ARIZONA DEPARTMENT OF TRANSPORTATION

Infrastructure Delivery and Operations Division

www.azdot.gov

ENCROACHMENT PERMIT APPLICATION FOR FEDERAL GOVERNMENT AGENCIES

FOR ADOT USE:
ADOT Agreement Number: _____ **ECS** ☐ **JPA** ☐ **OTHER:** ☐ _____

PERMIT NUMBER: _____ ROUTE: _____ MILEPOST: _____

ADOT PROJECT NUMBER: _____ ADOT ENGINEERING STATION: _____

NAME OF ENCROACHMENT OWNER:	**NAME OF PRIME CONTRACTOR / FIRM**: If other than Encroachment Owner
Mailing Address of Owner:	Mailing Address of Prime Contractor / Firm:
City:	City:
State: Zip:	State: Zip:
Phone:	Phone:
E-mail Address:	E-mail Address:
Local Point of Contact Name: Phone Number:	Local Point of Contact Name: Phone Number:

TRAFFIC CONTROL COMPANY: CONTACT NAME: PHONE NUMBER:

HIGHWAY/ROUTE: _____ **Approximately:** _____ **Feet: N** ☐ **S** ☐ **E** ☐ **W** ☐ **of Milepost # or Cross Street:** _____

Side of Highway: (check one) N ☐ S ☐ E ☐ W ☐ **City (in or near):** _____

Encroachment Owner's Project or Parcel Number: _____ **Project Duration:** _____

DESCRIPTION OF PROPOSED WORK OR ACTIVITY TO OCCUR IN RIGHT-OF-WAY:

_____

_____

_____

_____

_____

_____

The Encroachment Owner will be the Permittee. By signing this application, the Encroachment Owner and the Prime Contractor / Firm acknowledge that the information given and statements made in this application are true and correct to the best of his/her knowledge. THE ENCROACHMENT OWNER MUST ALSO SIGN ON PAGE TWO TO AGREE TO ACCEPT THE GENERAL OBLIGATIONS AND RESPONSIBILITIES AS DESCRIBED ON PAGE TWO OF THIS APPLICATION. By accepting an approved encroachment permit ONCE ISSUED the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with ADOT's requirements as set out in the permit. An approved permit consists of, but is not limited, to this application and final supporting documentation approved by ADOT, and any requirements set by ADOT. NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY WITHOUT AN ADOT APPROVED PERMIT ON SITE.

_____ _____
Encroachment Owner *(Print Name and Sign)* **Date**

_____ _____
Prime Contractor / Firm: *If other than the Encroachment Owner* (*Print Name and Sign)* **Date**

_____ _____
Traffic Control Company Representative *(Print Name and Sign)* **Date**

FOR ADOT USE:

PERMIT TO USE STATE HIGHWAY RIGHT-OF-WAY

This application is approved as a permit and a permit is issued to the Permittee. Construction is authorized only for the period indicated below.

_____ _____
Authorized ADOT Name and Signature **Authorized ADOT Name and Signature**

PERMIT ISSUED(Date): _____ **PERMIT WORK TO BE COMPLETED BY** (Date): _____

GENERAL OBLIGATIONS AND RESPONSIBILITIES
APPLICABLE TO UNITED STATES GOVERNMENT AGENCIES

Permittee (hereinafter, the Government) agrees to the following:

1. The Government shall require any non-Government contractor performing work on the encroachment on the Government's behalf to obtain a permit from ADOT and comply with the permit terms.
2. The Government may be liable for damages caused by the negligent or wrongful acts or omissions of its employees acting within the scope of their employment under circumstances where the Government, if a private person, would be liable in accordance with the law of the place where the act or omission occurred. This liability is coextensive with the liability of the Government under the Federal Tort Claims Act, 28 U.S.C. 2671, et seq. In the absence of statutory authority to purchase insurance, the Government is self-insured.
3. Compliance with Environmental Laws:
   A. "Environmental Laws" refers collectively to any and all applicable federal, state, or local statutes, laws, ordinances, codes, rules, regulations, permits, orders or decrees regulating, relating to, or imposing liability or standards of conduct on a person discharging, releasing or threatening to discharge or release or causing the discharge or release of any hazardous or solid waste or any hazardous substance, pollutant, contaminant, water, wastewater or storm water, and specifically includes, but is not limited to: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Toxic Substances Control Act; the Clean Water Act (CWA); the Clean Air Act; the Occupational Safety and Health Act; the Arizona Water Quality Act Revolving Fund Act, the Arizona Hazardous Waste Management Act, any applicable National Pollutant Discharge Elimination System (NPDES) or Arizona Pollution Discharge Elimination System (AZPDES) permit, and applicable CWA Section 404 permit, or any local pretreatment permit.
   B. The Government shall comply with all applicable Environmental Laws, including those that affect ADOT's compliance within the boundary and scope of said encroachment permit area as outlined in plans approved by ADOT. Where Government installations or activity result in an environmental hazard on the encroachment, the Government shall remove and remediate such hazard. ADOT reserves the right to revoke the encroachment permit if the Government fails to remediate or remove such environmental hazard or violates an Environmental Law, however, ADOT agrees that it will not revoke the permit under this subsection if the Government corrects the environmental hazard or violation within a reasonable amount of time, as determined by ADOT. Nothing herein shall constitute a waiver of the Government's sovereign immunity unless expressly so waived by Congress.
   C. The Government shall be responsible for any required remediation or any penalties arising from enforcement actions based on the disposal, escape, seepage, leakage, spillage, discharge, emission, or release of any hazardous waste, solid waste, hazardous substance, pollutant or contaminant, water, wastewater or storm water or any violation of Environmental Laws that is the result of Government activity on or pertaining to the encroachment.
4. Be responsible for any repair or maintenance work to the Government's installations on the ADOT right of way until 1) the installations are transferred to another party who is required to repair and maintain said installations under authority of an approved ADOT encroachment permit or 2) the encroachment permit is terminated and the installations are removed or ADOT and the Government agree to leave the installations in place.;
5. Comply with ADOT's traffic standards;
6. Obtain written approval from the abutting property owner (and/or underlying fee owner where ADOT owns its right of way by easement) if the encroachment encroaches on abutting property owned by someone other than the permittee (and/or on underlying fee land owned by someone other than the permittee where ADOT owns its right of way by easement).
7. ADOT may, upon termination of the permit due to the Government's breach of the conditions herein, require the Government to remove its installations and appurtenances from the encroachment and restore, said premises to the conditions existing at the time of entering upon the same under this permit ADOT agrees, however, to provide 60 days notice to the Government before terminating the permit in order to allow the Government an opportunity to cure any breach of the conditions herein.
8. Upon notice from ADOT, repair any aspect or condition of the Government installations in or on the encroachment area that causes danger or hazard to the traveling public.
9. In the event of transfer or disposal, the Government shall notify the new owner to apply for an encroachment permit, as required by Arizona Administrative Rule R17-3-502(D);
10. Apply for a new encroachment permit if the use of the permitted encroachment changes;
11. Keep a copy of the encroachment permit at the work site or site of encroachment activity;
12. Construct the encroachment according to plans that ADOT approves as part of the final permit;
13. Obtain required permits from other government agencies or political subdivisions, as applicable;
14. Remove any defective materials, or materials that fail to pass ADOT's final inspection, and replace with materials ADOT approved during its review of the encroachment plans.
15. If the permit application is denied, applicant has a right to a hearing or other applicable remedies under federal law.
16. All expenditures to be made by the Government under the provisions of this permit shall be subject to appropriations being available for the purpose, and nothing herein shall guarantee that Congress shall later appropriate such funds.

YOU MUST HAVE THE AUTHORITY TO SIGN ON BEHALF OF THE AGENCY YOU REPRESENT TO LEGALLY OBTAIN THIS PERMIT

By accepting an approved encroachment permit, the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with ADOT's requirements as set out in the permit. NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY WITHOUT AN APPROVED PERMIT ON SITE. I have read and understand the above requirements, and I am authorized to sign on behalf of the agency I am representing:

PRINTED NAME	TITLE	SIGNATURE	DATE