ITD 2106, Rev. 3-2023

General Requirements for All Encroachment Permits in the State Right of Way

Permittee MUST also follow all applicable Supplemental Requirements

From IDAPA 39.03.42 Rules Governing Highway Right-of-Way Encroachments on State Highway Rights-of-Way, and ITD Policies & Procedures.

1. A paper or digital copy of the permit, including the Traffic Control Plan and all attachments must be at the work site while work is in progress (digital copies must be downloaded so that they are accessible even where there is no cell service or internet). Any addendum, change order, alteration, or modification to this permit or any of its terms or conditions must be authorized and signed by an ITD representative and must be on-site and available for inspection (with original permit) during construction activities. All addendum become part of the permanent permit record.

2. Once the permit is approved, the permittee must notify ITD five (5) working days before starting the permitted work. If plans change, the permittee must notify ITD again 5 days before starting the permitted work. No work will begin until an authorized representative of ITD gives the permittee permission to begin work. Work must be completed within one (1) year and once work begins, it must be completed within thirty (30) days. At the discretion of the District Engineer, a one-time extension, no more than six (6) months, may be granted if a written request is received from the permittee before the expiration date. If the permitted work does not begin within one year of permit issue date, ITD will send notice that the permit is void. The permittee must submit a new application to continue.

3. All work within the State Highway Right-of-Way must observe and comply all applicable laws, ordinances, regulations, orders and decrees and with government and industry standards, including Americans with Disabilities Act, regulations as enacted by The United States Department of Labor Occupational Safety and Health Administration (OSHA), and the current ITD Traffic Control requirements and ITD Work Zone Safety and Mobility Policy (Copies are available from ITD upon request). The permittee is responsible for obtaining all other necessary permits and approvals before to starting work. ITD may request documentation of the local jurisdiction's land-use approval.

4. The permittee must provide all material, labor, and equipment involved in the permitted work including furnishing drainage pipe, curb, gutter, concrete sidewalk, etc., where required. All materials must be sourced from an ITD Qualified Vendor. Lists of qualified vendors available upon request. Before beginning work sufficient labor, materials and equipment must be at the job site to efficiently complete the project.

5. Idaho Statute Title 55, Chapter 22, Section 55-2205c through 55-2210 requires that if any excavation is involved, the applicant must notify the One Number Notification Service by calling 8-1-1 at least two business days and not more than 10 business days before starting excavation. Go to http://www.digline.com for more information. Digline will not notify ITD to mark facilities! There may be ITD owned underground facilities present within the permit work area. The contractor must request locations of buried utility facilities owned by the State by contacting the District Traffic Signal Foreman, and by contacting the Area Foreman for all other ITD facilities (contact information will be provided in the permit approval letter). All known facilities must be marked before excavation takes place.

6. ITD approved Traffic Control must be in place and maintained during work and meet the most current editions of: ITD Traffic Control Requirements, the Manual on Uniform Traffic Control Devices (MUTCD). The Traffic Control Plan (TCP) must be on-site and available for inspection while traffic control is in place, and during set up and removal. Violations of the TCP or MUTCD requirements may result in immediate shut-down of the permitted work and revocation of the permit.

7. All utilities must be installed under culverts. Work done under this permit must be constructed in a way that does not cause water to flow onto the roadway or shoulder and must not interfere with the existing drainage on the State Highway System or any nearby drainage systems.

8. ITD may inspect the materials and workmanship during construction and upon completion to determine that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to stop any activities within state Right-of-Way that do not comply with the requirements of the permit, that conflict with current pr future highway construction or maintenance work, or that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public. Any encroachment that is found not in compliance with the requirements of the approved permit may be required to be modified, relocated, or removed at the sole expense of the permittee upon written notification by the District Engineer or authorized representative. The permittee must reimburse ITD at industry standard rates for additional inspection required to ensure permit compliance.

9. Upon completion of the permitted work, at the permittee's expense, the Right-of-Way must be restored to original condition or better the satisfaction of ITD including the removal of all trash and debris, repair of any and all damage, correction of any interferences with highway drainage, restoration of survey monuments and traffic control devices, and all required grading and seeding. If the permittee fails to make the necessary repairs, the Department will make the repairs and bill the permittee.

10. All permitted work must be completed and available for final inspection within thirty (30) days after construction begins, unless otherwise written in the special provisions of the permit. After construction is completed the permittee must notify the ITD Maintenance Foreman for final inspection. The contact information for the foreman will be included in the permit approval letter. Permit will be considered temporary until final approval by ITD. **The permittee must maintain the encroachment covered by their permit at their own expense.**

11. ITD reserves the right to add, remove, modify, repair, or relocate any encroachment(s) or item(s) within the Highway Right-of-Way which currently exists or has been authorized by this permit, to accomplish the relocation, reconstruction, widening, or maintenance of the highway and/or to improve safety or mobility on or adjacent to the highway system. Any change or removal will be made at the sole expense of the permittee, or its successors. All such modifications, relocation, or removal by the permittee will be done in such a way that will cause the least interference with the traveling public or any of the ITD's work.

12. The Permittee will be responsible for damages caused during permit activity and guarantee workmanship for two (2) years after completion. Damages must be reported to the area Foreman immediately. Repairs shall be made by the permittee as directed by the ITD authorized representative at no cost to the Department. If the permittee fails to make the necessary repairs, the Department will make the repairs and bill the permittee. No new permits shall be issued to the permittee until such claims have been settled.

13. ITD may revoke, amend, amplify, or terminate this permit or any of its conditions if the permittee fails to comply with any or all of its conditions, requirements, or regulations or through willful or unreasonable neglect, fails to heed or comply with notices given by ITD, or if a utility, approach, or other item is not installed or operated and maintained according to the permit requirements.

14. After the permitted work is complete and receives final approval, any modification, addition, repair, relocation, or removal of the encroachment granted by this permit will require a new permit before beginning work.