

INFORMATION CONCERNING ENCROACHMENT PERMITS

Conditions for Issuance of Permits

The Commissioner, having jurisdiction over highways, may issue permits for use of highway rights of way by individuals, firms, public utility companies, or municipalities or other State agencies when the following conditions are met:

- (1) The use requested by the permittee will not interfere with the needs for highway purposes.
- (2) The use requested by the permittee will not interfere with Department operations; will not create a traffic hazard, and will not interfere with the safe and free flow of traffic.
- (3) There is compliance with all regulations herein mentioned.
- (4) There is understanding and acknowledgment by the permittee that the permit is revocable at the discretion of the Commissioner when the requirements of the permit are violated or can no longer be met.
- (5) The authority to grant permission is authorized by statute.
- (6) Approval is granted by the Federal Highway Administrator where special permission is needed on Federal Aid highways.

Application for Permit

- (1) An Application for Permit must be filed with the District Maintenance Manager before an investigation is made or the permit issued. Standard application forms for these permits may be obtained at the office of the District Maintenance Manager. The following information shall be included:
 - a. For minor encroachments, such as service connections, private drives, etc., a sketch shall be included on the application form or separate sheet, in duplicate.
 - b. For more complex installations and for commercial enterprises, three sets of complete plans and related documents shall be submitted. If it is deemed necessary, more sets of plans may be required by the District Maintenance Manager when a major traffic generator is involved. Application must be made to the State Traffic Commission and a certificate issued prior to the application to the District Maintenance Manager.
 - c. For major improvements to State highways by municipalities in conjunction with redevelopment, major utility or sewer construction and encroachments on limited access highways, eight copies of complete plans and related documents shall be submitted.
 - d. When the removal or the trimming of trees and shrubs from within the highway right-of-way for the purpose of obtaining or improving the sight line for an outdoor advertiser is involved, application must be made to the Outdoor Advertising Section of the Department of Transportation and their approval obtained prior to application to the District Maintenance Manager.

- (2) In all cases, the sketches on plans shall show the location of the work to be done in relation to the outstanding features of the highway, such as property lines, pavement lines, sidewalks, curbs, trees, intersecting roads, drainage facilities, traffic control appurtenances, utility poles by number, and utility lines. All plans shall be drawn to a 40 SCALE, or as otherwise directed, with a North arrow indication. All plans should be so detailed that a Permit Investigator can determine the exact location of the various parts of the work, the risk of injury to road users, and the effect upon private property, trees, shrubs and highway structures.
- (3) Information relating to the character, and extent of the work, materials to be used, and methods of construction are also required.
- (4) In the event that work or repairs not designated in the original permit must be done in the same location, the permittee shall make application to the District Maintenance Manager for a permit authorizing such additional work or repairs.
- (5) For applications requiring a drainage review, no work shall be performed until the complete plans and computations have been reviewed by the Bureau of Engineering and Highway Operations and the permit has been issued. Drainage requirements are listed in Section 13b-17-13.
- (6) Permit fees must be submitted with an application for permit. Current fees are subject to change due to pending revisions.

Class 1	Major Traffic Generators(W/S.T.C. Certificate)	
Class 2	a) Buried Longitudinal Utilities equal to or over 500 feet	
	b) Industrial/commercial developments, redevelopment projects, large traffic generators which do not require an S.T.C. certificate	
	c) Construction or reconstruction of a major commercial driveway	
Class 3	a) Buried longitudinal utilities less than 500'	
	b) Transverse buried utilities and buried service connections	
	c) Sidewalk construction or repair	
	d) Longitudinal utility attachment to state bridge (not including any fees required under section 13a-126c of the Connecticut General Statutes)	
	e) Any excavation or alteration of lesser magnitude than class 2	
	f) Material removal from highway right-of-way	
	g) Utility cable crossing attached to state bridge	
	h) Test pits,	
	i) Tree or shrub trimming or removal for advertising signs.	
Class 4	(a) Construction or reconstruction of residential driveway or minor commercial driveway	
	(b) Driveway repaving including major and minor commercial driveways	
	(c) Removal or installation of fence	
	(d) Installation of banners, murals, plaques, etc.	
	(e) Installation of signs	
	(f) Tree or shrub trimming or removal	
	(g) Planting of shrubbery	
Class 5	a) First permit for installation of specific information (logo) signs	

	b) Work performed by municipal forces including authorities functioning as ad hoc municipal entities	
	c) Utility pole installation or replacement including guy wires and anchors, push braces or stay pole	
	d) Overhead utility repair, installations or disconnections including blanket permits for overhead work	
	e) Tree trimming and removal in conjunction with overhead utilities	
	f) Utility installations, relocations and/or adjustments, including test pits, in conjunction with D.O.T. construction or resurfacing projects	
	g) Installation of public telephones	

Permit applications of an unusual manner shall be included in one of the above designated classes as determined by the District Maintenance Manager. The permit fees are waived for permits issued to municipalities for work actually performed by municipal forces.

Rejection of Applications

When it appears that the work called for in an application would cause substantial or needless damage to a highway, create excessive disturbance to traffic or result in dangerous conditions, or is detrimental to the aesthetics of the highway, the request for a permit will be denied. The applicant will be informed of such denial by letter from the District Maintenance Manager which will state the results of the investigation and the reason for denial. The District Maintenance Manager may refuse to issue a permit to any person, company or municipality when work performed under a previously issued permit was not properly executed, or when said applicant has failed to reimburse the State for recoverable charges billed under the terms governing a previous permit.

Inviolability of Non Access Lines

No violations of non-access lines will be permitted except when it is advantageous to the State from the standpoint of aesthetics, necessary for drainage control, or when it is necessary to accommodate utility installations to conform to the AASHTO regulation "A Policy on the Accommodation of Utilities on Freeway Rights of Way." (Also see section 13b-27, 14-238 & 14-238a of the Connecticut General Statutes).

Issuance of Permits

A permit to use the highway right of way or to plant, remove or trim trees and shrubs may be issued by the District Maintenance Manager only after receiving a report from the Permit investigator subsequent to completion of the examination of all aspects of the proposal and upon receipt of the surety bond, properly executed in the correct amount. A permit form must be signed by the District Maintenance Manager before it becomes valid. The first two copies of the permit shall be sent or handed to the applicant. The applicant shall sign both copies of the permit. The original shall be retained by the permittee and the second copy returned promptly to the District Maintenance Manager. The permittee is forbidden to commence work until the above-mentioned second copy of the permit has been received by the District Maintenance Manager and the permittee has notified the Permit Inspector of the exact date and hour work is to begin. Contractors, who are performing work for a permittee, including municipalities and utility companies, must have a copy of

the permit issued to the permittee with them while work is being performed.

If a municipality or utility company has any utility facilities located within the right of way of an interstate highway or any other designated limited access highway, a continuing permit may be issued, upon written request, for emergency operations and servicing of such facilities in accordance with the terms of a Master Maintenance Agreement executed between the State and the municipality or utility company, covering the interstate highway system, or a similar agreement covering limited access highways. Emergency work shall be covered by a written permit issued after the emergency, even though the continuing agreement justifies the work during the period of urgency.

Upon written request from the municipality or utility company, a permit may be issued to authorize each instance of inspection and servicing which is not an emergency. (See Sec. 13b-17-24 concerning emergency permits for work on State highways other than those mentioned in this paragraph.)

Bond Requirements

Except in instances where public service companies have filed a statement of solvency acceptable to the Secretary of State, pursuant to the General Statutes, it is the responsibility of the District Maintenance Manager to determine who shall furnish the permit bond and the amount of the guarantee to be provided to the State in connection with each permit, after receiving a report on the proposed work from the Permit Investigator. The District Maintenance Manager shall specify that a permit bond in a definite amount shall be delivered to his/her office before a permit is issued. The permit bond shall remain in effect for a sufficient period after the completion of construction to ensure the repair of any work which has settled, eroded or deteriorated. The bond may be released after this waiting period upon the request in writing. The permit bond requirement maybe waived for permits issued to municipalities when the work covered by the permit is to be performed by municipal forces.

With the exception mentioned herein, the amount of the permit bond shall be established separately for each permit so that the State will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restorations involving the work or encroachment authorized by the permit. Immediately upon the approval of an application for permit, the District Maintenance Manager will advise the applicant of the amount of the permit bond required. On major utility projects such as new sewer and water main installations the permit bond amount shall be established during the plan review stage of the project. An annual blanket permit bond, acceptable to the Department, maybe deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested.

Insurance Requirements

(1) The permittee shall indemnify and save harmless the State of Connecticut, the Department of Transportation, its officers, agents and employees from all claims, suits, actions, damages and costs of every name and description caused by or resulting from the permit, its use and/or maintenance by the permittee, its contractors and/or invitees, the effect of the permit on the operation, use and/or maintenance of the state highway(s); or the negligent performance and/or non-performance of the terms of the permit, and such indemnity shall not be limited by reason of any insurance coverage.

(2) Prior to the issuance of a permit, the permittee will be required to

provide a Certificate of Insurance, Form CON 32, in such amounts as determined by the state which are applicable to the nature of work involved and as provided for in article 1.03.07 of "the State of Connecticut, Standard Specifications for Roads, Bridges and Incidental Construction," as revised.

(3) In cases where a joint permit is issued to a property owner and his/her contractor, a Certificate of Insurance which covers one or both of the permittees will be acceptable.

(4) Insurance coverage requirements may be waived in regard to permits issued to municipalities, public service companies (as defined by section 16-1 of The Connecticut General Statutes, as revised) and churches provided that these groups actually perform the work covered by the permit. However, when the work is to be performed by a contractor, a Certificate of Insurance will be required.

Obligation of the Permittee and the State

(1) The issuance of a permit in no way obligates the State to issue any further permit, to continue or extend the permitted work, to relocate the facilities of others encountered during the initial installation, or for any cause whatsoever.

(2) All applicable local ordinances, federal and State statutes and regulations shall be complied with, and all licenses and permits shall be obtained by the permittee before this permit becomes effective.

(3) When permitted work is to be accomplished within an area where, at any time during the life of the permit, the State has a contract or performing work, the permittee shall arrange his/her work and shall place and dispose of the materials being used so as not to interfere with the operations of the State's contractor. The permittee shall coordinate his/her operations with those of the State's contractor and cooperate in every way possible, to avoid interfering with the State contractor's operations. The permittee shall hold the State's contractor, State and federal government free and harmless of all costs or liability resulting from delays, rescheduling, redesign or for whatever cause necessary, to comply with this requirement.

(4) All work, once started, shall be prosecuted during times and days allowed, without interruption, and the site immediately placed in a condition satisfactory to the State.

(5) Delays and costs incurred by the permittee as the result of any adjustment, abandonment, redesign, rescheduling or redoing of permitted work to comply with the permit shall be totally at the expense of those other than the State.

(6) The permittee agrees and warrants that in the performance of the permit, he/she will not discriminate or permit discrimination against any person or group or persons on the grounds of race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability, including, but not limited to blindness, unless it is shown by the permittee that such disability prevents performance of the work involved in any manner prohibited by the laws of the United States or of the State of Connecticut, and further agrees to provide the Commission on Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of the permittee as relate to the provisions of this Section.

Cost of Permit Work

(1) With the exception of the relocation or removal of public service facilities by direction of the Transportation Commissioner, in the manner provided by the General Statutes, acceptance of a permit by an individual, private or municipal corporation to whom or which it is granted, shall obligate the permittee to reimburse the Department of Transportation for all expenses incurred by the Department in connection with the permit as follows:

(a) The time of all employees of the Department, including Permit Inspectors, laborers and General Supervisors, will be charged to the permittee for the number of hours of service rendered in connection with the permit, with the exception that no charge will be made for the time and travel expense of a Permit Inspector on any day when the inspector is on the project less than two hours.

(b) Charges for State-owned equipment will be made according to the rental rate established by the Commissioner in applying equipment costs to the Department's routine work on the State highway system.

(c) Supplies and materials furnished by the State will be charged at the State's cost.

(d) Expenses of travel of Permit Inspectors and other Department personnel will be charged at cost, based on a rate per mile established by the Department.

(e) When work under a permit necessitates the removal of any guide railing, the removal may be performed by the permittee unless the permit specifically provides to the contrary. In all instances where guide rail is to be removed, the permittees, at their own expense, shall fill the area behind the rail with material acceptable to the District Maintenance Manager to such extent, elevation and drainage control as the District Maintenance Manager shall direct. The required backfilling shall be completed prior to the removal of the railing. All railing shall remain the property of the State and shall be delivered to the State garage designated by the District Maintenance Manager.

(f) To cover overhead, administrative and engineering expense of the Department, a percentage, as determined by the Department, of the total direct labor, equipment and materials cost will be charged to the permittee in addition to the actual expense.

(g) When the work of a permittee is in a location where a State highway monument, boundary marker, base line monument or geodetic monument must be disturbed, the permittee shall identify, locate and protect it and then notify the District Maintenance Manager prior to any work in the area so that Department surveyors may record measurements essential to the resetting of the monument by the State after the permittee has completed permit related work. The permittee will be billed by the Department for full engineering and replacement costs of monuments that are disturbed or destroyed by the permittee's operations.

(h) When any State highway warning or directional sign, State owned historical site marker or colonial milestone must be removed relocated or disturbed by the operations of the permittee, the permittee shall notify the District Maintenance Manager. The removal, storage and restoration of such signs, markers, or historical stones will be done by the Department at the expense of the permittee.

(i) When any traffic signal or signal actuation device is disturbed or is in imminent danger of being rendered inoperable by permitted work, the permittee

shall notify the State at once. Temporary arrangements to accommodate the interruption will be made by the State as well as providing a permanent repair to the damaged equipment. The temporary accommodations and final restoration of the signal's operation shall be done at the expense of the permittee.

(j) The charges to the permittee will be compiled by the Department and appropriate invoices will be forwarded to the permittee. Invoices shall be paid promptly when received by the permittee. Every effort will be made by the Department to keep the expenses of inspection and other work performed to a minimum, consistent with adequate protection of the road user and the investment of the State in the highway.