

<b>COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)</b>		<b>EXHIBIT J</b>
<b>DESIGN-BUILD PROJECT</b>		
<b>UTILITY PERMIT</b>		
<b>PERMITTEE (OWNER)</b>		<b>CDOT USE ONLY</b>
Name _____		Date Issued _____
Address _____		Permit # _____
Contact _____		S.H. # _____ M.P. _____
Telephone _____ Fax: _____		Project (Utils) _____ Sub Account # _____
		Project (Const) _____ Sub Account # _____
		Location _____

**PURPOSE**

Due to the construction of the above referenced CDOT Project, the Permittee is required to adjust/relocate/remove/install its utility currently located in state highway right-of-way, as described herein, (the Relocation) to accommodate the Project. This Utility Permit authorizes Permittee to perform and/or to delegate the performance of the Relocation herein, including the terms and conditions (which are included within). The terms and conditions specified on previously issued CDOT permit covering the current location of the Permittee's utility shall be superceded by the terms and conditions of this Permit effective the date this Permit is signed by CDOT, subject to the completion of the Relocation.

**RELOCATION DESCRIPTION**

FACILITY (Type, size, class of transmittant, design pressure or potential, etc.) \_\_\_\_\_

NATURE OF INSTALLATION       Longitudinal (Parallel)       Transverse (Crossing)

Buried\*       Aerial/Ground-mounted       Attach. To Hwy. Str. No.

Additional Details: \_\_\_\_\_

(See also the attached plans (and/or other supporting information/conditions) for the Relocation, which are incorporated herein.)

**SPECIAL PROVISIONS (to be completed by CDOT). The Special Provisions are terms and conditions of this permit.**

Any Relocation shall be performed in accord with the approved Utility Relocation Plans and the Special Provisions.

The CDOT Utility Representative is \_\_\_\_\_ Telephone \_\_\_\_\_

**(SEE THE ATTACHED SPECIAL PROVISIONS, WHICH ARE INCORPORATED HEREIN)**

Other: \_\_\_\_\_

**RELOCATION PERFORMED BY THE DESIGN-BUILD CONTRACTOR**

(Check if this Section will apply).

The Permittee is not staffed and/or not equipped to perform the Relocation, and/or the Relocation is for a Design-Build Project under section 43-1-1411, CRS, and the parties agree that it is in the public interest to have the Design-Build Contractor perform the Relocation.

By checking the box above, the PERMITTEE hereby authorizes Design-Build Contractor, to perform the Relocation in compliance with this Permit and the current version of Part 645 of Title 23, Code of Federal Regulations (23 CFR 645).

The PERMITTEE may inspect the Relocation performed by the Design-Build Contractor before accepting it.

**1. THIS PERMIT IS NOT VALID UNTIL THE DATE IT IS SIGNED AND DATED BY AN AUTHORIZED REPRESENTATIVE OF CDOT. A FULLY EXECUTED COPY OF THIS PERMIT MUST BE ON FILE AT THE CDOT REGION OFFICE WHEREIN THE RELOCATION WILL BE PERFORMED, BEFORE THE PERMITTEE SHALL START PERFORMANCE OF THE RELOCATION.**

**2. ONLY WHERE REQUIRED BY LAW (SEE C.R.S. SECTIONS 43-1-225 OR 43-1-208 OR 43-1-1411(1)(A)), CDOT WILL PAY FOR THE DESIGN AND/OR THE CONSTRUCTION OF THE RELOCATION, AT NO COST TO THE OWNER.**

**3. IN ACCEPTING THIS PERMIT THE UNDERSIGNED, REPRESENTING THE PERMITTEE, VERIFIES THAT HE OR SHE HAS THE AUTHORITY TO SIGN FOR AND BIND THE PERMITTEE, AND THAT HE OR SHE HAS READ, UNDERSTANDS AND ACCEPTS ALL THE INCLUDED CONDITIONS ON BEHALF OF THE PERMITTEE.**

<b>Signature Attesting</b>	<b>Date</b>	<b>Permittee Signature</b>	<b>Date</b>
_____	_____	_____	_____
<b>Title</b>		<b>Title</b>	
_____		_____	
<b>CDOT Signature</b>			<b>Date</b>
_____			_____
<b>Regional Transportation Director or Designee</b>			

**STANDARD PROVISIONS FOR UTILITY PERMIT OPERATIONS DURING AND AFTER A DESIGN-BUILD PROJECT**

**GENERAL CAVEATS**

The following general caveats apply to this Utility Permit:

1) IN ADDITION TO THIS UTILITY PERMIT, OTHER CONTRACTUAL DOCUMENTS EXIST CONCERNING (IN PART) THE RELOCATION DESCRIBED HEREIN FOR THE PROJECT, INCLUDING: 1) THE DESIGN-BUILD CONTRACT DOCUMENTS BETWEEN CDOT AND THE DESIGN-BUILD CONTRACTOR, CONCERNING THE DESIGN-BUILD CONTRACTOR'S RESPONSIBILITIES; THE PROJECT SPECIFIC UTILITY RELOCATION AGREEMENT (PSURA) BETWEEN CDOT AND THE OWNER OF THE UTILITY FACILITIES, CONCERNING THE OWNER'S RESPONSIBILITIES; AND A WORK ORDER BETWEEN CDOT AND THE DESIGN-BUILD CONTRACTOR AND THE OWNER OF THE UTILITY FACILITIES, CONCERNING THE PARTIES RESPECTIVE RESPONSIBILITIES. TO THE EXTENT SUCH OTHER DOCUMENTS ARE APPLICABLE TO THE UTILITY WORK UNDER THIS PERMIT, THE TERMS AND CONDITIONS THEREOF SHALL APPLY TO THE PERFORMANCE OF THE RELOCATION. IF SUCH TERMS AND CONDITIONS OVERLAP, OR ARE REDUNDANT OF, OR ARE INCONSISTENT OR CONFLICT WITH THE TERMS AND CONDITIONS OF THIS UTILITY PERMIT, THE TERMS AND CONDITIONS OF SUCH OTHER DOCUMENTS SHALL PREVAIL.

2) FURTHER, PURSUANT TO THE TERMS AND CONDITIONS OF SUCH OTHER PROJECT DOCUMENTS AND REGARDLESS OF WHICH PARTY (THE DESIGN-BUILD CONTRACTOR OR THE OWNER) PERFORMS THE RELOCATION UNDER THIS UTILITY PERMIT, THE OWNER OF THE UTILITY FACILITIES TO BE RELOCATED SHALL ALWAYS BE CONSIDERED THE "PERMITTEE" UNDER THIS PERMIT, AND COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS UTILITY PERMIT SHALL BE CONSIDERED A REQUIREMENT APPLICABLE TO THE OWNER AS THE "PERMITTEE".

3) THE TERMS AND CONDITIONS OF THIS UTILITY PERMIT SHALL APPLY TO THE RELOCATION TO BE PERFORMED, WHETHER BY THE OWNER OR BY THE DESIGN-BUILD CONTRACTOR AND TO THE EXTENT ALLOWED OR REQUIRED BY SUCH TERMS AND CONDITIONS, THEY SHALL ALSO APPLY TO THE PERMITTEE'S OPERATION AND/OR MAINTENANCE OF SUCH RELOCATED UTILITY AFTER THE RELOCATION HAS BEEN COMPLETED.

Subject to the General Caveats described above, the following Standard Provisions are terms and conditions of this Utility Permit for the Design-Build Project, and they are incorporated herein by this reference.

Relocations authorized under this Permit shall comply with the requirements of the CDOT Utility Manual, and applicable federal, state and industry codes and regulations.

Construction of any portion of the highway facility, including the pavement structure, subsurface support, drainage, landscaping elements, and all appurtenant features, shall comply with the provisions of the CDOT Standard Specifications for Road and Bridge Construction, and with the Colorado Standard Plans (M & S Standards).

**DEFINITIONS:**

CRS =, Colorado Revised Statutes 2000, as amended

Permittee= Owner of the utility

Relocation= Each transfer of location, adjustment, or modification of any and all Utilities that is necessary or adviseable in order to accommodate or permit construction of the Project

ROW = Right of Way

**INDEMNITY**

To the extent authorized by law, Permittee hereby assumes, releases and agrees to indemnify, defend/protect, and save the State of Colorado harmless from and against any loss of and/or damages to the property of the State of Colorado, third parties or the Permittee's facilities, and all loss and/or damage on account of injury to or death of any person whomsoever, arising at any time, caused by or growing out of the occupation of Colorado state highway rights of way by Permittee's facilities or any part thereof, including but not limited to installation, adjustment, relocation, maintenance or operation, or removal of existing facilities, unless such loss and/or damage arises from the sole negligence or willful conduct of the State of Colorado or its employees or agents.

**UNCC NOTICE**

The Permittee must notify owner or operator of underground utility facilities at least two (2) business days prior to making or beginning excavations in the vicinity of such facilities, as required under section 9-1.5-103, Colorado Revised Statutes. Call Utility Notification Center of Colorado (UNCC) 1-800-922-1987, in metro Denver for marking of member utilities. Contact non-member utilities directly.

**COMMENCEMENT AND COMPLETION**

Permittee shall not start the performance of the Relocation on highway ROW prior to CDOT's issuance of a fully endorsed and validated permit for the Relocation.

Permittee shall notify the Design-Build Contractor and the CDOT Utility Representative: 1) 2 working days before commencing the Relocation on ROW; 2) When suspending operation for 5 or more working days; 3) 2 working days before resuming suspended operation; and, 4) Upon completion of the Relocation.

The Relocation shall not proceed beyond the completion date specified in the PSURA Work Order without written approval of CDOT.

**PLANS, PLAN REVISIONS, ALTERED WORK**

The preliminary plans for the Relocation are attached to the PSURA Work Order. A copy of the approved Utility Relocation Plans must be available on site during performance of the Relocation.

Plan revisions, or altered work materially differing in scope or nature from that authorized under this Utility Permit, are subject to CDOT approval. Permittee shall promptly notify the Design-Build Contractor and the CDOT Utility Representative of changed or unforeseen conditions, which may occur on the job.

**INSURANCE**

Insurance requirements contained in the Design-Build Contract documents apply to any Relocation performed by the Design-Build Contractor under this Utility Permit, and Insurance requirements contained in the PSURA apply to any Relocation performed by the Owner under this Utility Permit.

The Permittee shall procure and maintain general public and auto liability and property damage insurance covering all its ownership and operation and maintenance activities of such facilities under this permit after the Relocation has been completed, in the amounts specified in 24-10-114 CRS. Policies shall name the State of Colorado as additional insured party. Like coverage shall be furnished by or on behalf of any subcontractors. Certificates of insurance showing compliance with these provisions shall be attached to and made a part of this permit; copies must be available on site during the Relocation.

**WORK WHERE DEPARTMENT LACKS AUTHORITY**

Relocations within municipal boundaries (pursuant to 43-2-135 CRS), or on public lands not owned by CDOT, or on private property, may require separate approval of the appropriate jurisdictional agency or property owner.

**INSTALLATIONS ON FREEWAYS**

CDOT may permit utility accommodations on freeways, including but not limited to the Interstate System, only in accordance with Utility Manual provisions. Special case exceptions as defined therein may be permitted only in accordance with Federal Highway Administration FHWA-approved CDOT policy.

**JOINT USE ALTERNATIVES**

As directed or approved by CDOT, if necessary for the safe and efficient use of the ROW, Permittee shall utilize joint use facilities such as the placement of two or more separate lines in common trench, or attachment to the same overhead support. The Permittee will be responsible for proper coordination with other affected utilities.

**ATTACHMENT TO HIGHWAY STRUCTURES**

Any Relocation that is proposed to be attached to a highway structure, performed by the Permittee, is subject to the Approval of the CDOT Staff Bridge Design Engineer and must be coordinated with the Design-Build Contractor.

**DRAINAGEWAYS AND WATERCOURSES**

The flow of water in any drainageway or watercourse shall not ever be impaired or interrupted by the Permittee without the approval of the owner of the drainageway or watercourse. Where possible, crossings of ditches, canals or water-carrying structures shall be bored or jacked beneath. Irrigation ditch or canal crossings may require the Permittee to obtain the prior written approval of the ditch company or owner. Permittee shall repair any damage caused by the Permittee or its agents to any drainage/watercourse facility to the satisfaction of the owner thereof, at the Permittee's sole cost and expense.

**TRAFFIC CONTROL**

Pursuant to requirements contained in the Design-Build Contract documents, the Design-Build Contractor shall provide traffic control for the Relocation performed under this Utility Permit, whether the Relocation is performed by the Design-Build Contractor or by the Owner.

After the Relocation has been performed and completed, and whenever the Permittee's operation and/or maintenance activities of such relocated facilities under this Utility Permit will affect the movement or safety of traffic, the Permittee, at its sole expense, shall develop and implement a traffic control plan and utilize traffic control devices as necessary. The Permittee's traffic control plan and the application of traffic control devices shall conform to the Manual on Uniform Traffic Control Devices and Colorado Supplement thereto, and with the CDOT's traffic signing Standard Plans S 630-1 and S 630-2. The Permittee's traffic control plan is subject to CDOT Approval prior to commencing work on highway ROW. A copy of the approved traffic control plan must be available on site.

**CLEAR ROADSIDE CONSIDERATIONS**

CDOT is committed to provide a roadside area that is as free as practical from nontraverseable hazards and fixed objects ("clear zone"). New above ground installations may be permitted within the clear zone only upon a showing that no feasible alternate locations exist. Permittee must utilize appropriate countermeasures to minimize hazards.

Permittee shall remove materials and equipment from the highway ROW at the close of daily operations. The traffic control plan must include protective measures where materials and equipment may be stored on ROW.

Protection of open trenches and other excavations within highway ROW shall be addressed in the Permittee's traffic control plan.

Permittee agrees to promptly undertake mitigating or corrective actions acceptable to CDOT upon notification by CDOT that the installation permitted herein has resulted in a hazardous situation for highway users.

**GENERAL CONSTRUCTION REQUIREMENTS**

The Relocation shall not be performed at night or on Saturdays, Sundays, or holidays without prior authorization or unless otherwise specified in this permit. CDOT may restrict work on ROW during adverse weather conditions or during periods of high traffic volume.

Those areas within ROW which must be disturbed by permit operations shall be kept to a practical minimum.

Permittee shall not spray, cut, or trim trees or other landscaping elements within highway ROW, unless such work is otherwise specified in this permit, or clearly indicated on the approval plans.

Cleated or tracked equipment shall not work on or move over paved surfaces without mats.

Material removed from any portion of the roadway prism must be replaced in like kind with equal or better compaction. Segregation of material is not permitted.

The utility shall be of durable materials in conformity with accepted practice or industry standards, designed for long service life, and relatively free from routine servicing or maintenance.

Construction or compaction by means of jetting, puddling, or water flooding is prohibited within all highway ROW.

Thrust blocks are required on all vertical and horizontal bends in pressure pipes.

Meters shall not be placed on highway ROW except within corporate limits where municipal regulations allow such use.

**ALIGNMENT, COVER, CLEARANCE**

Location and alignment of Permittee's facilities shall be only as specified in this permit or as otherwise indicated in the approved Utility Relocation Plans.

Parallel installations should be located as near as practicable to the ROW line. Crossings shall be as nearly perpendicular to the highway as feasible.

Where no feasible alternate locations exist, parallel installations may be permitted along roadside areas within 15 feet from edge of shoulder or back of curb. In these cases, the utility must be so located and safeguarded as to avoid potential conflict with necessary highway appurtenances (signs, guard rail, delineators, etc.).

Parallel installations will not be permitted within roadways (including curbing and/or shoulders) or median areas, except within corporate boundaries, subject to municipal regulations.

Parallel installations shall follow a uniform alignment, wherever practical. Due consideration must be given to conserving space available for future utility accommodations. The standard allowable deviation from the approved horizontal alignment is  $\pm 18$  inches.

Minimum cover shall conform to the Special Provisions. Normal specified cover will be 36 inches or greater; reduced cover, 24 inches absolute minimum, may be approved where site conditions warrant.

Minimum overhead clearance shall conform to the Special Provisions, consistent with Utility Manual criteria.

**PAVEMENT CUTS AND REPAIRS**

Paved surfaces shall not be cut unless otherwise specified in this Permit. No more than one half the width of the roadbed may be opened at a time, when otherwise permitted. Pavement shall be sawed or wheel-cut to a neat line.

Pavement shall be replaced to a design equal to or greater than that of the surrounding undisturbed pavement structure. Pavement repair shall conform to the Special Provisions or the approved Utility Relocation Plans.

**BORING, JACKING, ENCASEMENT**

Unless otherwise specified, buried crossings shall be bored or jacked beneath the roadway, at least from toe of slope to toe of opposite slope.

Portals for untrenched crossings more than 5 feet in depth shall be bulk headed. Minimum lateral dimension from portal to edge of pavement is 6 feet, but in any case shall not be less than the vertical drop from roadway surface to top of line.

Water jetting or tunneling is not permitted. Water assisted boring may be permitted as determined by the CDOT Utility Representative.

Boring shall not exceed 5 percent oversize. Resultant voids shall be grouted or otherwise backfilled, subject to CDOT Approval. Ends of bored sections shall not be covered before being inspected.

Encasement shall be consistent with Utility Manual provisions. CDOT may require protective casing for shallow installations or certain conduit materials. Encased crossings shall extend at least from toe of slope to toe of slope, or the full width between access-control lines on freeways, including the Interstate System.

**INSPECTION AND ACCEPTANCE**

CDOT will determine the extent of inspection services necessary for a given installation. Permittee shall attend final inspection as may be required.

Unacceptable work shall be promptly removed and replaced in an acceptable manner. Final acceptance does not relieve Permittee of maintenance obligations toward those elements of the highway facility constructed under this Permit.

**RESTORATION OF RIGHT OF WAY**

Prior to final acceptance, all disturbed portions of highway right of way shall be cleaned up and restored to their original condition, subject to CDOT approval.

Seeding, sodding, and planting shall be as specified, or otherwise approved by CDOT. Construction, maintenance, and watering requirements shall conform to the CDOT Standard Specifications. Where landscape restoration must be delayed due to seasonal requirements, such work may be authorized by separate permit.

Permittee shall use only certified weed-free seed and mulch. Permittee shall clean equipment before transporting it into or out of the state to prevent the migration of noxious weeds.

### **OPERATION AND MAINTENANCE**

Permittee agrees to own and maintain the installation permitted herein. The utility shall be kept in an adequate state of repair and maintained in such a manner as to cause the least interference with the normal operation and maintenance of the highway.

If any element of the utility, constructed or replaced by the Permittee as a condition of this permit, fails within 2 years due to improper construction or materials, Permittee shall make all repairs immediately as notified in writing by CDOT.

Routine, periodic maintenance and emergency repairs may be performed under the general terms and conditions of this permit. CDOT shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic. In an emergency, the CDOT Region office and the State Patrol shall immediately be notified of possible traffic hazards. Emergency procedures shall be coordinated beforehand, where possible.

Maintenance activities requiring new excavation or other disturbance within highway ROW *may* require separate permit.

Where highway construction or maintenance operations so require, Permittee will shut off lines, remove all combustible materials from the highway right of way, or provide other temporary safeguards.

Should any permitted facilities be abandoned, Permittee agrees to promptly notify the Design-Build Contractor and the CDOT Utility Representative and to remove any or all portions of such facilities, as may be directed by CDOT.

### **UNDERGROUND UTILITY LOCATION ASSISTANCE**

Permittee shall identify the installation with suitable markers, of a type and at locations as specified or otherwise approved. Permittee shall maintain markers for the life of the installation.

Warning ribbon and/or detection wire shall be required for buried utilities.

As Constructed" plans will be furnished by the Permittee as directed.

Owners of underground utilities shall participate in a notification association pursuant to 9-1.5-105 CRS.

### **ADJUSTMENTS DUE TO HIGHWAY CONSTRUCTION**

If, for any future transportation purpose, CDOT determines that the utility that is relocated under this Utility Permit needs to be removed, adjusted, or relocated again, the Permittee will do so promptly, at no cost to CDOT (except as expressly provided otherwise by law), upon written notice from CDOT.

### **SUSPENSION AND CANCELLATION**

The Design-Build Contractor, and/or the CDOT Utility Representative may suspend the Permittee's performance of the Relocation under this Permit due to: 1) Non compliance with the provisions of this Permit; 2) Adverse weather or traffic conditions; 3) Concurrent transportation construction or maintenance in conflict with the Relocation; or 4) Any condition deemed unsafe for workers or for the general public.

The CDOT Utility Representative may cancel the Permittee's performance of the Relocation under this Permit due to: 1) More than one instance of noncompliance with Permit provisions; 2) Abandonment or transfer of ownership of the Utility covered by this Permit; 3) Supersedure of this Permit by a new Permit issued by CDOT covering the same installation; or 4) Conflict with necessary planned transportation construction. Permittee must promptly terminate occupancy by its utility of CDOT ROW upon notice of cancellation of Permit, unless a new Permit is applied for by Permittee and granted by CDOT.

Where Permittee does not fulfill its obligation under this Permit, or under the PSURA or a PSURA Work Order, to repair or maintain any portion of the highway facility, or control and safely maintain the flow of traffic thereon, CDOT reserves the right, in lieu of canceling this Permit, to accomplish the required work by any other appropriate means, and Permittee shall be liable for (and shall reimburse CDOT within 30 days of written notice for) the actual costs thereof.