

A Guide to

RIGHT OF WAY OCCUPANCY PERMITTING PROCESS

February 2005

The Right of Way Occupancy Permitting Process

This guide is intended to provide Nebraska Department of Roads (NDOR) employees with some basic information about the Right of Way permitting process.

The NDOR has the authority and responsibility to acquire rights of way of such nature and extent as are adequate for the construction, operation and maintenance of the highway system.

Except as provide in our <u>Policy for Removing or Permitting Physical or Functional</u> <u>Encroachments, Structures or Uses of State Highway Right of Way</u>, all real property, including air space, within the right of way boundaries shall be devoted exclusively to public highway purposes.

The temporary or permanent occupancy or use of the highway right of way, including air space, for nonhighway purposes, when such use and occupancy is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic should follow the occupancy permitting process described in this booklet.

HOW TO USE THIS BOOKLET

Section A, Process Flowchart. This section contains a flowchart that identifies the actual flow or sequence of events in the permitting process.

Section B, ROW Occupancy Permit Process. Applicant, District, Right of Way, Review and Permit Issuing activities are noted in this section.

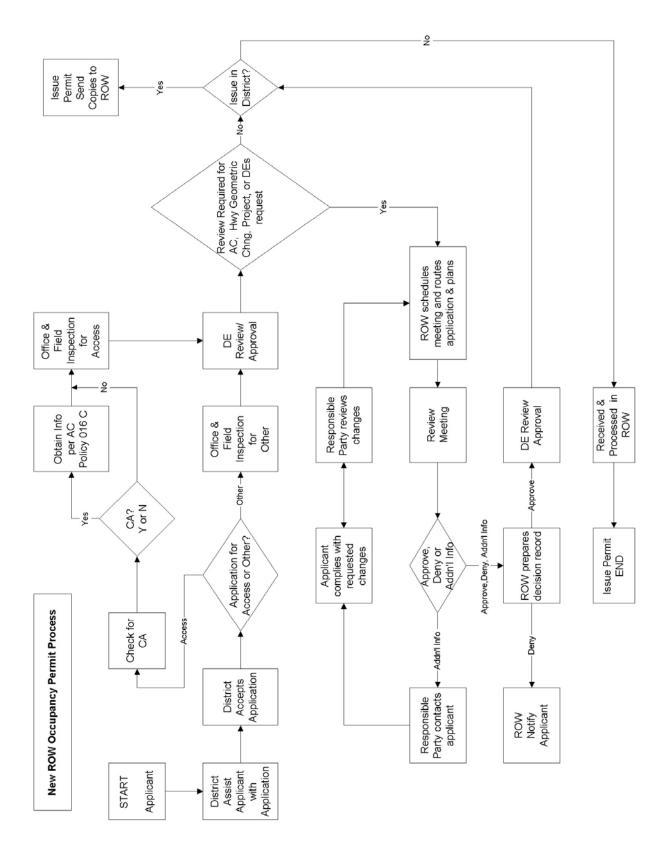
<u>Section C, Checklists for Permit Applications.</u> Checklists for applications to Occupy, Encroach, and Construct Access are noted in this section.

Section D, Appendix. The appendix contains a link and an image to each reference that was noted in the booklet.

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SECTION A PROCESS FLOWCHART



SECTION B

ROW
OCCUPANCY
PERMIT
PROCESS

ROW Occupancy Permit Process

A. Applicant Activities

- Obtains applicant form by downloading from the website or by contacting the district office. <u>Application to Occupy Right of Way</u> or <u>Application to Construct Access</u> or <u>Application for Encroachment</u>.
- 2. Completes the application form.
- 3. Provides all the required information, including plans for the proposed work.
- 4. Submits the application and required information to the district.

B. District Activities

1. Assists the applicant with the application and determines the amount of the performance guarantee from the following:

PERFORMANCE GUARANTEE SCHEDULE

- a. Minimum of \$2,000 for commercial access applications.
- b. Minimum of \$500 for all other applications.
- c. Minimum of \$100 for all temporary irrigation pipe crossings
- d. The number of performance guarantees will be based on the number of permits to be issued not on the number of applications required.
- e. Performance guarantees may be waived for city, county, state and federal governments.
- f. The minimum amounts may be increased by the District Engineer, for extraordinary and unique situations.

For frequent users, please refer to the Permit Application Guidelines, Paragraph F, for establishing Performance Guarantee Accounts with the Department.

- 2. Receives the application and determines if acceptable.
 - a. If unacceptable, returns the application to applicant.
 - b. Assists applicant in correcting the deficiencies.
- 3. Determine the type of application: access or other.
- 4. Access Application.
 - a. If the access is in an Access Control Area, follow the process noted in the <u>Access</u> Control Policy, paragraph 016.

- b. Office and field inspection to complete the process noted in <u>Section A, Permit</u> Guidelines, of the So You Want Access To The Highway Booklet.
- 5. Other Application.
 - a. Determine the type of application under the heading Permits for Use of Highway Right of Way on page 4 of the <u>Policy for Removing or Permitting Physical or</u> Functional Encroachments, Structure or Uses of State Highway Right of Way.
 - b. Office and field inspection to complete the process and requirements noted in the policy.
- 6. District Engineer approval, if no review is required. Follow the process noted in paragraph D.

C. Review Activities

- 1. Review in District Permit Issued in District.
 - a. The District Engineer will review and approve all applications in which the permits will be issued in the District (private drive access, except those in controlled access where the access location is new or is moved, and temporary irrigation crossings).
 - b. Copies of application, permit and plans will be transmitted to ROW for archiving and entry of data on various databases.
- 2. Review in Lincoln Permit Issued in District.
 - a. The District keeps the original application package and sends an unsigned copy of the application and a copy of the plans to ROW with completed <u>DR Form 219, Permit Application Transmittal</u>.
 - b. An interdisciplinary team review will be required when the application:
 - (1) Is an access in a controlled access area.
 - (2) Will require a change in the geometrics of the highway.
 - (3) Is within the limits of a project noted in our Surface Transportation Program.
 - (4) Is of concern to the District Engineer.
 - c. The interdisciplinary team consists of the same individuals that comprise the Access Control Team, which are The ROW Manager, Planning & Project Development Engineer, Roadway Design Engineer and Traffic Engineer.
 - d. The review meetings will coincide with the regularly scheduled Access Control meetings on the first and third Mondays of each month.
 - e. The interdisciplinary team may take these actions:

- (1) Approve the application.
 - (a) ROW prepares the decision record & distributes to all appropriate parties.
 - (b) District Engineer approves the application and the permit is issued in the District.
- (2) Deny the application.
 - (a) ROW prepares the decision record & distributes to all appropriate parties.
 - (b) ROW notifies the applicant of the decision.
- (3) Request additional information or changes from the applicant.
 - (a) ROW prepares the decision record.
 - (b) The Responsible Party (RP), that member of the interdisciplinary team needing the additional information to make a decision, contacts the applicant explaining the need for additional information.
 - (c) The applicant furnishes the additional information or complies with the requested changes to the plans and specifications.
 - (d) The RP reviews the information or changes provided by the applicant and when satisfied informs ROW.
 - (e) ROW schedules the application for the next review meeting.
 - (f) The interdisciplinary team may take any of the above noted actions again.
- Review in District Permit Issued in Lincoln.
 - a. The District Engineer will review and approve all applications in which the permits will be issued in Lincoln.
 - b. The application and plans will be transmitted to ROW for permit issuing activities.
- 4. Review in Lincoln Permit Issued in Lincoln.
 - a. The District keeps the original application package and sends an unsigned copy of the application and a copy of the plans to ROW with completed <u>DR Form 219, Permit Application Transmittal</u>.
 - b. An interdisciplinary team review will be required when the application:
 - (1) Is an access in a controlled access area.
 - (2) Will require a change in the geometrics of the highway.

- (3) Is within the limits of a project noted in our Surface Transportation Program.
- (4) Is of concern to the District Engineer.
- c. The interdisciplinary team consists of the same individuals that comprise the Access Control Team, which are The ROW Manager, Planning & Project Development Engineer, Roadway Design Engineer and Traffic Engineer.
- d. The review meetings will coincide with the regularly scheduled Access Control meetings on the first and third Mondays of each month.
- e. The interdisciplinary team may take these actions:
 - Approve the application.
 - (a) ROW prepares the decision record & distributes to all appropriate parties.
 - (b) District Engineer approves the application and transmits the application and plans to Lincoln to issue the permit.
 - (2) Deny the application.
 - (a) ROW prepares the decision record & distributes to all appropriate parties.
 - (b) ROW notifies the applicant of the decision.
 - (3) Request additional information or changes from the applicant.
 - (a) The Responsible Party (RP), which is that member of the interdisciplinary team needing the additional information to make a decision, prepares the decision record.
 - (b) The RP contacts the applicant explaining the need for additional information.
 - (c) The applicant furnishes the additional information or complies with the requested changes to the plans and specifications.
 - (d) The RP reviews the information or changes provided by the applicant and when satisfied informs ROW.
 - (e) ROW schedules the application for the next review meeting.
 - (f) The interdisciplinary team may take any of the above noted actions again.

D. Permit Issuing Activities

- 1. Permits issued in the District Review in District.
 - a. The District process for issuing permits will be followed for applications for private drive access and temporary irrigation crossings.

b. Copies of application, permit and plans will be transmitted to ROW for archiving and entry of data on various databases.

2. Permit issued in District – Review in Lincoln

- a. Upon receipt of an approved decision record from ROW, the District will follow its process for issuing permits.
- b. Copies of application, permit and plans will be transmitted to ROW for archiving and entry of data on various databases.
- 3. Permits Issued in Lincoln Review in District.
 - a. The District Engineer shall approve all copies of the application.
 - b. The District will complete the Transmittal and mail the original and three copies of the application and plans to ROW.
 - c. ROW processes the application for permit, enters data on various databases, signs and mails the permit to the applicant with copies being returned to the appropriate parties.
- 4. Permits issued in Lincoln Review in Lincoln.
 - a. The District receives the approved decision record from ROW.
 - b. The District Engineer shall approve all copies of the application.
 - c. The District will complete the Transmittal and mail the original and three copies of the application and plans to ROW.
 - d. ROW processes the application for permit, enters data on various databases, signs and mails the permit to the applicant with copies being returned to the appropriate parties.

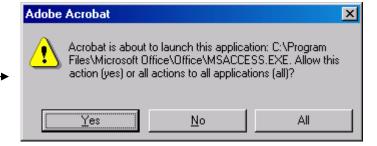
E. Tracking Activities

Placing Shortcut to Your Query on Your Desktop

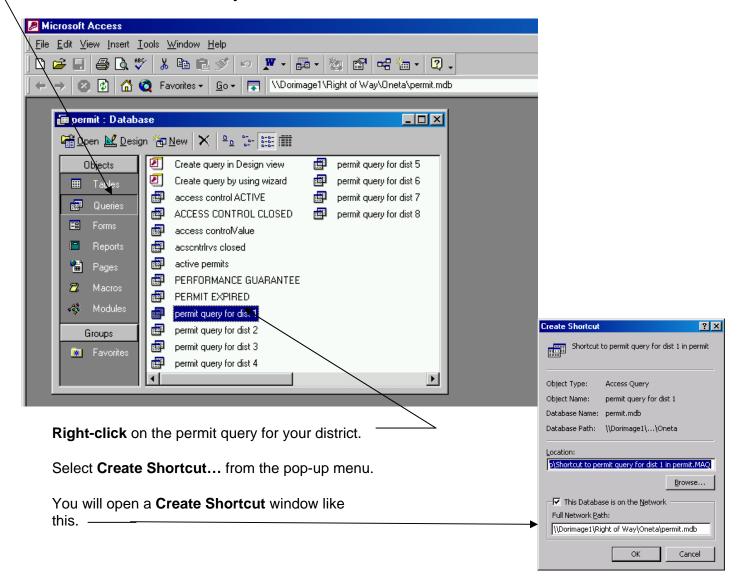
Type the address below in your Internet Address window to open the Permit database.

\\Dorimage1\\Right of Way\\Oneta\\permit.mdb

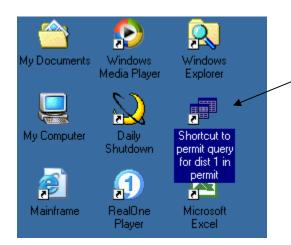
If you see a dialog box like this, click Yes.



Select Queries from the Objects list.



Click the **OK** button. This will place a shortcut to your query on your desktop.



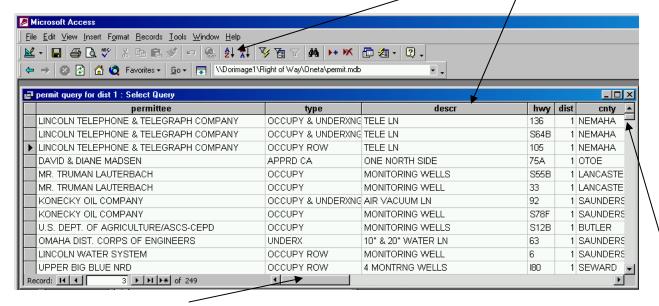
To access your query in the future, just double-click this new shortcut.

Working with Your Query

Your query displays permit status data for your district.

To sort data, click on the column heading that you want to sort by. _

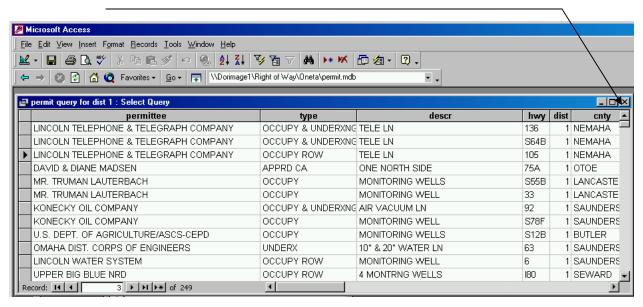
Then click on the **Sort Ascending** or **Sort Descending** button.

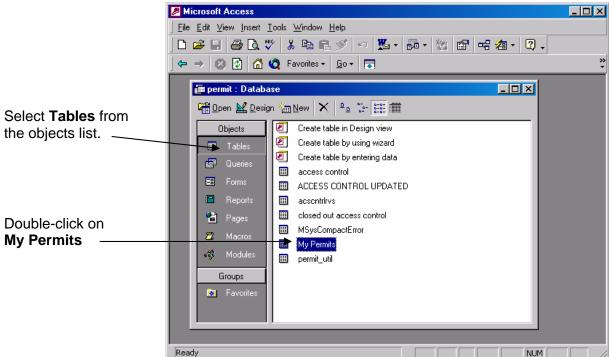


You can scroll left and right or up and down, using these scroll bars, to view your data.

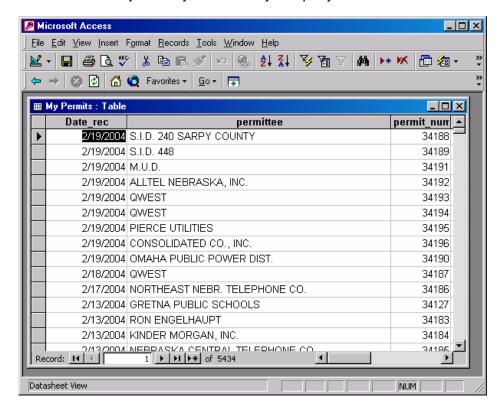
Looking at All the Data in the Permit Database

When you're done looking at the data for your district and you want to see all the data in the **Permit** database you can close your query by clicking on the close button for your query.

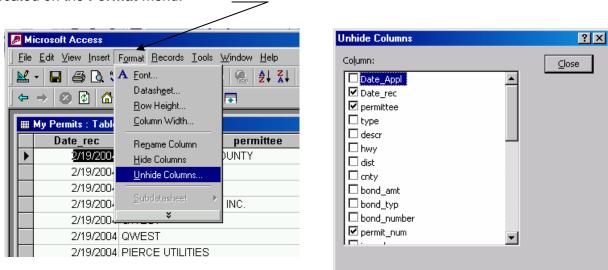




This will open the **My Permits** table. You can sort with the column headings and scroll through the data with the scroll bars just like you could in your query.



You can also display or not display (hide) columns using the **Unhide Columns** dialog box located on the **Format** menu.



Just check or uncheck the column headings for the data you want to display or hide.

SECTION C

CHECKLISTS FOR PERMIT APPLICATIONS

Checklists For Permit Applications

Occupy Row

- 1. Review applications
- 2. Review location plan
- 3. Office and Field inspection to determine if application complies with Policy For Accommodating Utilities On State Highway Right Of Way.
- 4. Performance guarantee shall be obtained from applicant in the minimum amount of \$500, but, may be waived for city, county, state and federal governments. For frequent users, please refer to the Permit Application Guidelines, Paragraph F, for establishing Performance Guarantee Accounts with the Department.
- 5. Complete <u>DR Form 219 Permit Application Transmittal</u>

Encroachment

- 1. Review applications
- 2. Office and Field inspection to determine if application complies with <u>Policy for Removing or Permitting Physical or Functional Encroachments</u>, <u>Structures or Uses Of State Highway Right of Way</u>.
- 3. Performance guarantee shall be obtained from applicant in the minimum amount of \$500, but, may be waived for city, county, state and federal governments.
- 4. Complete DR Form 219 Permit Application Transmittal

Construct Access

- 1. Review application
- 2. Review location plan
- 3. Determine if access is in controlled access area.
- 4. Office and Field inspection for Access in **non-controlled** access area. Review items in Section A, Permit Guideline of the So You Want An Access booklet.
 - a. Guarantee If the applicant is to construct an access in an area without controlled access, a performance bond, in the minimum amount of \$2,000 for commercial drive or \$500 for private drive, shall be obtained from the applicant.
 - b. Sight Distance
 - c. Location of Accesses
 - d. Access Alignment
 - e. Access Surfacing

- f. Drainage (Culvert Design) DR Form 416
- g. Buffer Areas
- h. Right of Way Encroachment
- i. Setback Control Beyond the Right of Way Line
- i. Control Dimensions
- k. Spacing From Existing Intersection (corner clearance)
- I. Fill Slope
- m. Complete department access plan for rural (DR Form 414) or urban (DR Form 412 or 413), as appropriate
- 5. Office and Field inspection for access in controlled access area.
 - a. Performance Guarantee If application is in a controlled area, the district should not accept a performance guarantee with the application. The reason is that the department does not approve many access requests and there is no reason to have these funds on hand.
 - b. Sight Distance
 - c. Location of Accesses
 - d. Access Alignment
 - e. Access Surfacing
 - f. Drainage (Culvert Design) DR Form 416
 - g. Buffer Areas
 - h. Right of Way Encroachment
 - i. Setback Control Beyond the Right of Way Line
 - j. Control Dimensions
 - k. Spacing From Existing Intersection (corner clearance)
 - I. Fill Slope
 - m. Complete department access plan for rural (DR Form 414) or urban (DR Form 412 or 413), as appropriate
- 6. Additional Required Information
 - a. Property maps or plats indicating the boundaries of the property, other accesses, and abutting public roads and streets.
 - b. Names of the owner as they appear on the deed of record and the legal description of the property.
 - c. Proposed access design.
- 7. Consideration shall be given to and decision shall be made on the following items as to their appropriateness
 - a. Highway and driveway plan and profile.
 - b. Complete drainage plan of the site showing impact to the highway right of way.
 - c. Map and letters detailing the utility locations before and after development in and along the Highway.
 - d. Subdivision zoning or development plan, if appropriate. These should be coordinated with the local officials and their comments should be included with the application.
 - e. A Traffic Impact Study may be required (District)
- 8. Access to the state highway system is based on many factors found in <u>Access Control</u> Policy paragraph 016E.
- 9. Complete DR Form 219 Permit Application Transmittal.

SECTION D

APPENDIX

Policy for Removing or Permitting Physical or Functional Encroachments, Structures or Uses of State Highway Right-of-Way





February 2001

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Туре	With a			Size	Material Type
Overcross	☐ Water Line				
Undercross	☐ Sewer Line				6
Occupy	☐ Gas Line				
☐ Miscellaneous	☐ Telephone Line ☐ U	nderground [Aerial		
	☐ Temporary Irrigation Pipe	Crossing (Remo	ve by October 15 th this	s year)	
	☐ Electric Line ☐ Unde	erground .	Aerial		
	If aerial, type of Section:	Ditch Curb	Speed Limit: mp	h	
	☐ Tree Trimming/Tree Remo	val 🗌 Grading	Other	11000	111
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Com		to Construct Access oach Roads, Streets, or Public Roads
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Applicant: (Name and Address)	-	Date:
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		Fax
L	J	Email:
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If rural, the location is feet East ☐ West Line of Section, Township, Range County Nebraska or if urban.	□ North □ eEi feet East □	South of the East West North South ast West of the 6 th P.M., West North South of the East West
North South Line of Lot , Block ,	County,	Addition, in Nebraska, S , T , R East West .
(City) Applicant requests a drive with a width of		
permit issued will be cancelled if the work specified is not com granted. Request for an extension of time to complete the work r	pleted within th must be made in	the terms and conditions of the Nebraska Department of Roads. Any e term listed on the permit or within any additional length of time writing. Any extension granted will be acknowledged in writing by the litten notification at any time prior to beginning work on highway
Performance Guarantee: (Make payable to	Nebraska D	epartment of Roads)
Amount: \$ Check No Name and Address:		Soc. Sec. No. or FID No.
as set forth in the permit, the State will have the right to keep t		rmit. It is understood that should the Applicant fail to perform the work guarantee as liquidated damages for its necessary supervisory and
inspection expenses and to initiate such legal proceedings as an the permit or the restoration of the highway right of way to its prev	e necessary to se	
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D3

Application for Encroachment

State of Nel	braska		Date of Application:	Fax No.:	Email:	
Application for E		nment	Type of Application: Sign Other	☐ Awning		Mansard Roof
Encroachment Owner:				LOCATION OF EN	CROACHME	NT
Address (Bay Street as Bayta Na)			City/Town:	C	county:	
Address: (Box, Street or Route No)			Highway No.:	Side of Highway:		R.P.:
City:	State:	Zip:	Trigition 110.	□ N □ S □	E D W	
			Sta. No.:	Rt. Illumination:	Date 6	Existing achment
	n Project: Yes No	Control No.:	11.:-1.4 Ab 0:4	Lt. Yes	No Erecte	ed:
Project No.:	_ res NO		Height Above Sidewa Encroachment:		Property Line	lk from Back of Curb or Building:
Project No						
If Sign, Advertising Copy Reads:				SIZE OF ENCR	OACHMENT	
			Width:	Length:	Не	eight:
dimensions that indicate how much the eright of way):	ncroachment exter	ids into the				
Lacrtify all information provided	ahaya ia tuu	d coourate		District Co-	n m o n to	
I certify all information provided a				District Cor	nments:	
I assign the right to the State of Neb act as my agent to remove the above have failed to remove the encroach notification. If there is a change in ov owner agrees to permit stipulations or	e encroachment if nment after the 1 vnership of encroa	I, the owner, 0-day written achment, new				
Owner of Record (Signature):	Date:		District Engineer, Dep	partment of Roads: (S	ignature)	Date:

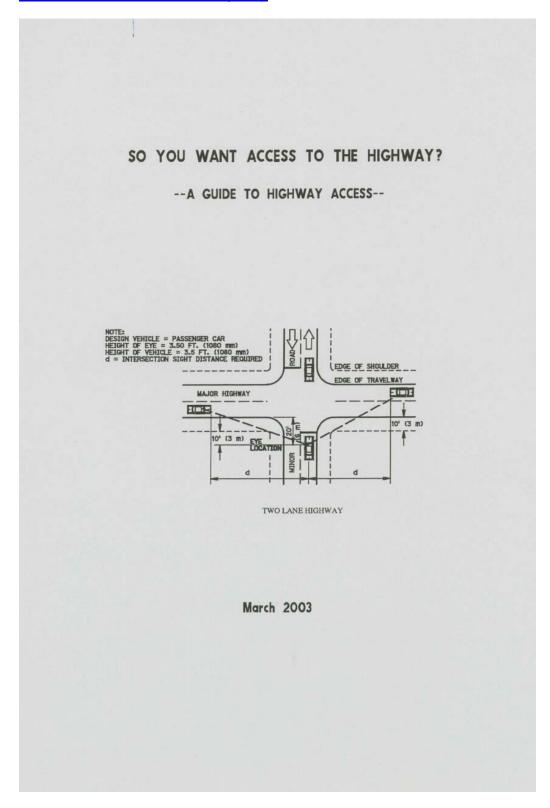
DR Form 26, May 04



Access Control Policy to the State Highway System

November 2002

So You Want Access To The Highway



DR Form 219, Permit Application Transmittal

Project Number: Designer:

DR Form 219, Nov 04/

Nebraska Department of Roads Permit Application Transmittal To ROW From: Date: Date of Application: Highway Number: Type of Application: Applicant's Name: Applicant's Design Representative: Phone: Issue Permit **Needs Review** Reason for Review: _____ Project Information, if applicable

Control Number:

(Continued)



Policy for Accommodating Utilities

on

State Highway Right-of-Way

1998

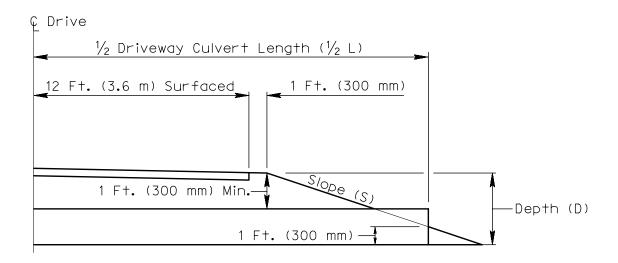
Project Development Division

Director/State Engineer
Nebraska Department of Roads

Date

Culvert Design

Length of Driveway Culvert Pipe



26 Ft. Wide Driveway *					
Depth (D)	Sideslope (S)				
Бериі (Б)	1V:3H ¹	1V:4H ²	1V:6H ³	1V:10H ⁴	
3 ft. (Min. D for 24" Culv.)	38 ft.	42 ft.	50 ft.	66 ft.	
3.5 ft. (Min. D for 30" Culv.)	41 ft.	46 ft.	56 ft.	76 ft.	
4 ft. (Min. D for 36" Culv.)	44 ft.	50 ft.	62 ft.	86 ft.	
4.5 ft. (Min. D for 42" Culv.)	47 ft.	54 ft.	68 ft.	96 ft.	
5 ft. (Min. D for 48" Culv.)	50 ft.	58 ft.	74 ft.	106 ft.	
5.5 ft. (Min. D for 54" Culv.)	53 ft.	62 ft.	80 ft.	116 ft.	
6 ft.	56 ft.	66 ft.	86 ft.	126 ft.	
6.5 ft.	59 ft.	70 ft.	92 ft.	136 ft.	
7 ft.	62 ft.	74 ft.	98 ft.	146 ft.	
7.5 ft.	65 ft.	78 ft.	104 ft.	156 ft.	
8 ft.	68 ft.	82 ft.	110 ft.	166 ft.	
	Minimum Driveway Culvert Pipe Length (L)				

• For each additional 1' of driveway width add 1' to the length of the pipe.

To determine the driveway culvert length for the maximum driveway width of 42 ft, add 16 ft. to L.

For ditch depths other than those given:

- 1. Add 6 ft. to L for each additional 1 ft. of depth. 3. Add 1
- 3. Add 12 ft. to L for each additional 1 ft. of depth.
- 2. Add 8 ft. to L for each additional 1 ft. of depth.
- 4. Add 20 ft. to L for each additional 1 ft. of depth.

DR Form 416, Jul 04