

State of Ohio
Department of Transportation
RIGHT-OF-WAY USER PERMITS
Instructions

PLEASE READ:

- 1) A valid permit to use or occupy the highway right-of-way must be obtained before any construction takes place within the right of way. No work will be initiated on or off State right-of-way at any commercial site until the site plans have been approved by the Department of Transportation.
- 2) Application for permits can be made in person or sent by mail to the local Department of Transportation District office in care of the District Deputy Director (ATTN: Permit Department). Signatures by contractor are not acceptable and will be returned.
- 3) Applications for public roads, commercial accesses, or residential driveway approaches shall only bear the signature of the property owner, the company owner, or the corporate official responsible for construction and maintenance of the installation placed in the highway right-of-way.
- 4) Permits cannot be issued to developers, contractors, property owners, etc. for any utility service installation, ie; sewer taps, water taps service drops, etc. Applications for these installations must be submitted by the local governing utility company that services the requested area.
- 5) Commercial developments are required to submit the following as a minimum: 4 copies of detailed plans showing all proposed construction, possible effect of traffic movement and trip generation in and out of the proposed site, and drainage calculation based on a 10-year retention. Additionally a separate site plan showing all accesses on both sides of the highway within 1000 feet of the proposed access is required.

The following information should also be included with your application.

- A) Location of the proposed work should be indicated in feet at a distance north, south, east, west, from the nearest intersection indicating which side of the road you will occupy. A plat map must be attached to the application.
 - B) Staking is required for all residential property, showing the exact location of the proposed access, as well as the property lines.
 - C) Total width of through pavements, and if a divided highway, the width of median and location of existing median crossovers.
 - D) Record the width of the pavement and from the edge of a pavement and to the edge of the right-of-way line, keeping in mind the edge of the right-of-way is usually the utility line. If there is no utility line present, the rule of thumb for the edge of right-of-way is for the most part 31' from the center line of the road.
 - E) The proposed width of the new access including the width and radii of any existing access. The distance between the proposed access and any other access points in either direction. If you do not have 495' of space between any existing drives and the proposed drive you must do a variance request. This can be done by letter attached to the permit application. The request should give justification for why we should permit the variance from our standards.
 - F) Dimensions and type of construction of any proposed islands between approaches.
 - G) The location and dimensions of proposed buildings and parking area.
 - H) The location and description of any existing and all proposed drainage structures within the highway right-of- way.
 - I) The location and type of all landscape items.
- 6) You must contact the County Manager or his associate 24 hours in advance of starting any work.
 - 7) A copy of the permit and approved plan(s) must be in on site at all times while work is being performed within the State's right-of-way.
 - 8) You may be required to submit additional documentation as listed on the reverse side of the M&R 505. Check with the issuing authority for these details.

RW-1

General Provisions Applicable to All Permits
(Sections 5515.01 and 5515.02 of O.R.C.)

- [1] This permit is not a substitute for satisfying the rights of any other party who may have an interest in the underlying fee.
- [2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights-of-way or in the design or operation of the state highway; or in any way abridge the right of the Director of Transportation in his jurisdiction over state highways. If, in the future, it is necessary for improved safety and operation of the state highway or for the benefit of the traveling public, the Director of Transportation may reconstruct, relocate, modify, repair, or remove any permitted connection or any features or fixtures thereof; or redesign the state highway including installing any auxiliary lanes and/or modifying any allowable turning movements. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.
- [3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.
- [4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.
- [5] The permittee shall hold harmless the Department of Transportation, the State of Ohio, and all of its representatives from all suits, actions, or claims of any character, brought on account of any injuries or damages sustained by any person or property in consequences of any neglect or on account of any act or omission as a result of the issuance of the permit.
- [6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.
- [7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.
- [8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.
- [9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.
- [10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.
- [11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.
- [12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.
- [13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.