the Department may require full-time inspectors and/or engineers to observe the progress of work in its entirety. In such case, the PERMITTEE agrees to compensate the Department for the direct and indirect costs of inspection, such as but not limited to, wages, mileage, per diem and overhead costs incurred by said inspectors and/or engineers in connection with such inspection.

14. Standards of Construction

All work performed under this permit and under routine and emergency maintenance will be in accordance with the current editions of the State of Nevada, Standard Specifications for Road and Bridge Construction, the Standard Plans for Road and Bridge Construction, National Electrical Safety Code, AASHTO's "A Guide for Accommodating Utilities within Highway Right-of-Way ", and "A policy on the Accommodations and Installation of Utilities on State and Federal-Aid Highways within the State of Nevada", and will be accomplished to the satisfaction of the District Engineer.

All construction will be in conformance with the requirements, rules, and regulations of the Nevada Public Utilities Commission, the State Industrial Insurance System and the State Labor Commission. Copies of all applicable Standard Plans and Specifications are available for purchase at the district offices.

15. Open Trenches, Pits and Vertical Pavement Drop-offs

The PERMITTEE will not allow trenching or excavation within the roadway clear zone unless protected by an NDOT approved physical barrier. In addition, all trenches within the right-of-way to remain open in any instance during the non-working hours in urban settings must be protected by pedestrian fencing. Steel plating or other suitable material may be approved at the discretion of the District Engineer.

16. Storage of Material

The PERMITTEE shall not allow excavated material, equipment, and materials to remain upon the right-of-way during non-working hours. All signs, barricades, cones and other devices used for traffic control shall be removed from the roadway, sidewalks, and medians when work is not in progress, unless required for safety measures. The PERMITTEE shall be responsible to insure that all such equipment and materials are safely situated, after each work shift, no less than thirty (30) feet from the outside edge of the traveled way and no less than fifteen (15) feet outside the back face of the curb, whichever meets the requirements of the AASHTO Roadside Design Guide or the District Engineer.

17. Care of Drainage

Construction grading shall be performed by the PERMITTEE in such a manner that the roadway drainage ditch or any natural water course, which feeds existing drainage facilities, will not be blocked or the free flow hindered at any time. Should the necessity arise to accommodate drainage water, culvert pipe of the size and length and at the location prescribed by the District Engineer shall be installed by the PERMITTEE. The PERMITTEE shall implement Best Management Practices to minimize erosion and discharge of sediments and pollutants into and from NDOT right-of-way during construction. The Department's Construction Site Best Management Practices Handbook or local criteria should be consulted for guidance.

18. Permittee Shall Patch Pavement and Maintain Patches

PERMITTEE shall replace all removed pavement daily with materials approved by the District Engineer, and shall place the final pavement course within seven (7) calendar days. RESTORED PAVED AREAS SHALL BE MAINTAINED BY THE PERMITTEE UNTIL SUCH TIME AS THEY ARE OVERLAID OR RECONSTRUCTED BY THE DEPARTMENT. In the event of settlement in the area of the patched surface, the District Engineer may require the PERMITTEE to repair the disturbed area to correct the problem. Failure by the PERMITTEE to do so may result in necessary replacements and repairs by the Department or its contractors, in which case, the PERMITTEE shall reimburse the Department for the actual direct and related indirect costs incurred by the Department in performing the replacement or repairs.

19. Removal or Trimming of Trees and Damage to Tree Roots

The PERMITTEE shall not cut, trim, mutilate, remove, or disturb in any manner, brush, shrubs, trees, or other flora now located within the highway right-of-way, and/or highway planting easement, or which hereafter may be planted or grown therein, except as approved or directed by the District Engineer and/or the Director. Any vegetation destroyed shall be replaced at no cost to the Department.

No tree roots over two (2) inches in diameter shall be cut when trenching or other underground work is necessary adjacent to roadside trees. The roots that are two (2) inches or more in diameter shall be carefully tunneled under and wrapped in burlap and kept moist until the trench is refilled. Trenching machines may not be used under trees if the trunk or limbs will be damaged by their use. If the trees involved are close together and of such size that it is impractical to protect all roots over two (2) inches in diameter, special arrangements may be made whereby pruning of the treetops to balance the root loss can be done by the PERMITTEE under the close supervision of the District Engineer. Manholes shall not be installed within twenty (20) feet of any tree trunk.

20. Damage to Highway Property

Any highway appurtenances, including fences, disturbed or destroyed by reason of this permit shall be restored to equal or better condition by PERMITTEE. The entire work area within the right-of-way shall be cleared of construction debris and restored to its original condition prior to acceptance of the work by the District Engineer.

PERMITTEE shall be responsible for maintaining the integrity of the roadway surface. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be cleaned off at regular intervals (at least daily) or as requested by District Engineer or his designee. Failure to do so may result in the Department having the roadway cleaned and the cost of the cleanup billed to the PERMITTEE.

21. Contamination

PERMITTEE shall ensure that upon completion of their construction, that all waste and contaminations whether hazardous or non-hazardous, in the soil or groundwater are cleared and removed to the standards set by federal and state agencies having jurisdiction, e.g., EPA, NDEP, etc. Any future discoveries of contamination or waste shall be the PERMITTEES' sole responsibility and PERMITTEE shall indemnify, defend and hold the Department harmless in any action for damages caused by delays, which may arise out of this situation.

PERMITTEE agrees to notify the Department immediately upon the discovery of hydrocarbon or other hazardous substances within the Department's rights-of-way. PERMITTEE shall immediately cease construction operations under these circumstances until further notice from the Department. Where the discovery of the hydrocarbons or hazardous materials does not require the immediate notification of federal, state or local agencies, e.g. EPA, NDEP, etc., PERMITTEE may delay notifying such agencies until the latest possible date, however, this provision does not relieve the PERMITTEE of its duty to immediately notify the Department and to cease operations.

The discovery of hydrocarbons or other hazardous substances within the Department's right-of-way and the cessation of work associated therewith shall not create any liability for the Department for damages due to delays caused the by PERMITTEE or its contractors. PERMITTEE shall indemnify, defend and hold the Department harmless in any action for damages caused by delays, which may arise out of this situation.

22. Survey Markers

Any permanent survey or right-of-way marker or monument disturbed or obliterated in construction of the right-of-way occupancy must be permanently re-established by a Nevada Professional Land Surveyor (PLS) and a record made thereof and provided to the Department.

Reestablishment of marker/monument shall be done following the procedures outlined in the Department's "Special Instructions for Survey, Mapping or GIS Consultants" and in accordance with Nevada Revised Statutes. Permittee shall coordinate relocation of disturbed survey monuments with the Chief Land Surveyor of the NDOT Location Division.

23. Permittee Shall Be Responsible for Maintenance

The PERMITTEE agrees, by accepting this permit, to properly maintain and repair any structure, curb, gutter and sidewalk, driveway, utility, or other encroachment constructed or placed within the right-of-way of any state highway, and to inspect the area included by the permit at reasonable intervals to determine that necessary maintenance is performed in a timely manner. PERMITTEE understands and agrees that this maintenance responsibility shall continue until this permit is revoked or until the PERMITTEE removes the encroachment, and restores the right-of-way to a safe condition.

PERMITTEE understands and agrees that the District Engineer may require the PERMITTEE to make needed repairs or properly maintain the encroachment. Failure by the PERMITTEE to do so may result in necessary repairs or maintenance by the Department, in which case, the PERMITTEE shall pay the Department for the actual direct and related indirect costs incurred by the Department in performing the repairs or maintenance.

24. Emergency Repairs

Any PERMITTEE who lawfully maintains a right-of-way occupancy in, under, or over any state highway may enter in or upon any state highway right-of-way to perform emergency repairs on PERMITTEE's facilities. PERMITTEE shall notify the District Engineer, within twenty-four (24) hours or by 9 a.m. of the next business day whichever is sooner, of any emergency repairs, and shall immediately send a confirming letter to the District Engineer stating the nature of the emergency and the work completed. When such emergencies disrupt or in anyway interfere with the traveling public, PERMITTEE shall immediately notify the local law enforcement agencies.

PERMITTEE may make emergency repairs by excavating through improved surfaces only when breaks in the lines, conduits or cables under the pavement present a hazard to traffic or any interruption of essential service. Backfill and pavement replacement shall be performed in accordance with the Standard Specifications for Road and Bridge Construction.

25. Control of Access Highways

Access for any maintenance shall not be allowed within the control of access of a controlled access highway without providing at least two (2) working days notice to the District Engineer. In the case of emergency repair involving control of access highways, the PERMITTEE shall immediately correct the problem and notify the District Engineer of the action taken as soon as practicable.

Longitudinal installation of utilities will not be permitted (except as provided in NAC 408.438 through 408.4424) within the control of access of any highway except in special cases, longitudinal installations may be permitted under strictly controlled conditions. In these special cases, the utility owner must demonstrate that:

- A. The facility will not adversely affect the safety, design, construction, operation, maintenance or stability of the highway;
- B. The facility will not be constructed, maintained, or serviced by direct access from travel lanes or connecting ramps of the highway;
- C. The facility will not interfere with or impair the present use or future expansion of the highway;
- D. Any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects, which would result from the disapproval of the use of such right-of-way for the accommodation of such utility. The evaluation shall demonstrate that:
 - 1) Placing the facility outside that part of the freeway where access is controlled would damage or disrupt wetlands, remove agricultural lands used for the production of crops; or no other practical alternative is available and the right-of-way for the highway upon which the facility is located is not expected to be used for expansion of the highway; or
 - 2) A private utility corridor is not available or attainable, or a private corridor is prohibitively expensive, or the costs of construction in such private corridor would be prohibitively expensive; and
 - 3) The utility facility benefits the public who are also users of the highways;

Even when one of the above exceptions is demonstrated, the Department will:

- a. approve only facilities, which require limited and infrequent maintenance; or
- b. deny approval of any facility from which service connections will be made except, for a facility which is used exclusively by the Department.

26. Permittee shall be Responsible for Costs of Enforcement

PERMITTEE agrees to pay all necessary expenses, including reasonable attorneys' fees, incurred by the Department to enforce any provisions of this permit.

27. Bonding Requirements

- A. performance bond (see Appendix "C" which is made a part hereof) will be required for Permit Category IV and V in a sum equal to 110% of the amount of the engineer's estimate for the work within state right-of-way, to ensure the successful and timely completion of improvements as a guarantee that the PERMITTEE will complete the work in accordance with the terms of the permit. The bonds shall be on the form provided and shall be written by a surety approved by the Insurance Commissioner of the State of Nevada. The District Engineer may require a performance or cash bond for other types of permits. Performance bonds provided to other public agencies may be used in lieu of this requirement at the discretion of the District Engineer. Evidence of this bond should be submitted with permit.

28. Mailboxes

Mailboxes may be allowed in the right-of-way but must meet the conditions specified in AASHTO's publication "A Guide to Erecting Mailboxes on Highways". A permit may be required for mailboxes not meeting this guide.

IV UNDERGROUND FACILITIES

1. Crossing Roadway

Pipes shall be installed by jacking, boring or otherwise forcing underneath a pavement without disturbing the roadway structural section. Pavement or roadway shall not be cut unless specifically allowed by the permit. Permanent service pipes, i.e., pipes, which will remain in place more than six (6) months, will not be permitted inside culverts used as drainage structures. No hydraulic or wet boring is allowed. Directional bentonite slurry boring may be allowed upon District Engineer's approval.

2. Jacking or Boring

Bore holes or pits may be permitted within the right-of-way under the following conditions at the discretion of the District Engineer:

- A. Boring and/or receiving pits shall be protected by using portable pre-cast concrete interlocking barrier rails, which must be in good, sound condition. Barrier rails shall have proper flare rates and end treatments.
- B. Bore holes or pit areas shall be completely fenced.
- C. PERMITTEE and/or its contractors will not be permitted to use any portion of the right-of-way for their operations, except in the fenced areas, or as permitted by the District Engineer.
- D. On control of access facilities, access to bore holes or pit areas will not be permitted from the traveled portion of the highway.
- E. Bore holes or pits will not be permitted within the median area except as authorized by the District Engineer. Extreme care must be taken during this operation to guard against the impairment of the earth structure under the pavement and shoulders.
- F. Any voids created by the boring operation outside the casing shall be pressure grouted.

3. Trenching

Trenching may be allowed if deemed necessary in the opinion of the District Engineer. Trenched areas of pavement shall be patched in accordance with Section III, Item 18. Trenching will generally not be allowed unless at least one of the following conditions is evident, at the discretion of the District Engineer:

- A. The roadway is scheduled for overlay or reconstruction within two (2) years.
- B. The roadway surface is in such poor condition that a permanent pavement patch will not detract from the existing roadway surface quality. Permanent patching shall be completed within seven (7) calendar days.
- C. The PERMITTEE has attempted to bore the crossing and found it impractical due to subterranean conditions. Certification of the conditions, which warrants the need for trenching in this instance, shall be signed and sealed by a Nevada Licensed Engineer.

- D. The installation has been attempted by jacking or boring and is impractical because of the conditions below the ground.

4. Limit of Excavation

No excavation is to be made closer than six (6) feet from the edge of the pavement except as may be specified in the permit.

5. Depth of Pipes

There shall be a minimum of three (3) feet of cover over all pipes or conduits, except as may be specified by the permit.

6. Backfilling

Trenches shall be back-filled by the PERMITTEE with granular backfill or other acceptable material as approved by the District Engineer. Backfilling of the base area shall be made with Type II base gravel or equivalent material as approved by the District Engineer. PERMITTEE shall remove and dispose of all excess material immediately after backfilling. All backfill shall be placed in uniform layers not exceeding eight (8) inches in loose thickness before compaction and shall be compacted to 95% of maximum material density.

7. Marking of Underground Facilities

Except as hereinafter provided in paragraph "C" of this subsection, all utilities and installations of underground pipes and conduits in the highway right-of-way shall be marked and designated or capable of being located by manually operated above ground designating equipment. The required marking and/or designation must be as follows:

- A. All new installations of underground crossovers, except service laterals: where no curbs exist, a four (4) inch by four (4) inch timber or standard utility company marker shall be installed and maintained by PERMITTEE outside the ditch line at locations satisfactory to the District Engineer. Such timber or marker shall extend thirty (30) inches above the ground and have stenciled thereon the nature of the underground obstruction and the name or identifying symbol of the PERMITTEE. Where curbs exist, the crossover shall be identified by description and name of an owner, stenciled on a curb in black letters, on white background, in a compact and legible manner.
- B. All new longitudinal installations: where no curbs exist, four (4) inch by four (4) inch timbers or standard utility markers shall be placed adjacent to the conduit or offset to such a distance as may be specified and at intervals not to exceed 1,000 feet, at each angle point, or where non-concentric with the highway, at least every 300 feet. Where the encroachment is located in the traveled way, timber or other suitable markers shall be placed at an offset outside the ditch line at locations satisfactory to the District Engineer with an offset distance given. Where curbs exist, the information shall be visible and permanently marked or monumented on the curb near each intersection.
- C. Exceptions. In incorporated cities where the installation is in accordance with ordinances, other regulations, or established practices, it will not be necessary to mark or

designate said facilities as required above unless dictated by federal directive. All installations covered under this section shall be placed or constructed in such a manner as not to constitute a hazard to the traveling public.

8. Casings

In accordance with NAC 408.453, all pipes carrying fluid or gaseous substances within the roadway prism shall be encased. Casings shall be designed to support the load of the highway and superimposed loads thereon and, as a minimum should equal the structural requirements for highway drainage facilities. Casings shall be composed of materials of satisfactory durability under conditions to which they may be exposed. The design calculations shall be submitted with the application and must be signed and sealed by a Nevada Licensed Engineer.

9. Routine Inspection and Maintenance of Underground Facilities

PERMITTEE may inspect facilities without obtaining a new permit. Any repairs requiring disturbance of right-of-way may require an approved traffic control plan. PERMITTEE may open existing manholes to repair underground facilities and uncover not more than fifty (50) feet of cables or lines buried in earth portions of highway right-of-way. Where existing facilities lie within the improved surfaces of the highway, the PERMITTEE shall provide adequate protection of traffic, in accordance with the permit or as directed by the District Engineer. No excavation shall be made in improved surfaces, landscaped areas or closer than six (6) feet to the edge of pavement without permission from the District Engineer, except in emergencies.

10. Service Connections

These terms and conditions do not authorize the continuous installation of connections within state highway right-of-way, regardless of the source. All new services, extensions, or excavation to abandon services must be covered by individual permits.

V OVERHEAD UTILITY INSTALLATIONS

1. Conformance with Code

The PERMITTEE shall insure that when installing aerial lines, the clearances and method of construction shall be in accordance with the safety rules for the installation and maintenance of electrical supply and communication lines as set forth in the National Electrical Safety Code (NESC), AASHTO's "A Guide for accommodating Utilities Within Highway Right-of-Way", "A Policy on the Accommodation and Installation of Utilities on State and Federal-Aid Highways within the State of Nevada", and "Americans with Disabilities Act".

2. Guy Wires

Guy wires to be placed in the right-of-way shall be justified in writing to the District Engineer.

3. Remove Old Poles, Guys and Stubs

The entire length of old timbers shall be removed from the ground and the holes back-filled and thoroughly compacted.

4. Vertical Clearance over Roadway

Minimum vertical clearance for highway crossings shall conform to NESC and at least be eighteen (18) feet for communication lines, twenty-two (22) feet for electrical lines. This measurement shall be from the highest point of the roadway prism to the lowest point of the installation crossing.

5. Crossings

Crossings shall be made at or as near to 90° as possible across the roadway. Poles supporting crossings shall be, as a minimum, located outside the "clear zone", and whenever possible will be located at the right-of-way line. In the case of divided highways, poles will not be allowed within the median strip unless they are placed at least forty-six (46) feet from the edge of the nearest travel lanes and they are absolutely necessary to support the crossing.

6. Longitudinal Installations

Utilities shall be placed at or as near the right-of-way line as possible. New utilities will not be permitted to be installed longitudinally within the control of access lines of any freeway, except that in special cases such installations may be permitted under strictly controlled conditions. However, in each such case the utility owner must show that:

- A. The accommodation will not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway;
- B. The accommodation will not be constructed and/or serviced by direct access from the through traffic roadways or connecting ramps;
- C. The accommodation will not interfere with or impair the present use or future expansion of the freeway; and

- D. Any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects, which would result from the disapproval of the use of such right-of-way for the accommodation of such utility.

7. Routine Inspection and Maintenance of Pole Lines

PERMITTEE may inspect facilities without a permit. Any repairs requiring disturbance of right-of-way shall require an approved traffic control plan. PERMITTEE is authorized to stub, anchor, or reset existing poles, provided no change in location is made. Stubs and anchors must not be placed between existing poles and the traveled way. PERMITTEE may replace poles, guy poles, and cross arms in exact location in no more than two consecutive sites. No additional poles or guy poles are authorized under this routine maintenance provision. PERMITTEE may replace broken pins and insulators, repair broken wires, pull slack wires and replace or pull broken or slack guys and repair and complete transfer work on existing aerial cables. PERMITTEE may string aerial wire and place additional cross arms on existing poles in no more than two consecutive locations. Existing transformers may be replaced and new transformers may be installed on existing poles. Where existing poles are being replaced "in-kind" within the clear zone of a roadway, the counter measures identified for corrective action in AASHTO's Roadside Design Guide, Section 4.7 and the ADA requirements shall be instituted. Two (2) working days notice shall be given to the District Engineer prior to commencing work.

VI DRIVEWAYS, APPROACHES AND STREET INTERSECTIONS

1. Paving

Approaches with an Average Daily Traffic (ADT) of ten (10) or more vehicles per day shall be paved.

When constructing asphalt approaches, the paving shall be placed by the PERMITTEE a minimum distance of twenty-five (25) feet from the edge of the existing pavement, or to the edge of the right-of-way, whichever is less, and shall be of a type approved by the District Engineer, unless indicated otherwise in the additional terms and conditions section of the permit.

2. Standards

Driveways, approaches and street intersections shall be constructed in accordance with the Department "Standard Plans for Road and Bridge Construction", the "Standard Specifications for Road and Bridge Construction", and/or as directed by the District Engineer.

3. Saw Cut

Where approaches adjoin existing roadway paving, the roadway paving shall be saw-cut in a neat, straight line the full length of the approach including any required tapers. The saw-cut shall be at the lip of the gutter or as directed by the District Engineer.

4. Access

Access to surrounding properties shall be maintained at all times during the construction operation.

5. Change in Traffic Movement Configuration

It shall be understood that an approved approach may some time in the future be reduced to a right in/right out only configuration. By commencing work under an approved permit, the PERMITTEE agrees to accept this condition and also agrees not to hold the Department of Transportation responsible for any costs or damages that may result from such a change.

VII PAVEMENT WIDENING

1. Saw-Cutting

A minimum of one (1) foot of the existing pavement edge shall be saw cut and removed within the limits of pavement widening. If the saw cut is in the future wheel path, the saw cut location will be adjusted as directed by the District Engineer. If rumble strips or edge striping are present, the open grade surface shall be cold milled from the edge of pavement to the appropriate limit and a new open grade surface applied within the limits of the cold milling.

2. Compaction Tests

A certified testing lab shall be employed by the PERMITTEE for compaction tests at the direction of the District Engineer. Compaction tests on subgrade, aggregate base and pavement surfaces will be required.

3. Subgrade

Subgrade shall be placed in even, uniform lifts and mechanically compacted in accordance with the Department's "Standard Specifications for Road and Bridge Construction".

4. Gravel and Pavement Improvement

Gravel and pavement improvement sections shall be as approved in the plans or as specified in the additional terms and conditions of the permit. In general, widened sections shall match existing depths of gravel and pavement, or their structural value, but in no case shall be less than four (4) inches of pavement on six (6) inches of gravel. Alternatively, the PERMITTEE may, at his option, perform and submit a pavement design for approval by the Department. This design must be prepared and stamped by a Nevada Licensed Engineer with appropriate experience in pavement design.

5. Prime Coat

MC-70 prime coat shall be applied on the finished gravel section prior to paving. SS-1H or an approved equal shall be required on the exposed pavement edge.

6. Pavement Markings

Pavement markings shall be applied on the roadway in accordance with an approved striping detail plan.

Any method for placing or removing pavement markings shall be approved by the District Engineer.

7. Signing

Permanent traffic signing and delineation shall be installed as specified in the approved permits.

VIII CONCRETE CURBS, GUTTERS, SIDEWALKS AND CURB CUTS

1. Curbs and Gutters

Curbs and gutters shall be constructed in accordance with the "Standard Specification for Road and Bridge Construction" and the "Standard Plans for Road and Bridge Construction", and/or as directed by the District Engineer.

2. Sidewalks

Sidewalks shall be a minimum of four (4) inches in depth unless otherwise authorized by the District Engineer, and shall be constructed in accordance with the "Standard Plans for Road and Bridge Construction", and the "Standard Specifications for Road and Bridge Construction". Sidewalks shall meet the current ADA standards.

3. Curbcuts

Curbcuts shall be constructed on all curb and gutter radii on streets and approaches, and shall be constructed in accordance with the requirements of the current ADA standards, and/or as directed by the District Engineer.

IX LANDSCAPING

1. Landscaping

Where allowed, the landscaping shall be maintained by the PERMITTEE and at no cost to the Department unless specifically agreed to otherwise during the permitting process. Any allowed appurtenances, including plants, must not impede or infringe upon the highway clear zone, block sight distance, impact existing hydraulic patterns, and must not constitute a hazard to the traveling public.

The PERMITTEE shall be aware that the Department's snow removal procedure may include rotary snowplows and the use of chemicals that can severely damage or kill landscaping improvements placed within the right-of-way.

2. Plans

Specific plans for landscaping must be attached to the permit and must show, at a minimum: location of plants, botanical names of plants, planters, irrigation systems, landscape features, and grading details. In those cases where an irrigation system is installed by the PERMITTEE and for which the Department agrees to the maintenance, it shall be constructed to the Department's specifications, including brands of equipment approved by the Department. All irrigation systems shall have backflow preventer assemblies with connections compatible with the Department's Portable Fertilizer Injection System.

3. Plant Height

All plants proposed for the use in landscaping shall be low profile in nature, and shall not be over two (2) feet in height. No solid objects will be allowed.

4. Approval from Local Agencies

Any permit submitted with pertinent landscaping must be approved by the applicable local governmental entity. Approval must be obtained by the PERMITTEE prior to submission of the permit to the Department.

X TELECOMMUNICATION INSTALLATIONS

All permits proposing the installation of telecommunication facilities require special handling and must be submitted to the appropriate District office. For more specific information regarding telecommunication installations, please contact the Staff Specialist for utilities at (775) 888-7480.

Section 1: Definitions:

"Community antenna television Company" has the meaning ascribed to it in NRS 711.030.

"Right-of-Way" means the longitudinal right-of-way along, under or above a state or federal highway that:

- A. Is not vacated, abandoned, relinquished or otherwise disposed of; or
- B. The Department has determined it is not likely to be disposed of, in accordance with the provisions of NRS 408.523, 408.527 or 408.533.

"Telecommunications facility" means any line, fiber, wire, conduit, interduct, access manhole, handhole, tower, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, system or device of a provider of telecommunications or a community antenna television company that is used to transmit, receive, produce or distribute a wireless, wireline, electronic or optical signal for communication.

Section 2

It is the policy of the Department in managing its rights of way to accommodate telecommunications facilities along highway rights of way in accordance with the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161, when such use and occupancy of the state highway or highway right-of-way do not adversely impact highway or traffic safety, or otherwise impair unreasonably the state highway, or its aesthetic quality, and do not conflict with federal, state and local laws and regulations, including any rights of underlying property owners that granted easements to the Department.

Section 3

A provider of telecommunications or a community antenna television company that applies for an occupancy permit pursuant to sections 1 to 21, inclusive, is not required to comply with the provisions of NAC 408.429 to 408.437, inclusive, and NAC 408.527 to 408.557, inclusive.

Section 4

A telecommunications facility must be installed underground on a state highway or right-of-way unless the Department determines that an overhead installation is appropriate. In determining whether to authorize an overhead installation, the Department will consider public health and safety and the factors set forth in NAC 408.467.

Section 5

1. Except as otherwise provided in subsection 2, to minimize adverse impacts to the state highway or highway rights-of-way, and related highway facilities and pavement structures, and to avoid a significant compromise of the safe, efficient and convenient use of the state highway system for the traveling public, the Department may limit the number of trenches, plowings or borings in a section of a state highway or right-of-way for the installation of a telecommunications facility to once every five (5) years.
2. The Department may, at any time, and shall, once every eighteen (18) months, grant an exception to the limitation set forth in subsection 1 if the trenching, plowing or boring is:
 - a. The only practicable method of installing or constructing the telecommunications facility; and
 - b. Required to carry out the obligations of the provider of telecommunications or Community Antenna Television Company to serve its customers pursuant to federal state, or local law or a franchise agreement with a local government.
3. In determining whether to grant an exception pursuant to subsection 2, the Department will, in its management of rights of way, consider:
 - a. The feasibility of alternatives to using the right-of-way;
 - b. The type of highway upon which the trenching, plowing or boring will be performed; and
 - c. The effect the proposed trenching, plowing or boring will have on the state highway or right-of-way and members of the traveling public.
4. If an exception is granted pursuant to subsection 2, the provider of telecommunications or Community Antenna Television Company must obtain an occupancy permit from the Department for the additional trenching, plowing or boring. As a condition of issuing the occupancy permit, the Department may require the provider or company to mitigate any effects that the trenching, plowing or boring will cause to the state highway or right-of-way.
5. The provisions of subsection 1 do not limit the number of applications for an occupancy permit that a provider of telecommunications or a community antenna television company may submit to the Department for the same or a substantially similar section of a state highway or right-of-way if the trenching, plowing or boring is:
 - a. Required because of an emergency; and
 - b. Necessary to protect public health and safety.

6. Nothing in this section is intended to impair any rights which may be afforded to telecommunications carriers under the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161.

Section 6

1. Except as otherwise provided in subsection 2, the minimum depth for the installation of a new direct telecommunications line or conduit is thirty-six (36) inches, except that the minimum depth may be forty-two (42) inches if necessary to comply with the design requirements of the Department. The Department may require a minimum depth of more than forty-two (42) inches if it determines it is necessary for the installation of a telecommunications line.
2. The Department may allow a minimum depth of less than thirty-six (36) inches if the director determines that the installation is desirable but achieving a depth of thirty-six (36) inches is not practicable.

Section 7

1. Except as otherwise provided in NAC 408.403, a provider of telecommunications or Community Antenna Television Company that applies for an occupancy permit must provide to the Department:
 - a. The information required by the provisions of subsection 6 of NAC 408.411, NAC 408.413 and 408.427, and subsection 3 of NAC 408.523.
 - b. Four sets of detailed plans, drawings or maps.
2. In addition to the information required in subsection 1, where required by the particular circumstances, the Department may require a provider of telecommunications or Community Antenna Television Company that applies for an occupancy permit to provide:
 - a. A plan for the drainage of water, including calculations for the runoff of water for a telecommunications facility that will affect the right-of-way. The calculations must include peak runoff of water for existing and proposed development conditions if the use of the land will be substantially altered. Existing flow patterns at the highway must be perpetuated, and any changes to the drainage system of the highway proposed by the provider of telecommunications or Community Antenna Television Company must be supported by drainage calculations. The provider or company shall provide for the attenuation of peak flows that may have increased because of the development. Fiber optic installations must be in accordance with the Department's Hydraulic Requirements for Fiber Optic Line Installations (see Appendix "E")
 - b. A survey of cultural resources including any appropriate mitigating action that will be conducted for a telecommunications facility that

will be placed longitudinally within a previously undisturbed section of the right-of-way or for lateral crossings or approaches requiring substantial disruption of previously undisturbed sections of the right-of-way. If a survey of cultural resources is required, a written report of the survey must be provided.

3. In addition to the requirements set forth in subsections 1 and 2, as applicable, a provider of telecommunications or a community antenna television company that installs or constructs a telecommunications facility on a section of a freeway where access is controlled shall provide to the Department the information required by subsections 3, 4 and 5 of NAC 408.411.
4. If approval from a local government is required for the installation or construction of a telecommunications facility and evidence of the approval is not submitted to the Department, the Department may issue an occupancy permit pursuant to this section that is contingent upon the approval of the local government.
5. If approval from a federal agency or a state agency other than the Department is required for the installation or construction of a telecommunications facility and evidence of the approval is not submitted to the Department, and an occupancy permit may otherwise be issued by the Department, the Department will issue a notice of intent to issue the occupancy permit upon the approval of the federal or state agency.

Section 8

1. Upon receipt of an application for an occupancy permit, the Department will determine whether the provider of telecommunications or the community antenna television company will be required to cause to be published a notice of the application to allow other providers of telecommunications and community antenna television companies an opportunity to install telecommunications facilities in the same section of the state highway or right-of-way.
2. The Department may require such notice if:
 - a. The facility will be located on a section of a state highway or right-of-way where access is controlled or the facility will occupy at least one (1) mile in length of the state highway or right-of-way; and
 - b. The Department determines that the installation or construction of a telecommunications facility after the construction or installation of the facility for which the occupancy permit is requested will be limited or prohibited because the state highway or right-of-way will not be able to accommodate the additional facility because of physical limitations, safety or other factors relating to the state highway or right-of-way.
3. If the Department determines that such notice is required, the Department will notify the provider of telecommunications or Community Antenna Television

Company of that fact in writing within fifteen (15) working days after it receives the application. The provider or company shall:

- a. Cause the notice to be published at least twice in two (2) regional newspapers of general circulation in this state. The notice must include a statement that written responses may be submitted to the provider or company for a period of not less than thirty (30) days after the notice is published.
 - b. Provide written notice to each:
 - (1) Community antenna television company that holds a franchise in the affected area; and
 - (2) Provider of telecommunication services included on the Service List for Interconnection Agreements maintained by the public utilities commission of Nevada or any similar list of providers of telecommunication services maintained by the Department. The notice must include a statement that each such community antenna television company and provider of telecommunication services may submit written responses to the provider of telecommunications or community antenna television company applying for an occupancy permit for a period of not less than thirty (30) days after the notice is provided.
4. The provider of telecommunications or Community Antenna Television Company shall submit to the Department a copy of each notice required by subsection 3 and any written responses it received pursuant to subsection 3.

Section 9

1. Except as otherwise provided in subsection 2, the Department will approve or deny an application for an occupancy permit in writing within ninety (90) days after it receives a substantially completed application. If the Department denies the application for an occupancy permit, the Department will send a written notice to the provider of telecommunications or Community Antenna Television Company that sets forth the reasons for the denial.
2. The Department will provide to the provider of telecommunications or community antenna television company a written report concerning the status of its application within (45) days after it receives the application. If the telecommunications facility is a significant project, the Department will, in lieu of approving or denying the application within ninety (90) days, provide to the provider or company a written report concerning the status of its application within ninety (90) days after the Department receives the application, and include a statement that the Department will require additional time to complete the review of the application. The Department will extend the periods for review prescribed by this section if additional information is required.

3. In determining whether or not to grant an occupancy permit, the Department will review the application to assure compliance with all applicable provisions of:
 - a. NAC 408.403 to 408.419, inclusive;
 - b. NAC 408.447 to 408.459, inclusive;
 - c. NAC 408.467 and 408.469;
 - d. Sections 1 to 21 of this chapter, inclusive;
 - e. Any applicable federal or state laws, including obtaining any required approvals from federal agencies or state agencies, other than the Department;
 - f. Any required approvals by local governments, which may include a public hearing process for a telecommunications facility that is more than eight (8) feet in height; and
 - g. Applicable Department standards relating to underground and overhead utilities.

Section 10

1. Except as otherwise provided in this subsection, if the Department approves an application for an occupancy permit, it may require the provider of telecommunications or Community Antenna Television Company to obtain a surety bond in the amount of \$100,000. The Department may require the provider or company to obtain a surety bond of more than \$100,000, but less than \$2,000,000, for a telecommunications facility of significant length.
2. The Department will, in determining whether a surety bond is required, consider:
 - a. The experience of the Department with the provider of telecommunications or Community Antenna Television Company;
 - b. The possibility of disrupting the maintenance and operation of the state highway or right-of-way if the telecommunications facility is installed;
 - c. The potential damage to the highway system; and
 - d. The potential increase in hazards to the users of the state highway or right-of-way if the proposed telecommunications facility is not installed in a timely manner or is installed in a manner that does not comply with the requirements set forth in the occupancy permit.

Section 11

1. The Department may, upon request, issue an annual occupancy permit to a provider of telecommunications or a community antenna television company that wishes to install more than one (1) telecommunications facility or change more than one (1) telecommunications facility, or any combination thereof, within one (1) year if the portion of the telecommunications facility located on a state highway or right-of-way is less than one-half mile in length. The Department will not issue an annual occupancy permit for an interstate highway or highway where access is controlled, or where the installation or change is one-half mile or more in length.
2. If a provider of telecommunications or a community antenna television company applies for an annual occupancy permit, the provider or company must obtain an annual occupancy permit for each highway district in which the telecommunications facility will be installed or changed. The provider or company must submit a completed application to the district office of the Department in each district for which an annual occupancy permit is requested not later than January 15 of each year. The Department will issue or renew or refuse to issue or renew an annual occupancy permit not later than March 15 of each year. An annual occupancy permit is valid until March 15 of the following year.
3. The district office of the Department may limit the application of the annual occupancy permit to certain state highways or rights of way or sections of those state highways or rights of way.
4. The Department may require the provider of telecommunications or Community Antenna Television Company to obtain a surety bond in the amount of \$200,000 for each annual occupancy permit that is issued to the provider or company by the Department.

Section 12

1. If an annual occupancy permit is issued by the Department pursuant to section 11 of this chapter, the provider of telecommunications or Community Antenna Television Company shall:
 - a. Notify the district office of the Department not less than five (5) working days before work on the telecommunications facility begins; and
 - b. Submit to the district office of the Department:
 - (1) Plans indicating the location of the telecommunications facility, including the elevation and alignment of the facility;
 - (2) A schedule for the completion of the installation of or change to the telecommunications facility; and
 - (3) A plan for controlling traffic pursuant to NAC 408.413.

2. The district office may:
 - a. Prohibit or restrict access to a right-of-way for which an annual occupancy permit has been issued if access to the right-of-way will prevent, delay or otherwise interfere with a highway project or based on other relevant factors; and
 - b. Limit the hours during which work relating to the telecommunications facility may be performed where necessary in residential or commercial areas.
3. A telecommunications facility must be installed or changed in accordance with the requirements set forth in the annual occupancy permit and the provisions of sections 1 to 21, inclusive.
4. The Department may revoke an annual occupancy permit if the provider of telecommunications or Community Antenna Television Company fails to comply with the requirements set forth in the permit or any provision of sections 1 to 21 of this chapter, inclusive.

Section 13

1. If a provider of telecommunications or a community antenna television company wishes to change a telecommunications facility for which an occupancy permit has been issued by the Department, the provider or company shall provide to the district office of the Department not less than 5 working days before work on the facility begins:
 - a. A written description of the proposed changes to the facility;
 - b. A written explanation of the manner in which the changes to the facility relate to the original occupancy permit issued by the Department;
 - c. A plan that indicates the location of and changes to the facility;
 - d. A schedule for the completion of the changes to the facility; and
 - e. A plan for controlling traffic pursuant to NAC 408.413.
2. If the Department has not issued an occupancy permit for an existing facility, the provider of telecommunications or Community Antenna Television Company shall provide a copy of the occupancy permit or franchise agreement issued by a local government, if one is reasonably available, for the facility.
3. The provider of telecommunications or Community Antenna Television Company must submit the fee required by section 19 of the telecommunication section before beginning work on the facility.

Section 14

The inspection and repair of a telecommunications facility must be performed in accordance with the provisions of NAC 408.461 and applicable Department standards, terms and conditions relating to emergencies, control of access highways, routine inspection and maintenance of underground utilities, emergency repairs, and routine inspection and maintenance of pole lines.

Section 15

The Department may, in issuing an occupancy permit, require the provider of telecommunications or Community Antenna Television Company to meet additional conditions including, but not limited to:

1. Providing for the inspection of the construction of the facility, by an engineering consultant approved by the Department or by any other method approved by the Department.
2. Restoring the state highway or right-of-way a condition which is at least comparable to the condition, which existed before the placement of the telecommunications facility.
3. Installing additional conduits that must be made available to other providers of telecommunications and community antenna television companies on a competitively neutral and nondiscriminatory basis, if physical conditions prevent future installations of conduits. The conduits remain the property of the provider or company that installed the conduits.

Section 16

Subject to the requirements of NAC 408.303 to 408.379, inclusive, occupancy permits for telecommunications facilities are revocable and the Department assumes no responsibility for the relocation of a telecommunications facility.

Section 17

1. A provider of telecommunications or community antenna television company that is issued an occupancy permit shall indemnify, defend and hold harmless the State of Nevada, the Department and its officers, agents and employees from any claims, causes of action and suits at law or in equity for losses, damages, claims or demands, and from any liability and expense, including reasonable attorney's fees, arising out of the use or occupancy of the state highway or right-of-way by the provider or company, unless the provider or company establishes that the damage or injury was caused by the willful misconduct or gross negligence of the State of Nevada, the Department or its officers, agents or employees.
2. The State of Nevada, the Department and its officers, agents and employees are not liable for any expense incurred by the provider of telecommunications or Community Antenna Television Company in its use and occupancy of the state highway or right-of-way.

Section 18

1. Except as otherwise provided in Part 645 of Title 23 of the Code of Federal Regulations, if the Department does not have a fee interest in a state highway or right-of-way, the director may not, as a condition for the issuance of an occupancy permit, require the provider of telecommunications or community antenna television company to acquire at its expense all easements, consents or other rights or interests from the owners of fee interests or other interests for any section of the state highway or right-of-way if the provider or company provides indemnification to the State of Nevada, the Department and its officers, agents and employees pursuant to the provisions of this section.

2. If the Department does not have a fee interest in a state highway or right-of-way, the provider of telecommunications or community antenna television company must indemnify, defend and hold harmless the State of Nevada, the Department and its officers, agents and employees from any claim, cause of action, liability, loss, damage, cost, expense or fee that the State of Nevada, the Department or its officers, agents or employees may be required to pay to any person claiming the fee interest or other property interest in that state highway or right-of-way, unless the provider or company establishes that the damage or injury was caused by the willful misconduct or gross negligence of the State of Nevada, the Department or its officers, agents or employees.
The agreement of indemnification required pursuant to this subsection must include a provision setting forth:
 - a. The obligation of the provider or company to commence and diligently prosecute an appropriate cause of action or defend any other cause of action to protect the Department from the immediate or automatic reversion of any easement or other interest in the state highway or right-of-way and remove any telecommunications facility from a state highway or right-of-way if ordered by a court of competent jurisdiction;

 - b. The obligation of the provider or company or its successor in interest whose net assets in this state, as defined according to generally accepted accounting principles, are less than \$20,000,000 to obtain a surety bond, in an amount determined by the Department based on reasonable costs related to the removal of the telecommunications facility and restoration of the state highway or right-of-way and to designate the State of Nevada, the Department and its officers, agents and employees as beneficiaries of the surety bond and as parties who may bring an action on the surety bond if the indemnity of the provider or company is not adequate; and

 - c. The obligation of the provider or company to include in any instrument transferring ownership of a telecommunications facility, the assumption by the transferee of the indemnity of the provider or company and, if applicable, the designation of the State of Nevada, the Department and its officers, agents and employees as beneficiaries of the surety bond and as parties who may bring an action on the surety bond if the indemnity of the provider or company is not adequate.

3. If the Department does not have a fee interest in a state highway or right-of-way and the application for the occupancy permit does not relate to an existing telecommunications facility, the provider of telecommunications or community antenna television company shall provide verification that it has exercised due diligence and an explanation of the factual or legal basis that supports the right of the provider or company to occupy the state highway or right-of-way.

Section 19

1. The Department shall charge and collect fees for reviewing applications for occupancy permits and inspecting the installation of telecommunication facilities, intended to cover the costs to the Department for those activities.
2. A provider of telecommunications or Community Antenna Television Company shall submit:
 - a. The nonrefundable portion of the fee required by subsection 1 when it submits the application for an occupancy permit to the Department; and
 - b. The remainder of the fee required by subsection 1 before the occupancy permit is issued by the Department.

Section 20

If the Department approves an application for an occupancy permit, the utility provider of telecommunications or Community Antenna Television Company must comply with applicable Department standards, terms and conditions relating to general provisions for occupancy permits, as well as any specific conditions required by the Department.

Section 21

All fiber optic installation greater than five miles (5) in length must be submitted to headquarters for review.

XI ENVIRONMENTAL

1. Temporary pollution control and erosion control work shall conform to the requirements of NDOT's Construction Site Best Management Practices (BMPs) Manual," hereinafter referred to as the Manual, and addenda thereto issued up to and including, the date the permit is issued. The Manual is available for purchase, or can be accessed from NDOT's stormwater management program website. Adhere to the Manual's minimum requirements for the selection and implementation of construction site BMPs. The requirements of the Manual are minimum requirements, and NDOT may require additional BMPs (including maintenance and installation) to meet the requirements specified herein. Know and fully comply with the provisions of the Manual, and federal, state, and local regulations and ordinances governing stormwater and non stormwater discharges from both the project site and areas of disturbance outside the project limits during construction.
2. In the event that Permittee activities require coverage under a State or Federal issued National Pollutant Discharge Elimination System Construction General Permit (CGP), the Permittee shall develop and implement a stormwater pollution prevention plan (SWPPP) and perform documented construction site stormwater inspections in accordance with CGP guidelines.
3. The Permittee shall develop and implement a Runoff Control Plan (RCP) for land disturbance activities (including clearing, grading, excavating, stockpiling of material, and other similar activities) within NDOT right-of-way that are exempt from CGP coverage. At a minimum, the RCP shall contain a description of all Permittee activities; contact information for the individual responsible for stormwater pollution control implementation; a description of temporary and permanent stormwater pollution control measures to be implemented; a topographic map depicting the project area(s), location of all receiving waterbodies within a one mile radius of the project area, NDOT's roadway system, and a north arrow; a plan set depicting the location of all stormwater hydraulic facilities and stormwater discharge points, all temporary and permanent erosion control measures, land disturbance areas including equipment staging and material stockpile areas, and NDOT's right-of-way within the project area(s). Subsequent information may be required based on the information provided. Documented stormwater inspections shall be performed by the Permittee once every 7 calendar days and within 24 hours after a storm event 0.5 inches or greater.
4. If existing temporary or permanent erosion control measures require repair, modification, or maintenance, or if additional erosion control measures are deemed necessary by NDOT, the Nevada Division of Environmental Protection (NDEP) or the Environmental Protection Agency (EPA), implementation shall be completed within 7 calendar days or before the next storm event (whichever is sooner).
5. NDOT may request from the Permittee a letter from the NDEP or EPA confirming the Permittee's exemption from CGP coverage.
6. Copies of the signed CGP Notice of Intent Certification Statement and Notice of Termination application shall be submitted to the appropriate NDOT Permit office.

7. NDOT reserves the right to review and retain copies of any project related permits and associated documentation.
8. SWPPP/RCP implementation shall occur until all permitted work is complete and NDOT acceptance is granted.
9. The Permittee shall be responsible for maintaining all stormwater pollution control measures, including temporary and permanent BMPs, until final stabilization (as defined in the CGP) and NDOT acceptance is granted. Temporary pollution control measures shall be removed from the NDOT right-of-way at the completion of work authorized under this permit. Temporary pollution control measures treating stormwater runoff from land disturbance areas that have not undergone final stabilization shall remain in place.
10. Copies of Permittee construction site stormwater inspection documentation shall be submitted to the appropriate NDOT Permits office within 7 calendar days of completing each inspection. Documentation may be on the NDOT stormwater inspection form or in another format if approved in advance by the District Engineer.
11. Permanent or post-construction BMPs shall require NDOT's approval prior to construction or installation.
12. In the event Permittee activities result in an illicit discharge into the storm sewer system or a spill/release of reportable quantity (as defined by federal regulation), the Permittee shall immediately cease the activity contributing to the discharge/release and report the incident to the appropriate NDOT Permits office and the Nevada Division of Environmental Protection's Spill Reporting Hotline (1-888-331-6337) within 24 hours of occurrence. Appropriate corrective action in response to a discharge/release shall be initiated by the Permittee as soon as possible, but no later than 24 hours upon incident discovery. The Permittee shall submit copies of all documentation pertaining to mitigation, cleanup, and/or remedial efforts in response to a discharge/release to the appropriate NDOT Permits office. An illicit discharge is defined in 40CFR122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than a NPDES permit for discharges from the municipal storm sewer system) and discharges resulting from firefighting activities.
13. Comply with Environmental Laws.
 - a. Environmental Laws refers collectively to any and all federal, state, or local statute, law, ordinance, code, rule, regulation, permit, order, or decree regulating, relating to, or imposing liability or standards of conduct on a person discharging, releasing or threatening to discharge or release or causing the discharge or release of any hazardous or solid waste or any hazardous substance, pollutant, contaminant, water, wastewater or storm water, and specifically includes, but is not limited to: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Toxic Substances Control Act; the Clean Water Act (CWA); the Clean Air Act; the Occupational Safety and Health Act; any applicable National Pollutant Discharge Elimination System (NPDES) or discharge permit issued by the Nevada Division of Environmental Protection; any applicable CWA Section 404 permit, state issued 401 Water

Quality Certification, or any local pretreatment or environmental nuisance ordinance.

b. Specifically agree that in the course of performing any activity for which this Permit is necessary:

i. To comply with any and all Environmental Laws;

ii. To ensure that no activity under this Permit shall cause NDOT to be in violation of any Environmental Laws;

iii. That if the Permittee fails or refuses to comply with any Environmental Laws, or causes NDOT to be in violation of any Environmental Laws, NDOT may at its sole and unreviewable discretion, (1) revoke this Permit; (2) require the Permittee to undertake corrective or remedial action to address any release or threatened release or discharge of the hazardous substance, pollutant or contaminant, illicit discharge, water, wastewater or storm water; and (3) expressly consents to entry of injunctive relief to enforce any listed remedies.

iv. To indemnify NDOT for any losses, damages, expenses, penalties, liabilities or claims of any nature whatsoever suffered by or asserted against NDOT as a direct or indirect result of the disposal, escape, seepage, leakage, spillage, discharge, emission, or release of any hazardous waste, solid waste, hazardous substance, pollutant or contaminant, water, wastewater or storm water and losses, damages, expenses, penalties, liabilities and claims asserted or arising under the Environmental Laws, or for NDOT's costs in undertaking corrective action pursuant to an order of or settlement with a duly authorized regulatory agency or injured third party or for any penalties associated with Permittee's activities.

APPENDIX "A"

TRAFFIC IMPACT STUDY REQUIREMENTS

- A. Traffic studies are required by the Department to adequately assess the impact of a proposed development on the existing and/or planned highway system. The developer will have the primary responsibility for assessing the traffic impacts associated with a proposed development, with the Department serving in a review and approval capacity.
- B. The traffic study will be the responsibility of the applicant and must be prepared and sealed by a Nevada Licensed Engineer who has expertise in traffic studies and transportation planning. Upon receipt of a draft traffic study the NDOT Traffic Engineering Division will review the study data (sources, methods and findings) and will respond with written comments. The developer and engineer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. The NDOT Traffic Engineering Division then must approve the final report before an application will be accepted.
- C. All previous traffic studies that are more than two (2) years old at the time that construction commences on the project will require updating. This may be waived if conditions have not significantly changed.
- D. Traffic studies will be required for the following:
 - 1. For commercial or residential subdivision developments that require direct access onto the Department's rights-of-way or highway system.
 - 2. For commercial or residential subdivision developments that, although not directly accessing the Department's rights-of-way or highway, will have significant impact to the traffic on an existing highway.
 - 3. If the usage of a previously permitted access point changes significantly, or if the conditions, which led to the traffic generation estimate, which was reported in a previous traffic study change significantly, a new traffic study will be required.
- E. Traffic Engineering consultants are encouraged to discuss large, complex projects with the Department's Traffic Engineering Division prior to commencing the study. Items that may be discussed are what the project entails, definition of the study area, directional distribution of traffic, intersections requiring critical lane analysis, and methods for estimating the build-out traffic volumes.
- F. Specific requirements for each traffic study will vary depending on site location and type of development. However, all traffic studies shall contain, at a minimum, the following information:
 - 1. Executive Summary
 - a. This will contain a brief project description and concise description of the study findings.
 - 2. Introduction
 - a. Site and Study Area Boundaries

A brief description of the size of the parcel being considered, the proposed development, general terrain features, existing roadways and driveways adjacent to and opposite of the proposed development, the location of the development, and the general region should be included in this section.

The exact limits of the study area should be based on engineering judgment and an understanding of the existing traffic conditions in the site vicinity. These limits may be the result of preliminary discussions with the Department.

b. Existing and proposed site uses and densities

c. Existing and proposed uses in vicinity of site

A complete description of the existing land uses in the vicinity of the site and the proposed uses, current zoning, and master plan designation of vacant adjacent parcels should be included here.

d. Existing and Proposed Roadways and Intersections

Existing roadways, intersections, geometrics, traffic control devices and improvements proposed by governmental agencies and other developers should be listed. Proposed improvements should include a description of the improvement, its extent, completion schedule, and agency or funding sources. Provide an analysis of existing traffic conditions, including information on abutting access routes with respect to the number of lanes and available right-of-way medians. State the existing posted speed limits and the on-street parking status for the streets adjacent to the site, as well as any streets that are analyzed for the development.

3. Site Plan Requirements

Provide a scaled site plan, including building locations, driveways, internal traffic and parking areas. Identify all points of access, existing and proposed, and tie to existing highway engineering stationing. This shall include all access points both adjacent to and on the opposite side of the highway for the length of the proposed development. The site plan shall show the locations and dimensions of all proposed and existing roadway accesses, highway traffic lanes, medians, pavement striping and markings, and signs involved in the analysis and proposal. The site plan shall also show the existing and proposed facilities for pedestrian traffic. The site plan shall include provisions for service and delivery vehicle traffic generated by the site. Access points expected to be used by service vehicles shall have turning paths sufficient to allow service vehicles to enter and exit the site without encroaching upon opposing lanes, curbed areas or unpaved areas.

4. Existing Traffic Counts

Traffic counts for existing conditions at critical intersections shall be provided for peak A.M. and P.M. hours. Data on queues from nearby controlled intersections shall be included. Traffic counts shall be projected to the year when the development is expected to be completed and operational. This may occur over a period of time if the development is phased.

5. Trip Generation Requirements

- a. The future vehicle trips generated on the developed site shall be calculated in a manner consistent with the publication of the Institute of Transportation Engineers (ITE) entitled "Trip Generation", as amended. The Department may require specific trip generation rates to be used in specific cases that differ from the ITE average values when the results of local studies differ from the national values. If ITE values are not available for the proposed land use, a local trip generation study may be performed on comparable land uses. The sites to be studied must follow the ITE guidelines for local trip generation studies and the sites must be approved by the Department.
- b. Develop the directional distribution and critical hour turning volumes for site generated traffic at each approach and surrounding critical intersections. Identify how projected volumes were developed, including the technical analysis procedures, basic methods, and assumptions used in the analysis. Separate figures shall be used to show existing traffic, site traffic, and existing plus site traffic for both A.M. and P.M. peak hours.
- c. Trip assignment procedures require a description of the utilization of the study area roadways by site generated traffic. The anticipated site traffic volumes must be combined with existing and project area traffic volumes to describe through and turning movement volumes for future conditions with the site developed as proposed. Internal trips in excess of 10% will require analytical support to demonstrate how the higher figures were derived. The estimated pass-by traffic, utilizing the site, may be used to reduce the generation volumes, if applicable.
- d. Trip generation forecasts for casinos may be based on the following data:
 1. "Trip Generation Rates for Las Vegas Area Hotel-Casinos", ITE Journal, Kenneth W. Ackeret and Robert C. Hosea III, May 1992.
 2. Current rates based on a study by Clark County Traffic Management Division for rooms added to existing non-destination casino/hotels.
 3. Current trip rate study for Washoe County RTC.

6. Traffic Impact and Capacity Analysis

The report shall provide a traffic impact and capacity analysis of the site traffic on the existing traffic network. The traffic network influenced by the development site shall be determined by using the validated trip length from the local or regional planning agency or when the site adds 5% or more to the peak hour traffic of an intersection. The report shall demonstrate that adequate means are provided, under the proposed permit, to accommodate all site traffic within the roadway systems and that site traffic will not reduce signal progression to an unacceptable level. Level of Service "C" will be the design objective for capacity and under no circumstances will less than Level of Service "D" be accepted for site and non-site traffic. The design year shall be twenty (20) years following the construction or at build out of the area. Levels of Service are defined in Transportation Research Board, Special Report 209, Highway Capacity Manual, as amended.

The report shall provide Levels of Service at all critical existing intersections and existing driveways using existing peak hour volumes. A second capacity analysis shall be made at all critical intersections and driveways, including site driveways and/or streets, using existing plus site peak hour volumes. Any additional lanes, traffic control devices or channelization required shall be identified and a third analysis shall be made to determine the effects of those measures.

G. Traffic Signals

The need for new traffic signals shall be determined using the warrants in the Manual on Uniform Traffic Control Devices, as amended. Traffic progression is of paramount importance. Generally a spacing of one half (1/2) mile for all signalized intersections should be maintained. This spacing is usually desirable to achieve good speed, capacity and optimum signal progression.

To provide flexibility for existing conditions and insure optimum two-way signal progression, the traffic engineering analysis should properly locate all proposed connecting access approaches that may require signalization. An optimum two-way progression pattern should be established between two (2) public intersections that bracket the proposed approach, as chosen by the Department. These bracketing intersections should be about one (1) mile apart to be considered acceptable, and existing or possible future signal locations.

The progression pattern calculation shall use a cycle length of between fifty (50) and two hundred (200) seconds and the posted speed limit, unless otherwise directed by the Department. A desirable bandwidth of 50% should be used where existing conditions allow. Where intersections presently have no signals, but are expected to in the future, a 60% mainline, 40% cross street cycle split should be assumed. The time allowed to the cross street will be considered no less that the time that is required for a pedestrian to cross the mainline at four (4) feet per second. Generally, those intersections that would reduce the optimum band width, if a traffic signal were installed, will remain un-signalized and have turning movements limited by driveway design or median islands.

H. Traffic Accident Data

Existing traffic accident data, during a minimum period of three (3) years for existing street corridors, should be incorporated in this study. Estimates of increased or decreased accident potential should be evaluated for the development.

I. Level of Service

In the event that analysis indicates unsatisfactory Levels of Service on the study area roadways, a description of proposed improvements to remedy deficiencies shall be included. These proposals should not include committed projects by the local government agency or the Department. In general, the recommendation section should include:

1. Recommended Improvements

Describe the location, nature, and extent of the proposed improvements to insure sufficient roadway capacity. Preliminary cost estimates, sources of funding, timing, and probability of implementation should be included.

2. Volume/Capacity Analysis at Critical Points

A third iteration of the volume/capacity analysis, as required in Item "F, 6", should be performed to show the results of making the recommended improvements.

3. Levels of Service at Critical Points

Levels of service for the highway system, with the above recommended improvements and revised volume/capacity analysis, should be computed and presented here.

J. Appendixes

All raw traffic count data, including hourly, ADT, turning movements, and peak hour counts, and analysis worksheets shall be provided in the appendixes. Traffic analysis computer programs and printouts may be used as part of the report.

K. Revisions

Revisions to the traffic study must be provided, as required by the Department. The need to require revisions will be based on the completeness of the traffic study, the thoroughness of the impact evaluation and the compatibility of the study with the proposed access and development plan.

L. All projects which have or propose to have access to NDOT roadways must include a separate section which discusses adherence to the NDOT access policy, Access Management System and Standards. The following must be included:

1. Identify the requirements for the access to the project as required by the Policy.
2. If access does not meet the requirements of the Policy, provide justification for the deviation.

Please note that the Policy states that when considering if reasonable access is being provided, the circuitousness of the route or the marketability should not be considered. The study should not use this as justification.



APPENDIX "B"

DRAINAGE INFORMATION FORM

Date of Application: _____

Applicant: _____ Firm: _____

Name of Development: _____ Contact Person: _____

Encroachment Location: _____ Address: _____

Milepost: _____ Route: _____

City: _____ County: _____ Telephone: _____

Type of Development: _____

Describe nature of encroachment into Department right-of-way: _____

Approximate upstream land area which drains to the subject site: _____

Approximate development land area which drains into Department right-of-way: _____

Is a portion or all of the proposed encroachment/development located in a designated FEMA flood hazard area? Yes No

As a result of the encroachment/development:

- Will peak flows up to the 100-year event entering Department right-of-way be increased over pre-development conditions? Yes No
- Will any flows be diverted into or away from Department right-of-way? Yes No
- Will flows entering or leaving Department right-of-way be obstructed (e.g., berms, property walls, etc.)? Yes No
- Will established drainage conditions (velocities, depths, flow paths, etc.) be altered within Department right-of-way? Yes No
- Will curb, gutter, and sidewalk, medians or any other obstruction to roadway surface flows be constructed within Department right-of-way? Yes No
- Will drainage facilities be constructed in Department right-of-way? Yes No
- From a drainage standpoint, does the proposed encroachment in any way adversely affect Department right-of-way or any of the upstream or downstream property owners? Yes No

A drainage report, as described in Section II. 6.1 of the Department's Terms and Conditions Relating to Right-of-Way Occupancy Permits, is required if the answer to any of the above questions is yes unless waived by the District Engineer.

Unless completion of this form is waived by the Department's District Engineer, the form shall be completed and sealed by a Licensed Civil Engineer.



Engineer's Seal

OR Waived By: _____
District Engineer

APPENDIX "C"

RIGHT-OF-WAY OCCUPANCY PERMIT
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____
Permittee

Address of Permittee

as Principal and _____

Name and address of Bonding Company

as surety are held and firmly bound unto the State of Nevada in the sum of _____,
(\$ _____) Dollars, to be paid to the said State of Nevada, for which payment, well and
truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns,
jointly and severally, firmly by these presents: That the total amount of the bond shall secure
performance of and compliance with all the terms and conditions of the Occupancy Permit No. _____
_____, which said terms and conditions are incorporated herein as if fully set forth. The
total amount of said bond shall secure the performance of any and all work, construction, labor,
materials, and so forth, which is necessary for compliance with the terms and conditions of said
Occupancy Permit.

The condition of this obligation is such, THAT WHEREAS, the above principal did on the
_____ day of _____, 20____, apply for an Occupancy Permit from the
Department of Transportation of the State of Nevada for the performance of the work described in
the terms and conditions of the Occupancy Permit and with the requirements of statute.

Now, if the said _____
Permittee

heirs, executors, administrators, successors and assigns shall properly comply with the requirements
of statute, and of the terms and conditions of the Occupancy Permit issued by the Department of
Transportation of the State of Nevada; and shall indemnify and save harmless the State of Nevada
from any and all damage or injury to any part of the state highway, or to any real or personal
property, or to any persons whomsoever, occasioned by or arising out of the doing of any work
under the Occupancy Permit covered by this bond or occasioned by or arising out of any failure of
the principal to comply with any of its obligations under such permit; and shall properly safeguard
the work and the state highway and all bridges and other structures thereon; and shall bear the entire
cost of completing the work as outlined in the Terms and Conditions of Occupancy Permit No. _____
_____ then this obligation shall be void; otherwise it shall remain in full force and
effect. And the said surety hereby stipulates that no change, extension, alteration or addition to the
terms of the Occupancy Permit shall in any way affect its obligation of this bond.

IN AND FOR THE STATE OF NEVADA:

BONDING COMPANY

PERMITTEE

By: _____
NAME, Title Date

By: _____
Date

Address of Bonding Company

Address of Bonding Company **main office**

NOTE TO SURETY ON BOND:
Certificates of Authority for
Attorneys in Fact must be on file
with the Department of Transportation
and the Insurance Commissioner
of the State of Nevada

Attorney in Fact:

By: _____

Sample Form

APPENDIX "D"
NEVADA DEPARTMENT OF TRANSPORTATION
 Encroachment Permit Application Submittal Review
Category IA, IB and IC (Underground and Aerial Installation)

Project Name _____

Location _____

Applicant's Name _____ Submitted By _____

Reviewed By _____ Date _____

- The Encroachment Permit application is incomplete. Before the application can be accepted for processing, all items indicated below must be provided or addressed.
- The Encroachment Permit application has been accepted for processing. Approval or denial of the application will be determined after further review, which will be done during that process.

OK N/A Required

 Underlying Fee Documentation

 Letter of Indemnification

Application

 Location of Work

 Description of Work

 Address of Permittee

 Name of Permittee (Printed)

 Signature of Permittee or Authorized Agent (also Printed or Typed)

 Letter of Authorization (from owner identifying Agent)

 Application Fee \$ _____

 Drainage Information Form

 Drainage Study/Waiver Letter

 Geotechnical Report

Plans

 Minimum of Four (4) sets (including North Arrow and Scale) additional sets may be required

 One (1) Extra Set if Nighttime Work is Required

 Traffic Control Plans

 Vicinity Map with Township, Range, and Section

 Folded to 8.5" X 11", 9" X 12" with Engineer's Seal and Signature

 Color Coded

 NDOT Stationing

 Distance from Centerline of Roadway (to proposed appurtenance, in Linear Feet)

 Distance from Centerline of Cross Street (from NDOT plans, in Linear Feet)

 NDOT Right-of-Way

 Bore Detail

 Trench Detail (width & cover)

 Pole Profile (Sag clearance)

 Other _____

Received By _____ Date _____

NEVADA DEPARTMENT OF TRANSPORTATION
 Encroachment Permit Application Submittal Review
Category II and III (Highway Access Approach: Residential or Rural)

Project Name _____

Location _____

Applicant's Name _____ Submitted By _____

Reviewed By _____ Date _____

- The Encroachment Permit application is incomplete. Before the application can be accepted for processing, all items indicated below must be provided or addressed.
- The Encroachment Permit application has been accepted for processing. Approval or denial of the application will be determined after further review, which will be done during that process.

OK N/A Required

- Underlying Fee Documentation
- Letter of Indemnification

Application

- Location of Work
- Description of Work
- Address of Permittee
- Name of Permittee (Printed)
- Signature of Permittee or Authorized Agent (also Printed or Typed)
- Letter of Authorization (from owner identifying Agent)
- Application Fee \$ _____**
- Drainage Information Form
- Drainage Study/Waiver Letter
- Geotechnical Report
- Traffic Study Approval Letter by NDOT and Local Agency

Plans

- Minimum of Four (4) sets (including North Arrow and Scale) additional sets may be required
- Traffic Control Plans
- Folded to 8.5" X 11", 9" X 12" with Engineer's Seal and Signature
- Vicinity Map with Township, Range, and Section
- Color Coded
- NDOT stationing
- NDOT Right-of-Way
- Adjacent and Opposite Approaches
- Distance from Centerline of Roadway (to proposed appurtenance, in Linear Feet)
- Distance from Centerline of Cross Street (from NDOT plans, in Linear Feet)
- Signing and Striping
- Other _____

Received By _____ Date _____

NEVADA DEPARTMENT OF TRANSPORTATION
 Encroachment Permit Application Submittal Review
Category IV (Highway or Driveway Access for Commercial Traffic)

Project Name _____

Location _____

Applicant's Name _____ Submitted By _____

Reviewed By _____ Date _____

- The Encroachment Permit application is incomplete. Before the application can be accepted for processing, all items indicated below must be provided or addressed.
- The Encroachment Permit application has been accepted for processing. Approval or denial of the application will be determined after further review, which will be done during that process.

OK N/A Required

- Underlying Fee Documentation
- Letter of Indemnification

Application

- Location of Work
- Description of Work
- Address of Permittee
- Name of Permittee (Printed)
- Signature of Permittee or Authorized Agent (also Printed or Typed)
- Letter of Authorization (from owner identifying Agent)
- Application Fee \$** _____
- Drainage Information Form
- Drainage Study/Waiver Letter
- Geotechnical Report
- Traffic Study Approval Letter by NDOT and Local Agency

Plans

- Minimum of Ten (10) sets (including North Arrow and Scale)
- One (1) Extra Set if Nighttime Work is Required
- Traffic Control Plans
- Folded to 8.5" X 11", 9" X 12" with Engineer's Seal and Signature
- Vicinity Map with Township, Range, and Section
- Color Coded
- NDOT Stationing
- Distance from Centerline of Roadway (to proposed appurtenance, in Linear Feet)
- Distance from Centerline of Cross Street (from NDOT plans, in Linear Feet)
- NDOT Right-of-Way
- Adjacent and Opposite Approaches
- Signing and Striping
- Conformance to requirements of Traffic Study Approval
- Other _____

Received By _____ Date _____

NEVADA DEPARTMENT OF TRANSPORTATION
 Encroachment Permit Application Submittal Review
Category V (Subdivision or Commercial developments)

Project Name _____
 Location _____
 Applicant's Name _____ Submitted By _____
 Reviewed By _____ Date _____

- The Encroachment Permit application is incomplete. Before the application can be accepted for processing, all items indicated below must be provided or addressed.
- The Encroachment Permit application has been accepted for processing. Approval or denial of the application will be determined after further review, which will be done during that process.

OK N/A Required

- Underlying Fee Documentation
- Letter of Indemnification

Application

- Location of Work
- Description of Work
- Address of Permittee
- Name of Permittee (Printed)
- Signature of Permittee or Authorized Agent (also Printed or Typed)
- Letter of Authorization (from owner identifying Agent)
- Application Fee \$ _____**
- Drainage Information Form
- Drainage Study/Waiver Letter
- Geotechnical Report
- Traffic Study Approval Letter by NDOT and Local agency

Plans

- Minimum of Ten (10) sets (including North Arrow and Scale)
- One (1) Extra Set if Nighttime Work is Required
- Traffic Control Plans
- Vicinity Map with Township, Range and Section
- Folded to 8.5" X 11", 9" X 12" with Engineer's Seal and Signature
- Color Coded
- NDOT Stationing
- Distance from Centerline of Roadway (to proposed appurtenance, in Linear Feet)
- Distance from Centerline of Cross Street (from NDOT Plans, in Linear Feet)
- NDOT Right-of-Way
- Adjacent and Opposite Approach
- Signing and Striping
- Conformance to requirements of Traffic Study Approval
- Trench Detail (width & cover)
- Other _____

Received By _____ Date _____ Rev. 09/03

NEVADA DEPARTMENT OF TRANSPORTATION
Encroachment Permit Application Submittal Review
Category VI
(Miscellaneous: Commercial landscaping, bike paths, awnings, fences, etc.)

Project Name _____

Location _____

Applicant's Name _____ Submitted By _____

- The Encroachment Permit application is incomplete. Before the application can be accepted for processing, all items indicated below must be provided or addressed.
- The Encroachment Permit application has been accepted for processing. Approval or denial of the application will be determined after further review, which will be done during that process.

OK N/A Required

- Underlying Fee Documentation
- Letter of Indemnification

Application

- Location of Work
- Description of Work
- Address of Permittee
- Name of Permittee (Printed)
- Signature of Permittee or Authorized Agent (also Printed or Typed)
- Letter of Authorization (from owner identifying Agent)

- Application Fee \$** _____
- Drainage Information Form
- Drainage Study/Waiver Letter
- Geotechnical Report**

Plans

- Minimum of Four (4) sets (including North Arrow and Scale) additional sets may be required
- One (1) Extra Set if Nighttime Work is Required
- Traffic Control Plans
- Folded to 8.5" X 11", 9" X 12" with Engineer's Seal and Signature
- Vicinity Map with Township, Range, and Section
- Color Coded
- NDOT Stationing
- Distance from Centerline of Roadway (to proposed appurtenance, in Linear Feet)
- Distance from Centerline of Cross Street (from NDOT plans, in Linear Feet)
- NDOT Right-of-Way
- Other: _____

Received By _____

Date: _____

NEVADA DEPARTMENT OF TRANSPORTATION
 Telecommunication Encroachment Permit Application Submittal Review
 (Excluding Long Haul Applications)

Project Name _____
 Location _____
 Applicant's Name _____ Submitted By _____
 Reviewed By _____ Date _____

- The Telecommunication Encroachment Permit application is incomplete. Before the application can be accepted for processing, all items indicated below must be provided or addressed.
- The Telecommunication Encroachment Permit application has been accepted for processing. Approval or denial of the application will be determined after further review, which will be done during that process.

OK	N/A	Required	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Underlying Fee Documentation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Indemnification
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Due Diligence

Application

<input type="checkbox"/>		<input type="checkbox"/>	Location of Work
<input type="checkbox"/>		<input type="checkbox"/>	Description of Work
<input type="checkbox"/>		<input type="checkbox"/>	Address of Applicant
<input type="checkbox"/>		<input type="checkbox"/>	Name of Applicant (Printed)
<input type="checkbox"/>		<input type="checkbox"/>	Signature of Applicant (also Printed or Typed)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Fee \$ _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drainage Information Form
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drainage Study/Waiver Letter

Plans

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum of Four (4) sets (additional sets may be required)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	One (1) Extra Set if Nighttime Work is Required
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	One (1) Extra Set if a FHWA Review is Required
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Color Coded
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	North Arrow and Scale
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Engineer's Seal and Signature (If Applicable)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Traffic Control Plan(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vicinity Map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NDOT Stationing
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance from Centerline of Roadway and Cross Street
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NDOT Right-of-Way Clearly Delineated w/Dimension
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bore Detail
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Trench Detail
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pole Profile (Sag clearance)
		<input type="checkbox"/>	Other _____

Mailed to _____ Date _____
 Received By _____ Date _____

09/03

APPENDIX "E"
NEVADA DEPARTMENT OF TRANSPORTATION
Hydraulic Guide for Fiber Optic/Utility Line Installations

1. Locate fiber optics/Utility line as far away as possible from inlet and outlet of all hydraulic structures including culverts and bridges. Preferably, the optics/utility line shall be placed at the edge of NDOT right-of-way.
2. In the vicinity of culvert crossings, case the fiber optics/utility line and lower it across the culvert channel according to the following:

Culvert Size (or equivalent)	Minimum Depth of Fiber Optics/Utility Line Below Channel Flowline (Upstream of Culvert / Downstream of Culvert)	Minimum Distance Beyond Each Channel Bank to Extend Fiber Optics/Utility Line Lowering and Casing (Upstream of Culvert / Downstream of Culvert)
Up to 36" Diameter	6 Feet / 10 Feet	15 Feet / 15 Feet
42" to 60" Diameter and RCB's up to 5' x 4'	6 Feet / 15 Feet	15 Feet / 20 Feet
Greater than 60" Diameter and RCB's greater than 5' x 4'	6 Feet / 20 Feet	15 Feet / 25 Feet

3. At river crossings, case the fiber optics/utility line and locate it a minimum of 25 feet below the channel flowline. Extend the fiber optics/utility line and casing a minimum of 100 feet beyond the channel banks.
4. In the event the fiber optics/utility line must be located within the roadway prism, the line shall be located at least 10 feet below all existing roadway hydraulic facilities including drop inlets, down drains, and storm drains. Also, the optics/utility line must be located at least 5 feet laterally away from the edge of these facilities. If no hydraulic facility is present, the line shall be placed 15 feet below roadway elevation and 10 feet away from edge of oil to accommodate future hydraulic facilities.
5. In the event the fiber optics/utility line must be attached to an existing bridge structure, the line shall be placed such that it will not be impacted by flows up to and including the 100-year flood event.
6. Locate fiber optics/utility line at least 20 feet away from the bank of all parallel roadside drainage facilities.
7. In the event the fiber optics/utility line must be located within an existing parallel roadside channel, the line shall be located and cased at least 15 feet below the channel bottom. No exceptions are made for lined channels. Drawings and calculations for trenching and repairing concrete lined channels must be submitted to the Bridge and Hydraulic Divisions for approval.
8. All existing drainage patterns after installation of the fiber optics/utility line must be perpetuated.
9. The fiber optics/utility line must be bored under all energy dissipaters including riprap, gabion, and concrete structures. The limit of boring shall be the same as the above table.
10. The fiber/utility line shall be located at least 15 feet away from the toe of spurs, dikes, berms, and guide Banks.
11. The fiber optics/utility line shall be bored below check dams and drop structures.
12. Any alterations of the above criteria must be supported by engineering analysis on a case-by-case basis and is subject to review and approval by the NDOT Hydraulic Engineer.

APPENDIX "F"

702

Project
E.A.

STATE OF NEVADA)
) ss.
_____ COUNTY)

AFFIDAVIT OF COMPENSABLE INTERESTS

I, _____, do hereby swear under penalty of perjury that the assertions of this affidavit are true:

That I am the _____ for _____ and have been so employed for _____ years. That I am familiar with the facilities owned by _____

occupying _____

that are in conflict with the plans for Project _____ of the Nevada Department of Transportation.

That said facilities were located in _____

_____ prior to the Nevada Department of Transportation's assumption of

_____ into the state highway system, and that, in accordance with the

Statutes of Nevada, _____ is entitled to be compensated for allowable costs in relocating its

facilities, or is entitled to have these facilities relocated for it at no cost to the _____. None of said facilities are

located subject to the terms of a permit pursuant to N.R.S. 408.423.

Name of Affiant

SUBSCRIBED AND SWORN to before me
this _____ day of _____, 20____.

Notary Public

