

## CARBON COUNTY ROAD DEPARTMENT ENCROACHMENT APPLICATION AND PERMIT

– To be filled in by Carbon County Personnel –

AGREEMENT NO.: _____	MAINTENANCE NO.: _____
PROJECT NO.: _____	SIGN ROUTE: _____
PROJECT NAME: _____	ID NUMBER: _____
CORRIDOR: _____	RB: _____ MP: _____
COUNTY: _____	

– To be filled in by the requesting Company and Carbon County Personnel –

COMPANY OR CORPORATION	DATE	CARBON COUNTY	Date
TITLE		TITLE	
SIGNATURE		SIGNATURE	
The "Permittee" agrees to the terms of this permit.		Subject to the terms and conditions shown on Page 2 hereof, this permit is hereby approved and granted.	

### APPLICANT (PROPERTY OWNER)

APPLICATION FOR PERMISSION TO: \_\_\_\_\_ \*  
(Give sufficient detail to permit thorough understanding and submit blueprints or sketches in triplicate.)

**\*If work involves Environmental-Related cleanup or monitoring, also complete Environmental Questions and Checklist.**

Township _____	Range _____	Section _____
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1. Name of Applicant: \_\_\_\_\_
2. Address of Applicant: \_\_\_\_\_
3. Applicant's Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_
4. If Applicant is a Corporation, give State of Incorporation and names of President and Secretary:  
\_\_\_\_\_
5. Highway survey stations, milepost, distances to centerline, and distance from right-of-way line (in metric units) near which installations or structures will be installed:  
\_\_\_\_\_
6. For how long a period is the permit desired: \_\_\_\_\_
7. Nature of Permit: \_\_\_\_\_
8. Environmental actions involving hazardous waste sites? (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.)

YES:  If YES is checked complete the **Environmental Questions on Page #3-5.**

NO:  If No is checked continue to **Page 2, Instructions Concerning Use of this Form.**

**(INSTRUCTIONS CONCERNING USE OF THIS FORM)**

Applicant will complete this form in triplicate along with plans, sketches and an environmental checklist and send to the appropriate Carbon County Commissioner for review and approval.

AN ENVIRONMENTAL CHECKLIST MUST BE COMPLETED BY APPLICANT AND MUST BE ATTACHED TO THIS PERMIT. THE PERMIT MUST NOT BE PROCESSED WITHOUT AN ENVIRONMENTAL CHECKLIST.

IF THE PROPOSED INSTALLATION WILL RESULT IN SIGNIFICANT, PERMANENT OR LONG TERM IMPACTS TO THE TRANSPORTATION NETWORK IN TERMS OF SUBSTANTIAL INCREASE TRAFFIC VOLUMES, WEIGHT OR DELAYS TO TRAFFIC ON CARBON COUNTY ROADWAYS, SUCH AS MAJOR MINES GREATER THAN FIVE ACRES, A RAILROAD AT-GRADE CROSSING, RAILROAD UNDER OR OVERPASS, OR STRIP MINES, OR IF THE PROPOSED ACTION HAS PERMANENT IMPACTS TO OTHER FORMS OF TRANSPORTATION (RAIL, TRANSIT, OR AIR MOVEMENT), THE ENCROACHMENT PERMIT MUST BE SUBMITTED TO THE TRANSPORTATION PLANNING DIVISION FOR REVIEW PRIOR TO ISSUANCE OF THIS PERMIT.

**Subject to the following terms and conditions, the permit applied for upon the reverse side hereof, is hereby granted:**

1. TERM. This permit shall be in full force and effect from the date hereof until revoked as herein provided.
2. FEE. The fee for issuance of this permit is \$100 for the 1<sup>st</sup> 100 ft. and \$0.10 per foot after that for encroachments within the County right-of-way but outside of the road structure **OR** \$0.50 per foot after that for encroachments to the road surface.\_\_\_\_\_.
3. REVOCATION. This permit may be revoked by Carbon County upon giving **45** days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.
4. COMMENCEMENT OF WORK. No work shall be commenced until Permittee notifies the Commissioner shown in application the date the Permittee proposes to commence work.
5. CHANGES IN ROAD. If Carbon County road changes necessitate changes in structures or installations installed under this permit, Permittee will make necessary changes without expense to Carbon.
6. CARBON COUNTY SAVED HARMLESS FROM CLAIMS. As a consideration of being issued this permit, the Permittee, its successors or assigns, agrees to protect Carbon County and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right-of-way, and in case any suit or action is brought against Carbon County and arising out of, or by reason of, any of the above causes, the Permittee, its successors or assigns, will, upon notice to them of the commencement of such action, defend the same at its sole cost and expense and satisfy any judgment which may be rendered against Carbon County in any such suit or action. Permittee will provide proof of both Liability and Workers Compensation insurance commensurate with State of Montana insurance limits.
7. PROTECTION OF TRAFFIC. The Permittee shall protect the work area with traffic control devices that comply with the Manual of Uniform Traffic Control Devices. The Permittee will be required to submit a traffic control plan to the County Commissioner for approval prior to starting work. During work, the County Commissioner or designee may require the Permittee to use additional traffic control devices to protect traffic or the work area. No road closure shall occur without prior approval from the County Commissioner.
8. HIGHWAY AND DRAINAGE. If the work done under this permit interferes in any way with the drainage of the Carbon County road affected. Permittee shall, at the Permittee's expense, make such provisions as Carbon County may direct to remedy the interference.
9. RUBBISH AND DEBRIS. Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to Carbon County.
10. INSPECTION. The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation, at sole expense of Permittee. If the installation does not conform with the requirements of this permit or the attached plan.
11. CARBON COUNTY'S RIGHT NOT TO BE INTERFERED WITH. All changes, reconstruction or relocation shall be done by Permittee so as to cause the least interference with any of Carbon County's work, and Carbon County shall not be liable for any damage to the Permittee by reason of any such work by Carbon County, its agents, contractors or representatives, or by the exercise of any rights by Carbon County upon the highways by the installations or structures placed under this permit.
12. REMOVAL OF INSTALLATIONS OR STRUCTURES. Unless waived by Carbon County, upon termination of this permit, the Permittee shall remove the installations or structures installed under this permit at no cost to Carbon County and restore the premises to the prior existing condition, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.
13. MAINTENANCE AT EXPENSE OF PERMITTEE. Permittee shall maintain, at its sole expense, the installations and structures for which this permit is granted, in a condition satisfactory to Carbon County.
14. CARBON COUNTY NOT LIABLE FOR DAMAGE TO INSTALLATIONS. In accepting this permit, the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for Carbon County, or by any Carbon County employee engaged in construction, alteration, repair, maintenance or improvement of the Carbon County Road, shall be at the sole expense of the Permittee.
15. CARBON COUNTY TO BE REIMBURSED FOR REPAIRING ROADWAY. Upon being billed, therefore, Permittee agrees to promptly reimburse Carbon County for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.
16. The Permittee shall not discharge or cause discharge of any hazardous or solid waste by the installation or operation of the facility of a Carbon County Right-of-Way.
17. The Permittee will control noxious weeds within the disturbed installation area for two (2) years.
18. In accordance with Mont. Code Ann. § 76-3-403(2), Permittee shall, at Permittee's expense, employ the services of a Montana Licensed Professional Land Surveyor to re-establish all existing survey monuments disturbed by work contemplated under this permit.
19. The use of explosives is prohibited for the installation.
20. Any condition of this permit shall not be waived without written approval of the appropriate Carbon County Commissioner.
21. OTHER CONDITIONS AND/OR REMARKS: \_\_\_\_\_

**Environmental Questions Pertaining to #8 on Page #1**- Environmental actions involving hazardous waste sites? (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.)

8a. Name of Facility: \_\_\_\_\_ Facility ID: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

8b. Leaking underground storage tank site?  Yes  No

If yes, provide MDEQ identification number: \_\_\_\_\_

Petro Fund Eligible?  Yes  No

8c. Remediation Response Sites (State Superfund Site)?  Yes  No

If yes, identification number and/or site name: \_\_\_\_\_

8d. Federal Superfund Site?  Yes  No

If yes, identification number and/or site name: \_\_\_\_\_

8e. Active Mine:  Yes  No **OR** Abandoned Mine:  Yes  No

If yes, list the Mine Site ID#: \_\_\_\_\_

Mine Description or Name: \_\_\_\_\_

8f. Spill:  Yes  No

Spill Site: \_\_\_\_\_

Spill Description: \_\_\_\_\_

8g. Other Environmental Action: \_\_\_\_\_

For each well installed in CARBON COUNTY R/W, provide GPS coordinates in state plane coordinates (preferred) or well survey information in another format (continue on another sheet if necessary).

**NOTE: Each well request needs to be submitted on a separate application form.**

Well Designation	Easting	Northing

**ENVIRONMENTAL CHECKLIST FOR:**  Approach Permit  Encroachment/Occupancy (incl. Utility)  Maintenance Projects (w/ No Right-Of-Way Acquisition, Sale or Transfer)

**Location:** Road Name \_\_\_\_\_ Milepost(s) \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_

Legal Description: County: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section(s): \_\_\_\_\_

**Applicant Information:** Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Company/Utility \_\_\_\_\_ Business Phone: \_\_\_\_\_

Mailing Address: Street or Box: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Impact Questions		Comment or Explanation (Use attachments if necessary)	
Based on ARM 18.2.261 & 23 CFR 771.117 – Actions that qualify for Categorical Exclusion under MEPA or NEPA		Yes	No
1.	Will the proposed action impact any historical sites?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Will the proposed action impact any publicly owned parklands, recreation areas, wildlife or waterfowl refuges?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Will the proposed action impact prime farmlands?	<input type="checkbox"/>	<input type="checkbox"/>
4.	a. Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes? b. Has the proposed action received any preliminary or final approval from the local land use authority?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
5.	For the proposed action, is there documented controversy on environmental grounds? (i.e. – has the applicant received a letter of petition from an environmental organization?)	<input type="checkbox"/>	<input type="checkbox"/>
6.	Will the proposed action require work in, across or adjacent to listed or proposed Wild or Scenic River? (See listing on page 2)	<input type="checkbox"/>	<input type="checkbox"/>
7.	Will the proposed action impact air quality or increase noise?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Will the proposed project involve hazardous waste sites? (Superfund, spills, underground storage tanks, old mines etc.)	<input type="checkbox"/>	<input type="checkbox"/>
9.	Will the proposed action affect water quality, wetlands, streams or other water bodies? If the answer is YES, an environment-related permit or authorization may be required (See Attached "Stream Permitting Guidelines").	<input type="checkbox"/>	<input type="checkbox"/>
10.	a. Are there any listed or proposed threatened or endangered species, or critical habitat in the vicinity of the proposed action? b. Will the proposed action adversely affect listed or proposed threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
11.	Will the proposed action require an environment-related permit or authorization? If the answer is "yes," please list the specific permits or authorizations.	<input type="checkbox"/>	<input type="checkbox"/>
12.	Is the proposed action on or within approximately 1 mile of an Indian Reservation? a. If Yes – Will a Tribal Water Permit be required	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
13.	Is the proposed action in a "Class I Air Shed" (Some Indian Reservations)?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "Yes" than describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire.	<input type="checkbox"/>	<input type="checkbox"/> (Applicant may attach additional sheets as necessary)

- 16.  Attach representative photos of the sites where the proposed action would be implemented.
- 17.  Attach map(s) showing the location(s) of the proposed action(s), Township, Range, Section, highway or route number and approximate milepost(s).
- 18. Describe Magnitude / Importance of potential impacts: (To be completed by Applicant)(Use Attached Sheets)

