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

This form to be used for private entrances where the Department of Transportation lays pipe and substantially completes construction of turnout. This includes drives to individual residences, farm fields, churches and schools, only. **If future use changes from private to commercial, form BM-111-B must be completed and approved.**

Name of APPLICANT___________________________________________________________

Address ______________________________________________________________________

Description of Work_____________________________________________________________
_____________________________________________________________________________

The APPLICANT hereby requests permission of the Alabama Department of Transportation 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 APPLICANT to construct, maintain and/or use such turnout shall be subject at all times to revocation by the Alabama Department of Transportation, and the permission to construct, maintain and/or use the turnout by 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 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. Signs, Mailbox structures, or any other highway right-of-way encroachment not
shown on the attached drawing(s) and approved as a part of this permit are specifically
prohibited.

3. The APPLICANT agrees to 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 out at all times.

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 to 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. 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.

7. 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.
8. Nothing in this permit shall be construed to permit violation of the denial of access of the highway as indicated on the Alabama Department of Transportation's right-of-way maps relating to the highway, which are of record within the Alabama Department of Transportation.

9. 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.

10. The access turnout and related work covered by this permit shall be completed within one year from the date shown on this permit; otherwise this permit becomes null and void. Once work is begun on the turnout, the APPLICANT shall pursue the work continuously and diligently until completion.

11. 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.

12. 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.

13. 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 to be executed by their respective officers, officials, and persons thereunto duly authorized to be effective on the day and year stated below.
Date

Name of APPLICANT

By: _________________________________

Address

____________________________________

Telephone Number

____________________________________

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

By: ____________________________________

Date: ___________________________________