

CDT0923R

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)
SUBJECT/PROJECT:	STATE HIGHWAY ACCESS PERMIT NO. 307012, 23 ROAD ACCESS PERMIT
ADDRESS:	HIGHWAY 070, MILEPOST 1.23, IN MESA COUNTY, 770 BUSINESS PARK, 23 ROAD
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

STATE OF COLORADO

Region 3 Traffic Section
222 S. Sixth St., Room 100
Grand Junction, Colorado 81501
(970) 683-6284 Fax:(970) 683-6290



February 18, 2009

ATTN: Jody Kliska
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

**RE: State Highway Access Permit No. 307012, Located on Highway 070, Milepost 1.23,
in Mesa County.**

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. The next step in the CDOT access permitting process is for you (Applicant) to obtain a Notice to Proceed (NTP). *Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.*

Notice to Proceed Information

Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) **Cover Letter Requesting a NTP**
- 2) **Traffic Control Plan**

The traffic control plan must be:

- A. Consistent with CDOT Standard Plans Manual for Maintenance and Signing
- B. Consistent with the MUTCD
- C. Prepared by individual with American Traffic Safety Services Association (ATSSA) or Colorado Contractors Association certification – or sealed (stamped) by a Colorado registered professional engineer
- D. Acceptable to CDOT prior to any construction within the right-of-way
- E. Presented in a manner that provides a method of handling traffic (MHT) for each different phase of construction. The MHT will describe proposed construction phasing and will include dimensioned diagrams of work zone elements.

The final traffic control plan must be submitted a minimum of three working days in advance of construction. Such plans may be revised as necessary with CDOT concurrence.

3) **Insurance Liability Certification**

The Applicant or contractor shall be required to provide a comprehensive general liability and property damage insurance naming CDOT as an additional insured party, in the amounts of not less than \$1,000,000 per occurrence and automobile liability insurance of \$1,000,000 combined single limit bodily injury and property damage for each accident, during the period of access construction.

4) **Construction Progress Schedule**

The Applicant shall provide a construction progress schedule that identifies all critical path items including but not limited to excavation, embankment, surfacing, culvert installation, traffic control placement and removal, and access construction completion.

5) **Pre-construction Meeting**

Meeting shall be scheduled between, but not limited to, Applicant, a CDOT representative, construction personnel, Traffic Control Supervisor, and Permittee (if other than Applicant).

Please call to schedule a pre-design meeting with a CDOT engineer at (970) 683-6284. This meeting will go over all items that shall need to be submitted with the NTP.

Respectfully,



Dan Roussin
Region 3 Access Manager

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 307012
			State Highway No/Mp/Side 070 B / 1.232 / L
Permit fee \$0.00	Date of transmittal 2/6/2009	Region/Section/Patrol 3 / 02 / Hans Egghart	Local Jurisdiction Mesa County

The Permittee(s): City of Grand Junction Jody Kliska 250 North 5th Street Grand Junction, CO 81501 970-256-4155	Applicant:	Ref No.:
<p>Is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>		
<p>Location: This access location is also known as 23 Road</p>		
Access to Provide Service to:	(Land Use Code: 770 - Business Park (23 Road)	(Size or Count) (Units) 418 DHV
<p>Additional Information: Hans Egghart (970-683-6279) shall be the CDOT inspector on this project.</p>		

MUNICIPALITY OR COUNTY APPROVAL			
Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Title	Date
<p>Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.</p> <p>The permittee shall notify Brian Killian with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 683-6285, at least 48 hours prior to commencing construction within the State Highway right-of-way.</p> <p>The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.</p>			
Permittee Signature 	Print Name Tim Moore	Title	Date 2-17-09
<p>This permit is not valid until signed by a duly authorized representative of the Department.</p> <p>COLORADO DEPARTMENT OF TRANSPORTATION</p>			
Signature 	Print Name Daniel Rousseau	Title Permit Manager	Date (of Issue) 2-18-09

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)
2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.
3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger

highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the

right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

STATE HIGHWAY ACCESS PERMIT 307012

February 5, 2009

Located on Highway I-70B near RP 1.232 Left

Issued to City of Grand Junction

TERMS AND CONDITIONS

1. This permitted access is only for the use and purpose stated in the Application and Permit. This Permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based in part upon the information submitted by the Permittee. Any subsequent relocation, reconstruction, or modifications to the access or changes in the traffic volume or traffic nature using the access shall be requested for by means of a new application. Any changes causing non-compliance with the Access Code may render this permit void, requiring a new permit.
2. Hans Egghart (970-683-6279) shall be the CDOT inspector on this project.
3. This permit is in conjunction with SHE 070A-004 I-70B Intersection Improvement Project Number #16804 (Project). This CDOT project will construct all earthwork, asphalt and concrete items, including signal pole caisson foundations.
4. The Permittee shall work with the above Project to construct an entire mast-arm signal system.
5. The Permittee shall furnish and install the following items:

LUMINAIRE HIGH PRESSURE SODIUM (400 WATT)	EACH	2
SIGN PANEL (CLASS 1) - MAST ARM SIGNS	SF	31.5
TRAFFIC SIGNAL FACE (12-12-12)	EACH	9
TRAFFIC SIGNAL FACE (12-12-12-12)	EACH	1
FIRE PREEMPTION UNIT AND TIMER	EACH	1
VEHICLE DETECTION CAMERAS	EACH	3
TRAFFIC SIGNAL - LIGHT POLE STEEL (1-20 FOOT MAST ARM)	EACH	1
TRAFFIC SIGNAL - LIGHT POLE STEEL (1-40 FOOT MAST ARM)	EACH	1
TRAFFIC SIGNAL - LIGHT POLE STEEL (1-55 FOOT MAST ARM)	EACH	1
TRAFFIC SIGNAL PEDESTAL POLE (STEEL)	EACH	1
CONTROLLER & CABINET	EACH	1
ALL WIRING ASSOCIATED WITH THE ABOVE ITEMS	LS	1

6. Project Coordination (SHE 070A-004 I-70B Intersection Improvement Project) shall be done with the Project Engineer, Hans Egghart, 970-683-6279 (office), or 970-250-5482 (cell).
7. Activation of signal shall be done at a time specified by the Region 3 Traffic Operation Engineer, Zane Znamenacek, 970-683-6278 and Project Engineer, Hans Egghart, 970-683-6279.
8. This permit replaces any and all additional access permits that may be in existence. All other State Highway access to the property shall be removed.
9. A Notice to Proceed, CDOT Form 1265 is required before beginning the construction of the access or any activity within the highway right-of-way. To receive the Notice to Proceed the applicant shall submit a complete packet to CDOT with the following items:
 - (a) A cover letter requesting a Notice to Proceed.
 - (b) Certificate of Insurance Liability as per Section 2.3(11)(i) of the State Highway Access Code.
 - (c) A certified Traffic Control Plan in accordance with Section 2.4(6) of the Access Code. The Traffic Control Plan shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during construction.

STATE HIGHWAY ACCESS PERMIT 307012

February 5, 2009

Located on Highway I-70B near RP 1.232 Left
Issued to City of Grand Junction

TERMS AND CONDITIONS (cont.)

- (d) Prior to the issuance of any Notice to Proceed, the applicant shall schedule a pre-construction meeting including but not limited to applicant, Engineer of Record, Construction Inspector, construction personnel, permittee (if other than applicant), CDOT representative and Traffic Control Supervisor.
- (e) A construction schedule will be required at the pre-construction meeting.
10. Open cuts, which are at least 4 inches in depth, within 30 feet of the edge of the State Highway traveled way, will not be left open at night, on weekends, or on holidays, or shall be protected with a suitable barrier per State and Federal Standards.
 11. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
 12. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation.
 13. CDOT shall be responsible for the required submission of SWMP plans for this project and the Construction Storm Water Permit.
 14. A temporary construction easement is required if highway improvements necessitate entering another private properties for any reason. The Permittee is responsible for obtaining the said easement and providing the lease information to CDOT prior to obtaining the NTP. The easement shall be a signed legal agreement between the property owner and the permittee of the access permit. This easement shall stipulate the range of dates the permittee's contractor may enter the property and provide any construction plan & profiles attachments that have been agreed upon.
 15. It is the responsibility of the permittee/applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" for details. **FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.**
 - ALL discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.
 - Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. However,

STATE HIGHWAY ACCESS PERMIT 307012

February 5, 2009

Located on Highway I-70B near RP 1.232 Left
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TERMS AND CONDITIONS (cont.)

construction activities may require a Construction Stormwater Permit. Contact the CDOT Water Quality Program Manager at 303-757-9343.

- ANY OTHER DISCHARGES may require Colorado Discharge Permit(s) or separate permits from CDPHE or the appropriate agency before work begins. For additional information and forms, go to the CDPHE website at:
<http://www.cdphe.state.co.us/wq/PermitsUnits/wqcdpmt.html>.
16. Nothing in this permit shall prohibit the chief engineer from exercising the right granted in CRS 43-3-102 including but not limited to restricting left hand turns by construction of physical medial separations.
 17. During access construction no construction personnel vehicles will be permitted to park in the state highway right-of-way.
 18. The access shall be completed in an expeditious and safe manner and shall be completed within 45 days from initiation of construction within State Highway right-of-way or in accordance with written concurrence of the CDOT Access Inspector, Hans Egghart (970-6279). All construction shall be completed in a single season.
 19. Any damage to present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department and prior to continuing other work.
 20. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector. If mud is obvious condition during site construction, it is recommended that the contractor build a Stabilized Construction Entrance or Scrubber Pad at the intended construction access to aid in the removal of mud and debris from vehicle tires. The details of the Stabilized Construction Entrance are found in the M & S Standards Plan No. M-208-1.
 21. A fully executed complete copy of this permit and the Notice to Proceed must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
 22. All construction and inspection work must be under the direction of a Colorado Registered Professional Engineer. The PE's responsibilities include, but are not limited to:
 - (a) The PE shall evaluate compliance with plans and specifications with regard to the roadway improvements within the State right-of-way. The PE shall carefully monitor the contractor's compliance on all aspects of construction, including construction zone traffic control.
 - (b) Engineering Certification: After inspection and before final acceptance, the Engineer shall certify to CDOT in writing that all inspections, materials, materials testing, and construction methods conform to the plans, specifications and purpose of design.
 23. No work will be allowed at night, Saturdays, Sundays and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
 24. Areas of roadway and/or right-of-way disturbed during this installation shall be restored to their original conditions to insure proper strength and stability, drainage and erosion control. Restoration shall meet the Department's standard specifications for topsoil, fertilization, mulching, and re-seeding.

STATE HIGHWAY ACCESS PERMIT 307012

Located on Highway I-70B near RP 1.232 Left
Issued to City of Grand Junction

February 5, 2009**TERMS AND CONDITIONS (cont.)****Construction Completion & Final Acceptance**

25. The permittee shall notify the Permit Manager by certified mail within 10 working days to request a final inspection. This request shall include signed and sealed certification that all materials and construction have been completed in accordance with all applicable Department Standards and Specifications; and that the access is constructed in conformance with the State Highway Access Code, 2 CCR 601-1, and the terms and conditions included in this permit. The engineer of record shall be present for this inspection.
26. Following the final inspection, CDOT will prepare an Access Construction Inspection Summary Letter and send it to the applicant, permittee, and engineer of record. If additional items are required to complete the access construction, a list of these items will be part of the access construction inspection summary letter. All required items shall be completed within 30 days from receiving the Access Construction Summary Letter. If all work appears to have been done in general close conformity with the above named permit, an initial acceptance letter will be sent to the permittee and this access may be opened for traffic.
27. The 2 year warrantee period will begin when the initial acceptance letter is issued. In accordance with section 2.5(6) of the State Highway Access Code, if any construction element fails within two-years due to improper construction or material specifications, the Permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit. The letter of final acceptance will be issued once the access has been inspected and is found to comply with all material and construction in accordance with all applicable Department Standards and Specifications approx. 2 years after initial acceptance.

COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

PURPOSE - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT - Please Review The Following Information Carefully - Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies**

CLEARANCE CONTACTS - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE) - General Information - (303) 692-2035
Water Quality Control Division (WQCD) (303) 692-3500
Environmental Permitting Website <http://www.cdphe.state.co.us/permits.asp>.
- CDOT Water Quality Program Manager; Rick Willard (303) 757-9343
- CDOT Asbestos Project Manager; Julia Horn (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-3395
- U.S. Army Corps of Engineers, District Regulatory Offices
Omaha District (NE Colorado), Denver Office (303) 979-4120 <http://www.nwo.usace.army.mil/html/od-tl/tri-lakes.html>
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199 <http://www.spk.usace.army.mil/cespk-co/regulatory/>
Albuquerque District (SE Colorado), Pueblo Reg. Office (719)-543-6915 <http://www.spa.usace.army.mil/req/>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <http://www.dot.state.co.us/Permits/>

Ecological Resources - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website <http://www.dot.state.co.us/environmental/Wildlife/Guidelines.asp>, or the Colorado Division of Wildlife website <http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/>. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions.

Cultural Resources - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAH), Denver, to ascertain if historic or archaeological resources have previously been identified. Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of OAH and/or CDOT. If archaeological or historical artifacts are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information** Contact the OAH at (303) 866-3395.

General Prohibition - Discharges - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as wash water, paint, automotive fluids, solvents, oils or soaps. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343, or the Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) at (303) 692-3500.

General Authorization - Allowable Non-Stormwater Discharges - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **Contact Information:** The CDOT Water Quality Program Manager or the CDPHE Water Quality Control Division (telephone #'s listed above).

Hazardous Materials, Solid Waste - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or gasoline contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Info:** Contact the CDOT/CDPHE Liaison at (303)757-9787.

Asbestos Containing Materials, Asbestos Contaminated Soil – All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDHPE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information concerning clearance on CDOT projects is available from Julia Horn, CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Property Management Supervisor (303) 512-5524.

Construction Stormwater Permit: Stormwater Discharge From Industrial Facilities - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities - requires a CDPS Stormwater Permit. **Contact Information:** For Utility/Special Use activities being performed in conjunction and coordination with a CDOT highway construction contract, please contact the CDOT Water Quality Program Manager at (303) 757-9343. Otherwise, contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmi.html>

Construction Dewatering (Discharge or Infiltration) – Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering Discharge Permit. **Contact Information:** For Construction Dewatering Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

Minimal Industrial Discharge Permit – Discharges of small quantities of wastewater or wastewater requiring minimal treatment, such as that resulting from hydrostatic testing or certain wash waters, may require a Minimal Industrial Discharge Permit ("MINDI"). **Contact Info:** Contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

Municipal Separate Storm Sewer System (MS4) Discharge Permit – Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to a MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and the CDHPE. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS-4 Permits, or go to <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html#MunicipalFormsGuidance>.

Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD - Corps of Engineers 404 Permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 Permits, including Nationwide Permits, which are issued for activities with relatively minor impacts. For example, there is a Nationwide Permit for Utility Line Activities (NWP #12). However, depending upon the specific circumstances, it is possible that either a "General" or "Individual" 404 permit would be required. If an Individual 404 Permit is required, Section 401 water quality certification from the CDPHE WQCD is also required. **Contact Information:** Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (information provided at top of ECIS). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

Erosion and Sediment Control Practices - For activities requiring a Construction Stormwater Permit, erosion control requirements will be specified through that permit. In those situations where a stormwater permit is not required, all reasonable measures should be taken in order to minimize erosion and sedimentation. In either case, the CDOT Stormwater Quality and Erosion Control Guide (2002) should be used to design erosion controls. **Contact Information:** The CDOT Stormwater Quality and Erosion Control Guide may be obtained from the Bid Plans Office at (303) 757-9313 or from: <http://www.dot.state.co.us/environmental/envWaterQual/wqms4.asp>

Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes", and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact the CDOT / CDPHE Liaison or CDOT Water Quality Program Manager.

Concrete Washout - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343.

Spill Reporting - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, or that may otherwise present an

Immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-(877)-518-5608.

Transportation of Hazardous Materials - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

Paleontology - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder, and the Denver Museum of Nature and Science to ascertain if paleontological resources have been previously identified. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** Contact the CDOT Paleontologist at (303) 757-9632.

Working on or in any stream or its bank - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project. The Colorado Division of Wildlife (CDOW) application, as per guidelines agreed upon by CDOT and CDOW, can be accessed at www.dot.state.co.us/environmental/wildlife/permitapplication.asp.

About This Form - Questions or comments about this Information Summary may be directed to Dahir Egal, CDOT Safety & Traffic Engineering, Utilities Unit, at (303) 757-9344, dahir.egal@dot.state.co.us