ALABAMA DEPARTMENT OF TRANSPORTATION
PERMIT TO CONSTRUCT A TURNOUT
TO PROVIDE ACCESS TO A STATE HIGHWAY

This form to be used for commercial entrances
and for private entrances where the APPLICANT
constructs the turnout.

Permit No. ______________________
Division ______________________
District ______________________
Maint. Section ______________________
Milepost ______________________

Name of APPLICANT ____________________________________________

Address ________________________________________________________

Description of Work ____________________________________________

The APPLICANT hereby requests permission of the Alabama Department of Transportation to permit
APPLICANT to construct a turnout to the highway above noted and agrees with the Alabama Department of
Transportation that upon approval of this request by the Alabama Department of Transportation, the permission for
the applicant to construct, maintain and/or use such turnout shall be subject at all times to revocation by the
Department of Transportation, and the permission to construct, maintain and/or use the turnout by the
APPLICANT, shall be especially subject to the following terms and conditions as respectively applicable, and that
such permission will be revoked or denied by the Alabama Department of Transportation at any time the
APPLICANT fails to comply with any such term or condition hereinafter stated:

1. The turnout shall be in compliance with applicable provisions of Chapter 4 of the Alabama Department of
Transportation Maintenance Manual, Alabama Department of Transportation current highway design standards,
and with the drawing(s) attached hereto. (Information is available from any Alabama Department of Transportation
District Manager to assist APPLICANT in this regard).

2. The access turnout will be constructed in such a manner that no damage will be occasioned to the state
highway, and no hazard to the traveling public will be created.

3. The APPLICANT is not granted any right, claim, or control over any part of the highway right-of-way.
The APPLICANT is not permitted to use the access turnout or adjacent highway right-of-way for any purpose other
than for highway access and for maintenance of the access turnout. All structures, including gas pumps, tanks,
sheds, signs, etc., must be placed beyond the R.O.W. and in no way encroach thereon.
4. The Clean Water Act, 1987 and the Alabama Nonpoint Source Management Program, 1989 are hereby made a part hereof by reference and will be conformed to by the APPLICANT as the provisions thereof are applicable hereto.

The APPLICANT will conform to the regulations of the Environmental Protection Agency (EPA) and of the Alabama Department of Environmental Management (ADEM), (latest edition), for both installation and maintenance of permitted facilities.

5. If hazardous material is encountered in the execution of this Agreement it will be the responsibility of the APPLICANT to notify the proper agency responsible for said hazardous material and comply with any and all environmental regulations as established by the Environmental Protection Agency (EPA), Alabama Department of Environmental Management (ADEM), and of the Occupational Safety and Health Administration (OSHA) in the proper disposition of the hazardous material encountered.

6. The APPLICANT will maintain, and keep in satisfactory condition, at the sole cost and expense of the APPLICANT, any drainage structure(s) that may be necessary in connection with this turnout and keep same cleaned at all times.

7. If it becomes necessary to remove and/or reconstruct this access turnout, the Alabama Department of Transportation or its Contractors have the right to remove and/or reconstruct said turnout without any payment whatsoever to the APPLICANT.

8. The APPLICANT will not make additions to or otherwise modify the access turnout after its completion without obtaining a new permit from the Alabama Department of Transportation. This stipulation applies to the turnout itself and adjacent highway right-of-way.

9. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore highway in the work area in as good condition as the same was prior to the work and will maintain the accomplished work and highway work area in a condition satisfactory to the Alabama Department of Transportation for a period of one year from the acceptance by the Department of the work applied for by APPLICANT.

10. The APPLICANT will file with the Alabama Department of Transportation an acceptable certified check or bond in the penal amount of $________________ to guarantee the faithful performance of this permit in it's entirety. Upon satisfactory completion and acceptance of all the work provided for in this permit contract, the check or bond, as applicable, will be returned to the APPLICANT; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be applied to complete and fulfill the permit contract terms.

11. During construction of this turnout, traffic control devices shall be used in accordance with the national Manual on Uniform Traffic Control Devices.

12. Nothing in this permit shall be construed to permit violation of the denial of access as indicated on the Alabama Department of Transportation's right-of-way maps relating to the highway in the work area provided for hereinunder, which maps are of record within the Alabama Department of Transportation.
13. To the fullest extent permitted by law, the APPLICANT shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys’ fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the APPLICANT, anyone directly or indirectly employed by the APPLICANT or anyone for whose acts APPLICANT may be liable.

The term “hold harmless” includes the obligation of the APPLICANT to pay damages awarded against and legally recoverable from the State of Alabama, or the Alabama Department of Transportation, or its officers, agents, servants, and/or employees in both individual and official capacities whose acts or omissions that were the basis of the liability were performed within the course and scope of their employment.

14. Under all conditions, a slope of not less than 1/2” per ft. will be maintained from shoulder line to a point in line with typical ditch section on both sides of turnout. The slope from this point to R.O.W. limits may vary according to section desired by property owner.

15. In no case shall post development drainage from beyond the R.O.W. Limits, directed toward the roadway, be greater than the pre-construction runoff.

16. This permit terminates one year from its date and all construction, work and activity provided for must be completed within such one year period. Once work is begun on the turnout, the APPLICANT shall pursue the work continuously and diligently until completion.

17. The decision of the Alabama Department of Transportation will be final on any question that may arise hereunder and concerning any work performed or to be performed pursuant hereto.

18. The Applicant must provide a copy of the Notice of Registration (NOR) Received issued by ADEM upon receipt of the applicant’s Notice of Registration. This will assure compliance with Phase II of stormwater construction requirements. In the event a NOR is not required, Applicant must submit to ALDOT a Best Management Practices (BMP) plan to control sediment run-off.

19. In the event that ALDOT is issued a citation or any other enforcement document by ADEM/EPA for failure to comply with applicable requirements, it shall be the responsibility of the applicant to bring all BMPs into compliance and to pay for any fines, assessments, etc. that may be issued to ALDOT by ADEM/EPA.
In Witness whereof the parties hereto have caused this Agreement of permit to be executed by their respective officers, officials, and persons thereunto duly authorized and the same to be dated and to be effective on the _____ day of ____________________________ 20_______.

___________________________________________
Legal Name of APPLICANT

By__________________________________________

____________________________________________
Address

____________________________________________
Telephone Number

RECOMMENDED FOR APPROVAL:

____________________________________________
District Manager & Date

____________________________________________
Division Engineer & Date

APPROVED:
ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS TRANSPORTATION DIRECTOR

By: _____________________________________________
Maintenance Engineer / Division Engineer

Date: ____________________________________________