

JAN 22 2020

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Application for Encroachment Permit

S.C. Department of Transportation
Form 637 (Rev 09/2015)

PERMIT # 231492

Contact Information

Applicant: SpectrumSoutheastLLC
Street: 3347 Platt Springs Rd.
City: W Columbia
State: SC Zip Code: 29170
Phone: (803)744-5831 Fax:
Email: Michael.Kowalewski@charter.com
Contact: Mike Kowalewski

Project Location

Primary County: Lexington

County	Road Name
Lexington	Berryhill Rd (S-1551)
Lexington	Bush River Rd (S-273)

1. Type of Encroachment: COMMUNICATIONS (Cable TV, Telephone & Other)

Permit application for construction and maintenance of public service utility line along state highway. (See attached sketch) Total underground and aerial to be placed is 1254 feet or .238 miles. Spectrum proposes to HDD bore, dry missile bore, trench via hand dig and maintain an 18' height minimum to top of asphalt.(CONTINUED ON ADDENDUM)

2. Description of Location:

Location is approximately 330 feet or .063 miles NE of Bush River Rd. (S-32-273) working along Berryhill Rd and along Bush River Rd to end at the corner of Bush Rd & Executive Pointe Blvd.

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

** SEE SPECIAL PROVISION*

3. The undersigned applicant hereby requests the SCDOT to permit encroachment on the SCDOT right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the SCDOT's "A Policy for Accommodating Utilities on Highways Rights of way", "Standard Specifications for Highway Construction", the "General Provisions" and "Special Provisions", attached hereto or made a part hereof by reference, during the installation, operation and maintenance of said encroachment within the SCDOT's Right of Way. **DISCHARGES OF STORM WATER AND NON-STORM WATER:** Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit(s) issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. The encroachment permit will not be issued until the applicant has received an NPDES construction permit from SC Department of Health and Environmental Control.

Applicant's Name: Michael Kowalewski Date: 10/11/2019
(Please print or type)

Applicant's Sig: Michael Kowalewski Title: Construction Coordinator

For Office Use Only

☐ **See Attached Special Provision and/or Permit Requirements**

NPDES Permit
Nbr:
 (Date received by res. Maint. Engr.)
 (SCDD Approval)
 (Date)

General Provisions

Application for Encroachment Permit
General Provisions

1. **DEFINITIONS:** The word "Permittee" used herein shall mean the name of the person, firm, or corporation to whom this permit is addressed, his, her, its, heirs, personal representatives, successors and assigns. The word "DEPARTMENT" shall mean the South Carolina Department of Transportation.
2. **NOTICE PRIOR TO STARTING WORK:** Before starting the work contemplated herein within the limits of the highway right of way, the Department's Resident Maintenance Engineer in the county in which the proposed work is located shall be notified 24 hours in advance so that he may be present while the work is under way.
3. **PERMIT SUBJECT TO INSPECTION:** This permit shall be kept at the site of the work at all times while said work is under way and must be shown to any representative of the Department or law enforcement officer on demand.
4. **PROTECTION OF HIGHWAY TRAFFIC:** The applicant shall be responsible for the protection of the highway traffic at all times during the construction, maintenance, removing or moving of the encroachment permitted herein. Detours, barricades, warning signs and flagmen, as necessary, shall be provided by and at the expense of the Permittee and shall be in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD). The work shall be planned and carried out so that there will be the least possible inconvenience to the motoring public. The Permittee agrees to observe all rules and regulations of the Department while carrying on the work contemplated herein and take all other precautions that circumstances warrant.
5. **STANDARDS OF CONSTRUCTION:** All work shall conform to the Department's standards of construction and shall be performed in a workman-like manner. The applicant shall make adequate provisions for maintaining the proper drainage of the highway as it may be affected by the encroachment permitted herein. All work shall be subject to the supervision and satisfaction of the Department.
6. **FUTURE MOVING OF PHYSICAL APPURTENANCES:** If, in the opinion of the State Highway Engineer, it should ever become necessary to move or remove the physical appurtenances, or any part thereof contemplated herein, on account of change in location of the highway, widening of the highway, or for any other sufficient reason, such moving shall be done on demand of the Department at the expense of the Permittee.
7. **RESTORATION OF HIGHWAY FACILITIES UPON MOVING OR REMOVING OF PHYSICAL APPURTENANCES:** If, and when, the physical appurtenances contemplated herein shall be moved or removed, either on the demand of the Department or at the option of the Permittee, the highway and facilities shall immediately be restored to their original condition at the expense of the Permittee.
8. **COSTS:** All work in connection with the construction, maintenance, moving or removing of the physical appurtenances contemplated herein shall be done by and at the expense of the Permittee.
9. **ADDITIONAL PERMISSIONS:**
 - (a) It is distinctly understood that this permit does not in any way grant or release any rights lawfully possessed by the abutting property owners. The Permittee shall secure any such rights, as necessary, from said abutting property owners.
 - (b) The Permittee shall be responsible for obtaining all other approvals or permits necessary for installation of the encroachment from other government entities.

(c) There shall be no excavation of soil nearer than two feet to any public utility line or appurtenant facility except with the consent of the owner thereof, or except upon special permission of this Department after an opportunity to be heard is given the owner of such line or appurtenant facility.

10. ADDITIONAL WORK PERFORMANCE:

(a) All crossings over the highway shall be constructed in accordance with "Specifications for Overhead Crossings of Light and Power Transmission Lines and Telegraph Lines over each other and over Highway Rights of Way in South Carolina," as approved by the Public Service Commission of South Carolina and effective as of date of this permit.

(b) All tunneling, boring, or jacking shall be done in such a way as not to disturb the highway surfacing.

(c) No pavement shall be cut unless specifically authorized herein.

(d) No excavation shall be nearer than three feet to the edge of pavement unless specifically authorized herein.

(e) Underground facilities will be located at minimum depths as defined in the "Utility Accommodations Manual" for the transmittant, generally as follows: 4 feet minimum for hazardous or dangerous transmittant, 3 feet minimum for other lines. The Department may approve shallower depths if adequate protection is provided. Such approval must be obtained in writing.

(f) Service and other small diameter pipes shall be jacked, driven, or otherwise forced underneath the pavements on any surfaced road without disturbing the pavement. The section under the highway pavement and within a distance of three (3) feet on either side shall be continuous without joints.

11. ACCESS:

(a) Permittee is responsible for maintaining reasonable access to private driveways during construction.

(b) It is expressly provided that, with respect to any limited access highway, the Permittee shall not have or gain access from the main traveled way of the highway, or the on or off ramps to such facility, except upon approval by the Department.

12. DRIVEWAYS:

(a) The existing crown of the highway shall be continued to the outside shoulder line of the highway.

(b) If the driveway or approach is concrete pavement, the pavement shall be constructed at least 6 inches thick and with a minimum of class 2500 concrete. There shall be a bituminous expansion joint, not less than 3/4 inches in thickness, placed between the highway paving and the paving of the approach for the full width of the approach.

13. BEAUTIFICATION:

(a) All trees, plants, flowers, etc. shall be placed in accordance with the provisions specifically stipulated herein.

(b) All trees, plants, flowers, etc. shall be maintained by, and at the expense of, the Permittee and the provisions of this permit shall become null and void, if and when said Permittee ceases to maintain aid trees, plants, flowers, etc.

14. AS-BUILT PLANS:

(a) The applicant shall provide the Department with survey-quality as-built plans in accordance with the requirements set forth in the Department's "A Policy for Accommodating Utilities on Highway Rights of Way".

SPECIAL PROVISION

Applicant expressly acknowledges that SCDOT has not granted, and is not granting by the terms of this Encroachment Permit, any property rights, explicit or implied, to applicant.

Applicant has been advised by the SCDOT that the proposed location of the encroachment specified herein is within the right of way limits of and is likely to be impacted by the future Carolina Crossroads (CCR) Project. If the future CCR Project requires the removal and relocation of the encroachment, Applicant agrees to remove the encroachment within 180 days of SCDOT's written notification for removal and/or relocation. Removal and/or relocation shall be at the sole expense of Applicant. Failure to remove and/or relocate the encroachment within the 180 day period constitutes a breach of this permit and SCDOT shall be entitled to recover from Applicant any and all damages, including cost of removal and relocation of applicant's facilities by SCDOT or its contractor and any delay damages claimed by the SCDOT's contractor, subcontractors, or associated entities as a result of applicants failure to remove the facility within the 180 days. Applicant waives any and all causes of action, including but not limited to, detrimental reliance or estoppel, in the granting of this permit within the future corridor of the CCR Project. Applicant hereby waives trial by jury regarding any disputes arising under the terms of this permit and any such trial shall be non-jury before the Circuit Court in Richland County.

In the event that the Applicant has entered into a Memorandum of Agreement for In-Contract Utility Relocation (MOA) for the CCR Project, the removal and/or relocation of the encroachment caused by the future CCR Project shall be performed in accordance with the terms of the MOA.

The below website address is the CCR project as shown in the draft environmental impact statement. The design shown is conceptual and subject to change based on final design. http://www.scdotcarolinacrossroads.com/online/online5/assets/RPA-PHM_INTERACTIVE_DRAFT_2018-08-16.pdf

Make sure to submit as-builts of completed work.