

Three (3) copies of the attachments must accompany this permit application

Permit Number _____
CONTROL _____ SECTION _____

ENTERED IN COMPUTER FILE

INITIAL AND DATE

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

TEMPORARY OCCUPANCY PERMIT

A copy of this permit shall be available at the site.
Est. 02/2022

Whereas _____,
(Print or type name of applicant.)

hereinafter termed applicant, requests a permit for the use and occupancy of the right-of-way of State Highway No. _____

in _____ Parish, located as follows:

Lat: _____ Long: _____
(in Decimal Degrees, e.g. Lat:-30.459, Long:-91.178)

Anticipated Start Date _____ and End Date _____ (must be ≤ 3 months)

Describe traffic impacts, land use, equipment, structures or other facilities and locations for storage or occupancy. (use additional sheets as necessary):

By signing this permit, applicant/permittee hereby acknowledges receiving a copy of the permit, the general conditions and standards, and the Specific Standards for Temporary Occupancy Permit, and agrees to comply with all provisions contained therein and all applicable laws, rules and regulations.

Permit is subject to the following conditions (use additional sheets as necessary): **DOTD USE ONLY**

RECOMMENDED FOR APPROVAL
(Check box of review required)

Permit must be signed by the company or organization representative.

District Permit Specialist / Date

(Company/Organization Representative Signature)/(Date)

District Area Engineer / Date

(Name of Person Signing Permit) (Printed or Typed)

(Title)

District Traffic Operations Engineer / Date

(Street or P.O. Box)

(City or Town) (State) (Zip Code)

(Telephone Number)

(E-mail Address)

Applicant must notify District Permit Specialist at phone number: _____ prior to beginning work and after work is completed.

DOTD APPROVAL:

Issue Date: _____

Headquarters Right-of-Way Permit Engineer/ Date or District Administrator (or Designee) / Date

Expiration Date: _____

Print Name _____

The following general conditions and standards shall apply to Temporary Occupancy Permits:

FIRST: That, the rights and privileges granted herein shall be non-exclusive and shall not be construed to be any broader than those expressly set out in Acts of the Legislature of the State of Louisiana, regardless of the language used in this permit and that any activities performed and devices or appurtenances placed on the highway right-of-way shall be in accordance with existing laws and the standards of the Department of Transportation and Development.

SECOND: That, the Department of Transportation and Development reserves the right to deny the permit or require additional conditions to the permit based on suitability of use of public property or public safety concerns.

THIRD: That, the applicant is the owner or official agent of the company or organization for which the permit is requested, and is responsible for security and maintenance of the property for the duration of the permit and will not assign or transfer any right or privilege granted herein to any other entity, organization, person, or persons: and any permit granted by the Department is granted only insofar as the Department had the power and right to grant the same.

FOURTH: That, all facilities and appurtenances thereto, after having been erected, shall at all times be subject to inspection by authorized Department of Transportation and Development personnel and the right is reserved to require such changes, additions, adjustments, repairs, relocations and removal as may at any time be considered necessary to permit the maintenance of the highway and to provide proper and safe protection to life and property on or adjacent to the highway, or in the interest of safe and expeditious movement of traffic on the highway, and that the cost of making such changes, additions, adjustments, repairs, relocations, and removal shall be borne by the applicant. Should applicant fail to make required changes in a timely manner, as determined by the Department of Transportation and Development, the Department of Transportation and Development may elect to perform the work at the sole expense of applicant.

FIFTH: That, the proposed facilities, activities and equipment shall not interfere with the facilities or the operations or maintenance of the facilities of other persons, firms or corporations previously issued permits of use and occupancy, and that the proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy; The Department of Transportation and Development's permit records are available for inspection by applicant and it is applicant's sole responsibility to determine the existence of any prior rights of permit holders.

SIXTH: That, there are no initial fees associated with this permit and the Department of Transportation and Development reserves the right to recoup costs incurred for salaries, material and equipment replacement costs, facility expenses, security and other costs associated with monitoring, correcting, adjusting or policing activities within the right-of-way deemed necessary by the Department of Transportation and Development.

SEVENTH: The applicant shall indemnify and save harmless the Department, its officers, agents, employees, contractors and assigns against any and all costs, expenses, claims, losses, liabilities, demands, suits, causes of action, damages, and judgments of any sums of money to any party accruing against the Department, its officers, agents, employees, contractors and assigns, growing out of, resulting from, or by reason of the presence or operation of the proposed facilities or any act or omission of the applicant, its officers, employees, agents, contractors and assigns while engaged in, about, or in connection with the discharge or performance of the terms of this permit or the operation, maintenance and use of the proposed facilities, whether by the applicant or third parties. Such indemnification shall include, without limitation, attorney's fees, court costs, fines, penalties, legal, consulting, accounting, engineering, and other expenses. The applicant shall provide and bear the expenses of all personal, professional, or other applicable insurance related to its ownership and operation of the proposed facilities and its duties arising under the permit.

EIGHTH: The applicant agrees to defend, indemnify, and hold harmless the Department of Transportation and Development and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorneys' fees sustained by reason of the exercise of this permit, whether or not the same may have been caused by the negligence of the Department of Transportation and Development, its agents or employees, provided, however, that the provisions of this last clause (whether or not the same may have been caused by the negligence of the Department of Transportation and Development, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the Department of Transportation and Development, its agents or employees, unless such sole negligence shall consist or shall have consisted entirely and only of negligence in the granting of this permit.

NINTH: That, East Baton Rouge Parish, State of Louisiana, shall be the venue for settlement or litigation of any and all potential disputes.

TENTH: That, any changes or modifications made to this permit must have the prior approval of the Department of Transportation and Development and failure to obtain prior approval for modifications or additions shall void all permits previously issued and will entitle the Department of Transportation and Development to remove said facilities and equipment at the expense of the applicant.

ELEVENTH: The permit does not authorize any use of the Interstate System of Highways nor on any other controlled access highway. Use of area beneath elevated structures of Interstate or controlled access highways may be submitted for consideration.

TWELTH: Signing for warning and protection of traffic in instances where workmen, equipment or materials are in close proximity to the roadway surface, shall be in accordance with requirements contained in the Manual on Uniform Traffic Control Devices. No vehicles, equipment and/or materials shall operate from, or be parked, stored or stockpiled on any highway or in an area extending from the outer edge of the shoulder of the highway on one side to the outer edge of the shoulder of the highway on the opposite side, including the median of any divided highway, unless Traffic Management Plans (TMP) have been approved and incorporated in this permit. Cost for traffic control shall be borne by the applicant.

THIRTEENTH: Prior to performing any excavation, the applicant or the applicant designee is required to call Louisiana One Call to determine the location of any existing utilities. In addition, the applicant must contact the Department of Transportation and Development at DOTD-FiberLocated@la.gov at least 24 hours prior to performing any excavation on the Department of Transportation and Development Right-of-way.

FOURTEENTH: Applicant agrees to remove all facilities, equipment, and appurtenances from the right-of-way after completion of its work and applicant agrees to leave property in as good condition as when received with reasonable wear and tear from uses permitted herein excepted. Any removals or changes to the property must be replaced or restored to the condition as when received. Failure to vacate property in as good condition as when received, and to the satisfaction of the District Permit Office, will entitle the Department of Transportation and Development to restore the property to its original condition at the expense of the applicant.

SPECIFIC STANDARDS FOR TEMPORARY OCCUPANCY PERMIT

1. The intent of this permit is for the temporary use of highway right-of-way and is not intended to be a Joint Use Agreement. The maximum allowable duration of this permit is 3 months; however, with prior approval and if circumstances warrant, the District Permit Office may extend the permit an additional 3 months at its sole discretion.
2. If the use of this permit will cause traffic delays, the applicant shall be required to produce and implement a Traffic Management Plan (TMP) in accordance with EDSM VI.1.1.8. The TMP shall be followed by the applicant for the duration of this permit. The applicant must obtain approval from the District Traffic Operations Engineer prior to making any changes to the TMP.
3. Applicant shall provide the following information as an attachment to the permit and permit application:
 - a. Location layout, which shall include a map of the area being used by the applicant along with a plan and brief description of the land being used and the location of any facilities and equipment used in connection with this permit.
 - b. Certificate of commercial general liability insurance in the minimum amount of \$1,000,000.00 that names the State of Louisiana and the Louisiana Department of Transportation and Development, its employees and agents as additional insureds.
 - c. Schedule, which shall include dates of usage, and dates and times of any lane closures. The District, at its sole discretion, may limit lane closures to specific days and times.
 - d. Traffic control plans and traffic management plans, as applicable.
 - e. If traffic control will be provided by local law enforcement, applicant must produce documentation that a TMP has been developed and approved by the local governing authority.
4. All excavations shall be backfilled and tamped in six-inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced within one week after the backfill has been tamped. If the Department of Transportation and Development determines, at its sole discretion, that the existing soil material is unsuitable for backfill, applicant will be required to furnish select material in lieu thereof, and the existing material shall be disposed of by approved methods.
5. Applicant shall not impede existing drainage of the property.
6. Attachments to existing bridge or sign truss structures are strictly prohibited.
7. Use or storage of explosives, flammable material, or other similar hazardous materials is strictly prohibited.
8. Access Requirements
 - a. Prior to accessing the right-of-way, the applicant shall notify and obtain approval from the District Permit Office.
 - b. Applicant shall obtain prior written approval from the District Permit Office if there are any changes to the permitted dates, times, locations, usage or configuration of the property.
 - c. Applicant shall notify the District Permit Office when property will no longer be used by applicant and upon vacation of the premises.
9. Any deviation from the standards provided herein, must have the prior approval of the Department of Transportation and Development Chief Engineer. If the applicant desires such a waiver, the applicant shall submit a letter of justification to the appropriate District Administrator. If the District Administrator determines that conditions warrant a waiver, the District Administrator will forward the application and a letter of justification to the Headquarter R/W Permit Section for approval or denial by the Chief Engineer. No waiver shall be approved without the prior written consent of the Chief Engineer.