

TENNESSEE DEPARTMENT OF TRANSPORTATION PERMIT FOR MONITORING WELL WITHIN HIGHWAY RIGHT-OF-WAY

The State of Tennessee, Tennessee Department of Transportation (“TDOT”), hereby grants this special permit for the use of State property under the following terms and conditions:

PERMITTEE:

[Name and address of person/company seeking to work in ROW

NAME & phone # of contact person]

AUTHORIZED USE:

[Written description of work to be performed in ROW. Must include sufficient detail, not just “Grading” or “landscaping.” If the AUTHORIZED USE involves the installation of monitoring wells, this form must be used.

LOCATION OF PREMISES:

[Identify location of proposed work and include as “Attachment A” a detailed plan of the location indicating work to be done]

EFFECTIVE DATES OF PERMIT:

[List dates for beginning and ending of work]

STANDARD TERMS AND CONDITIONS

1. Prior to commencing work under this permit, PERMITTEE shall submit evidence of ownership of or legal interest in property adjoining the subject state property, together with a bond in the amount of [insert amount sufficient to secure against damage to ROW, based upon nature of work to be performed, but no less than \$10,000.] Bond may be posted by good and sufficient surety acceptable to TDOT, guaranteeing the performance of the project in accordance with this agreement, or by cash bond in the form of a cashier’s check, a certified check or money order. The project shall not

commence until such bond has been posted and agreed to by TDOT. The bond must remain in effect for six months after completion of the project or until inspection by TDOT results in a written release from the bond, whichever is earlier.

2. PERMITTEE shall assume all liability for third-party claims for damages arising from its use of the Premises, and shall indemnify and hold TDOT harmless from such claims. Prior to commencing work under this permit, PERMITTEE shall provide proof of adequate and appropriate general liability insurance providing liability coverage in an amount not less than \$1 million dollars per occurrence and \$300,000 per claimant.
3. Prior to commencing the work authorized herein, PERMITTEE shall obtain any other permits or approvals required by federal, state or local laws, and shall notify any utility company affected by this project. PERMITTEE shall be financially responsible for any relocation or replacement of such utilities.
4. Prior to commencing the work authorized herein, PERMITTEE shall notify Tennessee One Call regarding any excavation(s) and shall ensure that the provisions of TCA 65-31-101 et seq. are met.
5. Access to the Premises shall only be at those points that have been previously approved by TDOT. Equipment and vehicles shall be confined to unpaved portions of the Premises.
6. A. PERMITTEE shall not cut any tree or similar vegetation that has a trunk over four inches in diameter. **OR**
A. PERMITTEE may only cut trees or similar vegetation within the area designated as "To Be Cleared of Vegetation" on the plans that are Attachment A hereto [If clear cutting of vegetation is to be allowed, use second option]

- B. PERMITTEE shall not cut any flowering trees regardless of size [except in areas designated on the plans for clear cutting of vegetation].
7. All work on the premises shall be performed in compliance with current TDOT Standard Specifications for Road and Bridge Construction and TDOT Standard Drawings, in addition to applicable federal, state and local law and regulations. PERMITTEE shall indemnify TDOT and hold it harmless from any losses, including but not limited to fines, penalties and attorneys fees, that TDOT incurs as a result of PERMITTEE'S failure to so comply.
 8. PERMITTEE must obtain prior, written approval from TDOT before deviating from the scope of the project or the manner of its construction as described in this permit, including Attachment A.
 9. At no time will work authorized by this permit interfere with the normal flow of traffic on roadways adjoining the Premises. PERMITTEE is responsible for providing traffic control for this work zone in accordance with the requirements of the current *Manual on Uniform Traffic Control Devices*. If proper traffic control is not in place, TDOT may order PERMITTEE to stop work until proper traffic control is put in place.
 10. While the project is underway, TDOT may conduct inspections to insure compliance with this Permit. Upon completion of the project, PERMITTEE shall notify TDOT so that the project may be inspected and approved by TDOT.
 11. PERMITTEE shall be liable for any damage to state property resulting from the subject work, including but not limited to, the roadway, shoulders, guardrail, drainage, landscaping, signs and controlled-access fences. All repair or replacement of such damage shall be made in accordance with the current TDOT Standard Specifications for Road and Bridge Construction,

TDOT Standard Drawings and any other applicable design and/or construction standards or guidelines.

12. PERMITTEE shall keep all debris, soil, refuse or waste of any kind associated with the project from accumulating within the highway right-of-way. [PERMITTEE shall pay TDOT \$ _____ per cubic yard for usable materials removed from the Premises.] *Include this last sentence only if applicable.*
13. PERMITTEE does hereby covenant and agree that in the event the Permit is for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal-Aid Highway Program, the PERMITTEE shall comply with all requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
14. Nothing in this Permit shall be construed to limit TDOT's right to enter the Premises at any time.
15. Any monitoring wells placed within fifteen (15) feet from the edge of the travelled way of any highway having a speed limit of less than fifty (50) miles per hour, or within thirty (30) feet from the edge of the travelled way of any highway having a speed limit of fifty (50) miles per hour or greater, shall have top covers which are flush with the ground surface.
16. After the completion of all monitoring activities, PERMITTEE shall remove all well casing and fill all holes with backfill material that will ensure optimum density.

17. If the PERMITTEE fails to comply with any of the foregoing conditions, TDOT shall have the right to revoke this permit, and require the immediate vacation of the Premises by the PERMITTEE. In the event of revocation, PERMITTEE must restore the Premises to its original condition. If PERMITTEE fails to do so within a reasonable time after revocation, TDOT may restore the Premises at the expense of the PERMITTEE.

18. This permit is non-transferable.

19. This permit shall not be construed as a conveyance of any interest in real property.

20. All notices required to be given to TDOT under this Permit shall be sent to:
[Insert name, address, phone and fax number of TDOT employee monitoring this project]

IN WITNESS WHEREOF, the parties, through their authorized representatives, have executed this agreement.

**STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF TRANSPORTATION**

BY: _____
REGIONAL ENGINEERING DIRECTOR DATE

APPROVED AS TO FORM:

REGIONAL ATTORNEY DATE

PERMITTEE:
[INSERT NAME OF PERMITTEE]

BY: _____

DATE

TITLE: _____

CONTRACTOR:
[INSERT NAME OF CONTRACTOR]

BY: _____

(to be signed only when bond and/or certificate of general liability insurance is furnished by Contractor) By signing this Permit, Contractor agrees to be bound by the terms and conditions herein.

DATE

TITLE: _____