PERMIT MANUAL

Maintenance Bureau
Alabama Department of Transportation

Levels of Review and Approvals

ALDOT Maintenance Operations Documents and Forms

Recommended for Approval:

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Approved:

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Date:

01-02-2014
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Permits for Work on ALDOT ROW

Permits are agreements that are executed between the applicant and ALDOT. The permit language present in a standard agreement template has been developed for specific reasons and is to be used statewide. No changes are to be made to the standard agreement templates without prior review and approval by the Central Office. Examples of such changes include deletion of standard paragraphs, modification of standard paragraphs and addition of new paragraphs.

Review and approval of permits at all levels is to be in accordance with the ALDOT Access Management Manual, the ALDOT Permit Manual, the ALDOT Utility Manual and other ALDOT standards as applicable.

Copies of all approved permits are to be sent to the Maintenance Bureau.

Form BM-111-A, Permit to Construct a Turnout to Provide Access to a State Highway (Private Drive to a Residence Only)

- The ALDOT Access Management Manual is to be followed.
- The ALDOT Permit Manual is to be followed.
- Approval should be at the District level.

Form BM-111-B, Permit to Construct a Turnout to Provide Access to a State Highway (Commercial Entrance)

- The ALDOT Access Management Manual is to be followed at all levels of approval.
- The ALDOT Permit Manual is to be followed at all levels of approval.
- For permit requests received from applicants with a statewide presence (such as Wal-Mart, CVS, Walgreens, Dollar General, Family Dollar, etc.) the appropriate ALDOT approval level shall consult with the Central Office during the review of the application.
- Approval should be at the District level when all of the following cases apply:
  - Low volume routes or route segments with an ADT less than or equal to 2000 vehicles per day (vpd).
  - Construction of a single entrance along with a right turn lane and drainage modifications that are associated with that access only.
  - The proposed work is not performed with other permitted work on ROW.
  - The requested entrance satisfies both the ALDOT Access Management Manual and the ALDOT Permit Manual, and meets ALDOT standards.
- Approval should be at the Division/Region/Area level when any one of the following cases apply:
  - Routes or route segments with an ADT greater than 2000 vpd.
  - Multiple access locations requested by the applicant.
• Complex entrances and those that do not satisfy the ALDOT Access Management Manual or the ALDOT Permit Manual, or meet ALDOT standards.
• The proposed work is in conjunction with other permitted work on ROW.
• Access locations on interstate service roads that are outside the denied access fence.
• Variations from ALDOT standards and/or application of access management retrofitting techniques as described in the ALDOT Access Management Manual, Chapter 5.
• Approval should be at the Central Office level when the following applies:
  • Access locations on interstate ROW, except for service roads outside the denied access fence

Form BM-166, Permit to Construct Median Crossover

• Approval should be at the Division/Region/Area level.
• The Division/Region/Area should consult with the Central Office as needed.
• The ALDOT Access Management Manual is to be followed.
• The ALDOT Permit Manual is to be followed.

Form MB-01, Permit Agreement for the Accommodation of Utility Facilities on Public Right of Way

• Approval should be at the District level for the following cases:
  • Aerial crossings on non-interstate routes that do not require additional poles on the highway right of way.
  • Utilities on non-interstate routes that are installed parallel to the roadway and outside the roadway prism.
  • Uncased service lines on non-interstate routes that cross the roadway, are 2” in diameter or less, and meet all requirements of the Utility Manual.
  • Cased utilities on non-interstate routes that cross the roadway, are 4” in diameter or less, and meet all requirements of the Utility Manual.
  • Utility poles located outside the clear zone on non-interstate routes.
• Approval should be at the Division/Region/Area level for the following cases:
  • Cased utilities on non-interstate routes that cross the roadway, are greater than 4” in diameter and meet all requirements of the Utility Manual.
  • Utilities on non-interstate routes that are installed parallel to the roadway and inside the roadway prism, after consultation with the Central Office.
  • All other utilities not approved at the District or Central Office levels.
  • Utility poles located inside the clear zone on non-interstate routes.
• Approval should be at the Central Office level when the following applies:
  • Utilities on or crossing interstate right of way.
  • Utilities are to be attached to a bridge structure.
  • The applicant proposes an alternative to required encasements.
• Use of Pisces/Technical Toolbox report, or ALDOT approved equal, is required during the review of the permit.

Form MB-02, Special Permit Agreement for Installation of Utilities on Public Right of Way (Roadway Crossing Only)

• Approval should be at the District level for the following cases:
  ▪ Aerial crossings on non-interstate routes that do not require additional poles on the highway right of way.
  ▪ Uncased service lines on non-interstate routes that cross the roadway, are 2” in diameter or less, and meet all requirements of the Utility Manual.
  ▪ Cased utilities on non-interstate routes that cross the roadway, are 4” in diameter or less, and meet all requirements of the Utility Manual.

• Approval should be at the Division/Region/Area level for the following cases:
  ▪ Cased utilities on non-interstate routes that cross the roadway, are greater than 4” in diameter, and meet all requirements of the Utility Manual.
  ▪ All other utilities not approved at the District or Central Office levels.

• Approval should be at the Central Office level when the following applies:
  ▪ Utilities on or crossing interstate right of way.
  ▪ The applicant proposes an alternative to required encasements.
  ▪ Use of Pisces/Technical Toolbox report, or ALDOT approved equal, is required during the review of the permit.

Form MB-03, Permit Agreement for the Accommodation of Utility Type Facilities on Public Right of Way (Privately Owned Utilities)

• Approval should be at the District level for the following cases:
  ▪ Aerial crossings on non-interstate routes that do not require additional poles on the highway right of way.
  ▪ Utilities on non-interstate routes that are installed parallel to the roadway and outside the roadway prism.
  ▪ Uncased service lines on non-interstate routes that cross the roadway, are 2” in diameter or less, and meet all requirements of the Utility Manual.
  ▪ Cased utilities on non-interstate routes that cross the roadway, are 4” in diameter or less, and meet all requirements of the Utility Manual.
  ▪ Utility poles located outside the clear zone on non-interstate routes.

• Approval should be at the Division/Region/Area level for the following cases:
  ▪ Cased utilities on non-interstate routes that cross the roadway, are greater than 4” in diameter, and meet all requirements of the Utility Manual.
  ▪ Utilities on non-interstate routes that are installed parallel to the roadway and inside the roadway prism, after consultation with the Central Office.
  ▪ All other utilities not approved at the District or Central Office levels.
  ▪ Utility poles located inside the clear zone on non-interstate routes.
• Approval should be at the **Central Office** level when the following applies:
  ▪ Utilities on or crossing interstate right of way.
  ▪ Utilities are to be attached to a bridge structure.
  ▪ The applicant proposes an alternative to required encasements.
  ▪ Use of Pisces/Technical Toolbox report, or ALDOT approved equal, is required during the review of the permit.

**Form MB-05, Agreement for Grading and/or Landscaping on Right of Way**

• Approval should be at the **Division/Region/Area** level except as noted below.
• Permit applications involving landscaping shall have a conceptual review by the State Agronomist (Central Office) prior to approval by the **Division/Region/Area**.
• Permit applications involving sidewalks and improvements outside the roadway prism shall have a Cooperative Maintenance Agreement (MB-06/MB-06A), along with an accompanying resolution passed by the city council or county commission, executed prior to approval by the **Division/Region/Area**.
• Permit applications for monitoring wells are to be approved at the **Central Office** level.
• Permit applications for work inside the denied access areas of interstate routes are to be approved at the **Central Office** level.
• Permit applications for the removal of dirt, including purchase when applicable, from ALDOT ROW are to be approved at the **Division/Region/Area**.

**Form MB-06, Agreement for the Cooperative Maintenance of Public Right of Way (Mowing)**

• Approval should be at the **Division/Region/Area** level.
• Agreements shall be reviewed for form and signed off by an ALDOT attorney.
• The Central Office is to review and approve any changes that are made to the standard agreement template.

**Form MB-06A, Agreement for the Cooperative Maintenance of Public Right of Way (Structures)**

• Approval should be at the **Division/Region/Area** level.
• Agreements shall be reviewed for form and signed off by an ALDOT attorney.
• The Central Office is to review and approve any changes that are made to the standard agreement template.
Form MB-06B. Agreement for the Cooperative Maintenance of Public Right of Way with Reimbursement (Mowing)

- Approval should be at the **Division/Region/Area** level.
- Agreements shall be reviewed for form and signed off by an ALDOT attorney.
- The Central Office is to review and approve any changes that are made to the standard agreement template.

Form MB-07. Special Agreement for Installation of Drainage Structures on Highway Right of Way

- Approval should be at the **District** level when the following applies:
  - Proposed drainage structure work does not require the submission of drainage calculations by the applicant.
- Approval should be at the **Division/Region/Area** level when the following applies:
  - Proposed drainage structure work requires the submission of drainage calculations by the applicant.

Form MB-08. Agreement for the Installation and Maintenance of Special Directional and/or Political Boundary Signs – Municipal Governments

- Approval should be at the **Division/Region/Area** level.
- Permit application must include a Municipal Council resolution in which the municipality agrees to maintain the sign.

Form MB-09. Agreement for the Installation and Maintenance of Special Directional and/or Political Boundary Signs – County Governments

- Approval should be at the **Division/Region/Area** level.
- Permit application must include a County Commission resolution in which the county agrees to maintain the sign.

Form MB-10. Application for Permit for Seismic Survey by Use of Vibroseis System

- If the sensors are located on ALDOT ROW but the vibration/impact is applied off ROW, approval should be at the **Division/Region/Area** level.
- If the vibration/impact is applied on ALDOT ROW, regardless of the location of the sensors, the **Division/Region/Area** level shall consult with Materials and Tests Bureau prior to approval.
Form MB-11, Permit for Placement of Herbicides on Rights-of-Way by Utilities

- Approval should be at the Central Office level.

Form MB-12, Agreement to Trim Trees and Underbrush by Utilities on Right of Way

- Approval should be at the District level.
- Cutting and/or removal of vegetation with a trunk diameter of more than four inches (4") in diameter must use Form MB-05 instead.

Permits for Outdoor Advertising

Permits are agreements that are executed between the applicant and ALDOT. The permit language present in a standard agreement template has been developed for specific reasons and is to be used statewide. No changes are to be made to the standard agreement templates without prior review and approval by the Central Office. Examples of such changes include deletion of standard paragraphs, modification of standard paragraphs and addition of new paragraphs.

Copies of all approved permits are to be sent to the Maintenance Bureau.

Form OA-1, Application for Permit to Erect Outdoor Advertising Sign

- Approval should be at the Division/Region/Area level.
- Permit application must comply with applicable portions of federal and state laws and regulations pertaining to outdoor advertising.

Form OA-2, Application for Permit to Trim Trees and Underbrush, Pursuant to Section 23-1-270 through 23-1-288, Code of Alabama, 1975

- Approval should be at the Division/Region/Area level.
- Permit application must comply with applicable portions of federal and state laws and regulations pertaining to outdoor advertising.

Form OA-5, Application for Permission to Erect a Directional Sign

- Approval should be at the Division/Region/Area level.
- Permit application must comply with applicable portions of federal and state laws and regulations pertaining to outdoor advertising.
Other Agreements

Airspace Agreement

- Approval should be at the **Central Office** level.

Traffic Approvals, Agreements, Permits and Warrants

Standard agreement templates have been developed for specific reasons and are to be used statewide. No changes are to be made to the standard agreement templates without prior review and approval by the Central Office. Examples of such changes include deletion of standard paragraphs, modification of standard paragraphs and addition of new paragraphs.

Miscellaneous Guide Signs

- Approval of Miscellaneous Guide Signs should be at the **Central Office** level when proposed signs would require variances to the Miscellaneous Guide Sign Manual (MGSM).
- Approval of Miscellaneous Guide Signs should be at the **Division/Region/Area** when proposed signs meet the requirements of the MGSM.

Specific Service Signing Program (LOGO)

Copies of all approved Specific Service Signing agreements are to be sent to the Maintenance Bureau.

- Approval should be at the **Division/Region/Area** level.

Tourist Oriented Directional Signs (TODS)

Copies of all approved TODS agreements are to be sent to the Maintenance Bureau.

- Approval should be at the **Division/Region/Area** level.

Wayfinding Signs

- Approval should be at the **Division/Region/Area** level after consultation with the Central Office.

Memorial or Dedication Signs
- Approval should be at the **ALDOT Director** level.
- The Central Office will process the appropriate documents.

**Speed Zone Studies**

- Approval should be at the **Central Office** level.

**Traffic Signal Installations and Warrant Analyses**

An original copy of all executed traffic signal/street lighting agreements is to be sent to the Maintenance Bureau.

- Approval should be at the **Division/Region/Area** level.
- Areas that should include consultation with the Central Office include:
  - Traffic Impact Studies
  - Traffic Delay Studies
  - Highway Capacity Analyses
  - Use of Simulation Models such as Synchro, TSIS/CORSIM, SCATSIM, HCM/HCS, VISSIM, etc.
- Maintenance of traffic signal/street lighting agreement templates will be by Central Office.
History of Revisions

None
ALABAMA
DEPARTMENT OF TRANSPORTATION

PERMIT MANUAL

Alabama
Department of Transportation
1409 Coliseum Boulevard
Montgomery, AL 36130

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APPENDICES

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Appendix “B” – Typical Turnout Information

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Appendix “F” – Tree Trimming Memorandum

Appendix “G” – Permit Applications

Appendix “H” – Overhead Signs on ALDOT Right of Way
Chapter One

GENERAL PERMIT INFORMATION

1.1. DEFINITIONS

For the purposes of this manual, the following definitions will apply:

1. AASHTO: American Association of State Highway and Transportation Officials

2. ADEM: Alabama Department of Environmental Management

3. ALDOT: Alabama Department of Transportation

4. Applicant: The entity requesting the permit. The applicant for work on the ROW shall be the property owner. The exception to this rule would be the placement of monitoring wells on ROW by a contractor through the authority of another governmental agency.

5. Central Office: Main office of ALDOT located in Montgomery, Alabama

6. Department: Used to refer to ALDOT

7. District: Local office representing the Department’s interest

8. District Manager: Senior officer of a district who represents the Department

9. Division: Second highest level of the Department. A total of nine (9) divisions make up the state with each division covering numerous counties.

10. Division Engineer: Senior officer of a division who represents the Department.

11. E.O.P. or E.P.: Edge of Pavement

12. FHWA: Federal Highway Administration

13. Hardscape: Sidewalks, bike paths, planting beds, brick pavers, ornamental lighting, etc.

14. Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel
15. Major Development: Anything beyond a simple commercial entrance with a right turn lane and the drainage associated with that entrance and turn lane

16. Maintenance Bureau: Final approval authority for all permits in the state except for those approved in the District or Division

17. Maintenance Manual: Manual which describes the organization, administration, and operational procedures of ALDOT with respect to maintenance employees and maintenance activities.

18. MUTCD: Manual on Uniform Traffic Control Devices

19. NOR: Notice of Registration permit received from ADEM when 1 or more acres of soil is disturbed with relationship to the proposed project submitted for approval. The area of disturbance includes the area located both on and off of the right-of-way. The permit must be in the APPLICANT’S name.

20. Permit: Form submitted by the APPLICANT requesting to perform work on ALDOT’S right-of-way.

21. Professional Engineer: A person who has been granted a certificate of registration by the Alabama Board of Professional Engineers and Land Surveyors based on his/her professional education and practical experience to practice professional engineering.

22. Roadway: For permit purposes, the area between the outermost limits of the ROW

23. ROW: Right-of-way of the Department

24. Special and Standard Highway Drawings: Most recent edition of ALDOT’s standard plans for construction of structures within the ROW.

25. Standard Specifications for Highway Construction: Most recent edition of ALDOT’s standard specifications for materials and procedures used within the ROW.

26. Utility Manual: Manual which outlines general practices, guidelines, and procedures which affect the relationships among ALDOT and those utility entities with which the Department engages in contracts, agreements, and permits.
1.2. PERMIT PROCESSING PROCEDURES

Description of Existing ROW Permit Process

When a ROW permit application is submitted, the approval process includes three levels of internal review within ALDOT. At each review level, the permit application is evaluated for, among other things, safety, proper traffic function and adherence to ALDOT standards. Exceptions to this three level review process are made for simple private drives (BM-111A permits, which are approved at the District) and for larger private drives and small commercial turnouts (BM-111B permits, which are approved at the Division). For all permits, specific issues between ALDOT and the permit APPLICANTS can be and often are “pre-reviewed” at any time and as needed.

The process for reviewing and approving ROW permits is a three step process:

Initial Application – District Office

The APPLICANT contacts the local District Permit Manager/Coordinator to begin the permit process and arrange any needed site visits. The APPLICANT collects the required information as described in the ALDOT Permit Manual and submits the completed permit application to the District Office. The District reviews the permit application for completeness and adherence to standards. The District may refer specific issues to the Division Office before making a formal recommendation. Once the District review is complete, the permit application is either denied and returned to the APPLICANT or it is forwarded to the local ALDOT Division Office with a recommendation for approval.

Intermediate Review – Division Office

The permit application and the District’s recommendation are reviewed by the Division. In those circumstances where the Division does not agree with the District’s recommendation, the Division resolves those issues with the District and the APPLICANT. The Division may refer specific issues to the Maintenance Bureau of the Central Office before making a formal recommendation. Once the Division review is complete, the permit application is either denied and returned to the District or it is forwarded to the Maintenance Bureau with a recommendation for approval.

Final Review and Approval – Central Office

The Maintenance Bureau reviews the permit application and the Division’s recommendation. In those circumstances where the Maintenance Bureau does not agree with the Division’s recommendation, the Maintenance Bureau resolves those issues with the Division and the APPLICANT. Once the Maintenance Bureau’s review is complete and all outstanding issues have been resolved, the permit is approved by the
State Maintenance Engineer. A copy of the approved permit is returned to the APPLICANT in a reverse order of the steps by which it was submitted to the Maintenance Bureau.

For major developments, a preliminary site visit should be considered to include District, Division, and Maintenance Bureau personnel as available, the developer, and the developer’s/owner’s engineer to discuss the proposed work. All decisions made during preliminary meetings and site visits need to be documented by the APPLICANT.

Further guidance as to the level of approval needed for permit applications can be found in the letter at the front of this manual from Mr. George Conner, P.E. dated May 29, 2009. It should be understood by the APPLICANT that a permit cannot be considered approved until a copy of the application is signed by the highest required approval authority and returned to the APPLICANT.

The APPLICANT should seek guidance from the District as to the number of copies of the permit packages required to be submitted. If the permit request involves grading work inside the denied access fence of the interstate, one additional copy is required for review by FHWA.

The time taken to approve a permit will depend on several factors. If all the necessary information required in the permit is included and approval is needed from the Maintenance Bureau, the approval could be received in as few as ninety (90) days. If Maintenance Bureau approval is not required, this time period could be reduced. The ninety (90) day period will be lengthened if all of the required information is not contained in the APPLICANT’s initial submittal. This timetable also depends on the APPLICANT’s response time for providing requested information. If FHWA review is required, additional time will be needed for approval.

The APPLICANT should be notified within thirty (30) days if a problem is found during the District’s review. After thirty (30) days the APPLICANT may contact the District Office to inquire as to the status of a permit.

The APPLICANT may not transfer, convey, or assign the approved permit, or any privilege or responsibility contained therein pertaining to actual work to be accomplished within the right-of-way without prior written approval from ALDOT. The APPLICANT will ensure that the continuing responsibility for the upkeep and repair of any facility erected or installed in connection with the permit will be transferred to the APPLICANT’s successors in interest of assigns. The APPLICANT is solely responsible for performance of the work authorized by the permit.

Right-of-way permits are issued with the understanding that actions with regard to specific permits do not establish any type of precedent pertaining to the processing and/or approval of future permit applications.
Permit renewals and permit addendums should be approved at the same level as the original permit. If Maintenance Bureau approval was required for the permit, the renewal or addendum must be submitted to the Maintenance Bureau for approval. As with Division approved permits, a copy of the Division approved permit renewal letter or addendum shall be submitted to the Maintenance Bureau for record keeping purposes. Prior to approving a permit renewal, the Division should determine if any specifications, policy changes or departmental practices have changed that would require updates to the permit in question. If updates are needed, they should be included in the addendum.

1.3 PERMIT REVIEW COMMITTEE

When there are issues not resolved through the three step process described above, the applicant may present their case to the ALDOT ROW Permit Review Committee. The committee will review the issues presented and will issue a recommendation to the Chief Engineer. Information about this process is provided below.

1.3.1 SOURCE MATERIALS

The Permit Review Committee process is described in the General Information chapter of the ALDOT Permit Manual. The Permit Manual is posted on ALDOT’s webpage at www.dot.state.al.us. A copy of the Permit Review Committee process will be provided to APPLICANTS at the time of their application submission.

1.3.2 REVIEWABLE ITEMS

The following items can be reviewed by the Permit Review Committee:

- Provisions within a permit to be issued by ALDOT.
- Denial of a permit by ALDOT.
- Non-renewal of a permit by ALDOT.

1.3.3 REVIEW TIMETABLE

A permit application can be reviewed within thirty (30) days of receiving a written decision from ALDOT. Either correspondence or email satisfy the requirement for a written decision.

1.3.4 REVIEW REQUEST

To request a review, the APPLICANT prepares and submits the following items:

- Identification and description of specific decisions that are to be reviewed.
- Eight (8) copies of all documentation that is pertinent to the subject of the review to include:
  - Drawings
1.3.5 REVIEW COMMITTEE MEMBERS

The members of the ROW Permit Review Committee are appointed by the Transportation Director. The membership includes:

- Chair (designated ALDOT Bureau Chief)
- County Transportation Bureau Chief
- Design Bureau Chief
- Division Engineer (not from the Division that reviewed the permit)
- Division Maintenance Engineer (not from the Division that reviewed the permit and not from the same Division as the Division Engineer)

1.3.6 DESCRIPTION OF REVIEW PROCESS

The ROW Permit Review Process follows these steps:

- APPLICANT submits a review package to ALDOT State Maintenance Engineer
- ALDOT Central Office personnel conduct site visits with the affected Division and APPLICANT as needed.
- ALDOT Review Committee chair schedules a review meeting within twenty (20) working days of the receipt of the review package.
- The APPLICANT and ALDOT (Maintenance Bureau and affected Division) present their respective cases to the Review Committee with the APPLICANT making the initial presentation.
- ALDOT Review Committee chair issues written recommendation to the ALDOT Chief Engineer within ten (10) working days after the conclusion of the review meeting.
- ALDOT Chief Engineer accepts or modifies the recommendation.
- ALDOT sends a written notification of the final decision to the APPLICANT and affected Division.

1.4. GENERAL INFORMATION REQUIRED ON ALL PERMITS

The information required to properly review a permit will generally depend on the form being used. However, certain information is required on all permit submittals in order to process the permit submittal. This information will be general data needed to locate the site in order for District personnel to review the permit in the field. The list is as follows:
1.4.1 APPLICANT’S RESPONSIBILITY

- APPLICANT’s name, address, contact phone number, and signature. APPLICANT and property owner must be the same entity. Signature can be applicant, spouse, or company officer.
- Description of the work in the appropriate space on the permit application. This should be a thorough description of the work being performed and not simply “SEE ATTACHED” referring to the plans. If needed, a sheet can be added if more room is needed for the description than what is provided on the permit application.
- Name of County
- With the exception of a simple turnout into a residence or farm field, permits should be accompanied by a plan set designed, stamped, and signed by a professional engineer unless the Division can provide justification as to why this requirement should be waived. Each sheet shall contain a specific sheet number which will aid the APPLICANT and the DEPARTMENT when referencing pages during discussions over issues on the plans.
- Complete site plan of development
- Highway alignment, including centerline, right-of-way lines, and mileposts
- Highway right-of-way widths, boundaries, relevant property lines, significant topographic feature, and North arrow
- Location of existing utilities
- Vicinity Map
- If 1 acre or more of soil disturbance or adjacent to ALDOT right-of-way, an ADEM Notice of Registration is required. The ADEM Notice of Registration must be in the APPLICANT’S name. If the soil disturbance for the job will be less than 1 acre, an individual letter or note on the plans should state that the Best Management Practices will be followed.

1.4.2 ALDOT’S RESPONSIBILITY

- Permit number assigned by ALDOT which includes the Division and District numbers
- Maintenance section and/or project number
- Check for name of county
- Amount of Bond or Bond Number. See Chapter 9 for information on setting a bond amount. When a permit is submitted for the Maintenance Bureau’s approval, a copy of the bond should be included. This should primarily apply to private companies and individuals without a standing bond. If a standing bond exists, a copy is not required to be submitted to the Maintenance Bureau, but the space for the bond number should be filled with the term “STANDING BOND”, the bond number and the amount of the bond. If a bond is not required, fill in the blank with NA, None, etc.; Do not leave the space blank. The bond should be in the name of the property owner.
- Dates and all appropriate original signatures. Both District and Division Engineer’s original signatures must be on permit.
All permit forms should be the latest revisions which can be found on the internet, District Office, or Division Office.

If permit approval from the Maintenance Bureau is required, two copies should be sent with at least one having all original signatures. If the work is within the interstate ROW and involves the removal of denied access fence or acquisition of ROW, FHWA approval will be required. In this case, three permit sets should be sent to the Maintenance Bureau. The Maintenance Bureau will coordinate the FHWA review and approval.

It is the responsibility of the District to ensure the APPLICANT has properly addressed all of the items listed under APPLICANT RESPONSIBILITIES before formally reviewing the permit submittal.

Design calculations must be stamped and submitted by a professional engineer.

1.5. SPECIFICATIONS, MATERIALS, AND WORKMANSHIP

1.5.1 SPECIFICATIONS, STANDARD DRAWINGS, GUIDELINES FOR OPERATION AND UTILITY MANUAL

Items of work performed and materials used within the limits of the right-of-way that are covered by permit or agreement shall be constructed in accordance with these Departmental publications.

1.5.1.1 Standard Specifications for Highway Construction (Current Edition)

A printed and bound copy of this document can be purchased from Office Engineer Bureau located at the Central Office in Montgomery, AL. The Office Engineer Bureau may be contacted at 334-242-6448. An electronic version is available online as well by accessing the website www.dot.state.al.us and clicking on the following links: Bureaus, Construction, Standard Specifications for Highway Construction. Select the link with the most current year.

1.5.1.2 Special and Standard Highway Drawings

A printed and bound copy of this document can be purchased from Office Engineer Bureau located at the Central Office in Montgomery, AL. The Office Engineer Bureau may be contacted at 334-242-6448. An electronic version is not available at this time.

1.5.1.3 Guidelines for Operation

The Guidelines for Operation may be found online by accessing the above website and clicking on the following links: Bureaus, Design, ALDOT Guidelines for Operation.
1.5.1.4 Utility Manual

The Utility Manual may be found online by accessing the above website and clicking on the following links: Bureaus, Design, Utilities, ALDOT Utilities Manual.

1.5.1.5 Maintenance Manual

The Maintenance Manual may be found online by accessing the above website and clicking on the following links: Bureaus, Maintenance, Maintenance Bureau Publications, Maintenance Manual.

1.5.1.6 Chapter IV: ALDOT Herbicide Treatment Recommendations

The above-referenced manual may be found online by accessing the above website and clicking on the following links: Bureaus, Maintenance, Maintenance Bureau Publications, Chapter IV: ALDOT Herbicide Treatment Recommendations.

1.5.1.7 MUTCD

The 2003 version of the MUTCD manual may be found online by accessing the following website: www.mutcd.fhwa.dot.gov

1.5.1.8 AASHTO Publications A Policy on Geometric Design of Highways and Streets, Roadside Design Guide, and A Guide for Transportation Landscape And Environmental Design

AASHTO publications may be found online by accessing the following website and following the links: www.transportation.org, Bookstore, Search the Bookstore. Type in the name of the publication desired. This will bring up the link to the web page where the publication may be purchased.

1.5.1.9 Access Management Guidelines

Access management guidelines should be followed when they are adopted by the Department.

Copies of these publications can be found in the District and Division offices. The public may review these documents at the respective offices during normal business hours. The permit forms may be found in Appendix G of this manual, obtained from District and Division offices, or printed from the internet. Retrieving the documents from the internet can be accomplished by accessing the ALDOT website at www.dot.state.al.us and clicking on Bureaus, Maintenance, Permits and Operations. The permits forms are located at the bottom of the page.
1.5.2 MATERIALS

Materials used in performing work covered by permit, letter of authorization, or agreement shall meet the requirements of the Department’s current edition of Standard Specifications for Highway Construction unless stated otherwise within the approval document.

Permanent pavement placed on the right-of-way for an all weather surface shall match in-kind with the type of material utilized for the adjoining roadway or be an ALDOT approved pavement. When placing pavement on the right-of-way, the applicant should contact the District Manager for the Division specific buildup of the pavement. Concrete use may be allowed for turnouts if approved by the Division. See Section 2.3.2 for further guidance on the use of concrete.

1.5.3 WORKMANSHIP

All items of work performed on the right-of-way shall be constructed in accordance with approved plans and drawings and constructed to location, alignment, grades and specifications as approved. All workmanship shall be neat in appearance and conform to all applicable requirements, codes and zoning. All work performed shall be conducive to good highway construction practices. See Chapter 9 of this document for information regarding bond submittal and ALDOT’s options for correcting unacceptable work.

The APPLICANT shall be responsible for maintaining the integrity of the roadway surface. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be cleaned off at regular intervals (at least daily) or as requested by the District Manager or his designee. Failure to do so may result in ALDOT having the roadway cleaned with the cost of the clean up billed to the APPLICANT.
Chapter Two

TURNOUT PERMITS

2.1. DESCRIPTION

Turnout permits may be submitted on one of two different forms: BM-111-A or BM-111-B.

2.1.1 Permit Form BM-111-A

Permit Form BM-111-A is to be used for private entities and small institutional facilities where ALDOT may build the turnout. BM-111-A applications may be approved at the District level.

If ALDOT builds the turnout, the property owner must furnish the side drain pipe if required. The minimum size for any side drain pipe shall be 15 inches. Divisions have the authority to require 18 inch side drain pipe for installation. Only standard manufactured side drain pipe products meeting ALDOT specifications shall be allowed (concrete, corrugated metal, plastic, etc.). ALDOT may provide end treatments for the side drain pipe for installation of one drive per parcel. If more than one turnout is requested the applicant must then submit a permit form BM-111-B and they will be responsible for the complete installation and cost of the second turnout. ALDOT may pave and perform minor maintenance on these turnouts, but only to limits of normal departmental maintenance activities.

Examples: Residential Entrances
          Drives to Farm Fields
          Small Church Turnouts

2.1.2 Permit Form BM-111-B

Permit Form BM-111-B is to be used for commercial establishments, and private entities and small institutional facilities where the property owner will be responsible for the complete installation and costs. The BM-111-B applications should be formally approved at the Division level only after they have been approved by the District Manager. These should be forwarded on to the Maintenance Bureau for further processing.

Permit applications shall include detailed, clear and concise working drawings. Drawings should be prepared by a professional engineer unless the Division can provide justification as to why this requirement should be waived. All costs associated with the turnout are to be paid for by the APPLICANT. ALDOT may perform minor maintenance on existing turnouts, but only within the limits of normal maintenance activities. ALDOT, however, will not maintain concrete drives on ROW.
The BM-111-B form is for items associated with the entrance only which includes drives, right turn lanes, and side drain pipe. The side drain pipe refers only to pipe placed beneath the driveway. Grading, landscaping, or drainage not associated with the drive will also require an MB-05 permit form. Refer to the ALDOT Maintenance Manual for more information concerning location and design criteria of turnouts.

2.2. GUIDANCE

2.2.1 BACKGROUND

Turnouts are access points to public roads from private, publicly owned and commercial facilities. Since turnouts affect drainage and safety characteristics of the highway, a permit is required to ensure that the location and construction methods are acceptable. Individuals or businesses which require access to State highways must apply for a permit by submitting a completed BM-111-A or BM-111-B application to the District Manager.

Turnouts will be regulated as to width of entrance, radii, placement with respect to property lines, intersecting streets and crossovers, angle of entry, vertical alignment, drainage and number of entrances to a single property. For major developments, turnouts will be regulated based upon the overall development plans and not just initial phases of an area to be developed. "Out Parcels" within a major development area should be served internally so as to limit the number of required turnouts. Turnouts should be constructed within the limits of the APPLICANT’s property frontage projected at right angles to the roadway center line if possible. The Department encourages the implementation of dual use driveways.

When the District Manager is satisfied that the proposed turnout conforms to current specifications and requirements of the Department, the application is submitted to the Division for approval, except Form BM-111-A which may be approved by the District Manager. For applications that do not meet current specifications and guidelines, the District or Division should consult with the Maintenance Bureau.

Guidance for the construction of a turnout can be found in the latest edition of the standard drawing book. It is found on standard drawing TO-107. (See section 1.4.1) The referenced drawing contains guidelines on width and radius of turnouts. The minimum width of a commercial turnout is shown as 30’ on standard drawing TO-107. This minimum width may be reduced down to 24’ if the Division determines that traffic flow will not be impeded by the reduction in width. Further guidance in regards to turnouts can be found in the Chapter 4 exhibits of the Maintenance Manual. Sloped end sections or sloped paved headwalls are required for drainage pipes under drives. The APPLICANT should confer with the District in regards to maintaining underground utility clearances and required utility encasement.

Under all conditions, a slope of not less than 1/2" per ft. should be maintained from the shoulder line to a point in line with typical ditch section on both sides of turnout. The slope from this point to ROW limits may vary according to section desired by property owner.
It shall be understood that an approved full access turnout may at some time in the future be reduced to a less than full access configuration. By commencing work under an approved permit, the APPLICANT agrees to accept this condition and also agrees not to hold ALDOT responsible for any costs or damages that may result from such a change.

2.2.2 PRIVATE ENTRANCES

The Department of Transportation will grant permission to the APPLICANT to cut the curb, if one exists, and cut or fill a reasonable driveway area to the right-of-way line for residences only. Property owners will furnish the necessary sidedrain pipe at their own expense. All sidedrain pipe furnished shall be a minimum of 15 inches in diameter and conform to the size, condition and specifications as required by the Department. Pipe furnished must be of standard manufacture and not improvised (e.g., metal barrels). Property owners must also furnish side-drain pipe at their own expense whenever it becomes necessary to replace the original installation due to deterioration, damage, etc.

For each individual residence, farm field, and small church, the Department may install pipe and backfill up to 30 feet wide for one driveway with a maximum width of 20 feet.

Pipe end treatments may be provided by the Department for one driveway only as described above. Pipe end treatments shall conform to the Department's latest Guidelines for Operation.

If the APPLICANT requests, and receives approval from the Department for an additional driveway, a Form BM-111-B will be executed whereby the APPLICANT will be responsible for the complete construction and total cost of its installation.

The Department of Transportation may pave a portion and perform minor maintenance of driveways in accordance with the Department's Guidelines for Operation. When it is deemed to be in the best interest of the Department for the protection of the investment in the highway, the Division Engineer may at his discretion pave the entire driveway and maintain it to the limits of the right-of-way. Residential entrances should meet current Alabama Department of Transportation design criteria.

2.2.3 COMMERCIAL ENTRANCES

For commercial, industrial and public establishments, the APPLICANT will furnish necessary materials and construct the turnout(s) in accordance with approved permits. The Department may require and/or provide inspection to insure compliance with the approved permit.

Commercial turnouts will be approved and a permit issued when all requirements of the Department have been satisfied and a proper surety or the Department's performance bond (Form BM-174) in the specified amount has been received from the APPLICANT by the
Division Engineer. The surety bond is to be held at the Division level and returned to the APPLICANT after inspection and final acceptance of the work covered by the permit.

All improvement costs associated with the entrance, such as pipe, pipe end treatments, inlets, headwalls, curbs, curb and gutter, paving, etc., are to be paid for by the requesting APPLICANT. Minor maintenance of commercial entrances may be performed by the Department within the right-of-way limits.

Improvements to existing entrances, such as paving of unpaved drives, resurfacing of drives or major extensions of driveways, are governed by the same regulations as a new entrance, including the application and issuance of a permit.

When the use of an existing driveway changes, it is required by the Department that a new BM-111-B be submitted for the new business. For example, if property with an existing drive was previously permitted for a residence and the drive is now used for non-residential purposes, a new BM-111-B must be submitted by the property owner. The drive will be required to meet the standards set forth by the department for the new use of the property. If the type of commercial use changes, a new form will be required. A new BM-111-B may or may not require additional work to be performed on ROW depending on the condition of the existing turnout.

A drainage report may be required with commercial turnout permits. When considering drainage, it should be understood that POST development drainage flow cannot exceed PRE development drainage flow. The report shall include all assumptions, discussions, calculations, plans, special details, and other pertinent information leading to the design of any proposed structures within or affecting ALDOT right-of-way. The designer is responsible for verification and acceptance of all background information, design calculations, and conclusions included in the drainage report. If drainage flow charts accompany the calculations, the charts should be easy to follow in order to allow for a quick, concise review. It is the responsibility of the APPLICANT to comply with the drainage requirements of ALDOT. The design of new drainage facilities shall consider the potential impacts of future development of the contributing basin. The report must be signed and stamped by a licensed Professional Engineer. If drainage is not directed toward the right-of-way, a note to this effect should be included on the drawings. The Department reserves the right to modify or revise its drainage policy as necessary. The policy of ALDOT is that diversion of water will not be allowed where it affects ROW in any way.

The permit request should be accompanied by a letter from a licensed Professional Engineer stating that the proposed work will have no adverse effects upstream or downstream. Additional drainage from beyond the right-of-way limits shall not be allowed.
2.3. REQUIRED INFORMATION

2.3.1 BM-111-A

- simple drawing showing work to be accomplished on the right-of-way

2.3.2 BM-111-B

- North arrow and legend
- Posted Speed Limit
- Scale
- Highway plan view including:
  - Interstate or State Highway number and milepost to the nearest 0.01 mile
  - Highway width (include median width if multiple lanes)
  - All travel ways if multiple lane and service roads
  - Name and direction of nearest town each way
- Distance from centerline to ROW line
- Property lines
- Stopping sight distance
- Distance from edge of pavement to side ditch and direction of flow
- Distance from drive to property line (if under 200 feet)
- Distances between all existing and proposed accesses within the limits of the proposed work
- Design and width of all proposed drives (including radii)
- Location and size of existing and proposed drainage pipes
- All existing utilities, appurtenances, drainage structures, and accessories (Applies to BM-111-B only; only if work may conflict with existing utilities) (It should be determined before issuance of permit if minimum coverage of utilities will be maintained once work is completed.)
- Location and distance of all buildings, pumps, racks, etc. from ROW line
- Drainage report shall address or contain the following information:
  - Side Drain drainage should be designed for a 10 year event; Cross Drain design should be for a 50 year event; interstate cross drain design should be for a 100 year event. The Department may require information on other year events as part of the review of the drainage system.
  - General statement explaining the drainage situation, the impact to ALDOT right-of-way, and the reason for the changes
  - Analysis of PRE and POST-DEVELOPMENT drainage conditions for the entire site and ALDOT right-of-way supported by a complete set of calculations and figures
  - Information should be in the form of PRE-CONSTRUCTION = ____ cfs and POST CONSTRUCTION = ____ cfs. An acceptable alternative to the POST drainage information would be a calculated containment area size, which would maintain the PRE drainage amount, and the size of the containment area provided onsite.
If drainage from the applicant’s site will not be directed onto the state ROW, a note stating this information should be included in a letter or in a note on the plans and signed by a professional engineer.

If it is not possible to contain the drainage in onsite storage, a letter or note in the plans should state that the drainage WILL NOT HAVE ANY ADVERSE EFFECTS UPSTREAM, DOWNSTREAM, OR ON THE STATE ROW, should be accompanied by PRE and POST drainage calculations, and should be signed and sealed by a professional engineer. The Department reserves the right to reject additional drainage directed toward the ROW.

- For BM-111-B permits, include information as to what type business the turnout will serve
- If the Division wishes to allow a concrete drive to join the roadway, the APPLICANT shall request the Divisions guidelines for concrete drive construction in relation to where the concrete shall begin, placement of expansion joints, etc. in order to prevent damage to the highway.
- Plans should show if curb and gutter is in place.
- Pavement details. If concrete is used, the thickness and type of concrete used should be shown. If asphalt is used, the paving buildup should be included. Pavement placed on the ROW shall meet the current ALDOT specifications.
- Complete striping detail
- All traffic markings shall be in accordance with current ALDOT specifications
- ALDOT will not perform maintenance of concrete drives located on ROW
Chapter Three

MEDIAN CROSSOVER PERMITS

3.1. DESCRIPTION

Permit Form BM-166

Permit Form BM-166 is to be used when the APPLICANT desires to construct a median crossover on existing multi-lane highways. The BM-166 Permit Form should be submitted to the Maintenance Bureau for formal approval only after it has been approved by the Division Engineer and District Manager.

Drawings of the proposed crossover should be submitted with the permit form. The drawings should include information outlined in Section 3.3. Consideration should be given for newly constructed median openings and bringing modified median openings up to current specifications, especially concerning safety noses. Refer to Section 3.2.2 for more information concerning location and design criteria.

All costs associated with the median crossover will be the responsibility of the APPLICANT.

The placement of auxiliary lanes associated with the median crossover may be included in the submission of BM-166 permits. Refer to the ALDOT Maintenance Manual for more information concerning location and design criteria.

3.2. GUIDANCE

3.2.1 AUTHORIZATION

Regulation of median crossovers on existing multi-lane divided highways with partial or no control of access is necessary to provide reasonable and safe access to adjacent roadside property in a uniform manner. Applications for median crossovers are to be submitted to the Maintenance Bureau through the Division Engineer. Each application shall contain the following:

1. Completed form BM-166, Application for Right to Construct Median Crossover
2. Drawing of proposed crossover showing location and distance (nearest foot) to existing crossovers and intersections and points of access to roadside property. Measurement shall be center to center of existing and proposed crossovers.
Requests for median crossovers will be evaluated on an individual basis by the Department. Care should be taken to reduce the number of crossovers allowed.

3.2.2 SELECTION CRITERIA

Median crossovers may be approved and construction authorized if one or more of the following criteria apply:

1. Intersections with major public roads and streets where spacing criteria is met
2. Access points for fire stations, hospitals and other emergency facilities
3. Authorization of other crossovers will be based on the spacing listed in Section 3.2.3 and the following:
   a. Estimated number of times used each day
   b. Stopping sight distance, both vertical and horizontal
   c. Traffic conflicts resolved by the installation of a crossover
   d. Traffic volumes
   e. Speed
   f. Median width
   g. Traffic conflicts created by the installation of a crossover
   h. Improved capacity, safety and flow of traffic

3.2.3 DISTANCE BETWEEN CROSSOVERS

In the absence of evaluation criteria as described in 3.2.2, evaluation and authorization of crossovers based on the distance to the nearest crossover are regulated by the following criteria unless the area has an approved Access Management Plan:

1. Rural or Low Traffic Density Area:
   a. 1,200 feet minimum distance between center points of crossovers.
   b. 1,000 feet minimum distance between center points of crossovers where service roads exist.

2. Urban or High Traffic Density Area:
   600 feet minimum distance between center points of crossovers

3.2.4 CONSTRUCTION CRITERIA

Construction of authorized median crossovers should be in accordance with Department policies and guidelines as follows:

1. Turn lanes shall be provided for crossovers at high traffic generators such as streets, roads, businesses, commercial facilities,
public facilities, industrial facilities and complexes, shopping centers, housing complexes and trailer parks. The Department may require turn lanes to be built on an existing median crossover when a permitted access impacts safety and traffic flow, e.g., right-in/right-out between two existing crossovers.

2. Crossovers should not be permitted in medians of insufficient width to protect the turning vehicles from traffic in the through lanes. Crossovers should not be permitted within the limits of turn lanes provided for driveways, street and road intersections.

3. Median crossovers should be designed and installed in accordance with criteria contained in Standard and Special Highway Drawings printed and published by the Department. Left turn lanes and tapers should be designed and built in accordance with standard drawing LTL-623 or in accordance with the edition of the AASHTO Design Guide, A Policy on Geometric Design of Highways and Streets that has been adopted by the Department. If the AASHTO Design Guide is used, the professional engineer is responsible for furnishing the formulas and calculations used to determine the lengths of the turn lanes.

4. The need for signalization where median crossovers are constructed at entrances to high traffic generators, such as, but not limited to, city streets, roads, shopping centers and housing complexes, will be determined according to criteria in the Manual on Uniform Traffic Control Devices. Related cost of signalization shall be borne by the requesting agency or developer in accordance with the Department's Guidelines for Operation.

5. When in association with a county road or city street, turn lanes should always be installed.

6. The Department may require the APPLICANT to provide a traffic study to determine the impact of the median crossover to the existing traffic flow.

3.3. REQUIRED INFORMATION

- North arrow and legend
- Scale
- Highway plan view including:
  - State Highway number and milepost to the nearest 0.01 mile
  - Highway width (include median width if multiple lanes)
  - All travel ways if multiple lane and service roads
  - Name and direction of nearest town each way
- Distance from centerline to ROW line
- Property to be served including drives (if new site, include form BM-111-B)
- Reason for construction (see Section 3.2.2)
• All existing utilities, appurtenances, drainage structures, and accessories (It should be confirmed before issuance of a permit that minimum coverage of utilities will be maintained once work is completed.)
• Distance to nearest crossover in each direction
• Width of proposed crossover or existing crossover to be extended (60’ is the preferred crossover width)
• Turn lanes to be constructed including width, length and taper
• Paint striping and markings or note to conform to MUTCD
• Curbs and safety noses where required
• Plans should note whether a raised or depressed median is in place
• Radii of turns and turnouts
• Pipe size, type, length, and direction of flow; If inlets are in-place or are installed, information regarding the spread along with any other pertinent drainage information should be included
• Posted Speed Limit
• Indicate if shoulder is paved
• A traffic impact study may be required to support the need for a crossover
Chapter Four

GRADING AND/OR LANDSCAPING PERMITS

4.1. DESCRIPTION

Permit Form MB-05

Any use of the state right-of-way requires expressed written permission of the ALDOT. This includes the modification of grading or ditching, service roads, tree cutting or trimming, the placement of plantings and associated irrigation, and other fixed objects within the right-of-way. Permit Form MB-05 is used to process these type requests.

These permits must be submitted to the Maintenance Bureau for formal approval, but only after being recommended for approval by the District Manager and the Division Engineer.

Permit applications shall include detailed, clear and concise working drawings.

Whenever roadside improvements (sidewalks, plantings, signage, etc.) are proposed by clubs, groups, associations or local agencies, a “Cooperative Maintenance Agreement” (Permit Form MB-06A) shall accompany the permit application.

4.2. GUIDANCE

A high level of visual quality and improved maintenance and safety functions can be achieved through landscaping, grading, forestry, and other related activities. Appropriate roadside development by adjacent property owners, communities, and other governmental agencies is a major opportunity and a natural and logical adjunct to our Highway rights-of-way.

The planning, implementation and maintenance of roadside development projects must meet the following criteria:

1. Proposed improvements must be consistent with the landscape characteristics of the road corridor and adjacent land use, or be of a character that reflects local or regional aesthetics.

2. Proposed improvements must be permitted by the proper agreement/permit issued by the Department. An MB-05, Agreement for Grading and/or Landscaping on Right of Way is to be used for proposed roadside work such as but not limited to the following:
a. left turn lanes or two-way left turn lanes (See Appendix C for guidance on placement)

b. modification of roadside cross section,

c. other grading and drainage work on the right-of-way,

d. irrigation,

e. hardscape (amenities), and/or

f. vegetation planting.

3. Whenever roadside improvements are proposed by clubs, groups, associations or local agencies, a companion permit form MB-06A must be submitted and endorsed by Resolution of the local political sub-division (city, county, etc.) that agrees to maintain the improved roadside. The District Manager/Division Engineer may upon review of the proposed work determine that a Cooperative Maintenance Agreement is not necessary. For example, the APPLICANT proposes to add plantings such as trees or sod that do not require maintenance.

4. Permit Agreements proposed for roadside development improvements shall conform to current applicable Guidelines for Operation. Setbacks and other plan criteria will conform to the current edition of the AASHTO Publication "A Guide for Transportation Landscape and Environmental Design" and/or applicable Department's Guidelines for Operation.

5. Permit Agreements shall include detailed, clear and concise working drawings and references to ALDOT specifications used. Upon review of the permit, additional information, graphics, and specifications may be required by the Department. Plans and specifications should indicate type of adjacent land use; topographic features such as slope limits, utility installations, standard cross sections, profiles and contour grading features; in addition to the location of plants, species, sizes and area of occupancy at maturity. Specifications for nursery stock, planting, irrigation and other types of landscape construction should be clear and concise and embody the practice and quality of work best suited for the area. Any allowed plantings must not impede or infringe upon the highway clear zone, block sight distance or impact existing hydraulic patterns, and must not constitute a hazard to the traveling public.

The initial request for a permit shall be forwarded by the District Manager to the Division Engineer. Whenever necessary, due to the scope of work, the Division Engineer should arrange for a conference between himself/herself and the District Manager, the State Agronomist, the State Permit Engineer, the Assistant State Maintenance Engineer for Permits and Operations, and the individual/agency making the permit request. The section of highway right-of-way should be viewed, and prior to any further action on the permit, any discrepancies or necessary modifications to the proposed work should be discussed. This conference may also be used to discuss proposed work in conceptual stages of development.
Necessary approvals and issuance of MB-05 permits will be contingent upon favorable review and recommendation of the District Manager, Division Engineer, and Maintenance Engineer.

If the permit requires the cutting or removal of ALDOT denied access ROW fence, the fence should be replaced with ALDOT approved fence material. A temporary fence shall be installed prior to the removal of any existing denied access ROW fence. All ingress and egress shall be from the APPLICANT’s property. If the denied access fence is cut, it shall be closed at the end of each workday. When the work is completed, the denied access fence shall be restored to its original condition. The notes for accessing denied access ROW found in Section 4.3 should be included on the plans. When clearing underbrush, only trees with a trunk 4 inches in diameter or smaller may be cut. Trees with trunks above 4 inches in diameter may have limbs removed to a height of 12-15 feet where the trees exist on a slope that is above the roadway elevation. Limbs may be trimmed to a maximum height of 15-20 feet where the trees exist on a slope which is lower than the roadway elevation. Good judgment should be used in removing limbs so as to not remove excessive amounts from smaller trees. See Appendix “F” for further guidance regarding trees located within the ROW. The entire work area within the right-of-way shall be cleared of work debris and restored to a maintainable condition prior to acceptance of the work by the District Manager. If the permit is submitted for the purpose of removing soil from the right-of-way, it shall be understood that the APPLICANT will be responsible for payment of the soil based on a per cubic yard amount at the rate set by the Division for fill material. The Division Materials Engineer should be consulted when determining the cubic yard cost of material. If the permit is submitted for the purpose of removing trees with trunks larger than 4 inches in diameter, the APPLICANT shall be responsible for the payment of the trees at the value determined by a timber appraiser.

This permit should also be used for all Monitoring Well submittals. The plans should include the exact location of wells within the right-of-way. See Appendix D regarding all the information that should be included in Monitoring Well permits. Monitoring well caps should be constructed to be able to support the weight of roadside equipment used on ALDOT right-of-way.

If the permit contains storm sewer drains, the preferable inlet spacing is 50’ on state ROW with a maximum spacing of 65’. See Chapter 5 for more information.

The permit request should be accompanied by a letter from a licensed Professional Engineer stating that the proposed work will have no adverse effects upstream or downstream. Additional drainage from beyond the right-of-way limits shall not be allowed.

4.3. REQUIRED INFORMATION

- North arrow and legend
- Posted Speed Limit
- Scale
Highway plan view including:
  - Interstate or State Highway numbers and milepost to the nearest 0.01 mile
  - Highway width (include median width if multiple lanes)
  - All travel ways if multiple lane and service roads
  - Name and direction of nearest town each way
- Distance from centerline to ROW line
- Distance from edge of pavement to proposed work
- Property lines and owner
- Ditch grade and direction of flow
- Plan view and cross sections every 50 feet of grading showing edge of pavement, existing ditch (if any), and area to be graded
- Typical sections
- All existing utilities, appurtenances, drainage structures and accessories (It should be determined before issuance of permit if minimum coverage of utilities will be maintained once work is completed.)
- Note any trees to be trimmed or removed.
- Include spacing and distance from the edge of pavement to all plantings. (Plantings in the median with a mature height over 18” should be placed 150’ from crossovers and 12’ from the EOP; Plantings on the ROW with a mature height over 18” should be placed 150’ from turnouts)
- Include a note on the plans stating that all traffic control will be in compliance with the MUTCD
- Grassing in conformance with latest standard specifications.
- Pavement build-up
- Proposed drainage structures and appurtenances. (Drainage information should be included if applicable. See Sections 2.2.3 and 2.3.2 for type of information.)
- If work is being performed on the Interstate ROW or within controlled access, the following notes should be included on the plan sheets:
  - All ingress and egress shall be from the APPLICANT’s property.
  - If the denied access fence is cut, it shall be closed at the end of each day’s work.
  - When the work is completed, the denied access fence shall be restored to its original condition.
- Plans should show if curb and gutter are in place
- A statement should be included on the plans that all work on the ROW will be in conformance with the latest edition of ALDOT specifications.
- A complete site plan
Chapter Five

DRAINAGE STRUCTURE PERMITS

5.1. DESCRIPTION

Permit Form MB-07

Whenever new drainage facilities are placed, existing drainage facilities are modified, or existing flow characteristics regarding drainage coming to or going off of the state right-of-way are modified, an approved permit is required before any work begins. When these operations are part of a larger development involving an MB-05 Grading and Landscaping permit, the drainage work should be included as part of the MB-05 permit. However, when no other operations are included an MB-07 form is required.

Permit applications shall include detailed, clear and concise working drawings and detailed drainage calculations when existing flow characteristics are modified.

It is important to note that any increase between pre-development and post development conditions are normally handled by either (1) retention/detention off the right-of-way, or (2) improvements to drainage facilities within the limits of the right-of-way. Retention/detention is the preferred method and improvement to existing drainage facilities will only be considered when retention/detention is not a practical solution in the opinion of ALDOT.

These permits must be submitted to the Maintenance Bureau for formal approval, but only after being recommended for approval by the District Manager and the Division Engineer.

5.2. GUIDANCE

Quite often individuals, commercial establishments, industrial facilities, complexes, towns, cities or counties add to or make improvements to the Department's drainage facilities due to (1) aesthetic considerations or (2) as required by the Department due to development. Form MB-07 may be executed between the individual or agency and the Department for this work.

The permit request should be accompanied by a letter from a licensed Professional Engineer stating that the proposed work will have no adverse effects upstream or downstream. Additional drainage from beyond the right-of-way limits shall not be allowed.
Where drainage from beyond the right-of-way is by nature flowing onto, along or across the right-of-way, individuals or agencies are responsible for any increase in flow brought about by changes or development. Any increase between pre-development and post development conditions are normally handled by either (1) retention/detention off the right-of-way, or (2) improvements to drainage facilities within the limits of the right-of-way. The policy of ALDOT is that diversion of water will not be allowed where it affects ROW in any way. A permit is required for any drainage activity that impacts the Department’s right-of-way whether or not the property is adjacent to the right-of-way.

When improvements are made to drainage facilities within the limits of the right-of-way, it shall be the responsibility of the APPLICANT to secure the necessary permission in writing from potentially affected property owners to increase the downstream flow. The Department will not issue any permit for improvements to facilities within the right-of-way until this permission is received and the Department is held harmless.

Permits or agreements which involve complex drainage situations should be sent to the Maintenance Bureau as early as is practical for review.

Drainage which affects the right-of-way shall be designed to meet the requirements set forth in this manual. Drainage design should be based upon overall development plans and not just initial stages of an area to be developed. All drainage submittals shall be stamped and signed by a professional engineer.

Drainage information must be submitted with all drainage structure permits. When considering drainage, POST development drainage flow cannot exceed PRE development drainage flow. Calculations should be submitted to support the PRE vs. POST results. If drainage flow charts accompany the calculations, the charts should be easy to follow for a quick, concise review. Side Drain drainage should be designed for a 10 year event; Cross Drain design should be for a 50 year event with 10 and 25 year events included; INTERSTATE Cross Drain design should be for a 100 year event with 10, 25 and 50 year events included.

If an inlet is installed, the inlet spread can not be greater than one-half the width of the turn lane at the location of the inlet; No spread is allowed into the main line. If the permit contains storm sewer drains, the preferable inlet spacing is 50’ on state ROW with a maximum spacing of 65’ unless drainage calculations completed by a licensed Professional Engineer can show a greater distance between inlets will not adversely affect the drainage on the right-of-way. Sloped end sections or sloped paved headwalls are required for drainage pipes under drives.

5.3. REQUIRED INFORMATION

- North arrow and legend
- Scale
- Highway plan view including:
Interstate or State Highway number and milepost to the nearest 0.01 mile
Highway width (include median width if multiple lanes)
All travel ways if multiple lane and service roads
Name and direction of nearest town each way

- Distance from centerline to ROW line
- Property lines and owner
- Ditch grade and direction of flow
- Show spacing between inlets
- Posted Speed Limit
- All existing utilities, appurtenances, drainage structures and accessories (It should be determined before issuance of permit if minimum coverage of utilities will be maintained once work is completed.)
- Drainage information is required
  - PRE and POST drainage information is needed
  - Information should be in the form of PRE-CONSTRUCTION = ___ cfs and POST CONSTRUCTION = ___ cfs (An acceptable alternative to the POST drainage information would be a calculated containment area size, which would maintain the PRE drainage amount, and the size of the containment area provided onsite.)
  - If drainage from the applicant’s site will not be directed onto the state ROW, a note stating this information should be included in a letter or in a note on the plans and signed by a professional engineer.
  - If it is not possible to contain the drainage in onsite storage, a letter or note in plans should state that the drainage WILL NOT HAVE ANY ADVERSE EFFECTS UPSTREAM, DOWNSTREAM, OR ON THE STATE ROW, should be accompanied by PRE and POST drainage calculations, and should be signed by a professional engineer. The Department still reserves the right not to allow this drainage onto the state right-of-way.
Chapter Six

DIRECTIONAL AND/OR POLITICAL BOUNDARY SIGN PERMITS

6.1. DESCRIPTION

Any use of the state right-of-way requires expressed written permission of ALDOT. This includes the installation of directional or political boundary signs located within the right-of-way.

Permit applications shall include detailed, clear and concise working drawings of the proposed sign installation with special attention being paid to minimizing the sign structure’s impact on the severity of vehicle collisions.

These permits must be submitted to the Maintenance Bureau for final approval, but only after being recommended for approval by the District Manager and the Division Engineer.

6.1.1 Permit Form MB-08

Permit Form MB-08 is used to process directional and/or political boundary sign requests from municipal governments.

6.1.2 Permit Form MB-09

Permit Form MB-09 is used to process directional and/or political boundary sign requests from county governments.

6.2. GUIDANCE

Sign placement should meet the clear zone requirements based on the posted speed of the highway. The desired clear zone distances can be found in the clear zone distance curves in the AASHTO Roadside Design Guide. The location may also be determined by the existence of curb and gutter in the proposed area.

All signs should be mounted on break-away structures. The sign face is limited to a maximum of 32 square feet. A resolution approved by the municipality or county commission agreeing to maintain the sign must accompany the permit upon submittal. Small signs recognizing community and civic groups, such as service organizations and schools, may be added to the structure provided that the total area of all attached signs does not exceed 32 square feet.
6.3. REQUIRED INFORMATION

- North arrow and legend
- Posted Speed Limit
- Scale
- Highway plan view including:
  - State Highway number and milepost to the nearest 0.01 mile
  - Highway width (include median width if multiple lanes)
  - All travel ways if multiple lane and service roads
- Name and direction of nearest town each way
- Drawing of the proposed location
- Distance from centerline to ROW line
- Distance from edge of pavement to sign
- Drawing of sign with dimensions
- Detail of sign structure and supports
Chapter Seven

SEISMIC SURVEY BY VIBROSEIS SYSTEM PERMITS

7.1. DESCRIPTION

Permit Form MB-10

Periodically geotechnical exploration for natural resources by use of a vibroseis system is requested either to cross or run along state right-of-way. Permit Form MB-10 is used to process these type requests. Each application will be judged on its merit.

Permit applications shall include detailed, clear and concise working drawings of the proposed testing routes with special attention afforded to test locations near structures and other facilities susceptible to damage from vibrations.

These permits must be submitted to the Maintenance Bureau for formal approval, but only after being recommended for approval by the District Manager and the Division Engineer.

7.2. GUIDANCE

Permit forms should be submitted with information which describes in detail the procedures that will be used during the survey. No testing will be allowed within the roadway prism. Testing must have no adverse affects on any infrastructure located within the ROW. The Department may require PRE and POST testing and inspection to ensure no adverse effects to the infrastructure located within the ROW.

7.3 REQUIRED INFORMATION

- North arrow and legend
- Posted Speed Limit
- Scale
- Highway plan view including:
  - Interstate or State Highway numbers and milepost to the nearest 0.01 mile
  - Highway width (include median width if multiple lanes)
  - All travel ways if multiple lane and service roads
- Name and direction of nearest town each way
- Drawing of the proposed location
- Distance from centerline to ROW line
- Depiction of how the ROW will be affected
Chapter Eight

PERMIT FOR PLACEMENT OF HERBICIDE ON
RIGHT-OF-WAY BY UTILITIES

8.1 GUIDANCE

1. No restricted use herbicides shall be applied to State Highway Rights-of-Way. Only those herbicides listed as Permitted Mixtures for Application by Utilities in the current edition of Chapter IV: ALDOT Herbicide Treatment Recommendations shall be permitted.

2. All herbicide applications made by utilities, or their representatives, must be accomplished under the direct on site supervision of an individual in possession of a current applicable Applicator Permit issued by the Alabama Department of Agriculture & Industries.

3. All herbicide applications shall be made in accordance with the manufacturer’s label recommendations.

4. Unless otherwise specified here in (this correspondence), all work done by utilities shall be done in accordance with current ALDOT maintenance performance standards, policies, and guidelines as they relate to the Vegetation Management Program currently directed by the Maintenance Bureau.

5. The utility is obligated to maintain the overall philosophy and intent of the Alabama Department of Transportation’s Vegetation Management Program, that obligation extending toward the maintenance a high degree of visual quality and work zone and environmental safety.

6. All foliar brush treatments and/or stem basal brush treatments shall be done in the fall and dormant season only (see exceptions) and shall be applied only to brush which is 5 feet or less in height. All other brush or offending trees shall be removed mechanically. The resulting stubble and/or stumps shall be treated with an approved product to prevent re-sprout growth.

6.1 EXCEPTIONS: IN AREAS WHERE THE FOLIAR BRUSH TREATMENT WILL NOT BE VISIBLE OR, IN THE ESTIMATION OF THE DISTRICT MANAGER, WILL HAVE EXTREMELY LOW NEGATIVE VISUAL IMPACT. IT WILL BE PERMISSIBLE TO TREAT THESE AREAS DURING THE NORMAL GROWING SEASON (MAY-SEPTEMBER).

7. Treatment areas on all brush treatment shall be a maximum of 1,000 linear feet. A skip of 1,000 linear feet of untreated area must occur before re-commencement of brush treatment. Stubble or extremely low 12” – 18” target vegetation areas may be treated entirely with no skip. Because there is no brown out associated with basal applications,
basal applications exceeding distances of 1000 linear feet will be acceptable if made from November 1 through February 29.

8. If in the opinion of the District Manager, any treatment done by utilities on State highway Right-of-Way presents an objectionable visual impact, the utility will be obligated to remove objectionable brown-out or other blighted vegetation within 30 calendar days.

9. All other stipulations contained in the guidelines, previous correspondence and program manuals, must be followed.
Chapter Nine

BONDS

9.1. DESCRIPTION

Permit Form BM-174

A personal check, company check, certified check or Surety Bond (permit form BM-174) is required for all permit requests except when form BM-111-A is used. The amount required should be sufficient to either (1) hire a contractor to perform the permitted work, or (2) hire a contractor to remove the permitted work and return the right-of-way to its original condition.

When a Surety or Performance Bond is required, Permit Form BM-174 is to be used. The BM-174 Permit Form should be submitted along with the associated permit application.

9.2. GUIDANCE

SURETY OR PERFORMANCE BOND

The personal check, company check, certified check or Surety Bond required as a part of the Permit should normally cover the total amount of work which is to be performed within the limits of the right-of-way. It will be at the Division’s discretion whether or not to set the bond for the amount needed to restore the right-of-way to the original condition.

The guarantee of performance shall be in the form of (1) cashier’s check, (2) certified check, (3) personal or company check, (4) money order made payable to the “Alabama Department of Transportation” or (5) Surety Bond naming ALDOT as obligee. Performance bonds furnished and accepted as a guarantee of completing work performed within the right-of-way shall be submitted on Form BM-174. Performance bonds shall indicate the APPLICANT as the principal. Cash bonds should be accompanied by a completed W-9 form.

The bond must be in the name of the APPLICANT which must also be the property owner. One exception may be considered: The bond and permit form may be the in the name of another entity as long as that entity has power of attorney for the property owner.

All utility permits must be accompanied by a bond. State agencies are not required to submit a bond to perform work on the right-of-way unless the work involves the placement of utilities. Bonds for counties and municipalities may be waived by the Division Engineer for work other than utilities.
Bond checks should be stamped and submitted directly to the ALDOT Accounting and Finance Bureau within 5 days of receipt or as required by current guidelines. The bond must be good for one full year after the work is accepted by the Department.
Chapter Ten

COOPERATIVE MAINTENANCE AGREEMENTS

10.1 DESCRIPTION

10.1.1 Permit Form MB-06 (Non-Reimbursable)

Permit Form MB-06 is used whenever roadside mowing is proposed by clubs, groups, associations or local agencies.

The MB-06 form must be endorsed by Resolution or Ordinance of the local government that agrees to maintain the mowing schedule. A copy of that Resolution or Ordinance must be attached to the MB-06.

10.1.2 Permit Form MB-06A (Service Roads)

Permit Form MB-06A is used whenever roadside improvements (sidewalks, plantings, signage, etc.) are proposed by clubs, groups, associations and local agencies. The MB-06A form should be submitted along with the accompanying permit application.

The MB-06A must be endorsed by Resolution or Ordinance of the local government that agrees to maintain the roadside improvements. A copy of that Resolution or Ordinance must be attached to the MB-06A.

10.1.3 Permit Form MB-06B (Mowing with Reimbursement)

Permit Form MB-06B is used whenever roadside mowing is proposed by municipalities and the agencies will be reimbursed by the ALDOT for the proposed work.

The MB-06B form must be endorsed by Resolution or Ordinance of the local government that agrees to maintain the mowing schedule. A copy of that Resolution or Ordinance must be attached to the MB-06B.
10.2. GUIDANCE

ROADSIDE DEVELOPMENT

Appropriate roadside development by adjacent property owners, communities, and other governmental agencies can be a natural, aesthetic, and logical improvement to our Highway rights-of-way.

10.2.1

The planning, implementation and maintenance of roadside development projects must meet the following criteria:

10.2.1.1 Proposed improvements must be consistent with the landscape characteristics of the road corridor and adjacent land use, or be of a character that reflects local or regional aesthetics.

10.2.1.2 Proposed improvements must be permitted by the proper agreement/permit issued by the Department. Form MB-05, Agreement for Grading and Landscaping on Right of Way, is to be used whenever proposed roadside work includes any combination of the following:

   a. modification of roadside cross section,
   b. other grading and drainage,
   c. irrigation,
   d. hardscape (amenities), and/or
   e. vegetation planting.

10.2.1.3 Whenever roadside improvements are proposed by clubs, groups, associations or local agencies, a companion MB-06 must be issued and endorsed by Resolution of the local political sub-division (city, county, etc.) that agrees to maintain the improved roadside. The District Manager/Division Engineer may upon review of the proposed work determine that a Cooperative Maintenance Agreement is not necessary due to the limited scope of work or other factors.

10.2.1.4 Permit Agreements proposed for roadside development improvements shall conform to current applicable Guidelines for Operation and the Maintenance Manual. Setbacks and other plan criteria will conform to the current edition of the AASHTO publication "A Guide for Transportation Landscape and Environmental Design" and/or applicable Department's Guidelines for Operation.
10.2.2

The initial request for a permit shall be forwarded by the District Manager to the Division Engineer. Whenever necessary, due to the scope of work, the Division Engineer should arrange for a conference between himself/herself and the District Manager, the State Agronomist, the State Permit Engineer, the Assistant State Maintenance Engineer for Permits and Operations, and the APPLICANT. The section of highway right-of-way should be reviewed, and prior to any further action on the permit, any discrepancies or necessary modifications to the proposed work should be discussed. This conference may also be used to discuss proposed work in conceptual stages of development.

Necessary approvals and issuance of Permit Agreements will be contingent upon favorable review and recommendation of the District Manager, Division Engineer, and Maintenance Engineer.

When an enhancement project is submitted for approval, a Cooperative Maintenance Agreement submittal is required unless the work is covered by another agreement or unless waived by the Division or District as described above.

10.3 REQUIRED INFORMATION

All Cooperative Maintenance Agreements must be accompanied by a resolution or ordinance approved and signed by a representative of the municipality.

10.3.1

Permit Agreements shall include the following information:

10.3.1.1 Detailed, clear and concise working scaled drawings and specifications. Upon review of the agreement additional information, graphics and specifications may be required by the Department.

10.3.1.2 Plans and specifications should indicate
- type of adjacent land use
- slope limits
- utility installations
- standard cross sections
- profiles
- contour grading features
- location of plants
- plant species
- plant sizes at maturity
- area to be occupied by mature plants
10.3.1.3 Specification for nursery stock, planting, and other types of landscape construction should be clear and concise and embody the practice and quality of work best suited for the area.
Chapter Eleven

ENCROACHMENT NOTICES

11.1 GUIDANCE

Form BM-5

Any use of the State right-of-way, other than normal vehicular traffic, is prohibited without the expressed written permission of the ALDOT. This includes the placement of turnouts, disturbing the right-of-way fence, grading and ditching, tree cutting or trimming, and placement of signs and other fixed objects within the right-of-way.

Violations should be reported by the District Manager to the Division to determine the appropriate action. Appropriate action includes giving a verbal notice followed by sending a Form BM-5 to the violating adjacent property owner. If no action is taken after the initial warning, the Maintenance Bureau is available to assist in coordinating action with the Front Office and the Legal Bureau.

11.2 REQUIRED INFORMATION TO BE SUBMITTED TO LEGAL

- Dated photographs showing encroachment and the staked right-of-way. The files should be in a “.jpg” format which can be attached to an e-mail.
- Copy of the recorded right-of-way map delineating the right-of-way limits.
- Copies of all correspondence sent by the District and Division to the owner of the encroachment.
- All required items should be forwarded to both the ALDOT Legal Bureau and the Maintenance Bureau.
Chapter Twelve

OUTDOOR ADVERTISING

SEE THE ATTACHED DOCUMENTS REGARDING LAWS, RULES, AND REGULATIONS OF OUTDOOR ADVERTISING.
"Highway Beautification Act - Outdoor Advertising"

§ 23-1-270. Short title.

This division shall be known as and may be cited as the "Highway Beautification Act - Outdoor Advertising." (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 1.)


For the purposes of this division, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

1. BUSINESS AREA. Any part of an adjacent area which is at any time zoned for business, industrial or commercial activities under the authority of any law of this state or not zoned, but which constitutes an unzoned commercial or industrial area as defined in this section.

2. CENTERLINE OF THE HIGHWAY. A line equidistant from the edges of the median separating the main-traveled ways of a divided highway or the centerline of the main-traveled way of a nondivided highway.

3. DIRECTOR. The State of Alabama Highway Department.

4. ADJACENT AREA. An area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

5. ERECT. To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the sign structure.

6. INTERSTATE HIGHWAY. Any highway at any time officially designated as a part of the national system of interstate and defense highways by the director and approved by the appropriate authority of the federal government.

7. MAINTAIN. To allow to exist.

8. PRIMARY HIGHWAY. Any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the director and approved by the appropriate authority of the federal government.

9. SIGN. Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

10. AN UNZONED COMMERCIAL, BUSINESS OR INDUSTRIAL AREA. The land occupied by the regularly used building, parking lot, storage or processing area of a commercial, business or industrial activity, and the land within 600 feet thereof on each side of the highway. The unzoned area shall not include:
   a. Land on the opposite side of an interstate or primary freeway highway from an unzoned commercial, business or industrial area, as defined above;
   b. Land predominantly used for residential purposes;
   c. Land zoned by state or local law, regulation or ordinance;
   d. Land on the opposite side of a nonfreeway primary highway which is determined scenic by the Department of Highways.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not
from the property lines of the activities, unless said property lines coincide with the limits of the regularly used buildings, parking lots, storage or processing areas and shall be along or parallel to the edge or pavement of the highway.

(11) COMMERCIAL OR INDUSTRIAL ACTIVITIES FOR PURPOSES OF UNZONED INDUSTRIAL AND COMMERCIAL AREAS. Those activities generally recognized as commercial or industrial by local zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial.

a. Outdoor advertising structures;

b. Agricultural, forestry, ranching, grazing, farming and similar activities, including but not limited to, wayside fresh produce stands;

c. Activities normally or regularly in operation less than three months of the year;

d. Transient or temporary activities;

e. Activities not visible from the main-traveled way;

f. Activities more than 660 feet from the nearest edge of the right-of-way;

g. Activities conducted in a building principally used as a residence;

h. Railroad tracks and minor sidings; or

i. Areas which are predominantly used for residential purposes.

(12) SAFETY REST AREAS. An area or site established or maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

(13) INFORMATION CENTER. An area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the director may consider necessary.

(14) MAIN-TRAVELED WAY. The through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

(15) URBAN AREA. An urbanized area so designated by the Bureau of the Census, within boundaries fixed by responsible state and local officials, subject to approval by the Secretary of the United States Department of Transportation, or an urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries fixed by responsible state and local officials, subject to approval by the Secretary of the United States Department of Transportation.

(16) MOTORIST DIRECTIONAL SIGNS. Any signs, displays or devices giving directional information pertaining to food services, lodging, gasoline and automotive services, resorts, attractions, campgrounds, truck stops, natural wonders, scenic and historical sites and areas suited for outdoor recreation.


The legislature hereby finds and declares:

(1) That outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways;

(2) That the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to interstate highways and primary highways should be regulated in order to protect the public investment in such highways, to promote the recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of such signs, displays and devices;
(3) That outdoor advertising is an integral part of the business and marketing function and an established segment of the national economy and should be allowed to operate in business areas;

(4) Regulatory standards set forth in Section 23-1-274 are consistent with customary use in this state and will properly and adequately carry out each and all of the purposes of this division; and

(5) Motorist directional signs are essential to the economic interests of the state and the interests of the traveling public; therefore, no motorist directional sign not otherwise permitted under Section 23-1-273 shall be removed on a statewide basis, unless by mutual agreement between the sign owner and the State Highway Department, until all other nonconforming signs are removed. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 2; Acts 1979, No. 79-672, p. 1183.)

§ 23-1-273. Erection or maintenance of signs - Prohibited in adjacent areas; exceptions.

No sign shall, subject to the provisions of Section 23-1-274, be erected or maintained in an adjacent area after February 10, 1972, nor shall any outdoor advertising sign, display or device with the purpose of its message being read from the main-traveled way of an interstate highway or primary highway be erected after April 11, 1978, outside of an urban area beyond 660 feet of the nearest edge of right-of-way of an interstate or primary highway, except the following:

(1) Directional and official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, safety rest areas and information centers, which are authorized by the director, under promulgated rule, and which comply with regulations promulgated by the director relative to their lighting, size, number, spacing and other such requirements as may be appropriate to implement this division; provided, that such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subsection (c) of Section 131, of Title 23, United States Code.

(2) Signs lawfully in existence on October 22, 1965, determined by the state, subject to the concurrence of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces of historic or artistic significance, the preservation of which would be consistent with the purposes of this section.

(3) Signs advertising the sale or lease of property upon which they are located.

(4) Signs advertising activities conducted on the property on which they are located.

For the purposes of this subdivision, the promotion of activities at other locations or the dissemination of information about activities conducted upon other property shall not be considered activities conducted on the property on which a sign is located.

(5) Signs located in business areas on February 10, 1972, and signs to be erected in business areas subsequent to February 10, 1972, which when erected, will comply with the provisions of Section 23-1-274; provided, that no advertising, sign, display or device with the purpose of its message being read from the main-traveled way shall be erected after April 11, 1978, outside an urban area beyond 660 feet of the edge of the right-of-way of an interstate or primary highway, whether located in a business area or not.

(6) Signs or devices which advertise or designate exclusively the location of the facilities of any public utility located along the interstate or primary highway for the convenience or protection of the using public or the protection of the facilities of the public utility.
(7) Motorist directional signs lawfully erected and in existence on May 5, 1976, which do not conform to requirements of present state laws and whose removal would work a substantial economic hardship in a specific or defined area. The State Highway Department, upon receipt of a petition, declaration or resolution from any state, county or municipal agency, from any industry association or any group of private business persons or their employees, claiming that the removal of such motorist directional signs would work a substantial economic hardship in specific or defined areas, shall forward such petition, declaration or resolution to the United States Secretary of Transportation to approve retention of such motorist directional signs. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 4; Acts 1978, No. 383, p. 347; Acts 1979, No. 79-672, p. 1183.)

Collateral references. - Construction and application of restrictive covenants to the use of signs. 61 ALR4th 1028.

§ 23-1-274. Erection or maintenance of signs - Controls; criteria.

The director shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices in all business areas that are erected subsequent to February 10, 1971. Whenever a bona fide state, county or local zoning authority has made a determination of customary use as to size, lighting and spacing, such determination may be accepted in lieu of controls by agreement in the zoned commercial and industrial area within the geographical jurisdiction of such authority. In all other controlled commercial and industrial areas, the criteria set forth below shall apply:

(1) SIZE OF SIGNS.
   a. For sign structures erected after July 15, 1995, the maximum area for any one sign shall be 672 square feet with a maximum height of 14 feet and maximum length of 48 feet, inclusive of any border and trim on the sign face, but excluding any embellishment on and cut-out extension of the sign face, the base or apron, supports and other structural members. For sign structures lawfully in existence on or before July 15, 1995, the maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and a maximum length of 60 feet, inclusive of any border and trim, but excluding the base or apron, supports and other structural members.
   b. The area shall be measured by the smallest square, rectangle, triangle or circle or combination thereof which will encompass the entire sign.
   c. Sign structures erected after July 15, 1995 may contain one or two signs per facing and may use only a side-by-side, back-to-back or V-type configuration, and may use no other configuration; provided, that if two signs are used facing the same direction, the aggregate total area shall not exceed 672 square feet. Sign structures lawfully in existence on or before July 15, 1995 may contain one or two signs per facing and may be placed double-faced, back-to-back or V-type; provided, that if two signs are used facing the same direction, the aggregate total area shall not exceed 1,200 square feet.

(2) LIGHTING.
   a. Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but not limited to, time, date, temperature, weather or news.
   b. Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.
c. Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic sign, device or signal.

(3) SPACING.

a. Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device or which obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.

b. Signs shall not be erected or maintained which do not comply with all applicable county or municipal codes and ordinances, including, but not limited to, zoning, buildings and sign codes, as locally interpreted, applied and enforced.

c. Signs shall not be erected or maintained closer to another sign other than a sign described in subdivisions (1), (2), (3) and (d) of Section 23-1-273 than the following prescribed distances. These spacing provisions do not apply to signs separated by buildings or other obstructions in such manner that only one sign located within the above spacing distance is visible from the highway at any one time. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

1. On all interstate highways and freeway primary highways, there must be at least 500 feet between sign structures on the same side of the highway.

2. On interstate highways and freeway primary highways located outside the zoning authority of incorporated cities, no sign structure is permitted adjacent to or within 500 feet of an interchange or intersection at grade or safety roadside rest areas. Such distances shall be measured along the highway to the nearest point of beginning or ending of pavement widening at the exit from or entrance to the maintraveled way.

3. On primary highways located outside the zoning authority of incorporated cities, for sign structures erected after July 15, 1995, there must be at least 500 feet between sign structures on the same side of such highway, and for sign structures lawfully in existence on or before July 15, 1995, there must be at least 300 feet between sign structures on the same side of such highway.

4. On primary highways located within the zoning authority of incorporated cities, for sign structures erected after July 15, 1995, there must be at least 500 feet between sign structures on the same side of such highway, and for sign structures lawfully in existence on or before July 15, 1995, there must be at least 100 feet between sign structures on the same side of such highway.

(4) GENERAL.

a. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device.

b. Signs shall not be erected or maintained upon trees, or painted on drawn upon rocks or other natural features.

c. Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.


Collateral references. - Validity and construction of state or local regulation prohibiting the erection or maintenance of advertising structures within a specified distance of street or highway. 81 ALR3d 564.

§ 23-1-275. Erection or maintenance of signs - Permits; identification tags or decals.
(a) No sign permitted by the provisions of Section 23-1-274 may be erected without first obtaining a permit therefor from the director. No permit shall be required for signs conforming to the provisions of this division which are in existence upon February 10, 1972, until the end of the fifth calendar year. The application for a permit shall be on a form provided by the director and shall contain such information as the director may require. Upon receipt of an application containing all required information in due form and properly executed, the director shall issue a permit to the applicant for the erection of the sign, provided such sign will not violate any provisions of this division. A charge of $25.00 will be made for each location covered in the permit. The application for a permit shall be accompanied by the required fee.

(b) Permits shall be for the calendar year, and shall be renewed annually upon payment of a fee of $10.00 for the following calendar year without the necessity of filing a new application. The fee shall not be prorated for fractions of the year. Only one permit shall be required for double-faced, back-to-back or V-type signs. Advertising copy may be changed at any time without the payment of an additional fee, and nothing in this division shall be construed to give the director any power of censorship with regard thereto.

(c) Permit fees for signs under this division shall become due and payable on January 1 of each year and delinquent on February 15 thereafter. A 25 percent penalty shall be charged and collected for any delinquent permit issued after February 15.

(d) In addition to the permit, the director shall issue an identification tag or decal to the applicant upon payment of the fee which shall be permanently affixed to the sign, display or device for which the permit was issued. Such tag or decal shall be so affixed in a uniform position on all such signs, displays and devices. The size, location and content, including identification numbers, and the materials from which such tags or decals are to be made shall be determined by the director. All signs, displays and devices which do not have the tag or decal attached thereto as provided in this section, shall be considered as being nonconforming within the terms of this division.

(e) The director shall issue a permit for the sign, display or device described in any application duly made under this section unless it is in violation of this division. Any permit may be revoked after a public hearing upon 30 days written notice if the director finds that any statements made in the application thereof were false or misleading or that the advertising sign, display or device covered thereby is not in good general condition and in reasonable state of repair or is otherwise in violation of this division, provided such false or misleading statement has not been corrected and that the sign, display or device has not been brought into compliance with this division prior to said public hearing. The director for good cause shown at such hearing may extend the time within which such sign, display or device may be brought into conformance or other remedial action taken. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 11; Acts 1978, No. 383, p. 347.)

Collateral references. - Construction and application of restrictive covenants to the use of signs. 61 ALR4th 1028.

§ 23-1-276. Erection or maintenance of signs - Name and address of owner and date of erection to appear on signs, etc.

Each sign or structure regulated by this division shall have stated thereon the name and address of the owners thereof and the date of its erection; provided, that if the address of the owner is on file with the director, it need not be stated on such sign or structure. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 10.)

The provisions of Sections 23-1-275 and 23-1-276 shall not be applicable to signs of less than one square foot in area, excluding the support, erected by a public utility to mark the location of any buried telephone cable, electric power line, gas line, waterline or other underground public utility facility, for the protection of the facilities of the public utility.


§ 23-1-278. Enforcement of division generally.

(a) Any sign erected or maintained in an adjacent area after February 10, 1972, and any outdoor advertising sign, display or device erected with the purpose of its message being read from the main-traveled way of any interstate highway or primary highway outside of an urban area and beyond 660 feet of the right-of-way after April 11, 1978, in violation of the provisions of this division or the rules and regulations promulgated under the provisions of this division may be removed by the director upon 30 days' prior notice by certified or registered mail to the owner thereof and to the owner of the land on which said sign is located or through court proceedings at the option of the director. No notice shall be required to be given to the owner of the sign or to a property owner whose name is not stated on the sign or on the structure on which it is displayed or whose address is not stated thereon and is not on file with the director.

(b) The courts of this state shall have jurisdiction, in accordance with the provisions of Sections 6-6-220 through 6-6-232, over actions for declaratory judgment, initiated by the director, the owners of signs or the owners of property on which signs are located, to determine and adjudicate controversies arising under or out of the enforcement of this division and to set forth the rights, duties and responsibilities of the various parties arising under this division, including decrees of injunction and ordering removal of signs. In addition the courts of this state shall have such injunctive powers as may be necessary to enforce or compel compliance with the provisions of this division in cases filed by the director for injunction in the enforcement of this division, including the power to enjoin the continuing maintenance of any sign erected or maintained in violation of the provisions of this division and the removal of any such signs on complaint filed by the director. Proceedings hereunder being largely equitable in nature, the courts shall set forth the rights, duties and responsibilities of the parties under this division on the facts presented without intervention of a jury except as may be otherwise provided by statute or the Constitution of Alabama. In the event a sign or signs involved in any proceeding hereunder are found to be maintained, permitted to exist or erected in violation of any of the provisions of this division, the court trying the cause, on being petitioned by the director, shall order the removal of the sign or signs, subject to Sections 23-1-280, 23-1-281 and 23-1-282, where applicable, by the sign owner or jointly by the sign owner and property owner if joined in the proceeding or separately by the property owner; provided, that the director, acting through personnel of the State of Alabama Highway Department, may remove such signs at the option of the director as provided herein or as ordered by the court. Court costs shall be taxed against a sign owner or property owner on which a sign is located if a court determines that such parties have erected or maintained a sign in violation of this division. Jurisdiction and procedure of courts are not limited by this division.

(c) In any proceeding hereunder in the courts of this state, an allegation or averment setting forth the owner of the real property or the owner of a sign located thereon to be a particular party or parties shall be deemed to establish prima facie ownership of the real property or the sign to be in such party or parties, respectively, unless within 30 days from the service of process upon them, such party or parties file in the proceeding a sworn
denial of ownership and, in addition thereto, set forth any interest in and to such real property or sign to which they claim to be entitled. In any proceeding hereunder in the courts, employees of the State of Alabama Highway Department may testify, from general knowledge, that a particular highway is an interstate or primary highway or as to the location of geographical boundaries of urban areas, incorporated municipalities and other zoned areas. In addition to other official maps, maps prepared by the State of Alabama Highway Department as to the location of geographical boundaries of urban areas hereunder shall be received in evidence in aid of establishment of such boundaries when offered on the general knowledge of employees of the highway department that such map or maps were prepared by the State of Alabama Highway Department for the purpose of establishing the geographical boundaries of an urban area.

(d) In the event a determination is made by the director that a particular sign or signs have been erected or are being maintained or allowed to exist in violation of any of the provisions of this division, upon written notice to the owner of such sign or signs, such owner of the sign or signs shall have a duty to submit to the director all factual and documentary evidence in his possession, under his control or reasonably obtainable by such sign owner relating to the date or dates of the erection of the sign or signs, the names of individuals erecting same and all information relating in any manner to the erection of the sign or signs, the names of individuals erecting same and all information relating in any manner to the location thereof which would tend to have a bearing on whether the sign or signs were erected in violation of or are being maintained or allowed to exist in violation of any of the provisions of this division.

All officers and employees of the State of Alabama Highway Department are hereby authorized and empowered to enter upon and go across any land located within the State of Alabama for the purpose of inspection of any sign determined by the director to be in existence in violation of this division or any amendment thereto. Any officer and employee of the State of Alabama Highway Department who, acting lawfully under this division, enters upon or crosses any lands located within this state for the purpose of inspection or removal of any such sign and in and about the activity of inspection or removal of any such sign is hereby vested with full police power to arrest or prefer charges against any person or persons who interferes with the performance of his duty (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 12; Acts 1978, No. 383, p. 347.)

Removal of illegal signs without just compensation to owners. - This section gives the director of the Alabama Highway Department the authority to remove illegal signs without just compensation to the owners, provided there is adequate notice. State Hwy. Dep't v. Morgan, 584 So. 2d 499 (Ala. 1991).

Collateral references. - Construction and application of restrictive covenants to the use of signs. 61 ALR4th 1028.


(a) Signs outside of business areas which are lawfully in existence on February 10, 1972, but which do not conform to the requirements in this division, are declared nonconforming and, subject to Sections 23-1-280, 23-1-281 and 23-1-282, shall be removed by the sign owner and/or property owner under agreement with the director, or under the authority of the director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282. Outdoor advertising signs, displays or devices with the purpose of their message being read from the main-traveled way of any interstate highway or primary highway erected prior to April 11, 1978, outside of an urban area and beyond 660 feet of the edge of the right-of-way of such interstate or primary highway and not otherwise lawful under Section 23-1-273, as amended, are declared nonconforming and,
subject to Sections 23-1-280, 23-1-281 and 23-1-282, shall be removed by the sign owner and/or property owner under agreement with the director or under the authority of the director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282.

(b) Signs lawfully erected after February 10, 1972, and which subsequently do not conform to the requirements of this division, shall be removed by the sign owner and/or property owner under agreement with the director or under the authority of the director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282.

(c) Should any commercial or industrial activity which has been used in defining or delineating an unzoned area cease to operate, the unzoned area shall be redefined or redelineated based on the remaining activities. Any signs located within the former unzoned area, but located outside the unzoned area based on its new dimensions, shall become nonconforming and, subject to Sections 23-1-280, 23-1-281 and 23-1-282, shall be removed by the sign owner and/or property owner under agreement with the director or under the authority of the director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in probate court in accordance with Section 23-1-282. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 6; Acts 1978, No. 383, p. 347.)

Grandfather provision for signs erected prior to February 10, 1972. - Essentially, this section sets forth a grandfather provision whereby owners of outdoor advertising signs are entitled to compensation for removal of signs, but they must have been lawfully erected prior to February 10, 1972. State Hwy. Dep't v. Morgan, 584 So. 2d 499 (Ala. 1991).

Collateral references. - Nuisance: billboards and other outdoor advertising signs as civil nuisance. 38 ALR3d 647.

Classification and maintenance of advertising structure as nonconforming use. 80 ALR3d 630.

Construction and application of restrictive covenants to the use of signs. 61 ALR4th 1028.


Just compensation shall be paid by the removing authority upon the removal of any of the following signs which are not then in conformity with this division whether or not removed pursuant to or because of this division:

2. Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after February 10, 1972.
3. Outdoor advertising signs, displays, or devices erected with the purpose of their message being read from the main-traveled way of any interstate highway or primary highway erected outside of an urban area and beyond 660 feet of the edge of the right-of-way of an interstate or primary highway erected prior to April 11, 1978, and not otherwise lawful under Section 23-1-273.

Notwithstanding any provision of law to the contrary, no removing authority shall remove or cause to be removed, or cause the alteration in any manner of, any lawfully erected sign along any public street or highway within the state without paying just compensation. Amortization for whatever period shall not constitute just compensation. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 7; Acts 1978, No. 383, p. 347; Acts 1979, No. 79-672, p. 1183; Acts 1988, No. 88-228, p. 360, Acts 1995, No. 566.)

The just compensation required by the provisions of Section 23-1-280 shall be paid for the following:

(1) The taking from the owner of such sign, all right, title and interest in and to such sign, and his leasehold relating thereto, and compensation therefor, including severance damage to the remaining portion of the sign, shall be included in the amounts paid to the respective owner, exclusive of any damage of factories involved in manufacturing, erection, maintenance or servicing of any outdoor advertising signs or displays.

(2) The taking from the owner of the real property on which the sign is located or the right to erect and maintain such signs thereon. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 8.)

§ 23-1-282. Nonconforming signs - Just compensation - To whom paid; agreements; civil actions.

(a) Compensation required under the provisions of Sections 23-1-280 and 23-1-281 shall be paid to the person or persons entitled thereto. If the director and the owner or owners reach an agreement on the amount of compensation payable to such owner or owners in respect to any removal or relocation, the director may pay such compensation to the owner or owners and thereby acquire or terminate his rights or interest as by purchase; provided, that any sign, display or device lawfully in existence along the interstate system or the federal-aid primary system on February 10, 1971, which is not in conformity with the provisions contained in this division shall not be required to be removed until just compensation has been paid therefor. Notwithstanding any other provision of this division, no sign, display or device otherwise required to be removed under this division, for which just compensation is authorized to be paid by the director, shall be required to be removed if the federal share of at least 75 percent of the just compensation to be paid upon removal of such sign, device or display is not available for such payment.

(b) If the director and the owner do not reach agreement as to such amount of compensation, the director may institute an action to have such compensation determined in a civil action. Such an action shall be instituted by filing a petition in the probate court of the county where the advertising device and land are located. Such action for determination of compensation shall thereupon proceed and be treated in accordance with the provisions of this title and Title 18 of this Code to the extent not inconsistent with the provisions of this division, the same as if such action had been commenced thereunder by a petition by the state for the taking of property under its power of eminent domain. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 9.)

Collateral references. - Actionable nature of restrictive advertising impugning quality or worth of merchandise or products. 42 ALR4th 318.

§ 23-1-283. Nonconforming signs - Just compensation - Sufficient federal funds required.

Despite any contrary provisions in this division, no sign shall be required to be removed unless at the time of removal there are sufficient funds, from whatever source, appropriated and immediately made available to the director with which to pay the just
compensation required under Sections 23-1-280 through 23-1-282 and unless, at such time, the federal funds required to be contributed to this state under Section 131, Title 23, United States Code, have been appropriated and are immediately available to the state. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 17.)

§ 23-1-284. Agreement with United States Secretary of Transportation.

The director, on behalf of the state, is authorized and directed to seek agreement with the Secretary of Transportation of the United States, acting under the provisions of Section 131, Title 23, United States Code, as amended, that the provisions of this division are in conformance with Section 131, Title 23, United States Code, and provide effective control of outdoor advertising signs as set forth therein. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 14.)

§ 23-1-285. Director authorized to accept federal funds.

The director may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of Section 131, Title 23, United States Code, as amended, from time to time. The director shall take such steps as may be necessary, from time to time, to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to Section 131, Title 23, United States Code, for the purpose of paying the federal government's 75 percent share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of Section 131, Title 23, United States Code, and Sections 23-1-280 through 23-1-282. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 15.)


The Highway Director is hereby authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this division. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 16.)

§ 23-1-287. Disposition of fees.

All fees collected for the issuance of permits provided for under this division shall be paid into the state treasury to be credited to the public road and bridge fund. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 20.)

§ 23-1-288. Penalty for violation of division, etc.

Whoever erects or maintains a sign in violation of the provisions of this division or in violation of rules and regulations promulgated by the director under the provisions of this division shall be guilty of a class C misdemeanor and shall upon conviction be punished as provided in Title 13A. (Acts 1971, 3rd Ex. Sess., No. 276, p. 4544, § 13; Acts 1978, No. 383, p. 347.)
ALABAMA DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE CODE
NEW CHAPTER
CHAPTER 450-10-1
PROCEDURE AND REQUIREMENTS
FOR OUTDOOR ADVERTISING

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450-10-1-.01 PURPOSE OF CHAPTER
The purpose of this chapter is to establish the procedures and minimum standards that shall govern the inspection and licensing of outdoor advertising by the Alabama Department of Transportation Maintenance Bureau. The chapter repeals 450-3-1-.06 from the Alabama Department of Transportation’s Administrative Code.

Author: Maintenance Bureau
History: Filed April 18, 2008.

450-10-1-.02 DEFINITIONS
(1) The following definitions, terms, words and phrases shall have the meanings given. These definitions are in addition to the definitions found in the Code of Ala. § 23-1-271.

(a) Abandoned Sign: signs legally erected and in existence before adoption of the Highway Beautification Act of 1972 or does not have a valid permit that are overgrown by trees or other vegetation not on the highway right-of-way which blocks visibility of one third or more of the advertising area, or has peeling, rusting, fading or other wear effects that make the advertising area illegible and which has remained in such
a condition for over one year or has had no legible message of any type on the advertising area for over one year.

(b) Blank Sign: a sign that is illegible, unable to convey its message or be clearly seen and/or read by the motoring public of advertising matter or its message does not cover more than one-third (1/3) of the area of the sign.

(c) Conforming Sign: a sign that complies with all provisions of the state law.

(d) Department: The Alabama Department of Transportation.

(e) Destroyed sign: A sign damaged by an Act of God, vandalism, fire, wind, flood, sabotage, earthquake, or other catastrophic occurrences where the structure, message, supports or stringers is damaged to the extent of 50% or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s).

(f) Directional Sign: A sign containing directional information about public places owned or operated by Federal, State or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scenic, educational, and religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

(g) Infrastructure: the underlying framework of a system; esp. public services and facilities (such as, but not limited to, highways, bridges, electricity, telephone, gas, sewers, and water systems) needed to support commerce as well as economic and residential development.

(h) Non-conforming Sign: A sign lawfully erected but does not comply with the provisions of State Law or State Regulations passed at a later date or later fails to comply with State Law or State Regulations due to changed conditions. A non-conforming sign must be maintained in accordance with State Law or it is subject to removal without compensation.

(i) Official Signs and Notices: Signs and notices erected and maintained by public officers or public agencies within their territory or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs. A Local Chamber of Commerce is not a local government agency and its signs are not official signs.

(j) Public service signs: Signs located on school bus stop shelters, bus stop benches and trash receptacles owned and maintained by city, county and state governments and agencies
(k) Service Club and Religious Notices: Signs and notices whose erection is authorized by law relating to meetings of nonprofit service clubs or charitable associations or religious services which signs do not exceed eight (8) square feet in area.

(l) Transient or temporary activities: Activities that do not have:

1. At least one employee attendant at the activity site, performing work and available to the public for at least thirty-six (36) hours per week on at least four (4) days per week for at least thirty-six (36) weeks per year;
2. Electricity, land line telephone, plumbing, indoor restroom, permanent flooring other than dirt, gravel, sand, etc., adequate heating; and,
   The activity, or a major portion of it, must be conducted from a permanent building constructed principally of brick, concrete block, stone, concrete, metal or wood or some combination of these materials.

(m) Unzoned Commercial, business or industrial area: A parcel of land designated for regular use as commercial or industrial, in which one distinct conforming industrial or commercial activity is located. Regular use is defined as maintaining the standards set forth under the above definition of Transient or Temporary Activities.

(n) Zoned: Real property, parcel of land, or land that is subject to a complete system of land use, including regulation size, lighting, and spacing of signs, for tracts which comprise at least 20 percent of the land within a political subdivision established and actively enforced by duly constituted zoning authorities.

(o) Zoned commercial or industrial areas: Areas inside the control area of a political subdivision which are zoned for commercial or industrial use and that meet the requirements of 450-10-1-.14.

Author: Maintenance Bureau
History: Filed April 18, 2008.

450-10-1-.03 MAINTENANCE

Signs in an unzoned commercial, business or industrial areas, or in a zoned commercial area which were lawfully in existence on the effective date of the Highway Beautification Act of 1972, but which do not conform to the requirements of the Highway Beautification Act of 1972 are declared non-conforming. Only routine maintenance and the change of the message can be performed on it. No major replacement of sign supports in the structure will be allowed. Any addition of illuminations, LEDs, or solar power lights to a non-conforming sign is prohibited. If for any reason the sign including structure, message, supports, or stringers is damaged to the extent of 50 percent or more of the current structural value as determined by an appraisal.
by ALDOT or its designated agent(s), then any repair or replacement of any part of the sign including message, supports, and stringers will be considered the erection of a new sign and consequently prohibited. Non-conforming signs destroyed or damaged by an Act of God, fire, earthquake, wind, flood, or other catastrophic occurrences shall not be replaced.

Signs that were permitted before the effective date of this provision will be allowed to remain as a permitted sign in accordance with §§ 23-1-271 through 23-1-274, Code of Ala. (1975). All other aspects of this Chapter will apply to permitted signs.

Author: Maintenance Bureau
History: Filed April 18, 2008

450-10-1-.04 PERMITS

The Department must approve or deny an application for permit to erect an outdoor advertising sign, stating in writing reason(s) for the denial, within 90 days of submission of the application for permit. If the application for permit is not denied in writing by the Department within 90 days of submission, it will be deemed denied and Permitee may seek redress through the Alabama Administrative Procedure Act, Code of Alabama 1975, 41-22-1, et. seq. and Alabama Courts.

The Permitee must erect the outdoor advertising sign described in the application for permit within twelve (12) months from the date of issue. If the sign has not been completely erected within the prescribed time, the permit is automatically deemed revoked and the permit fee forfeited. The Permitee may reapply for the permit for the same area but if the sign has not been erected within the prescribed time, the permit is deemed revoked and the permit fee forfeited. After the second permit, the Permitee cannot reapply for a permit within 500 feet of the same area for twelve (12) months. Once a permit has been issued, the Permitee must place an identification tag to designate a permitted outdoor advertising sign issued by ALDOT on the sign pursuant to Code of Ala. 1975, §§ 23-1-275 (d). The use of portable signs at locations requiring permits is prohibited.

All sign permits time-stamped by the Department on or before January 15, 2008 will be reviewed in accordance with §§ 23-1-271 through 23-1-274, Code of Ala. (1975).

Author: Maintenance Bureau
Statutory Authority: Code of Ala. § 23-1-275
History: Filed April 18, 2008

450-10-1-.05 DIRECTIONAL SIGNS

The following Directional Signs are prohibited:
1. Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the locations of those signs or at the location of those activities
2. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or obstruct or interfere with the driver’s view of approaching, merging, or intersecting traffic.
3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
4. Obsolete signs.
5. Signs which are structurally unsafe or in disrepair.
6. Signs which move or have any animated or moving parts.
7. Signs located in rest areas, park lands, or scenic areas.

8. No sign shall exceed the following limits:
   1. A maximum area of 150 square feet.
   2. A maximum height of 20 feet, a maximum length of 20 feet.

All dimensions include border and trim but exclude supports.

Signs may be illuminated subject to the following:

1. Signs which contain, include or are illuminated by any flashing intermittent or moving light or lights are prohibited.
2. Signs which are not effectively shielded so as to prevent beams or rays or light from being directed at any portion of the traveled way of an interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver’s operation of a motor vehicle are prohibited.
3. No sign may be illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

Each location of a directional sign must be approved by the Department.

1. No directional sign may be located within 500 feet of an interchange or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way whichever is further from the intersection.)
2. No directional sign may be located within 500 feet of a rest area, park land, or scenic area.
3. a. No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart
b. No more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.

c. Signs located adjacent to the interstate system shall be within 75 air miles of the activity.

d. Signs located adjacent to the primary system shall be within 50 air miles of the activity.

The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

To be eligible, privately owned attractions must be nationally or regionally known and of outstanding interest to the traveling public.

The Department will determine the eligibility of a facility for directional signing on an individual basis. Additional criteria to be used in determining eligibility are as follows:

1. Kind of attraction or facility.
2. Purpose of the activity or facility.
3. How widely known is the activity.
4. Is it publicly or privately owned.
5. Size of the activity or attraction, such as the number of camp sites or spaces for trailers, etc.
6. The various activities included in the operation, such as swimming, boating, camping, golfing, etc.
7. The number of people attending the facility annually.

If the activity or attraction meets enough of the above criteria to warrant further consideration for directional signs, an application for permit should be filed through the District Manager using Form OA No. 5 Revised 3/1/73 and forwarded on to the Department Maintenance Engineer for review and approval by the Director.

Author: Maintenance Bureau
History: Filed April 18, 2008

450-10-1-.06 OFFICIAL SIGNS

The Department may allow city governments or recognized civic groups to erect and maintain structures capable of attractively displaying groupings of signs denoting the existence of, meeting place and meeting time of local civic clubs, church groups or nonprofit organizations. The structure shall be maintained
1. with or without the displays and must be strong enough to resist normal wind loads for the locality.
2. free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.
3. in a safe manner, free from rusting, rotting, breaking and other deterioration, including cutouts, extensions, border, trim, and any other part of the sign or structure, and,
4. must not have any vegetation growing upon it or touching or clinging to it.

If ALDOT or its designated agent(s) notifies a city government or responsible civic group that its sign needs repair, the repair work shall be done within thirty (30) days of the notice or the sign shall be removed at the sign-owner or landowner’s expense.

The maximum area for any one such structure shall be 675 feet with a maximum height of 15 feet and a maximum length of 45 feet, inclusive of any border or trim but excluding the base or apron, supports and other structure members. A panel may be installed on the structure bearing the message “Welcome to (City), such a panel shall not occupy more than 25 per cent of the total structure area. No more than two such structures shall be allowed on any one approach to a city.

The following criteria will be used to determine what groups may place signs on the structure or erect official signs individually:

a. any church of any denomination
b. any civic club with national affiliation
c. any local civic club that is nonprofit

The church signs whether placed on a structure with other signs or erected individually may state the name of the church, the name of the pastor, the directions to the church, the time of each service or any combination of these messages as desired.

Civic club and group signs whether erected individually or on a structure in groups may contain a group emblem and a message indicating the meeting time and location.

These official signs may be erected in an adjacent area without any zoning and spacing provisions but must be erected off the right-of-way, with a maximum area of 8 square feet per individual sign.

No written application for permit will be required and no fee charged for signs meeting these requirements. The District Manager shall approve or disapprove each such sign erected or expected to be erected for compliance with these rules and regulations.

Author: Maintenance Bureau
History: Filed April 18, 2008
450-10-1-.07 ABANDONMENT

Outdoor advertising sign structures that contain obsolete advertising matter, have been without advertising matter or are in need of substantial repairs for a period of twelve (12) months shall be deemed abandoned. Any change of obsolete advertising matter to current advertising matter, installing new advertising matter on the structure, or performing any maintenance on the structure shall be a new sign and subject to the provisions of the Act. Any changes to the sign cannot increase the size of the sign. More than one-third (1/3) of the billboard must have advertisement on it not to be considered an abandoned sign. Self-promotion of a sign (i.e. “Rent me”, etc.) does not prevent a sign from being deemed abandoned under these regulations.

The sign owner and/or landowner shall be given notice, by certified mail, by the Department that a sign is considered an abandoned sign. The Department shall set forth the reasonable repairs or corrections that must be made in order that the sign no longer be considered an abandoned sign. The sign owner and landowner shall have 90 days from receipt of the certified mail to make the repairs or corrections. If the repairs or corrections are not completed within the 90 days, the sign must be removed at the sign owner or landowner’s expense.

Author: Maintenance Bureau
History: Filed April 18, 2008

450-10-1-.08 PUBLIC SERVICE SIGNS

Public service signs shall contain safety slogans or messages which shall occupy not less than sixty (60) per cent of the area of the sign; the remainder of the sign area may be used to identify the donor, sponsor or contributor of the facility and shall contain no other message. These facilities must be authorized or approved by city, county or state law, regulation or ordinance and at places approved by the city, county or state agency controlling the highway involved. These facilities shall not have more than one sign facing in any one direction.

The size of public service signs allowed on school bus shelters shall not exceed thirty-two (32) square feet in area. The size signs allowed on bus stop benches may be as long as the bench and shall not exceed two feet six inches (2’6”) in width or height. The size of each sign allowed on trash receptacles shall not exceed six (6) square feet in area.

Author: Maintenance Bureau
History: Filed April 18, 2008.

450-10-1-.09 GRANDFATHER CLAUSE SIGNS

Signs in a zoned area which were lawfully in existence on the effective date of the Highway Beautification Act of 1972, but which do not conform to the requirements of the Highway Beautification Act of 1972 as to size, lighting, or spacing criteria shall be
allowed to remain for the duration of its normal life. Only routine maintenance and the change of message can be performed on it. No major replacement of sign supports in the structure will be allowed. If for any reason the sign including structure, message, supports, and stringers is damaged to the extent of 50 percent or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s), then any repair or replacement of any part of the sign including message, supports, and stringers will be considered the erection of a new sign and consequently prohibited.

Signs that were permitted before the effective date of this provision will be allowed to remain as a permitted sign in accordance with §§ 23-1-271 through 23-1-274, Code of Ala. (1975). All other aspects of this Chapter will apply to permitted signs.

Author: Maintenance Bureau
History: Filed April 18, 2008

450-10-1-.10 SELECTIVE VEGETATION CONTROL TO RETAIN OUTDOOR ADVERTISING DISPLAY VISIBILITY

Minor trimming of trees, shrubs, vegetation and other plant life on highway right-of-way for the purpose of retaining visibility of legal, permitted outdoor advertising signs and select non-conforming signs will be allowed under strict compliance with the following conditions:

1. The trimming or cutting must not adversely affect the aesthetics of the right-of-way.
2. No vegetation shall be trimmed or cut that is in place as a result of a Federal Aid landscape project.
3. All cut vegetation shall be removed from the highway right-of-way by the applicant.
4. Access to sites adjacent to Interstate and other controlled access highways must be gained without using the main travelway of the highway.
5. Trimming or cutting at legal permitted signs will be allowed only at locations where the advertising sign installation preceded the obscuring growth. Trimming or cutting shall not be used to provide visibility where none existed or exists at a proposed sign location. Only maximum trimming or cutting necessary to retain the sight distance and visibility that existed at the time of the erection of the legal permitted advertising sign will be allowed. In no case will trimming be allowed further than 500 feet in advance of the sign, measured parallel to the roadway along the nearest edge of pavement.
6. Trimming of vegetation at legal non-conforming signs will be allowed at signs where it is determined by the Department that no damage to the natural aesthetics of the roadside will be incurred. In no case will trimming be allowed further than 300 feet in advance of the sign for legal non-conforming signs before the Highway Beautification Act of 1972, measured parallel to the roadway along the nearest edge of pavement. In no case will trimming be
allowed further than 500 feet in advance of the sign for legal non-conforming signs after the Highway Beautification Act of 1972, measured parallel to the roadway along the nearest edge of pavement.

7. No trimming will be allowed within the median areas of divided highways.

8. The applicant will indemnify and save harmless the Alabama Department of Transportation from any actions resulting from the applicant’s operation or the agent’s operation.

9. Applications to trim or cut vegetation on the right-of-way shall be made by letter to the appropriate Transportation Department District Manager. The letter must contain detailed, specific information about the proposed cutting and a clause to satisfy the provision of Rule No. 8 listed above. The District Manager shall forward the letter along with his recommendation to the Division Engineer. The Division Engineer will notify the applicant in writing of his decision relevant to the application. If the application is approved the applicant shall notify the District Manager at least forty-eight (48) hours in advance of any trimming or cutting and not later than forty-eight (48) hours after trimming or cutting is complete. A separate application will be required for each sign and for each time trimming or cutting is proposed for a particular sign.

10. Failure of an applicant to adhere to these stipulations faithfully in any one instance will be grounds to deny future consideration to that applicant and grounds to revoke the outdoor advertising sign permit for the site involved.

11. Cutting of vegetation not approved by ALDOT will be presumed to be done by the sign-owner until proven otherwise. Such cutting may result in the permit for the sign being revoked and the sign being removed at the sign-owner’s expense. Any clean-up necessary for the cutting of vegetation not approved by ALDOT will be at the sign-owner’s expense.

12. Poisoning of vegetation is prohibited. No use of herbicides is allowed.

13. This section in no way precludes any rights of the sign owner granted under the Alabama Constitution of 1901 and the State of Alabama.

Author: Maintenance Bureau
History: Filed April 18, 2008.

450-10-1-.11 APPLICATION AND RENEWAL FEES

No outdoor advertising sign may be erected without first obtaining a permit from the Director. The application for a permit shall be on a form provided by the Director and shall contain information as the Director may require. Upon receipt of an application containing all required information in due form and properly executed, the Director shall issue a permit to the applicant for the erection of the sign, provided such sign will not violate any provisions of the Department. A charge of $25.00 will be made for each location covered in the permit. The application for a permit shall be accompanied by the required fee.
Permits shall be valid for one calendar year, and may be renewed annually upon payment of a fee of $10.00. Only one permit shall be required for double-faced, back-to-back or V-type signs. Advertising copy may be changed at any time without payment of an additional fee, and nothing in this regulation shall be construed to grant the Director any power of censorship with regard thereto.

Permit fees for signs under this regulation shall become due and payable on January 1 of each year and delinquent on February 15 thereafter. A 25 percent penalty shall be charged and collected for any delinquent renewal fee after February 15.

Notification of denied permits shall be sent by certified mail to the applicant. The applicant may appeal a denial, suspension or revocation of a permit by requesting a hearing pursuant to the Alabama Administrative Procedure Act, Code of Ala. 1975, § 41-22-1, et seq. (1975). The applicant shall have fourteen (14) days from receipt of the certified letter to file a written request with the Department. The written request must be sent by certified mail to:

Alabama Department of Transportation
ATTN: MAINTANENCE BUREAU
1409 Coliseum Blvd.
Montgomery, Alabama 36110

The request shall state all grounds or reasons why the proposed action is in error. Any grounds or reasons NOT stated shall be deemed waived.

Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§ 23-1-275 (a), 275(b) and 275(c)
History: Filed April 18, 2008.

450-10-1-.12 UNZONED COMMERCIAL AND UNZONED INDUSTRIAL AREAS

Unzoned commercial or industrial area must satisfy the following criteria:

1. On non-interstate highways, the commercial or industrial activity must be located on either side of the highway and within 600 feet of the sign location. On interstate highways, the commercial or industrial area must be located on the same side of the highway and within 600 feet of the sign location;

2. The commercial or industrial activities must be within 660 feet from the nearest edge of the right-of-way; and

3. (a) Distances specified in this paragraph must be measured from the nearest edge of the regularly used buildings, parking lots, or processing areas and shall be along or parallel to the edge or pavement of the highway.

(b) Certain activities, including, but not limited to, the following, may not be recognized as commercial or industrial activities:
1. Signs.

2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

3. Transient or temporary activities.

4. Activities not visible from the main-traveled way.

5. Activities conducted more than 660 feet from the nearest edge of the right-of-way.

6. Activities conducted in a building principally used as a residence.

7. Railroad tracks and minor sidings.

8. Communication towers.

9. Mining or Quarry activities.

10. Funeral home(s)

11. Cemeteries

   A business must be located on an unzoned commercial or unzoned industrial area for twelve (12) months before outdoor advertising signs will be permitted in the unzoned commercial or unzoned industrial area.

Author: Maintenance Bureau
History: Filed April 18, 2008.

450-10-1-.13 DIGITAL, ROTOBORD SIGNS AND VARIABLE/CHANGEABLE ELECTRONIC LED SIGNS

   Digital, Rotoboard and Variable/Changeable Electronic LED signs may display multiple messages, provided the sign is static display and does not have more than two sign faces for each direction the sign is facing. “Tri-vision” and LED display panels are also allowed on conforming signs provided the static display time for each message is at least 8 seconds, and the time to change from one message to another is no greater than 2 seconds.

   Signs shall not be erected and maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but limited to, time, date, temperature, weather or news.
Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic signs, device or signal. Signs must contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Spacing between Digital, Rotoboard and Variable/Changeable Electronic LED signs shall not be less than the minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public. Signs will be located where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

To ensure driver safety, signs must include a default designed to freeze a display in one still position if a malfunction occurs. Signs must have a process for modifying displays and lighting levels where directed by the Department to assure safety of the motoring public.

Author: Maintenance Bureau
History: Filed April 18, 2008.

450-10-1-.14 ZONING

Even if an area is declared zoned, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses, such as but not limited to, spot or strip zoning.

(b) The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

(c) The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional commercial or industrial uses and the area surrounding the affected parcel is not predominately commercial or industrial.

(d) A business must be located on a zoned commercial or zoned industrial area or within 2640 feet of a zoned commercial or zoned industrial area and no more than 660 feet from the edge of right-of-way for 12 months or 1320 feet (1/4) of a mile of infrastructure and no more than 660 ft from edge of right-of-way before outdoor advertising signs will be permitted in a zoned commercial or zoned industrial area.
APPENDIX “A”

TRAFFIC IMPACT STUDY REQUIREMENTS
TRAFFIC IMPACT STUDY REQUIREMENTS

A. Traffic studies are required by the Alabama Department of Transportation (ALDOT) to adequately assess the impact of a proposed development on the existing and/or planned highway system. The developer shall have the primary responsibility for assessing the traffic impacts associated with a proposed development, with ALDOT serving in a review and approval capacity.

B. The traffic study shall be the responsibility of the APPLICANT and shall be prepared and sealed by a licensed engineer who has expertise in traffic studies and transportation planning. Upon receipt of a draft traffic study, ALDOT will review the study data (sources, methods, and finding) and will respond with written comments. The developer and engineer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. ALDOT then must approve the final report before an application will be accepted.

C. All previous traffic studies that are more than two (2) years old at the time that the construction commences on the project will require updating. ALDOT may waive this requirement if it can be proven/shown that the traffic conditions, for the development location, have not significantly changed from when the study was initially conducted.

D. Traffic studies shall be required for the following:

1. For commercial or residential subdivision developments that require access onto ALDOT rights-of-way or the highway system.

2. For commercial or residential subdivision developments that, although not directly accessing ALDOT rights-of-way or the highway system, will have a significant impact to the traffic on the existing highway system.

3. If the usage of a previously permitted access point changes significantly, or if the conditions, which led to the traffic generation estimate, which was reported in a previous traffic study changes significantly, a new traffic study shall be required.

E. Traffic Engineering consultants are encouraged to discuss large, complex projects with ALDOT prior to commencing the study. Items that should be discussed include the extent of the proposed projects (including initial, intermediate and final phases), definition of the study area, directional distribution of traffic, intersections requiring critical lane analysis, and methods for estimating the build-out traffic volumes.

F. Specific requirements for each traffic study will vary depending on site location and type of development. However, all traffic studies shall contain, at a minimum, the following information in the format given below:

*** ADT COUNTS SHALL NOT BE USED, NOR ACCEPTED, FOR THE JUSTIFICATION OF TRAFFIC CONTROL SIGNAL INSTALLATION ***
1. **PREFACE**

This part of the study is to include the following items, in the order listed below:

a. **Title/Cover Page:**

   - **TITLE:** States the type of study (Traffic Impact Study, Coordination Report, etc).
   - **DEVELOPMENT:** Lists the name of the development and the general location of the development (city/town and county located in).
   - **DATE:** Date that this study/report was created, month and year only.
   - **PREPARED FOR:** Name of the firm, entity, or development that this report was prepared for, if applicable.
   - **PREPARED BY:** Name of the firm or entity that produced this report, to include address and phone number.

b. **Table of Contents:**

   At a minimum, shall include a listing of the main sections of this study and appendices. Should a “List of Tables” and/or “List of Figures” be included, they shall precede the Appendices listing.

2. **SECTION I - Overview**

This section shall contain an overview of the purpose for the study. The following items shall be included in this section in the order listed below:

a. **Vicinity Map:** This is a map of the general area, at a scale of 1” = 2 to 5 miles. This map should clearly show the project/development location in relation to the nearest town/city and the major roadways in and around the development area.

b. **Zoomed Map:** Shall show where the effected and/or proposed intersections(s) is(are) located with enough detail to locate the intersection(s) and the surrounding, affected roadways/intersections (scale: 1” = ½ mile or less).

c. **Project Description:** A brief project description describing why this study was required, to include the location, type, and size of the development, roadways impacted by the development, and the anticipated completion date and/or a schedule of phase completion dates. The location of any proposed intersections on any STATE routes anticipated because of this development shall be included, giving distances from know/existing intersections. A more detailed map/aerial photo could be used to more clearly locate the areas of concern for this study.

d. **Master Site Plan:** This is a site plan that will show all planned construction.
3. **SECTION II – Existing Conditions**

This section shall be used to present the current/existing conditions at the development site and the surrounding areas. This shall include, but is not limited to, the following:

**NOTE:** Improvements proposed by governmental agencies and/or other developments not associated with this development but will be completed before this development and/or any phase of this development shall be considered as part of the existing conditions of this study. Information about the type of improvement, extent of the improvement, completion schedule, and the responsible agency shall be included for each improvement.

a. A detailed, geometric layout of the current roadway and any existing intersections to be altered or effected by the development and shall show the following where applicable: number of lanes and/or approach lanes, lane and/or approach lane usage (left only, thru/left combined, etc.), lane width, turn lane length, channelization dimensions, and site distance limitations. Also, details of any medians, shared left-turn center lanes, posted speed limits, and any existing traffic control measures. Any other roadway or intersection details that might be pertinent to the warrant study/analysis (driveways, median crossovers, etc). Distance to any downstream or upstream signals from any approach within ½ mile of the development. **NOTE:** This layout shall not show any proposed signals, but may show proposed roadway improvements provided they are listed as such.

b. A minimum of 12 continuous hours of approach counts for each approach of each existing intersection impacted by the development/project. The counts shall be for the same 12 hour time period, for the same day, for each approach. These shall be taken on a typical day, unaffected by holidays or special events. For proposed intersections, roadway counts shall be taken at the proposed intersection location. These counts shall be displayed as a summary of the approach counts for each approach, the raw counts shall be included in Appendix C.

c. AM and PM peak-hour turning movement count summaries shall be included for each approach of each existing intersection that would be impacted by the
development. Would be preferable to have these counts taken on the same day as
the approach counts, but will accept turning movement counts from a different
typical day comparable to the approach counts. However, these counts shall be
normalized with the approach counts, or vice-versa, so that a proper comparison
can be made. Justification for the way these counts are normalized shall be
provided. Raw counts shall be included in Appendix D.

d. Current traffic distribution for the location and posted speeds of all roadways
within the area of the proposed development. A Speed Study may be required to
validate realistic speeds along critical roadways.

e. Traffic Signal timings from any signal within ½ mile of the development and peak
hour movement counts if not already collected above. Timing plans shall be
included in Appendix B of this report and shall include the plans for each peak
hour where applicable.

f. A Warrant Analysis Summary of any existing intersection impacted by the
development, signalized or not. Shall include any supporting data for the
justification of any Warrants met. The full analysis for each intersection shall be
included in Appendix E.

g. A current Intersection Capacity Analysis Summary shall be included for each
intersection impacted by the development, to include any downstream and/or
upstream signals within ½ mile of the development area. The capacity analysis
should conform to the type of intersection it is, signalized or unsignalized. If
engineering judgment dictates that downstream and/or upstream signals have no
impact on the effected intersection, this shall be denoted in the analysis for
clarification. A Synchro or HCS analysis shall be included in the Appendix F.

4. SECTION III – Proposed Development

This section shall contain all supporting information for the proposed traffic generation
for the development. This section shall contain information about the development
configuration used to determine the generated traffic for the development. Along with
this information, the following is required:

a. A detailed layout of any proposed intersections to be created from the proposed
development or any intersections to be modified because of the proposed
development. Information contained shall be similar to that obtained for Section 2,
part 1 above.

b. A detailed, development layout, at a scale of 1” = 100’, shall be included as part of
this study and be included as Appendix A.

c. A detailed breakdown of the traffic generation for the development in accordance
with the ITE Trip Generation Manual. This breakdown shall show peak hour
traffic generation for each affected intersection. The data obtained shall be from “Peak Hour of Adjacent Street Traffic” for the applicable peak hours. Any deviation from this data shall be adequately justified. These counts shall be only for the development only, they shall not include the existing traffic counts at this time. Justification for distribution of this traffic shall be included. ‘Internal/Mixed-Use’ trip generation within the study shall be clearly defined and justified in the study. **NOTE:** The edition of the Trip Generation Manual shall be the current edition in print at the time of the study.

d. Hourly counts are not required. However, if they are generated, then a justification to how they were obtained shall be included. The ITE Trip Generation Manual only has this information for Shopping Centers [820] and has a range from 10AM to 10PM. Again, this is development traffic only, existing traffic counts to be added in the next section.

e. Traffic distribution of the generated traffic for and by the development in graphic form along with the justification of this distribution shall be included, especially when the development contains more than one driveway/access point.

5. **SECTION IV – Future Conditions**

This section of the study shall show how the existing and proposed traffic will integrate together and its effects on the surrounding areas of the development. The following is a minimum that shall be contained in this section:

a. Should the completion date of the development occur over 24 months from the time the existing traffic data was collected, then the traffic data shall be adjusted, based on the projected growth percentage for the area, before development traffic is added as described below. Justification for this projected growth shall be included. **NOTE:** Archive counts shall not be obtained, current counts shall have been collected at the time of the Study. If the study has been put on hold or delayed for over a year, then a sample count shall be taken on the main route to determine the growth from the initial data acquisition. All other traffic counts shall be adjusted accordingly, whether up or down. If not satisfied with this, then a full data collection as described in **SECTION 2** shall be conducted.

b. Proposed hourly counts for each intersection impacted by the development, if hourly counts were generated in **Section 3, part 3** above. This shall include the combination of both the generated and existing approach counts.

c. Should hourly approach counts be available, a “Warrant Summary” for each intersection shall be included. A justification for each Warrant met shall be included, along with any applicable data or measures considered.
d. Proposed peak-hour, turning-movement counts for each intersection impacted by the development. This shall include the combination of both the generated and existing counts.

e. An unsignalized capacity analysis summary for each peak hour period, for each intersection impacted by the development, within and around the development shall be performed. This shall include any downstream and/or upstream signal effects within ¼ mile of the intersection being analyzed. For intersections currently signalized, this analysis is not required. A Synchro or HCS printout for each intersection shall be included in Appendix G. Should the capacity fail for a given period, for any unsignalized intersection, then intersection improvements, failing volume, and degree of failure shall be reviewed in order to determine if the intersection should be signalized. A valid justification to signalize any currently unsignalized intersection shall be included. (The use of roundabouts should be considered before requesting a Traffic Control Signal.)

f. A signalized capacity analysis summary for each peak period for any intersect from Section 4.5. above that would require signalization and from any currently signalized intersection shall be performed. This shall include any downstream and/or upstream signal effects within ¼ mile of the intersection being analyzed. A Synchro or HCS printout for each intersection shall be included in Appendix H.

6. SECTION IV – Recommendations

This section shall contain a summary of the findings and recommendations in the development area, to include a detailed description of the proposed site modifications with a justification for each. Remember, the satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal, as outlined in Chapter 4C of the 2003 edition of the MUTCD. Signal justification shall be based on geometric limitations, safety concerns, capacity analysis, etc.

APPENDIX:

This shall be the Appendix area of the study to include any supporting data not listed previously in the study, copies of analysis print-outs, raw data counts, etc. The following is the required order of the Appendix area. This is the minimum information that shall be contained in the Appendix. Should you have other pertinent information to include, it shall be added at the end and identified with the next logical Appendix letter. Should there be no information for a given Appendix, the area shall be indicated with a page stating that there is no information for this particular Appendix.

Appendix A: A detailed, proposed site layout to include all impacted intersections and roadways. Scale shall be 1” = 100’.
Appendix B: Timing plan sheets for each existing, signalized intersection within ½ mile of development area on all impacted routes. Shall include plans for peak hour analyzed where applicable.

Appendix C: Raw data section for the existing, approach hour counts for each roadway/intersection impacted by the development.

Appendix D: Raw data section for the existing, peak hour, turning movement counts for each intersection impacted by the development.

Appendix E: Warrant Analysis for each intersection impacted by the development. This shall either be the five page form from ALDOT or computer printouts of the analysis.

Appendix F: Synchro or HCS capacity printouts for each existing intersection impacted by the development. Shall show the current ‘level-of-service’ (LOS) for the intersection. Shall be based on the current intersection configuration, signalized or stop-sign controlled.

Appendix G: Synchro or HCS side street stop controlled capacity printouts for each currently unsignalized or new intersection based on the proposed/future traffic for the intersection.

Appendix H: Synchro or HCS signalized capacity printouts for each currently signalized or proposed signalized intersection based on the proposed/future traffic for the intersection.
APPENDIX “B”

TYPICAL TURNOUT INFORMATION
TYPICAL SECTIONS

TURNOUTS

NOTE: Under all conditions, a slope of not less than \( \frac{1}{4} \)" per ft. must 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.

No Sidedrain Pipe will be necessary at locations on crests of grades. Where required, Sidedrain Pipe shall be placed in accordance with State of Alabama Highway Department Specifications and under the supervision of an authorized representative of the Department.

In no case shall drainage from beyond the R.O.W. limits be directed toward the roadway.

All structures, including gas pumps, tanks, sheds, signs, etc., must be placed beyond the R.O.W. and in no way encroach thereon.
NOTE: No Concrete Drives on ALDOT Right-of-Way

6:1 Slope Paved Headwall

ROW

24ft Minimum

NOTE: No Concrete Drives on ALDOT Right-of-Way

4ft Grass Shoulders (Typical)

Driveway to slope away from the edge of pavement

Headwall Drawing Detail

See ALDOT Standard Drawing HW-614-SP

(Slope) 6

3ft Min 4ft Grass Shoulder

Edge of Driveway

18" Min
TYPICAL SECTION
(Intended to be a Guide for the Designer)

TYPICAL SECTION TO BE USED FOR: Commercial Driveway (Asphalt)

1. Superpave Bituminous Concrete Wearing Surface Layer, 1/2" Maximum Aggregate Size Mix, ESAL Range C/D, Approximately 125 Pounds Per Square Yard
   Item: 424A-360

2. Superpave Bituminous Concrete Upper Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range C/D, Approximately 250 Pounds Per Square Yard
   Item: 424B-651

3. Bituminous Treatment A
   Item: 401A-000

4. Crushed Aggregate Base Course, Type B, Plant Mixed, 6" Compacted Thickness
   Item: 301A-012

5. Borrow Excavation [(A-2-4(0) or A-4(0)]
   Item: 210D-012

Note: Compact to 100% of AASHTO T-99
TYPICAL SECTION
(Intended to be a Guide for the Designer)

TYPICAL SECTION TO BE USED FOR: Right or Left Turn Lane Additions

% Lane addition build-ups must match existing asphalt thickness.
** Full wearing layer overlay required for left turn lane additions. (Some right turn lanes may require full overlay.)
*** Paved shoulder required at locations where tie in points have paved shoulders.
- All restriping shall be thermoplastic.
- The number of binder layers may need to be increased or decreased depending on the existing asphalt thickness.

COMPACT TO 100% OF AASHTO T-99

A. In Place Bituminous Plant Mix (Shoulder) Approximately 5" Thick (TO BE REMOVED)

1. Superpave Bituminous Concrete Wearing Surface Layer, 1½" Maximum Aggregate Size Mix, ESAL Range C/D, Approximately 125 Pounds Per Square Yard
   Item: 424A-360

2. Superpave Bituminous Concrete Upper Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range C/D, Approximately 250 Pounds Per Square Yard
   Item: 424B-651

3. & 4. Superpave Bituminous Concrete Lower Binder Layer, 1" Maximum Aggregate Size Mix, ESAL Range C/D, Approximately 250 Pounds Per Square Yard
   Item: 424B-681

5. Bituminous Treatment A
   Item: 401A-000

6. Crushed Aggregate Base Course, Type B Plant Mixed, 6" Compacted Thickness
   Item: 310A-012

7. Borrow Excavation \((A-2-4(10)\) or \(A-4(0)\))
   Item: 210D-012

8. Unclassified Excavation
   Item: 210A-000
APPENDIX “C”

TURN LANE DESIGN AND INFORMATION
MEMORANDUM

TO: All Division Maintenance Engineers
FROM: John E. Lorentson
       Maintenance Engineer

This is to clarify the Department's policy regarding utilities under streets, service roads, speed change lanes, etc. Our policy is not to allow utilities under any pavement on right-of-way. It is the responsibility of the applicant to seek relocation of all utilities in accordance with the Department's Utility Manual prior to issuance of permits for work requiring paving. Please see that this policy is followed for any new requests for permits that require paving on ALDOT right-of-way.

Please contact this office at 242-6474 if more information is needed.

JEL/JRB/kp
**Design Length of Time Lanes & Tapers**

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<th>B (Lanes FT)</th>
<th>L (Transition FT)</th>
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</table>

*Width of transition in feet*  
*W = 85th Percentile speed of off peak approach traffic (mph)*  
*2% grade or less*

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1. A minimum of one turn lane use arrow shall be used in each required turn lane. For turn lane lengths greater than 200', a minimum of two turn lane use arrows shall be used.
2. A transition and neutral area shall be required on all left turn lanes developed on two lane, two-way roadways. The transition length (A) shall be determined by the width of transition widening and the speed of approach traffic (S).
3. The length of taper (A) and the full width lane (B) shall be determined by the speed of approach traffic (S).
   An increase in the length of taper and/or turn lane length may be required due to a capacity analysis, determination of maintains grade length, traffic signal cycle length or other engineering study or judgment.
4. Any design exception or variance shall be approved by the Permit and Operation Section of the ARDOT Maintenance Bureau prior to permit submission.
APPENDIX “D”

MONITORING WELL
MEMORANDUM
MEMORANDUM

TO: All Division Engineers

FROM: Mr. John E. Lorentson
      Maintenance Engineer

ATTN: Maintenance Engineers

RE: Monitoring Wells on ALDOT ROW

Due to varying submittals from the divisions, the following are guidelines and procedures for the placement of monitoring wells on ALDOT right of way which should expedite the review and approval process.

Requirements for the submittal to the district office:

1) An executed Agreement for Grading and Landscaping on Right of Way (MB05). This is the form for ALL monitoring wells.

2) A detailed plan (to scale) showing right of way limits, north arrow, pavement widths, property lines, drainage structures, driveways, guardrail, existing utilities etc. in areas of proposed wells, including exact location of wells with distance from edge of pavement.

3) A standard drawing showing specifications for well, including method of installation and removal.

4) A vicinity map showing highway, nearest milepost and directional arrows to nearest city or town.
5) The central office is working with ADEM on a statewide blanket bond, but until such time a surety bond will be required to insure work is done in accordance to ALDOT specifications.

The following are the guidelines for placement of these wells on ALDOT right of way:

1) Monitoring wells should be placed a minimum of 12' from the edge of pavement, drainage structures and bridge footings.

2) Monitoring wells should not be allowed in medians or on shoulders of roadway. A variance request will need to be submitted for approval before ALDOT will consider this installation.

3) Monitoring wells should be placed a minimum of 6' behind curb or guardrail.

4) On denied access facilities monitoring wells should be installed outside the clear zone and/or behind ditch line.

5) All monitoring wells shall be flush with existing ground line.

All request for monitoring wells should be reviewed at your earliest convenience to help expedite the testing and clean up of hazardous materials.

JEL/JRB/clk

cc: Buddy Cox, ALDOT Materials & Test
Sonya Massey, ADEM
APPENDIX “E”

ENCROACHMENT MEMORANDUMS
MEMORANDUM

August 1, 2005

From: L. Dee Rowe
To: Chief Counsel

RE: Encroachments - Requests for Legal Assistance

The Legal Bureau receives requests for legal assistance in securing the removal of encroachments on the State’s right of way. In order to expedite the process of filing lawsuits in these cases, I request you provide the following documentation at the time you send your request for legal assistance:

- Dated photographs showing the encroachment and the staked right of way. These photographs should be in the form of “.jpg” files which you can attach to an email message for transmittal to this office. Please send them to Mike Falzone at falzonecm@dot.state.al.us and Leslie Bunn at bunnl@dot.state.al.us.

- Copy of the recorded right-of-way deed showing ALDOT’s claim to the right of way in question.

- Copy of the recorded right-of-way map delineating the right of way asserted.

- Copies of all correspondence sent by the district and division to the encroaching property owner.

Before an actual lawsuit can be filed, the Legal Bureau sends the encroaching party a 14-day letter advising that the Department “is entitled to seek relief in the courts for [the] violation” and allowing 14 days for the encroachment to be removed. This letter is emailed to the district engineer for review prior to mailing to the encroaching property owner.

The documentation listed above is needed before a Proposal to File can be submitted to the Attorney General’s Office for approval. The Legal Bureau must make sure ALDOT’s claim of title to the right of way in question is clear before legal action is initiated. Of course, ALDOT hopes informal efforts will cause the property owner to reconsider and remove the encroachment before a lawsuit must be filed. If the property owner removes the encroachment prior to the filing of a lawsuit, please advise the Legal Bureau immediately so that the filing can be avoided.

Your cooperation in streamlining this process is appreciated. If you should have any questions, please contact me at (334) 242-6350.

jrhb/maf

APPENDIX E-2
MEMORANDUM

TO: All Division Engineers

FROM: John E. Lorentson
      Maintenance Engineer  

Re: Advertising on Right of Way

November 28, 2007

We are experiencing problems statewide with certain types of Advertising on ALDOT Right of Way. This memorandum is to stress the importance of the removal of these illegal forms of advertising. Section § 23-1-6 of the Code of Alabama stipulates signs, markers and advertising on right of way of state controlled highways are prohibited except those official signs or markers placed thereon by the Department of Transportation or under its authority. All advertising is illegal when placed on right of way and should be removed on a routine basis and the Department needs to be consistent in controlling these encroachments statewide. Following is a list of these problematic types of advertising:

Banners: Numerous towns and cities have entered into agreements with companies to place banners on signal, power and light poles that have a local theme or patriotic message that includes advertising or a sponsoring company's name attached. These banners are not only illegal but distract the motorist and compromise the safety of the traveling public.

Signs: Any sign placed on right of way that was not placed there by the Authority of the Department of Transportation is prohibited. Some cities have agreed to maintain the rights of way of state controlled highways including medians, and placed signs acknowledging companies that sponsor the maintenance of these areas. This is just another form of advertising on right of way. This type of advertising also distracts the traveling motorist.

Variable message boards: Some towns or cities will have a special event and will place a variable message or flashing board on right of way. Variable message boards are allowed if placed there under the authority of ALDOT and should contain traffic control or safety information only. Advertising, especially advertising that contains animated or moving messages will distract the traveling motorist and compromise safety of the highway user.

All of the advertising on ALDOT's Right of Way should be treated as encroachments and the Divisions should follow the established guidelines for their removal. Please take the necessary action to have these encroachments removed as expeditiously as possible.

If further information is needed, please advise.

JEL/JRB/ab
cc: Mr. Don Vaughn
    Mr. G.M. Harper
    File
APPENDIX “F”

TREE TRIMMING MEMORANDUM
MEMORANDUM

TO: Mr. Johnny Harris  Mr. DeJarvis Leonard  Mr. J. M. Griffin
    Mr. James D. Brown  Ms. Dee Rowe  Mr. Jerry Holt
    Mr. Brian C. Davis  Mr. Randy Estes  Mr. Ronnie F. Poiroux

FROM: John E. Lorentson, State Maintenance Engineer

RE: Guidelines for Permitting Tree Removal along ALDOT Rights-of-Way

The removal of trees from the Interstate System and other State Highways has been a concern for the Department for some time. In an effort to be consistent statewide, this Office has developed a uniform guideline concerning what the Department will and will not allow regarding this issue.

The following is a list of areas and/or reasons the Department will allow tree removal along ALDOT ROW.

- Trees removed from the Clear or Safety Zone by Permit. For the purposes of this guideline Figure 2-1: Minimum Clear Zone Distances and Table 2-1: Horizontal Curve Adjustments for Clear Zone from the AASHTO Roadside Design, latest edition shall be used (copy attached).

- Limited tree removal for Permitted utility location or relocation. Care should be taken to ensure only minimal tree removal is allowed.

- Trees that are diseased or are considered by the Department to be a safety hazard, nuisance, or invasive plant specie.

- Trees removed as a result of grading operations performed under a Grading and Landscaping Permit. All permit requests of this type should include considerations for tree re-establishment along the ROW outside of the Clear Zone.
• Limited tree removal to promote growth of existing healthy trees. Undergrowth and trees less than four inches in diameter (at breast height) may be considered for removal with the proper Permit.

• Tree removal within the limits of a commercialized Interstate Interchange may be considered.

The following is a list of areas and/or reasons the Department should not allow tree removal along ALDOT ROW.

• Complete tree removal solely to provide visibility to a commercial or industrial area. Consideration may be given to providing reasonable sight distance triangles. Along the Interstate System, tree removal shall be limited to within the limits of a commercialized interchange.

• Landscaped areas where trees were planted using federal funds.

• Trees that provide a buffer zone between the roadway and adjacent property. However, these are areas where the removal of undergrowth and trees less than four inches in diameter (at breast height) may help the aesthetics of the highway. Recommendations for the extensive thinning of trees should be coordinated through a registered arborist.

• Trees blocking visibility of advertising structures.
  For Permitted signs only, limited trimming is provided through the Highway Beautification Act, Promulgated Rule and Regulation #10.

Please contact this office if further assistance is required concerning the intent of these guidelines.

JEL/JRB/clk
Attachments

C:  James R. Braden
    Howard Peavey
    File
APPENDIX “G”

PERMIT APPLICATIONS

FORMS ARE FOR INFORMATIONAL PURPOSES ONLY

ALWAYS VISIT THE ALDOT WEBSITE FOR THE MOST CURRENT VERSION OF THE PERMIT FORMS
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.

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 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. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

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: ________________________________

APPENDIX G-5
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 its entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 9. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.

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. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

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.

20. If, while the access is owned by the Applicant, the operation of the permitted intersection deteriorates below reasonable levels of service or becomes a safety issue for the users of the accessed state route, ALDOT reserves the right to reevaluate this access by way of a traffic study. Should the traffic study recommend limiting or modifying certain traffic movements, appropriate measures will be taken to increase the level of service and/or improve the safe operations of the access. All improvements made to the permitted access as a result of the traffic study will be paid for by the Applicant and will be covered under a separate permit.
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: ____________________________________________

APPENDIX G-9
PERMIT TO CONSTRUCT MEDIAN CROSSOVER

Application is hereby made on this the _____ day of ______________, 20___ to permit __________________________________________________________________________________________ to construct a median crossover at the location designated above. The specifics of construction are as follows:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

1. This permit is granted on the following terms, covenants, conditions, and obligations of the permit contractor (hereinafter referred to as APPLICANT) to which the APPLICANT hereby agrees:

2. The plans showing this proposed crossover are in conformance with design criteria required in Section 4.3 of the current Maintenance Manual of the Alabama Department of Transportation of record in the Department. No changes in design will be made unless prior approval is received from the Alabama Department of Transportation, and the crossover will be located and constructed in compliance with the plans approved by the Alabama Department of Transportation, a copy of which are of record within the Department.

3. The construction of this median crossover will be by "State Forces" or by a qualified contractor employed by the APPLICANT, all to the satisfaction of the Alabama Department of Transportation, and in either event, the construction will be at the sole cost and expense of the APPLICANT.
4. The APPLICANT hereunder, as applicable, will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by APPLICANT.

5. Any contractor of APPLICANT will be subject to approval of the Alabama Department of Transportation.

6. When requested by the Alabama Department of Transportation the applicant will file with the State an acceptable certified check or bond in the penal amount of $_________________ to guarantee the faithful performance of this permit contract in its entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 4. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.

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

8. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

9. 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.

10. 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.
11. 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 Occupational Safety and Health Administration (OSHA) in the proper disposition of the hazardous material encountered.

12. The execution of this crossover permit contract does not grant any right, title or deed to the APPLICANT for highway right-of-way, and the District Manager or his designated representative will have final authority with respect to the construction of the crossover in accordance with the approved plans.

13. It is further agreed that if, at any time, in the opinion of the Director of the Alabama Department of Transportation it becomes necessary to remove or reconstruct this crossover, and the Alabama Department of Transportation does remove or reconstruct the crossover, no claim for any damage will be made by the APPLICANT in the event of such removal or reconstruction by the Department.

14. Nothing in this permit shall be construed as authorization to permit any violation of the denial of access as indicated on the Alabama Department of Transportation's right-of-way maps of record in the Department of Transportation with respect to any area of highway right-of-way relating to this permit contract.

15. The median crossover and related work covered by the 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 crossover, the APPLICANT shall pursue the work continuously and diligently until completion.

16. 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.

17. 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.

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

________________________
Legal Name of APPLICANT

By: _______________________
Signature and Title
(Officer) of APPLICANT

________________________
Address

________________________
Telephone Number

RECOMMENDED FOR APPROVAL:

________________________
District Manager & Date

________________________
Division Engineer & Date

ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS TRANSPORTATION DIRECTOR

By: _______________________
Maintenance Engineer

Date: _______________________

APPENDIX G-13
AGREEMENT FOR GRADING AND/OR LANDSCAPING
ON RIGHT OF WAY

County ___________________________ Permit No. _________________________________
MilePost __________________________ Maint..Sec. No. _____________________________

THIS AGREEMENT is entered into this the _____ day of ________________, 20____, by
and between the Alabama Department of Transportation acting by and through its Transportation
Director hereinafter referred to as the STATE and ____________________________________,
hereinafter referred to as the APPLICANT.

WITNESSETH

Whereas, the APPLICANT proposes to grade and/or landscape STATE Right of Way
located and described as follows:  _______________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

Now, therefore, in order to preserve the right-of-way in an appropriate functional condition it is
agreed between the parties hereto as follows:

1. All grading on the right-of-way will be confined to and coextensive with the limits
of the APPLICANT's own property which is adjacent to and coextensive with the right-of-way.
2. All work shall be subject to the inspection and approval of the STATE and located as shown on the approved plans previously submitted to the STATE which are hereby made a part of this Agreement by reference.

3. A copy of the Agreement and the plans will be kept at the site of work at all times by the APPLICANT.

4. The STATE does not grant the APPLICANT any right, title, or claim to any highway right-of-way.

5. The APPLICANT will not store material, excess dirt, or equipment on the shoulders or pavement and in event of multi-lane highways, in the median strips. The pavement will be kept free by the APPLICANT from mud and from excavation waste from trucks or other equipment. On completion of the work, all excess material will be removed from the right-of-way by the APPLICANT.

6. All disturbed areas shall be topsoiled, and re-vegetated by the APPLICANT in accordance with standard specifications of the STATE.

7. In accomplishment of the work by the APPLICANT, no drainage structures or channels will be changed or altered other than as shown on the plans.


The APPLICANT will provide proof of applicable Permit coverage and conform to the above referenced regulations for both the facility installation and maintenance of permitted facilities and areas of rights-of-way. In the event that Permit criteria are not met or a Permit is not required, the APPLICANT will submit a Best Management Plan (BMP) designed to manage and minimize the discharge of regulated pollutants into the environment.

9. The APPLICANT will provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the national Manual on Uniform Traffic Control Devices, of record in the Alabama Department of Transportation.
10. 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.

11. Any utility adjustment will be by agreement between the APPLICANT and the Utility, and any such agreement shall be subject to the approval of the STATE.

12. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by APPLICANT.

13. The APPLICANT will file with the STATE an acceptable certified check or bond in the penal amount of $________________ to guarantee the faithful performance of this permit contract in its entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 12. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.
14. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

15. This agreement when executed will not be valid or binding until the APPLICANT has complied with all existing ordinances, laws, and zoning boards that have jurisdiction in the county, city, or municipality in which the facilities are located.

16. All work to be performed by the APPLICANT under this Agreement shall be completed within one year from the date of the Agreement, unless additional time for completion is granted in writing to the APPLICANT by the STATE.
This Agreement is deemed to be executed on the date hereinabove set forth by the parties hereto in their respective names by those persons and officials thereunto duly authorized.

WITNESS:

__________________________________________
Legal Name of Applicant

__________________________________________
By: ____________________________
Signature and Title

_____________________________________________
Typed or Printed Name

_____________________________________________
Address

_____________________________________________
Telephone Number

RECOMMENDED FOR APPROVAL:

_____________________________________________
District Manager & Date

_____________________________________________
Division Engineer & Date

ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS
TRANSPORTATION DIRECTOR

__________________________________________
By: ____________________________
Maintenance Engineer

Date: ____________________________
ALABAMA DEPARTMENT OF TRANSPORTATION

SPECIAL AGREEMENT
FOR
INSTALLATION OF DRAINAGE STRUCTURES ON HIGHWAY RIGHT-OF-WAY

Permit Number_______________________

Maintenance Section___________________

THIS AGREEMENT, is entered into this the _____ day of _____________, 20____, by
and between the Alabama Department of Transportation acting by and through its Transportation
Director hereinafter referred to as the STATE and ____________________________________
hereinafter referred to as the APPLICANT.

WITNESSETH

WHEREAS, the APPLICANT desires to have its facilities accommodated on public
highway right-of-way in ____________________ County, Alabama, on the maintenance section
being designated as ________________________, and consisting approximately of the following
_____________________________________________________________________________

NOW, THEREFORE, it is agreed between the parties hereto as follows:

1. The STATE hereby permits to the APPLICANT approval to cross or locate its
facilities on the public right-of-way at the location and in the manner as shown on plans
previously submitted to and approved by the STATE, which plans are hereby made a
part hereof by reference.

2. All work shall be subject to the inspection and approval of the STATE, and located
as shown on the approved plans previously submitted to the STATE which are hereby made a
part of this Agreement by reference.

APPENDIX G-19
3. A copy of the Agreement and the plans will be kept at the site of work at all times by the APPLICANT.

4. The STATE does not grant the APPLICANT any right, title, or claim to any highway right-of-way.

5. The APPLICANT will not store material, excess dirt or equipment on the shoulders or pavement and, in event of multi-lane highways, in the median strips. The pavement will be kept free, by the APPLICANT, from mud and from excavation waste from trucks or other equipment. On completion of the work, all excess material will be removed from the right-of-way by the APPLICANT.

6. 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.

7. 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.

8. The APPLICANT will provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the national Manual on Uniform Traffic Control Devices, of record in the Alabama Department of Transportation.

9. The installation of the facilities and related work covered by this Agreement shall be completed within one year from the date shown on this Agreement, otherwise this Agreement become null and void. Once work is begun, the APPLICANT shall pursue the work continuously and diligently until completion.

10. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by APPLICANT.

11. The APPLICANT will file with the STATE an acceptable certified check or bond in the penal amount of $_______________ to guarantee the faithful performance of this permit contract in its entirety. To ensure the accomplished work and highway work area is maintained

APPENDIX G-20
in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 10. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.

12. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

13. Any utility adjustment will be by agreement between the APPLICANT and the Utility, and any such agreement shall be subject to the approval of the STATE.

14. This Agreement when executed will not be valid or binding until the APPLICANT has complied with all existing ordinances, laws, and zoning boards that have jurisdiction in the county, city, or municipality in which the facilities are located.

15. 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.

16. 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 BMP’s 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, in their respective names by those persons and officials thereunto duly authorized, and the same is deemed to be dated the day and year first above written.

WITNESS:

__________________________________________
Legal Name of Applicant

By: ________________________________
Signature and Title

Typed or Printed Name

Address

Telephone Number

RECOMMENDED FOR APPROVAL:

_________________________________________
District Manager & Date

_________________________________________
Division Engineer & Date

ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS
TRANSPORTATION DIRECTOR

By: ________________________________
Maintenance Engineer

Date: ________________________________
THIS AGREEMENT entered into this the _____ day of ______________, 20 ____, by and between the Alabama Department of Transportation acting by and through its Transportation Director hereinafter referred to as the STATE, and the City of ___________________________, Alabama hereinafter referred to as the APPLICANT.

WITNESSETH

Whereas, the APPLICANT proposes to install, maintain and/or landscape special directional and/or governmental boundary sign(s) limits on state right of way located and described as follows:

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Whereas, the right-of-way should be preserved in a safe and functional condition:

NOW, THEREFORE, it is agreed between the parties hereto as follows:

1. The special directional and/or governmental boundary signs will be a maximum size of eight (8) feet wide x four (4) feet high. They will be mounted on generally accepted yielding or break-away support post.

2. The sign designs, fabrication materials and support post will be subject to approval by the STATE prior to construction and will be as shown on the plans previously submitted to and approved by the STATE, which are hereby made a part of this Agreement by reference, and the signs will be located and installed as shown on the plans.
3. The signs will be installed at or near the right-of-way line or other designated area approved by the STATE to provide adequate sight distance. No signs will be allowed in the median area of a divided highway.

4. All grading on the right-of-way by the APPLICANT will be confined to the limits of the work site.

5. All work shall be subject to the inspection and approval of the STATE and located as shown on the approved plans previously submitted to the STATE which are hereby made a part of this Agreement by reference.

6. A copy of the Agreement and the plans will be kept at the site of work at all times by the APPLICANT.

7. The STATE does not grant the APPLICANT any right, title, or claim to any highway right-of-way.

8. The APPLICANT will not store material, excess dirt, or equipment on the shoulders or pavement and in event of multi-lane highways, in the median strips. The pavement will be kept free by the APPLICANT from mud and from excavating waste from trucks or other equipment. On completion of work all excess material will be removed from the right-of-way by the APPLICANT.

9. All disturbed areas will be topsoiled, grassed and fertilized by the APPLICANT in accordance with standard specifications of the STATE, and to the satisfaction of the STATE.

10. No drainage structures or channels will be changed or altered by the APPLICANT other than shown on the approved plans.

11. The APPLICANT will provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the national MANUAl ON UNIFORM TRAFFIC CONTROL DEVICES, of record in the Alabama Department of Transportation.

12. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

13. Any utility adjustment will be by agreement between the APPLICANT and the Utility, and any such agreement shall be subject to the approval by the STATE.
14. The APPLICANT will comply with any and all existing ordinances, laws, and zoning regulations, applicable under this Agreement or to the work provided for herein.

15. Any planting and/or landscaping required shall be mutually agreed upon by the STATE and the APPLICANT and a Cooperative Planting Memorandum of Understanding will be attached to this Agreement as a part of the Agreement.

16. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by APPLICANT.

17. The APPLICANT will file with the STATE an acceptable certified check or bond in the penal amount of $___________ to guarantee the faithful performance of this permit contract in it's entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 16. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.
This Agreement is deemed to be executed on the date hereinabove set forth by the parties hereto in their respective names by those persons and officials thereunto duly authorized.

Attest: ____________________________  City of __________________________, Alabama

By: ________________________________  Mayor

_______________________________  Address

_______________________________  Telephone Number

RECOMMENDED FOR APPROVAL:

_______________________________  District Manager & Date

_______________________________  Division Engineer & Date

ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS TRANSPORTATION DIRECTOR

By: ________________________________  Maintenance Engineer

Date: ________________________________
BE IT RESOLVED, by the City Council of the city of ____________________________, Alabama, that the City enter into an Agreement with the state of Alabama; acting by and through the Alabama Department of Transportation for:

The installation, maintenance and/or landscaping for special directional or political boundary sign(s).

Which agreement is before this Council, and that the agreement be executed in the name of the City, by its Mayor, for and on its behalf and that it be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Passed, Adopted, and approved this _______ day of _____________________, 20_____.

ATTESTED:

___________________________________  _________________________________
City Clerk              Mayor

I, the undersigned qualified and acting clerk of the city of ____________________________, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council meeting held on the __________day of _________________, 20______, and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this ___________ day of _________________, 20_____.

____________________________________
City Clerk

APPENDIX G-27
ALABAMA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR THE INSTALLATION AND MAINTENANCE
OF SPECIAL DIRECTIONAL AND/OR POLITICAL BOUNDARY SIGNS
COUNTY GOVERNMENTS

THIS AGREEMENT entered into this the _____ day of ______________, 20 _____, by
and between the Alabama Department of Transportation acting by and through its Transportation
Director hereinafter referred to as the STATE, and ____________________________ County,
Alabama hereinafter referred to as the APPLICANT.

WITNESSETH

Whereas, the APPLICANT proposes to install, maintain and/or landscape special
directional and/or governmental boundary sign(s) limits on state right of way located and
described as follows:

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Whereas, the right-of-way should be preserved in a safe and functional conditions
NOW, THEREFORE, it is agreed between the parties hereto as follows:

1. The special directional and/or governmental boundary signs will be a maximum size of
eight (8) feet wide x four (4) feet high. They will be mounted on generally acceptable yielding or
break-away support post.

2. The sign designs, fabrication materials and support post will be subject to approval by
the STATE prior to construction and will be as shown on the plans previously submitted to and
approved by the STATE, which are hereby made a part of this Agreement by reference, and the
signs will be located and installed as shown on the plans.

APPENDIX G-28
3. The signs will be installed at or near the right-of-way line or other designated area approved by the STATE to provide adequate sight distance. No signs will be allowed in the median area of a divided highway.

4. All grading on the right-of-way by the APPLICANT will be confined to the limits of the work site.

5. All work shall be subject to the inspection and approval of the STATE and located as shown on the approved plans previously submitted to the STATE which are hereby made a part of this Agreement by reference.

6. A copy of the Agreement and the plans will be kept at the site of work at all times by the APPLICANT.

7. The STATE does not grant the APPLICANT any right, title, or claim to any highway right-of-way.

8. The APPLICANT will not store material, excess dirt, or equipment on the shoulders or pavement and, in event of multi-lane highways, in the median strips. The pavement will be kept free by the APPLICANT from mud and from excavating waste from trucks or other equipment. On completion of work all excess material will be removed from the right-of-way by the APPLICANT.

9. All disturbed areas will be topsoiled, grassed and fertilized by the APPLICANT in accordance with standard specifications of the STATE, and to the satisfaction of the STATE.

10. No drainage structures or channels will be changed or altered by the APPLICANT other than shown on the approved plans.

11. The APPLICANT will provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the national Manual on Uniform Traffic Control Devices (MUTCD), of record in the Alabama Department of Transportation.

12. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

13. Any utility adjustment will be by agreement between the APPLICANT and the Utility, and any such agreement shall be subject to the approval of the STATE.

14. The APPLICANT will comply with any and all existing ordinances, laws, and zoning regulations, applicable under this Agreement or to the work provided for herein.

APPENDIX G-29
15. Any planting and/or landscaping required shall be agreed upon between the STATE and the APPLICANT and a Cooperative Planting Memorandum of Understanding will be attached to this Agreement as a part of the Agreement.

16. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by APPLICANT.

17. The APPLICANT will file with the STATE an acceptable certified check or bond in the penal amount of $___________ to guarantee the faithful performance of this permit contract in its entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 16. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.
This Agreement is deemed to be executed on the date hereinabove set forth by the parties hereto in their respective names by those persons and officials thereunto duly authorized.

Attest: ____________________________  __________________________
County Clerk  County, Alabama

By: __________________________________
Chairman, County Commission

______________________________  ________________________________
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

Date: ____________________________
RESOLUTION NUMBER ____________________

BE IT RESOLVED, by the County Commission of the county of____________________
____________________, Alabama, that the County enter into an Agreement with the state of
Alabama; acting by and through the Alabama Department of Transportation for:

The installation, maintenance and/or landscaping for special directional or political
boundary sign(s).

Which agreement is before this Council, and that the agreement be executed in the name of
the County, by its County Commission Chairman, for and on its behalf and that it be attested by
the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the
agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

Passed, Adopted, and approved this _______ day of ___________________, 20______.

ATTESTED:

_________________________________   _________________________________
County Clerk      Chairman, County Commission

I, the undersigned qualified and acting clerk of the County of____________________,
Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully
passed and adopted by the County Commission of the County named therein, at a regular
meeting of such Council meeting held on the_____ day of____________________, 20_____,
and that such resolution is recorded in the Minute Book of the County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
County this _______ day of ______________________, 20______.

_______________________________
County Clerk

APPENDIX G-32
APPLICATION FOR
PERMIT FOR SEISMIC SURVEY
BY USE OF VIBROSEIS SYSTEM

Permit No.______________________________
Maint. Section No.________________________
County__________________________________

The Alabama Department of Transportation, acting through the Transportation Director, hereby grants to ________________________________, as APPLICANT, subject to compliance by the APPLICANT with the terms and conditions hereinafter stated, the use of highway right-of-way to perform a Seismic Survey by the use of the Vibroseis System on the above numbered highway maintenance section as shown on a general highway map of the maintenance area of record in the Department of Transportation.

THIS SURVEY IS TO BE CONDUCTED ON THE FOLLOWING TERMS AND CONDITIONS TO WHICH THE PARTIES AGREE:

1. The APPLICANT will furnish a sketch acceptable to the Department showing the train of flagmen, traffic control signs, vibrating equipment, data collecting equipment and other devices used to perform the survey and to control traffic. The sketch is to include the number of all personnel and their stations as well as the spacing of all equipment. All traffic control devices will conform with the national Manual on Uniform Traffic Control Devices (MUTCD). A written description on the plan will explain how the survey train will operate and progress.

2. The highway right-of-way and all items such as sod, pavement, drainage structures, highway signs and utility facilities located on the right-of-way will be left in as good condition as before the survey was made.

APPENDIX G-33
3. This permit is valid for a period of one (1) year from its date and terminates at the end of the one (1) year period.

4. The APPLICANT must present proof of automobile, general public and employer’s liability insurance coverage acceptable to the Department of Transportation.

5. The vibrator pads will not be operated on the paved roadway, including paved shoulders. The paved roadway may only be used to travel between survey points.

6. The vibrator pads will not be operated at frequencies (usually low) that would cause damage to highway structures such as, but not limited to, culverts, cross drain pipes or within 150 feet of bridges. The use of explosives is prohibited.

7. 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 any permitted facilities.

8. 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.
9. All legal requirements and regulations pertaining to vehicle operations, including legal sizes and weights, are to be complied with when traveling along the highway.

10. The Department of Transportation District Manager is to be notified twenty-four hours in advance before the survey is commenced and the District Manager is granted complete and full authority to require changes to be made in the survey train to improve traffic control, and to limit times of operation and locations on the right-of-way to be surveyed. The APPLICANT will promptly notify the District Manager of the survey completion in order that an inspection of the right-of-way can be performed.

11. If the survey covers more than one state route or operates in more than one state district, notice of completion is to be given promptly to the applicable district manager after each survey is completed.

12. The STATE, in approving this permit, does not grant any right, title, claim or easement to the APPLICANT in the highway right-of-way and such approval does not affect legal rights of and legal obligations to adjacent property owners or others claiming interest in mineral or other property rights under or adjacent to right-of-way.

13. No work will be performed under this permit after 12:00 Noon on Saturday until 6:00 A.M. Monday.

14. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any
amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

15. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by APPLICANT.

16. The APPLICANT will file with the State an acceptable certified check or bond in the penal amount of $______________ to guarantee the faithful performance of this permit contract in its entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 15. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant.

17. Violation of any term or condition of this permit or any part thereof will cause this permit to be terminated and future permits to this APPLICANT may be denied.
This permit is deemed to be dated and effective the _________ day of ________________, 20_____.

____________________________________
(Legal Name of APPLICANT)

By:___________________________________
(Signature and Title)

____________________________________
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

Date:_________________________________
**PERMIT FOR PLACEMENT OF HERBICIDES ON RIGHTS-OF-WAY BY UTILITIES**  
Alabama Department of Transportation

<table>
<thead>
<tr>
<th>UTILITY NAME:</th>
<th>DIVISION</th>
<th>DISTRICT</th>
<th>PERMIT NO:</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**PREPARED BY (NAME, TITLE, & EMAIL ADDRESS)**  
**PERIOD COVERED:**

<table>
<thead>
<tr>
<th>DATE:</th>
</tr>
</thead>
<tbody>
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<td></td>
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</tbody>
</table>

**1 COMMON NAME OF HERBICIDE:**

**2 COMMERCIAL FORMULATION: (CHEMICAL NAME, STRENGTH, AND FORM OF ACTIVE INGREDIENT)**

**3 FIELD FORMULATION:**

**4 APPLICATION:**

a. **RATE APPLIED (vol):**

b. **PRODUCT PER ACRE:**

**5a NUMBER OF AREAS: | 5b SIZE OF AREAS: | 5c TOTAL ACRES:**

**6 APPLICATION METHOD:**

**7 PURPOSE:**

**8 SPECIFIC LOCATIONS: (ROUTES & MILEPOSTS)**

**9 PROPOSED DATES OF APPLICATION:**

**10 SENSITIVE AREAS SUSCEPTIBLE TO CONTAMINATION:**

**11 SPECIAL PRECAUTIONS TO BE OBSERVED:**

**12 THE FEDERAL CLEAN WATER ACT, THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, THE ALABAMA WATER POLLUTION CONTROL ACT AND THE ALABAMA ENVIRONMENTAL MANAGEMENT ACT ARE HEREBY MADE A PART HEREOF BY REFERENCE.**

THE APPLICANT WILL PROVIDE PROOF OF APPLICABLE PESTICIDE GENERAL PERMIT COVERAGE AND CONFORM TO THE ABOVE REFERENCED REGULATIONS FOR MAINTENANCE OF PERMITTED FACILITIES AND AREAS OF RIGHTS-OF-WAY. IN THE EVENT THAT PERMIT CRITERIA ARE NOT MET OR A PERMIT IS NOT REQUIRED, THE APPLICANT WILL SUBMIT A BEST MANAGEMENT PLAN (BMP) DESIGNED TO MANAGE AND MINIMIZE THE DISCHARGE OF REGULATED POLLUTANTS INTO THE ENVIRONMENT.

THE APPLICANT WILL PROTECT, DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF ALABAMA, THE ALABAMA DEPARTMENT OF TRANSPORTATION, THE OFFICIALS, OFFICERS, AND EMPLOYEES, IN BOTH THEIR OFFICIAL AND INDIVIDUAL CAPACITIES, AND THEIR AGENTS AND/OR ASSIGNS, FROM AND AGAINST ANY AND ALL ACTIONS, DAMAGES, CLAIMS, LOSS, LIABILITIES, ATTORNEY’S FEES OR EXPENSE WHATSOEVER OR ANY AMOUNT PAID IN COMPENSATION THEREOF ARISING OUT OF OR CONNECTED WITH THE WORK PERFORMED UNDER THIS PERMIT, AND/OR THE APPLICANTS FAILURE TO COMPLY WITH ALL APPLICABLE LAWS OR REGULATIONS.

APPENDIX G-38
REMARKS:

RECOMMENDED FOR APPROVAL: DISTRICT ENGINEER

DATE:

RECOMMENDED FOR APPROVAL: DIVISION ENGINEER

DATE:

APPROVED: STATE MAINTENANCE ENGINEER

DATE:
ALABAMA DEPARTMENT OF TRANSPORTATION

AGREEMENT TO TRIM TREES AND UNDERBRUSH

BY UTILITIES ON RIGHT OF WAY

County ___________________________ Permit No. _________________________________
MilePost Range__________________________ Maint..Sec. No._________________________

THIS AGREEMENT is entered into this the _____ day of ________________, 20____, by
and between the Alabama Department of Transportation acting by and through its Transportation
Director hereinafter referred to as the STATE and ________________________________,
hereinafter referred to as the UTILITY.

WITNESSETH

Whereas, the UTILITY applies for permission to perform necessary maintenance to its
utility lines along AL/US Route No. ________________, beginning at Milepost No. __________ and
ending at Milepost No. __________. This maintenance will consist of performing minor
trimming to trees, shrubs and other plant life on Alabama Department of Transportation right-of-
way. No herbicide other than Garlon for cut stump treatment will be used and NO trees with a 4”
or larger caliper will be cut without express permission by the STATE. Now, therefore, in order
to preserve the right-of-way in an appropriate functional condition it is agreed between the
parties hereto as follows:

1. The vegetation is due to be cut within Ninety (90) calendar days of the permit
   approval; All cut stump treatments shall be done at the time of tree trimming. There will be no
   exceptions. Failure to complete the approved work within the prescribed time of ninety (90)
calendar days will result in the permission to trim trees and underbrush being automatically

APPENDIX G-40
revoked. Should the expiration of ninety (90) calendar days occur prior to the completion of the work, the UTILITY must notify the STATE and reapply for a new permit.

______ (initials)

2. A copy of the Agreement and the plans will be kept at the site of work at all times by the UTILITY. ______ (initials)

3. The STATE does not grant the UTILITY any right, title, or claim to any highway right-of-way. ______ (initials)

4. The UTILITY will not store cuttings, material, excess dirt, or equipment on the right-of-way and in event of multi-lane highways, in the median strips. The pavement will be kept free by the UTILITY from mud and from excavation waste from trucks or other equipment. On completion of the work, all excess material will be removed from the right-of-way by the UTILITY. ______ (initials)

5. The UTILITY shall notify the District Manager at least forty-eight (48) hours prior to any trimming or cutting beginning. No vegetation shall be trimmed or cut that is in place as a result of a Federal Aid landscape project. ______ (initials)

6. The UTILITY shall notify the District Manager at least forty-eight (48) hours after trimming or cutting is completed so that an inspection of the site may be performed. All cut vegetation shall be removed from the highway right-of-way by the UTILITY at no cost to the STATE. ______ (initials)

7. The trimming or cutting shall not adversely affect the aesthetics of the right-of-way. Any clean-up necessary for the cutting of vegetation not approved by the STATE will be at the UTILITY’s expense. Any damage to the STATE right-of-way incurred during the execution of this permit will be repaired immediately and at the UTILITY’s expense. ______ (initials)

8. 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 UTILITY as the provisions thereof are applicable hereto.
The UTILITY 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. ______ (initials)

9. The UTILITY will provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the national Manual on Uniform Traffic Control Devices, of record in the Alabama Department of Transportation. ______ (initials)

10. The UTILITY will perform or cause to be performed the work applied for in this permit contract and will restore the 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 acceptance by the Department of the work applied for by UTILITY. ______ (initials)

11. The UTILITY will file with the STATE an acceptable certified check or bond in the penal amount of $________________ to guarantee the faithful performance of this permit contract in its entirety. To ensure the accomplished work and highway work area is maintained in a condition satisfactory to the Department, the bond shall be in effect and held for one year after the acceptance date specified in item 10. If at that time the terms of the permit have not been fulfilled, the proceeds of the bond will be applied to fulfill the terms of the permit contract; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be returned to the applicant. ______ (initials)

12. The UTILITY will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any
and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the UTILITY’s failure to comply with all applicable laws or regulations. _______ (initials)

13. This agreement when executed will not be valid or binding until the UTILITY has complied with all existing ordinances, laws, and zoning boards that have jurisdiction in the county, city, or municipality in which the facilities are located. _______ (initials)

14. 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. _______ (initials)

15. The attached map/drawing are incorporated herein and deemed a part of the Permit identified as Attached Exhibit A. The identifiable/highlighted lines on Exhibit A are to be used as a guide that is deemed as the area of work. _______ (initials)

16. Failure to comply with each and every stipulation in this permit shall be grounds to deny future consideration to this UTILITY. _______ (initials)

17. This permit applies only to work performed on State highways. Any proposed trimming on Interstate routes must be submitted on a MB-05, Grading and Landscaping Permit. _______ (initials)
This Agreement is deemed to be executed on the date hereinabove set forth by the parties hereto in their respective names by those persons and officials thereunto duly authorized.

Name of Utility

Signature of Utility Representative

Mailing Address of Utility

Telephone Number of Utility

RECOMMENDED FOR APPROVAL:

District Manager & Date

ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS
TRANSPORTATION DIRECTOR

Division Engineer

Approval Date

This permit shall expire on: _______________________________
BOND

FOR PERFORMANCE OF THE WORK

STATE OF ALABAMA
MONTGOMERY COUNTY

KNOWN ALL MEN BY THESE PRESENTS: That we ________________________________
________________________________________, as Principal, and _________________________
___________________________________________, as Surety, are held and firmly bound unto the
ALABAMA DEPARTMENT OF TRANSPORTATION, in the penal sum of _____________________
_________________ for the payment of which well and truly to be made, we hereby bind ourselves,
our heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals, this the
_________day of ____________________, 20_____.

PROVIDED, HOWEVER, that the condition of this obligation is such that whereas the above bound
principal hereon, Namely, __________________________ this day entered into a permit Contract as applicant
with the ALABAMA DEPARTMENT OF TRANSPORTATION for work on highway right of way, work
maintenance and, highway work area restoration and maintenance required by the Department as provided for
in the permit contract, to be performed in ___________
_____________________County, Alabama, Highway Number ______________, a copy of which permit
Contract is hereto attached.

NOW, THEREFORE, In the event the said ________________________________,
as such applicant shall faithfully and promptly perform the permit contract and all the conditions and
requirements thereof, then this obligation shall be null and void and of no effect, otherwise to remain and be in
full force and effect.
PROVIDED, further, that upon the failure of the said________________________, as such applicant, to promptly and efficiently prosecute said permit contract work, work maintenance and highway work area restoration and maintenance, in any respect, in accordance with the permit contract, the above bound __________________________ as Surety, shall take charge of said work, work maintenance and highway work area restoration and maintenance, and complete the permit contract at their own expense, pursuant to its terms. Said Surety may, if they so elect, by written direction given to the State Transportation Director authorize the Director to complete or cause to be completed the said permit contract work, work maintenance and highway work area restoration and maintenance at the expense of said Surety, and such Surety hereby agrees and binds Surety to pay the cost and expense of the completion of such permit contract work, work maintenance and highway work area restoration and maintenance.

In the event said Principal shall fail or delay the prosecution and completion of said permit contract work, work maintenance and highway work area restoration and maintenance and said Surety shall also fail to act promptly as hereinbefore provided, then said Transportation Director may cause ten days notice of such failure to be given, either to said Principal or Surety, and at the expiration of said ten days, if said Principal or Surety do not proceed promptly to complete the permit contract, including all work provided therein, the ALABAMA DEPARTMENT OF TRANSPORTATION shall have the authority to cause said permit contract work, work maintenance and highway work area restoration and maintenance to be done and accomplished and when the same is completed and the cost thereof determined, the said Principal and Surety shall and hereby agree to pay any and all cost of said permit contract work, work maintenance and highway work area restoration and maintenance.

The said Principal and Surety further agree as part of this obligation to pay all such damages of any kind to person or property that may result from a failure in any respect to perform and complete said permit Contract including all work therein provided.
The decision of the Director of the Alabama Department of Transportation upon any question connected with the execution of the permit Contract, or any failure or delay in the prosecution of the permit contract work, work maintenance and highway work area restoration and maintenance by said Principal or Surety, shall be final and conclusive.

WITNESS our hands and seals, this ________ day of __________________, 20______.

ATTEST:

(Name and Title) (Signature of Applicant Official)

(Title of Officer Signing)

Name of Surety

Legal Name of Applicant (Company) as Principal

Address

Contact Number

By: _______________________________
   Attorney in Fact - for Surety

NOTICE TO ALABAMA RESIDENT AGENT

Countersigned by Alabama Resident Agent for Surety: Please print or write legibly your name and complete address below:

Name

Address

(A copy of the Power of Attorney properly executed by the Company authorizing the Agent signing above to bind the Company as Surety on this Bond must be attached hereto. Said Power of Attorney must be dated so as to correspond with the execution date of the bond.)
AGREEMENT FOR THE COOPERATIVE MAINTENANCE
OF PUBLIC RIGHT OF WAY

Agreement No.__________________

DIVISION ______________________  DISTRICT ____________________________

THIS AGREEMENT, entered into this the ____ day of ______________, 20_____, between the
Alabama Department of Transportation acting by and through its Transportation Director
hereinafter referred to as the STATE and ______________________________________
herein referred to as the APPLICANT in an effort to secure a more pleasing appearance on the
roadside between _______________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
on Route _____, the APPLICANT agrees to maintain the vegetative cover in the
___________________________________by means of mowing with a flail or rotary mower and
hand trimming such that a clean and attractive appearance is obtained. Mowing operations shall
be conducted when the height of the vegetative cover reaches _____ inches and rescheduled in
accordance with the planned frequency. In the event that shrubs and/or minor trees are planted
within the area, trimming around the plant materials shall be done in conjunction with mowing to
obtain a clean and attractive appearance. Clippings or other incidental debris (such as branches,
trash, etc.) shall be removed if mounting of the clippings or other incidental debris occurs.

In accepting the above, the Department of Transportation and the APPLICANT agree to do the
following:

1. The APPLICANT will see that adequate sight distances are maintained for
maximum public safety; otherwise the Department of Transportation reserves the right
to remedy this situation in the most expedient manner.

APPENDIX G-48
2. The Department of Transportation is not responsible for the safety of the individual involved or taking part in this work during maintenance operations. Signs used must be in accordance with the latest version of the MUTCD currently in use by ALDOT.

3. If Department of Transportation construction (repair of drainage and traffic structures, crossovers and other minor construction) is done in the subject area, it will be the responsibility of the Department of Transportation to establish a stand of vegetative cover if deemed necessary by the Department of Transportation and then the APPLICANT’s responsibility to maintain the vegetative cover as stipulated herein. In the event of major construction in the subject area, this Agreement shall be voided at a time designated by the Department of Transportation.

4. The APPLICANT will provide litter pick up as needed to insure a pleasing appearance along the roadside.

5. All work shall be subject to the inspection and approval of the Alabama Department of Transportation. Description of the proposed work must accompany this and any associated proposal. If the maintenance is not conducted as specified herein, the Department of Transportation shall assume maintenance and this Agreement will be invalid. A copy of this Agreement must be kept by all parties that sign the Agreement. The State of Alabama does not grant applicant any right, title, or claim on any highway right-of-way.

6. The APPLICANT agrees to store no equipment, branches, mounds of clippings or plant debris of any kind or any other material on the shoulders of pavement and in the case of multi-lane highways, in the median strips. The pavement will be kept free from waste (clippings, mud and other debris) and equipment.

7. The APPLICANT shall be solely responsible for and hold harmless the Alabama Department of Transportation for any claim for damage done to existing private property, public utility, or the traveling public.

8. This Agreement is executed with the understanding that it is not valid until the APPLICANT has complied with all existing ordinances, laws and zoning boards that have jurisdiction in the county, city or municipality.

9. Failure of the APPLICANT to conform to the provisions of this Agreement will be cause to terminate this Agreement. Notification prior to termination will be made by the Department of Transportation.

10. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

APPENDIX G-49
The above conditions are agreed upon:

Name of APPLICANT: ________________________________

BY _____________________________________________

Name and Title ___________________ Date ____________

BY _____________________________________________

Name and Title ___________________ Date ____________

BY _____________________________________________

Name and Title ___________________ Date ____________

_______________________________________

Telephone Number

For the Alabama Department of Transportation:

__________________________________________ Date ____________

District Manager

__________________________________________ Date ____________

Division Engineer

__________________________________________ Date ____________

Maintenance Engineer
ALABAMA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR THE COOPERATIVE MAINTENANCE
OF PUBLIC RIGHT OF WAY

Permit No.__________________

DIVISION ______________________ DISTRICT ____________________________

THIS AGREEMENT, entered into this the ____ day of ______________, 20_____, by and
between the Alabama Department of Transportation acting by and through its Transportation
Director hereinafter referred to as the STATE and ________________________, in an effort to
secure a more efficient and safe traffic flow within the city limits of ______________________
along Route __________________, the ______________________ agrees to
maintain the existing service road in the state right-of-way from milepost ________ to _______,
including but not limited to, pavement structures, ditches, drainage structures, signing, striping,
pavement markings, and lighting. All maintenance shall conform to standards and specifications
of the Alabama Department of Transportation and the Manual on Uniform Traffic Control
Devices. Construction of service roads, and subsequent access turnouts, shall be requested by
permit and be subject to approval by the Alabama Department of Transportation. It is
furthermore understood by the parties that the map attached hereto describes the current situation
as to the existing service road. The parties understand that this agreement and the map attached
hereto may be amended by the mutual agreement of the parties.

In accepting the above, the Department of Transportation and club, group, business, or
municipality agree to do the following:

1. Adequate sight distances must be maintained for maximum public safety; otherwise the
   Department of Transportation reserves the right to remedy this situation in the most expedient
   manner.

2. The Department of Transportation is not responsible for the safety of the individual
   involved or taking part in this work during maintenance operations.

APPENDIX G-51
3. If Department of Transportation construction (repair of drainage and traffic structures, crossovers and other minor construction) is done in the subject area, it will be the responsibility of the Department of Transportation to establish a stand of vegetative cover if deemed necessary by the Department of Transportation and then the groups', clubs', business', or municipalities' responsibility to maintain the vegetative cover as stipulated herein. In the event of major construction in the subject area, this Agreement shall be voided at a time designated by the Department of Transportation.

4. All work shall be subject to the inspection and approval of the Alabama Department of Transportation. Description of the proposed work must accompany this and any associated proposal. If the maintenance is not conducted as specified herein, the Department of Transportation shall assume maintenance and this Agreement will be invalid. A copy of this Agreement must be kept by all parties that sign the Agreement. The State of Alabama does not grant applicant any right, title, or claim on any highway right-of-way.

5. The club, group, business, or municipality agrees to store no equipment, materials, or debris of any kind on the shoulders of pavement and in the case of multi-lane highways, in the median strips. The pavement will be kept free from waste and equipment.

6. The APPLICANT shall be solely responsible for and hold harmless the Alabama Department of Transportation for any claim for damage done to existing private property, public utility, or the traveling public.

7. The APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Permit, and/or the APPLICANT’s failure to comply with all applicable laws or regulations.

8. This Agreement is executed with the understanding that it is not valid until the club, group, business or municipality has complied with all existing ordinances, laws and zoning boards that have jurisdiction in the county, city or municipality.

9. Failure of the club, group, business or municipality to conform to the provisions of this Agreement will be cause to terminate this Agreement. Notification prior to termination will be made by the Department of Transportation.
The above conditions are agreed upon:

Name of Club, Group, Business or Municipality:

BY ___________________________  
Name and Title  Date

BY ___________________________  
Name and Title  Date

BY ___________________________  
Name and Title  Date

Reviewed as to Form

_________________________________
Telephone Number

Counsel – State of Alabama
Department of Transportation

For the Alabama Department of
Transportation:

_________________________________
District Manager  Date

_________________________________
Division Engineer  Date

_________________________________
Maintenance Engineer  Date
THIS AGREEMENT, entered into this the ___ day of __________, 20___, between the 
Alabama Department of Transportation acting by and through its Transportation Director 
hereinafter referred to as the STATE and ______________________________________
herein referred to as the APPLICANT in an effort to secure a more pleasing appearance on the 
roadside located on____________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
_________________________________________, the APPLICANT agrees to maintain the vegetative cover on the 
right-of-way by means of mowing with a flail or rotary mower and hand trimming such that a 
clean and attractive appearance is obtained. Mowing operations shall be conducted in 
accordance with the planned frequency. In the event that shrubs and/or minor trees are planted 
within the area, trimming around the plant materials shall be done in conjunction with mowing to 
obtain a clean and attractive appearance. Clippings or other incidental debris (such as branches, 
trash, etc.) shall be removed if mounting of the clippings or other incidental debris occurs.

In accepting the above, the STATE and the APPLICANT agree to do the following:

1. The APPLICANT will see that adequate sight distances are maintained for 
   maximum public safety; otherwise the STATE reserves the right to remedy this 
situation in the most expedient manner.

2. The STATE is not responsible for the safety of the individual involved or taking part 
in this work during maintenance operations. All traffic control shall be the 
responsibility of the applicant and be in accordance with the latest version of the 
MUTCD currently in use by ALDOT.
3. If STATE construction (repair of drainage and traffic structures, crossovers and other minor construction) is done in the subject area, it will be the responsibility of the Department of Transportation to establish a stand of vegetative cover if deemed necessary by the STATE and then the APPLICANT’s responsibility to maintain the vegetative cover as stipulated herein. In the event of major construction in the subject area, this Agreement shall be voided at a time designated by the STATE.

4. The APPLICANT will provide litter pick up as needed to insure a pleasing appearance along the roadside.

5. All work shall be subject to the inspection and approval of the STATE. Description of the proposed work must accompany this and any associated proposal. If the maintenance is not conducted as specified herein, the STATE shall assume maintenance and this Agreement will be invalid. A copy of this Agreement must be kept by all parties that sign the Agreement. The State of Alabama does not grant applicant any right, title, or claim on any highway right-of-way.

6. The APPLICANT agrees to store no equipment, branches, mounds of clippings or plant debris of any kind or any other material on the shoulders of pavement and in the case of multi-lane highways, in the median. The pavement will be kept free from waste (clippings, mud and other debris) and equipment.

7. The APPLICANT shall be solely responsible for and hold harmless the STATE for any claim for damage done to existing private property, public utility, or the traveling public.

8. This Agreement is executed with the understanding that it is not valid until the APPLICANT has complied with all existing ordinances, laws and zoning boards that have jurisdiction in the county, city or municipality.

9. Failure of the APPLICANT to conform to the provisions of this Agreement will be cause to terminate this Agreement. The STATE shall provide thirty (30) days notice, in writing, of any termination.

10. The APPLICANT will be responsible at all times for all work performed under this agreement and, the APPLICANT will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney’s fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.

   a. By entering into this agreement, the APPLICANT is not an agent of the State, its officers, employees, agents, or assigns. The APPLICANT is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.
11. The APPLICANT agrees to provide pruning and/or trimming of plants in any existing or newly landscaped areas.

12. No new installation or removal of plantings is allowed on the right-of-way under this agreement.

13. The APPLICANT may perform adequate dressing and street sweeping on the routes included in this agreement which have curbs and gutters, maintaining a clean and attractive appearance of the roadway. If street sweeping is conducted, gutters shall be kept free of debris.

14. The APPLICANT shall provide a minimum of _________ mowing cycle(s) per ______________. Additional cycles will be at the discretion and expense of the APPLICANT. The STATE will provide payment of __________________________ per cycle which includes all work covered by this agreement. The total payment shall not exceed the total of __________________________ for services provided. The APPLICANT shall notify the STATE in writing at the beginning and end of each cycle including a schedule of routes to be cut. The STATE shall accept/decline the mowing cycle on each route in writing within 3 days of the APPLICANT completing that route. The first payment may be requested by the APPLICANT on or after May 1, ________, after completion of the first mowing cycle. The final payment may be requested by the APPLICANT on or after September 1, ________, at the completion of the final mowing cycle.

15. The routes and work limits included in this agreement are listed as follows:

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APPENDIX G-56
16. The city may perform any herbicide necessary to maintain the appearance of the roadside with written permission from the STATE. This includes but is not limited to concrete islands, median barriers, curbs, and other structures. Herbicide application shall conform to the STATE Vegetation Management guidelines and be applied by certified pesticide applicators. Daily application reports shall be furnished to the STATE on a weekly basis.

17. The term of this agreement shall be for a period of one year, commencing on the _____ day of ______________, 20____, and ending on the _____ day of ______________, 20____.
IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:                     CITY OF _________________________
_____________________________ BY:_________________________________
City Clerk (Signature)        Mayor (Signature)
Type name of Clerk            Type name of Mayor

APPROVED AS TO FORM:

BY:___________________________
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

______________________________
Division Engineer

______________________________
Maintenance Engineer

______________________________
Chief Engineer

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION

______________________________
Transportation Director

RECOMMENDED:

______________________________
Finance Director

The forgoing agreement is hereby approved by the Governor of the State of Alabama this ______ Day of __________________, 20____.

______________________________
GOVERNOR OF ALABAMA

APPENDIX G-58
ENCROACHMENT NOTICE
AND ORDER

SERVED ON:_____________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

You are hereby notified that the following encroachment is found upon the Right-of-Way and the land of the STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION:
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

THIS ENCROACHMENT IS UNLAWFUL. Alabama Department of Transportation Administrative Code, Rule 450-3-1.08, and Regulation 2-63, and Alabama law, make it illegal:

1. To enter or remain unlawfully upon;

2. To place, affix to, or maintain any privately owned property upon; and

3. To maintain, construct, or locate any commercial enterprise upon, the following described premises:
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

THE STATE OF ALABAMA HEREBY DEMANDS POSSESSION OF THE HEREAFTER ABOVE DESCRIBED PREMISES FREE AND CLEAR OF ANY UNLAWFUL ENCROACHMENT OR UNLAWFUL TRESPASS.

YOU ARE HEREBY REQUESTED TO COMPLY WITH THIS ORDER WITHIN ____DAYS OR ANSWER THIS NOTICE AND SHOW WHY YOU ARE IN NO WAY RESPONSIBLE.

DEFIANCE OF THIS ORDER MAY RESULT IN CRIMINAL PROSECUTION OR OTHER LAWFUL PROCEEDINGS. Ordered this ____ day of ____________, 20____.

Countersigned by: ______________________
Title: ______________________

TRANSPORTATION DIRECTOR
STATE OF ALABAMA

APPENDIX G-59
APPLICATION FOR PERMIT TO ERECT OUTDOOR ADVERTISING SIGN

The undersigned, pursuant to the provisions of Article 9, Division 3, 23-1-271 through 23-1-288 of the Code of Alabama, 1975, as amended by Act No. 383 of the Regular Session of the State of Alabama Legislature, 1978, and rules and regulations promulgated thereunder, hereby applies to erect an outdoor advertising sign which is to be located within six hundred sixty (660) feet of the nearest edge of the right-of-way of a highway on the Interstate or Federal Aid Primary Highway System and furnishes the following information to support this application.

1. Applicant’s Company Name is ____________________________________________
2. Applicant’s Company Address is __________________________________________
3. Owner’s Name is _______________________________________________________
4. Owner’s Address is _____________________________________________________
5. Property Owner’s Name is ______________________________________________
6. Property Owner’s Address is _____________________________________________
7. Permission to erect is by: Written Lease _________, Written Agreement ________, Own Property __________, Other ____________________________
8. Interstate Route Number ____________, Primary Highway Route: U.S. Number ____________, 
   Alabama Number ____________.
9. Milepost Location Number
   (To nearest hundredth of a mile, and designate L for left and R for right. Even routes are west to east and odd routes are south to north).
10. (a) Adjacent area is zoned: Commercial ________, Industrial ________, Zoning Authority ________

    (b) Adjacent area is unzoned: Commercial ________, Industrial ________, Distance to nearest premises limits of commercial or industrial activity is ________ feet. Kind of commercial or industrial activity is ____________________________.
11. Sign to be located inside _______, outside _________ zoning authority of incorporated city.

12. Size of sign: Height _________, Length _________, Square feet one direction _________.

13. Sign to be: Single Faced _________, Double Faced _________, Back to Back _________, V-Type _________.

14. Message to be Changeable _________, Permanent _________. If permanent designate subject of message: ____________________________

15. Distance to nearest sign described in 23-1-274 (3) of the Code of Alabama, 1975, is _________ feet.

16. Is sign to be lighted? Yes _____ No _____

17. Sign will meet all requirements of 23-1-274 (1), (2) and (3) of the Code of Alabama, 1975, with regard to size spacings, lighting, and general requirements? Yes _____ No _____

18. Sign will not encroach on highway right-of-way.

19. Applicant must erect the sign described in this permit within twelve (12) months from the date of issue.

20. Access to a sign structure located adjacent to interstate or primary freeway where access is controlled or denied for erection, maintenance, changing the message or for any other reason, must be from other than State right-of-way.

21. There is enclosed a check or money order payable to the Alabama Department of Transportation for twenty five dollars ($25.00) for the location covered by this permit. A fee of ten dollars ($10.00) will be submitted for each succeeding year thereafter.

Failure by the applicant to conform to the provisions of this permit or any false statement or representation made by the applicant will be cause to revoke this permit and the permit fee forfeited, making the structure become illegal and shall be removed in accordance with 23-1-278 of the Code of Alabama, 1975.

Date __________________________ Signature of Applicant __________________________

Title __________________________

Permit for erection of the above-described sign is hereby approved.

RECOMMENDED FOR APPROVAL __________________________

APPROVAL __________________________

Date __________________________

District Engineer __________________________ Maintenance Engineer __________________________

Date __________________________ Date __________________________

Division Engineer __________________________

Alabama Department of Transportation __________________________

Maintenance Bureau __________________________

APPENDIX G-61
LOCATION SKETCH OF ADVERTISING SIGN

Indicate

Direction of North

INCLUDE NEAREST EXISTING O.A. SIGNS & NEAREST ACTIVE BUSINESSES FROM YOUR SIGN LOCATION.
APPENDIX “H”

OVERHEAD SIGNS ON ALDOT RIGHT OF WAY
MEMORANDUM

TO: All Division Engineers
FROM: George H. Conner
       Maintenance Engineer

This letter is to give the Divisions guidance in cases where a property owner has to relocate or construct an overhead sign on ALDOT's Right of Way.

All overhead signs are to meet Section 718 of the Standard Specifications for Highway Construction. The Department must review the plans to insure that these specifications are adhered to.

The following are a list of the steps used to facilitate this review.

• A Special Work Authorization must be submitted in the amount of $2,500.00 to cover ALDOT costs for this review.
• An MB05, Grading and Landscaping permit must be completed with plans that show the location of the sign structure.
• A complete set of boring data for the sign footings.
• A complete set of footing design calculations.
• A complete set of sign design documents and construction plans for the sign.

Forward (3) complete sets of the required documents to the Maintenance Bureau for review and approval.

If all documents are completed properly, the review process should be completed within 45 days of being received by the Maintenance Bureau.

If further information is needed, please advise.

GHC/ab
C: file