



COLORADO
Department of
Transportation

Region 1 Traffic Section
2829 W. Howard Pl, 2nd Floor
Denver, Colorado 80204
(303) 512-4266 Fax: (303) 757-9886

Permit No. 120134

October 19, 2020

To:
EVT Parker Colorado, LLC, c/o Eisenberg Company
2710 E. Camelback Road, Suite 210
Phoenix, Arizona 85016

Dear Permittee:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE". Your signature confirms your agreement to all the listed Terms and Conditions.
5. Provide a check or money order made payable to "Town of Parker" for the total amount due of \$100.00
6. You must return the signed Access Permit, including all pages of terms and conditions and all attachments, with your payment to the Colorado Department of Transportation (CDOT) at the address noted below. The Department will return an executed copy of this permit. You may retain this cover letter for your records.
7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn.
8. **As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.**

If you have any questions please call Marilyn Cross, Access Manager at (303) 512-4266.

Please return Access Permit and attachments to:

Region 1 Traffic Section
2829 W. Howard Pl, 2nd Floor
Denver, Colorado 80204

COLORADO DEPARTMENT OF TRANSPORTATION			CDOT Permit No.
STATE HIGHWAY ACCESS PERMIT			120134
			State Highway No / Mp / Side 083A / 61.490 / Left
Permit Fee \$100.00	Date of Transmittal 10/19/2020	Region / Section / Patrol / Name 1 / 05 / 3 Harry Sedlak	Local Jurisdiction Parker

The Permittee(s): EVT Parker Colorado, LLC, c/o Eisenberg Company 2710 E. Camelback Road, Suite 210 Phoenix, Arizona 85016 (602) 468-6100	The Applicant(s): Dan Skeeahan, P.E. Kimley-Horn and Associates, Inc. 4582 South Ulster Street, Suite 1500 Denver, Colorado 80237 (303) 228-2300	
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.		
Location: This right in/right out commercial access is located on the west side of State Highway 83, a distance of 2584 feet north of Mile Point 61, or Mile Point 61.490.		
Access to Provide Service to: (Land Use Code)	(Size)	(Units)
820 - Shopping Center	17000	SqFt
846 - Gasoline Servi. Station/Con Mar/Car Wash	8210	SqFt
834 - Fast Food Res. With Drive-Through Window	6000	SqFt
565 - Day Care Center	13000	SqFt
Additional Information:		

MUNICIPALITY OR COUNTY APPROVAL			
Required only when the appropriate local authority retains issuing authority.			
Signature 	Print Name DAVID ADEN	Date 12-16-2020	Title TRAFFIC ENGINEER
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.			
The permittee shall notify Thomas Mann with the Colorado Department of Transportation, at (303) 667-2831 at least 48 hours prior to commencing construction within the State Highway right-of-way.			
The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
Permittee Signature: 	Print Name Craig F Eisenberg	Date 12-9-2020	
Co-Permittee Signature: (if applicable)	Print Name	Date	

This permit is not valid until signed by a duly authorized representative of the Department.			
COLORADO DEPARTMENT OF TRANSPORTATION			
Signature	Print Name	Title	Date (of issue)

**State Highway Access Permit
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

PERMIT # 120134

This right in/right out commercial access is located on the west side of State Highway 83, a distance of 2584 feet north of Mile Point 61, or Mile Point 61.490. Route: 083, Mile Post: 61.49 Side: Left

For Permittee: EVT Parker Colorado, LLC, c/o Eisenberg Company

**Permit
Specifics**

1. Please refer to this permit number #120134 in all communications and correspondence. READ ALL ADDITIONAL STANDARD REQUIREMENTS ON THE ATTACHED FORM 101 AND OTHER TERMS AND CONDITIONS ON THESE ATTACHED SHEETS . A COPY OF THIS PERMIT INCLUDING ALL TERMS AND CONDITIONS MUST BE ON THE JOB SITE WITH THE CONTRACTOR.
2. This permit is for a Right-In/Right-Out Only access.
3. A "Notice to Proceed" (CDOT Form 1265) is required before beginning the construction of the access or any activity located within the State Highway right-of-way. All submittals, documents, plans, proof of insurance and other items must be completed and approved by the Colorado Department of Transportation before a "Notice to Proceed" will be issued. Request a "NOTICE TO PROCEED" in writing from the Issuing Authority.
4. If you should have any questions about this Permit, please call Marilyn Cross, 303-512-4266, marilyn.cross@state.co.us
5. Left turn movements in and out of this access are be prohibited.
6. This access shall be used only for mixed use development purposes with the vehicular volume using the access during the Peak Hour not to exceed 192 vehicles per hour.
7. This access is existing. Modifications to the access will require construction documents and issuance of Notice to Proceed form from CDOT.
8. The Permittee is required to install a tracking pad on private property to mitigate the effects of mud and other debris being tracked onto the State Highway system. Should debris tracking onto the highway become a problem, CDOT will contact the permittee who shall clean the highway within 24 hours of CDOT contact. Appropriate traffic control shall be used per the M.U.T.C.D.
9. Slopes shall be per plans.
10. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-

way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of this access permit and may result in revocation of the permit by the Department and/or the issuing authority.

11. No retaining wall shall be built in the State Highway Right of Way.

Drainage

12. Areas of roadway and right-of-way disturbed during this access installation shall be restored to their original condition to insure proper strength, drainage and erosion control prior to final acceptance.

13. The access shall be constructed and maintained in a manner that will not cause water to enter onto the roadway, and will not interfere with the existing drainage system within the State Highway Right-of-Way. Drainage to the State Highway right-of-way shall not exceed the historical rate of flow. Discharges to the CDOT highway drainage system from facilities authorized for construction through this Access Permit are only allowed under the following conditions: 1) The discharge is authorized by a Colorado Discharge Permit System (CDPS) permit issued by the Colorado Department of Public Health and Environment (CDPHE); or, 2) The discharge is an "allowable non-storm water discharge"; or, 3) The discharge has been specifically exempted from CDPS permitting by the CDPHE through a letter of permission or other type of written approval. Prohibited discharges include substance such as paint, automotive fluids, solvents, oils or soaps.

14. Any new curb and gutter shall be constructed to ensure proper drainage.

Environmental

15. It is the responsibility of the Permittee/Applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to or request a copy of the "CDOT Environmental Clearances Information Summary" for details. **FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.**

A. All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.

B. Unless otherwise identified by the permittee or the Division as not being a source of pollutants to the waters of the State, the following non-stormwater discharges need to be prohibited from entering the MS4: landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, individual residential swimming pool and hot tub discharges, individual residential street

washing, water line flushing, flows from riparian habitats and wetlands, flows from emergency firefighting activities, and water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction. Discharges from these sources may still require separate CDPS permit coverage to be obtained by the discharger. C. ANY OTHER DISCHARGES may require Colorado Discharge Permit(s) or separate permits from CDPHE or the appropriate agency before work begins. For additional information and forms, go to the CDPHE website at: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html> D. Discharges may also be subject to additional State and Local restrictions, such as MS4 (Municipal Separate Storm Water Sewerage Systems) requirements for permanent sediment control, TMDL (Total Maximum Daily Limit), TMAL (Total Maximum Annual Limit) or discharge.

16. All areas of the State Highway Right-of-Way disturbed during construction shall be covered with a minimum of 4 inches of soil conditioner (manure, not synthetic) and re-seeded according to the Department's specifications for grass seed mix as found in Section 212 of the CDOT Standards and Specifications for Road and Bridge Construction or slopes will be re-stabilized with native seeding (mix attached). Efforts to reseed disturbed right-of-way must be monitored by the permittee until revegetation reaches at least 70% of pre-existing vegetation and is accepted by the CDOT Access Inspector.

General

17. On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act CRS 43-1-401, Rules and Regulations Pertaining to Outdoor Advertising. Please contact the CDOT Inspector for any questions regarding advertising devices.
18. NOTIFY THE DEPARTMENT OF TRANSPORTATION INSPECTOR listed on the front page of the permit, TWO WORKING DAYS BEFORE STARTING THE WORK. ANY WORK INVOLVING LANE CLOSURES MUST BE REPORTED TO THE DEPARTMENT ON THE WEDNESDAY OF THE WEEK PRIOR TO THE CLOSURE TAKING PLACE. IF THE LANE CLOSURE IS NOT REPORTED THE WEDNESDAY BEFORE THE WORK IS TO TAKE PLACE, THEN NO LANE CLOSURE WILL BE ALLOWED AND THE WORK WILL NEED TO BE RESCHEDULED FOR A LATER DATE.
19. WORKER SAFETY AND HEALTH
All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:
 1. Head protection that complies with the ANSI Z89.1-1997 standard;
 2. At all construction sites or whenever there is danger of injury to

feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn;

3. High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2). Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

20. Incorporated as part of this permit may be the following: Application for Access Permit (CDOT Form No. 137)The Permit (CDOT Form No. 101) and its two page attachment (CDOT Form No. 101B)
Notice to Proceed (CDOT Form No. 1265)
Traffic Impact Study
Construction Plans
Drawings/Maps
Certificate of Liability Insurance (To be submitted to CDOT prior to beginning construction in CDOT Right-of-Way)
21. This Permit is issued in accordance with the State Highway Access Code, and is based upon the information submitted by the Permittee. Any changes in traffic volumes, drainage, type of traffic or other operational aspects may render this Permit void, requiring a new Permit to be issued based upon existing and anticipated future conditions. This Permit is only for the use and purpose stated in the Application and Permit. Any change in type and use and/or volume of traffic using the access may require a revised Permit.
22. If necessary, minor changes, corrections, and/or additions to this permit may be ordered by the Department inspector, other Department representatives or the local authority to meet unanticipated site conditions. Changes may not be in violation of the code and shall be at no cost to the Department or local authority.
23. This access permit is issued for the entire property(s). Future division of this parcel(s) into smaller parcels will require all future parcels to use this access point only. No future access points will be granted from this parcel(s), or portions of this parcel(s), onto the State Highway because of division of ownership.
24. The Permittee is responsible for obtaining any necessary additional federal, state, and/or city/county permits or clearances required for construction of this access. Approval of this Access Permit does not constitute verification of this action by the Permittee.
25. All costs associated with the installation of this access are the responsibility of the Permittee. This includes the design, construction, utility relocations, testing of materials, inspections and impact restoration.
26. CDOT will determine the extent of inspection services for the work . A

daily inspection may be done by the Colorado Department of Transportation from the time work begins inside the highway right-of-way until the job is completed and right-of-way restored to its original condition.

27. No work within the roadway and the State Highway Right-of-Way is allowed on holidays or during adverse weather conditions without prior approval from the Department.
28. A FULLY EXECUTED COMPLETE COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR AT ALL TIMES DURING THE CONSTRUCTION. FAILURE TO COMPLY WITH THIS OR ANY OTHER CONSTRUCTION REQUIREMENT MAY RESULT IN THE IMMEDIATE SUSPENSION OF WORK BY ORDER OF THE DEPARTMENT INSPECTOR, THE ISSUING AUTHORITY, OR ANY REPRESENTATIVE OF THE DEPARTMENT.
29. All work is to conform to the State Highway Access Code, and to the plans on file with the Colorado Department of Transportation or as modified by this Permit. (IF DISCREPANCIES ARISE, THIS PERMIT SHALL TAKE PRECEDENCE OVER THE PLANS). The Colorado Department of Transportation plan review is only for the general conformance with the Colorado Department of Transportation design and Code requirements . The Colorado Department of Transportation is not responsible for the accuracy and adequacy of the design. Dimensions, and elevations shall be confirmed and correlated at the job site. The Colorado Department of Transportation, through the approval of this document, assumes no responsibility other than stated above for the completeness and/or accuracy of the plans.
30. Survey markers or monuments must be preserved in their original positions. Notify the Department at 303-757-9212 immediately upon damage to or discovery of any such markers or monuments at the work site. Any survey markers or monuments disturbed during the execution of this permit shall be repaired and/or replaced immediately at the expense of the Permittee.
31. Construction Plans must be approved by the Colorado Department of Transportation, Region I, prior to the issuance of a Notice to Proceed.
32. Any damage to any present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department, or issuing authority and prior to continuing any other work. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by any representative of the Department or issuing authority. Removal shall be achieved using a "pick up broom" or a vacuum. Washing of the pavement is not allowed due to potential environmental concerns.
33. Call for an inspection of forms at least one working day prior to placing any concrete.

34. The access width shall be per the approved construction plans.
35. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 20 feet, and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 10-20 feet.
36. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow and ice upon the access even though deposited on the access in the course of Department snow removal operations.
37. Any improvements outside the flow line or beyond the edge of asphalt of the state highway, including but not limited to sidewalks and landscaping, which are installed at the direction of the local land use jurisdiction shall be maintained by the permittee, their heirs or assign
38. All private access to the State Highway shall be contained in an open public access easement. Such easement(s) shall be continuous and unobstructed (excluding necessary stop signs or other traffic control consistent with the MUTCD) between the State Highway and any other municipal ROW access driveways.
39. This Permit hereby replaces all previous access permit(s) for this ownership, which now become null and void.
40. Where necessary to remove, add, or relocate a State Highway traffic control device, including striping, for the construction of an access approach, such additions, relocation or removals shall be accomplished by the applicant at its own expense and at the direction of the Department.
41. CDOT retains the right to perform any necessary maintenance work in this area.

Insurance

42. The State Requires a Certificate of Liability Insurance naming the Colorado Department of Transportation (CDOT) as additionally insured prior to commencing any work on Highway right-of-way. All vendors, contractors, and utility companies shall procure, at their own expense, and maintain for the duration of the work period, the following coverage:
 - A. Standard Workman's Compensation and Employer's Liability, including occupational disease, covering all employees engaged in performance of the work at the site, in the amounts required by State Statutes. Employer's Liability Insurance at a minimum of \$500,000 each accident and \$500,000 each disease.
 - B. Comprehensive General Liability at a minimum of \$1,000,000

each occurrence; \$1,000,000 Personal Injury; \$2,000,000 Products/Completed Operations; \$2,000,000 General Aggregate. CDOT will be endorsed as an Additional Insured by the contractor and all subcontractors. Completed Operations coverage will be provided for a minimum period of two years following the conditional acceptance of work.

C. Commercial Automobile Liability will cover all owned, non-owned, and hired vehicles with a minimum of \$1,000,000 combined single limit bodily injury and property damage. The policy will protect CDOT as an Additional Insured and be written on an Occurrence form.

D. Professional Liability Insurance. The Contractor will ensure that all subcontractors procure and maintain a minimum of \$1,000,000 Each Occurrence and \$1,000,000 Annual Aggregate.

E. Umbrella or Excess Liability at a minimum of \$1,000,000. The policy will contain a clause stating that it takes effect (drops down) in the event the primary limits are impaired or exhausted. The policy will be written on an Occurrence form.

Traffic

43. No interference with traffic will be allowed after 12:00 Noon the day before a 3- or 4-day holiday weekend, as listed under 108.08 of the Standard Specifications for Road and Bridge Construction
44. Traffic control and work hours on state highways, interstates and freeways will be allowed as determined by the CDOT Inspector for this permit and area only. All work that requires lane closures must be reported to CDOT inspector by the Wednesday the week before the work is to take place.
45. The Permittee shall coordinate all traffic control operations with any special events in the area. The Permittee shall not schedule operations that interfere with traffic from 2 hours before until 2 hours after any such event.
46. Construction Traffic control plans (TCP's) and Methods of Handling Traffic (MHT's) are to be reviewed and accepted before mobilization begins for that construction phase.
47. No equipment will be allowed in the main lanes of the roadway during construction.
48. No open cuts will be allowed within 30 feet of the edge of the traveled way at night, on weekends, or on holidays.
49. New above ground installations shall be placed outside of roadway "clear zone" as defined by the latest AASHTO Roadside Design Guide or the installation shall have a breakaway system reviewed and approved by CDOT.

Traffic
Control

50. Compliance with NCHRP 350 Crashworthiness Certification for Work Zone Traffic Control Devices is required. Work zone devices designated by the FHWA as Category I, including but not limited to single-piece drums, tubes, cones and delineators shall meet NCHRP 350 crash test requirements. The Permittee, or their contractor, shall obtain and make available upon request, the manufacturer's written NCHRP 350 certification for each type of Category I device. Work zone devices designated by FHWA as Category II, including but not limited to barricades, vertical panels with light, drums or cones with light, portable sign supports, intrusion detectors and Type III barricades shall meet NCHRP 350 crash test requirements. However, the Permittee may use Category II devices originally purchased prior to October 1, 2002 in accordance with Table 1 for Phased Implementation of Work Zone Devices. The Permittee, or their contractor, shall obtain and make available upon request, the manufacturer's written NCHRP 350 FHWA Acceptance Letter for each type of Category II device, or shall certify that the Category II device was originally purchased prior to October 1, 2002. Work zone devices designated by the FHWA as Category III, including but not limited to barricades, fixed sign supports, crash cushions, and other work zone devices not meeting the definitions of Category I or II shall meet NCHRP 350 crash test requirements. However, the Permittee may use Category III devices originally purchased prior to October 1, 2002 in accordance with Table 1 for Phased Implementation of Work Zone Devices. The Permittee, or their contractor, shall obtain and make available upon request, the manufacturer's written NCHRP 350 FHWA Acceptance Letter for each type of Category III device or shall certify that the Category III device was originally purchased prior to October 1, 2002. FHWA Acceptance Letters for Category II or III Work Zone Devices may be accessed through the FHWA website at <http://safety.fhwa.dot.gov/roadwaydept/roadhardware/wzd.htm>
51. All work that requires traffic control shall be supervised by a registered professional engineer or by a traffic control supervisor certified by the American Traffic Safety Services Association (ATSSA) or the Colorado Contractors Association (CCA). When flagging personnel are required, they shall be certified by the contractor in accordance with the Department standards.
52. The use of appropriate advanced warning and construction traffic control signs, flashers, barricades and flagging is required at all times during construction. These devices shall be located within the State Highway Right-of-Way and be in conformance with the Manual on Uniform Traffic Control Devices, Part, VI and other applicable standards.
53. Construction signs when not in use shall be turned away from the traffic. All work that requires traffic control shall be supervised and implemented by a traffic control supervisor certified by the American Traffic Safety Services Association (ATSSA) or the Colorado Contractors Association (CCA). When flag persons are required they shall be certified.

54. Whenever the work will affect the movement or safety of traffic, the Permittee shall develop and implement a traffic control plan, and utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site, and the safety of the work force. The traffic control plan and the application of traffic control devices will conform to the Manual on Uniform Traffic Control Devices (M.U.T.C.D.) and Colorado Supplement thereto, and with the Department's construction traffic control Standards S-630-1, S-630-2 and S-630-3. Permittee's construction traffic control plan is subject to Colorado Department of Transportation approval prior to commencing work on the highway right-of-way. A copy of the approved construction traffic control plan must be available on site during work.

Utilities

55. Minimum cover for buried utilities shall be 48 inches.
56. It shall be the responsibility of the Permittee to verify the location of the existing utilities and notify all utility owners or operators of any work that might involve utilities within the State Highway Right-of-Way. Any work necessary to protect existing permitted utilities, such as an encasement, will be the responsibility of the Permittee. Any damage or disruption to any utilities during the construction shall be the Permittee's responsibility and shall be repaired or replaced at no cost to the Department, the issuing authority, or the local jurisdiction. Utilities cannot remain under asphalt or concrete without prior approval from CDOT.
57. Water, traffic signals, sanitary sewer, gas, electrical, landscaping, telephone and fiber optic installations will require individual additional permits. Please contact CDOT inspector for requirements for these permits.
58. Per Senate Bill 18-167, for all Access Permits meeting the following requirements, then an ASCE 38 SUE Level B design investigation must be shown on the plan sheets:
- a. Installation involves either an underground bore or 1000 contiguous square feet of trenching at greater than 2-foot depth.
 - b. Installation requires the oversight and stamp of a licensed Colorado Professional Engineer per Colorado Revised Statutes §9-1.5-102 (6.8)

If a SUE Level B investigation plan sheet cannot be provided, a licensed Colorado Professional Engineer must justify the rationale why in a signed and sealed justification letter to accompany the CDOT Utility Permit application.

Design

59. The access shall be designed and constructed to facilitate the movement of vehicles off the highway to prevent the queuing of vehicles on the traveled way.

60. Consult with the CDOT Project Manager if the existing asphalt adjacent to all new pavement shall be saw cut and removed a minimum of one foot back from the existing edge, or until an acceptable existing cross slope is achieved, to assure a straight edge for the joint.
61. Any new joints in asphalt or concrete shall be within 6 inches of the existing or proposed lane striping. No patch back without CDOT direction.
62. The Permittee is required to comply with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) for any curb ramp construction/alteration/retrofit in CDOT ROW. In addition, the permittee is required to have the PE in responsible charge provide written confirmation of compliance with the PROWAG. Should an existing physical or site constraint be a factor in a curb ramp being built to CDOT specifications the permittee shall use the CDOT Curb Ramp Variance Request Form.

Existing Physical Constraints in the right-of-way include, but are not limited to, underlying terrain, right-of-way availability (justification/documentation for not obtaining ROW is required), underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature.

The Curb Ramp Standards can be found on the Design and Construction Project support web page at:
 https://www.codot.gov/business/designsupport/standard-plans

Earthwork

63. All excavations for utility lines, culverts, trenches or tunnels shall meet the requirements of OSHA or the Colorado Department of Transportation, whichever applies.
64. No storage of materials or equipment will be allowed within 30.00 feet of the edge of traveled way.

Materials

65. All Materials, equipment, installation, construction and design, including the auxiliary lane(s) and intersection improvement(s) within the State Highway Right-of-Way shall be in accordance with the following Department standard references, and CDOT and local jurisdictions standards as applicable:
 - a. Pavement Design Manual
 - b. Materials Manual
 - c. Construction Manual
 - d. Standard Specifications for Road and Bridge Construction, latest edition and associated standard special provisions
 - e. Colorado Standard Plans (M&S Standards)
 - f. Manual On Uniform Traffic Control Devices (MUTCD) for streets and highways and the latest Colorado Supplements
 - g. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), latest edition

h. Institute of Transportation Engineer's Trip Generation Manual, latest edition

i. State Highway Access Code (2 CCR 601-1)

j. Roadway Design Manual

k. Erosion Control and Stormwater Quality Guide (CDOT, 2002)

Some of the references listed above may be found at the following links:

<https://www.codot.gov/library/manuals>

<https://www.codot.gov/business/designsupport/>

<https://www.codot.gov/business/permits/accesspermits/references>

66. The surfacing in the roadway widening, replacement and/or access approach to the highway right-of-way lines shall be a minimum of 9 inches of hot bituminous pavement or match existing, whichever is greater. The bottom lifts are to be placed at a maximum lift of 3 inches in depth with (Grading S-100) and the top lift at 2 inches depth (Grading SX-100).

COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

PURPOSE - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive—additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT: Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies.**

CLEARANCE CONTACTS - As indicated in the permit/clearance descriptions listed below, the following agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2000
Water Quality Control Division (WQCD): (303) 692-3500
Environmental Permitting Website <https://www.colorado.gov/pacific/cdphe/all-permits>
- CDOT Water Quality Program Manager: (303) 512-4053 <https://www.codot.gov/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices:
Omaha District (Northeastern CO), Denver Office (303) 979-4120
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>
Sacramento District (Western CO), Grand Junction Office (970) 243-1199
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>
Albuquerque District (Southeastern CO), Pueblo Office (719) 543-9459
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <https://www.codot.gov/business/permits>

Wildlife Resources - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat requires special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, <http://www.codot.gov/programs/environmental/wildlife/guidelines>, or the Colorado Parks and Wildlife (CPW) website, <http://www.cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>. Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

Cultural Resources - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified (<https://www.historycolorado.org/file-access>; 303-866-5216). Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM.

Paleontological Resources - The level of effort required for paleontological resources is dependent on the amount of ground disturbance, including rock scaling, digging, trenching, boring, ground leveling, and similar activities.

- If the permit will involve extensive ground disturbance (generally involving more than one mile of CDOT ROW), a full review will be required by a qualified paleontologist, including map, file, and locality searches, with final recommendations provided by the CDOT paleontologist upon receipt of the report. Based on results of the review, a survey or inventory of the permit area may be necessary.
- If the permit will involve a small amount of ground disturbance (less than one mile of ROW), the applicant must request a fossil locality search through the University of Colorado Museum of Natural History (<https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure>) and the Denver Museum of Nature and Science (<https://www.dmns.org/science/earth-sciences/earth-sciences-collections/>). The museum collections manager will provide information about localities in the project area. If there are no known localities, the permit requirement for paleontology is complete upon submitting that information to CDOT. If there are known localities, the CDOT paleontologist will be contacted by the museum with details, and additional recommendations will be made if necessary. Note that museum staff are not required to disclose the details of fossil localities to the permit applicant, nor is detailed locality information required for the permit application to proceed.
- If the permit involve no ground disturbance, no action is required for paleontological resources. If fossils are encountered during the permitted action, all work in the immediate area of the find should stop and the CDOT Staff Paleontologist and the Region Environmental Manager should be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. Contact Information: See the museum websites listed above. The CDOT Paleontologist is not able to conduct locality searches independently. For further information contact CDOT Paleontologist Nicole Peavey at nicole.peavey@state.co.us or (303)757-9632.

Hazardous Materials, Solid Waste - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed.
Contact Information: Theresa Santangelo-Dreiling, CDOT Hazardous Materials Management Supervisor: (303) 512-5524.

Asbestos Containing Materials, Asbestos Contaminated Soil - All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions.
Contact Info: CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information **concerning clearance on CDOT projects** is available from the CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

Transportation of Hazardous Materials - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD - Clean Water Act section 404 permits are often required for the discharge of dredged or fill material into waters of the U.S., including wetlands. Several types of section 404 permits exist, including nationwide, regional general, and individual permits. Nationwide permits are the most commonly authorized type for activities with relatively minor impacts. If an individual 404 permit is required, section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

Working on or in any stream or its bank - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project measured by valley length. The CPW application, as per guidelines agreed upon by CDOT and CPW, can be accessed at <https://www.codot.gov/programs/environmental/wildlife/guidelines>.

Erosion and Sediment Control Practices - Any activities that disturb one or more acres of land require a Stormwater Construction Permit (SCP) from the CDPHE-WQCD. Erosion & sediment control requirements will be specified in that permit. In situations where a stormwater permit is *not* required, all reasonable erosion and sediment control measures should be taken to minimize erosion and sedimentation. Control practices should be in accordance with CDOT Standard Specifications 107.25, 208, 213 and 216 (<https://www.codot.gov/business/designsupport/cdot-construction-specifications>). The CDOT Erosion Control and Stormwater Quality Guide (website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>) can also be used to design erosion/sediment controls. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Website: <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>

Site Stabilization - All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide should also be used to plan restoration of disturbed vegetation. Website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>

Stormwater Discharge From Industrial Facilities - Discharges of stormwater runoff from certain types of industrial facilities, such as concrete batch plants - require a CDPS Stormwater Permit. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Website: <https://colorado.gov/pacific/cdphe/wq-commerce-and-industry-permits>

Concrete Washout - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall be in accordance to CDOT specifications and guidelines at <https://www.codot.gov/business/designsupport/cdot-construction-specifications> and refer to the specifications and their revisions for sections 101, 107 and 208.

Construction Dewatering (Discharge or Infiltration) and Remediation Activities - Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering or Remediation Activities Discharge Permit. **Contact**

Information: Contact the CDPHE-WQCD at (303) 692-3500. For Applications and Instructions:
<https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>.

Municipal Separate Storm Sewer System (MS4) Requirements - When working in a MS4 area, discharges to the storm sewer system are subject to CDOT's or other municipalities' MS4 Permit. For activities within the boundaries of a municipality that has a MS4 permit, the owner of such activity should contact the municipality regarding stormwater related requirements. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (<https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes>) and the CDOT MS4 Permit #COS-000005 (<https://www.codot.gov/programs/environmental/water-quality/documents>). Discharges are subject to inspection by CDOT and CDPHE. For CDOT-related MS4 programs and requirements, go to: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs>.

Post-Construction Permanent Water Quality - When working in a CDOT MS4 area and the activity disturbs one or more acres, permanent water quality control measures may be required. Information on the requirements can be found under the CDOT Permanent Water Quality MS4 Program at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality>

Discharges to Storm Sewer Systems

Prohibited Discharges - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment.

Allowable Discharges - The following discharges to stormwater systems are allowed without a permit from the CDPHE-WQCD: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Information can also be found in the CDOT Illicit Discharge MS4 Program PDD at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/idde.html>.

Spill Reporting - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4426 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at <https://www.colorado.gov/pacific/cdphe/emergency-reporting-line>.

Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes," and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact CDPHE (telephone #'s listed above).

Noxious Weeds and Invasive Species Management Plan - Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (<https://www.colorado.gov/pacific/agconservation/noxiousweeds>) and the Colorado Division of Parks and Wildlife (<http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx>). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.

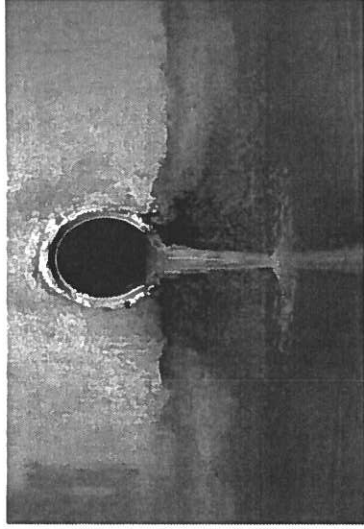


What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like roads and sidewalks prevent stormwater from naturally soaking into the ground

Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt and other pollutants and flow into CDOT's storm drain system or directly into a stream, river, lake, wetland or reservoir. Anything that enters CDOT's storm drain system is discharged untreated into the waterways we use for fishing, swimming, and providing drinking water.



Dredged soil, dirt, slurry, solid waste, incinerator residue, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, pH, wrecked or discarded equipment, rock, sand, any industrial, municipal, or agricultural waste.

Tips for Reporting an Illicit Discharge

Call the illicit discharge hotline at (303) 512-4426. From a safe distance try to estimate the amount of the discharge.

Identify characteristics of the discharge (color, odor, algae, etc.).

Obtain information on the vehicle dumping the waste (if applicable).

Do not approach!

Call *CSP for illicit dumping.

If possible, take a photo, record a license plate.

REMEMBER:

Never get too close to the illicit discharge, it may be dangerous!!!

For more information on CDOT Utility Permits:

<https://www.codot.gov/business/permits/utility/specialuse>

For more information on CDOT Access Permits:

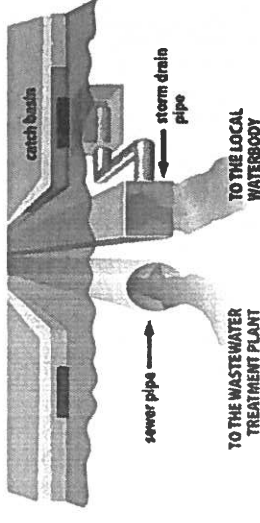
<https://www.codot.gov/business/permits/access/permits>

For more information on CDOT Water Quality Program:

Water Quality Program Manager
4201 E. Arkansas Ave.
Shumate Building
Denver, Colorado 80222
303-757-9343

Water Quality Program Industrial Facilities Program

CDOT has a Municipal Separate Storm Sewer System permit, otherwise known as (MS4) from the Colorado Department of Public Health and Environment. The permit states that only stormwater can be discharged from CDOT's storm drain system



As part of the permit, CDOT has several different programs to prevent pollutants from entering into the storm drain system:

- Construction Site Program
- New Development Redevelopment Program
- Illicit Discharge Program
- Industrial Facilities Program
- Public Education and Outreach Program
- Pollution Prevention and Good Housekeeping Program
- Wet Weather Monitoring Program



CDOT defines a utility, or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting or distributing the following:

- ✓ Communications
- ✓ Cable television
- ✓ Power
- ✓ Electricity
- ✓ Light
- ✓ Heat Gas
- ✓ Oil
- ✓ Crude Products
- ✓ Water
- ✓ Stream
- ✓ Waste
- ✓ Stormwater not connected with highway drainage
- ✓ Similar Commodity

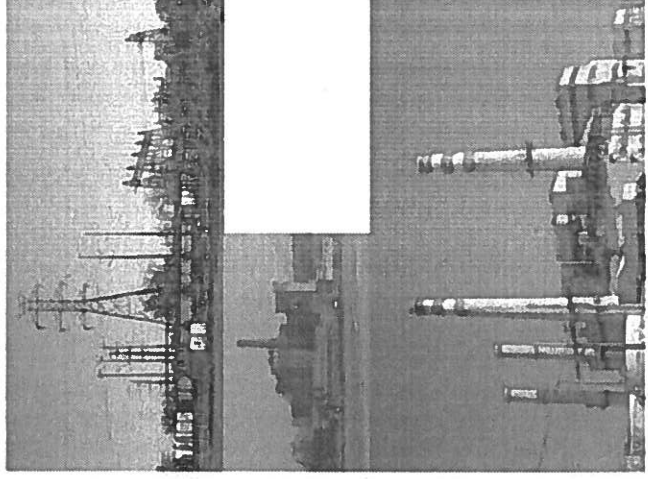
Industrial Facilities Program Elements:

1. Educate and outreach to owners or operators that have potential to contribute substantial pollutant to water.
2. Report and include information on discharge and water quality concerns. Provide written notification within 15 days of discovery to **ODPHE**.
3. Submit an annual report to **ODPHE** containing the number of informational brochures distributed; name and title of each individual trained.

Education

There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at:

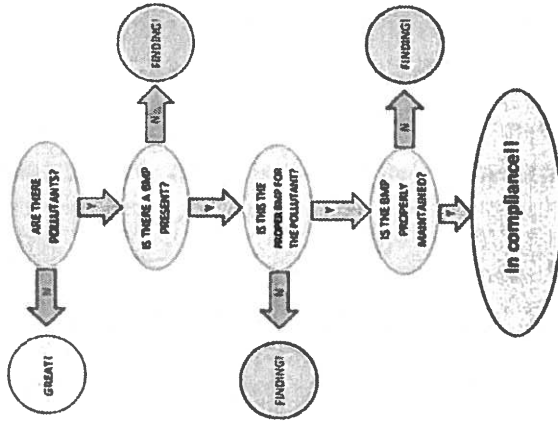
<http://www.coloradodot.info/programs/environmental/resources/guidance-standards/Environmental%20Clearances%20Info%20Summary.pdf>

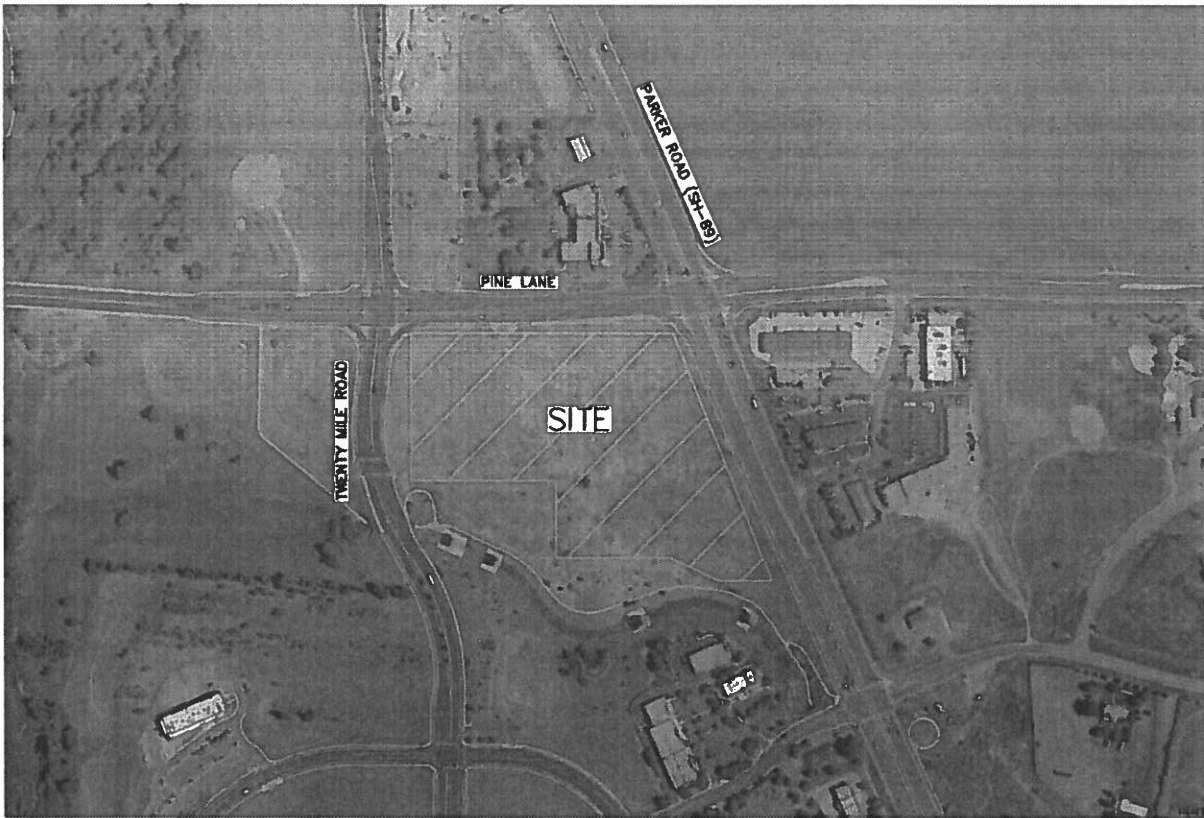


Control Measures for Industrial Facilities

Industrial facilities can use control measures (CM) otherwise known as Best Management Practices (BMP) during the construction of a facility and when operating the facility. Control measures are schedules of activities, maintenance procedures, and other management practices to prevent and reduce pollution entering into CDOT's storm drain system. Control Measures also include treatment, operating procedures, and practices to control site run off which can include structural and non-structural controls.

THE GAUNTLET





PARKER AND PINE
PARKER ROAD & PINE LANE
SITE AREA

FIGURE 2

CDOT WEEKLY OCCUPANCY REPORT FOR THE WEEK OF:		Prepared By:	
Highway No:	Region: 1	Permit #	
Location Description:		Brief Description of Permit:	
Start Date:		End Date:	
CDOT Permit Inspector:		Phone:	Mobile:
Contractor (Prime):		Phone:	Mobile:
TCS Contractor:		Phone:	Mobile:

DAY	DATE	TIMES	MM# to MM#	Direction	LANE(S) CLOSED	DESCRIPTION OF WORK
SUN				N S E W		
MON				N S E W		
TUE				N S E W		
WED				N S E W		
THU				N S E W		
FRI				N S E W		
SAT				N S E W		

If There Is A Lane Closure, How Long Will The Same Lane Closure Be In Effect?

This form must be complete in its entirety, if there are no lanes closed please put appropriate location in the Lane(s) Closed column. Example: Shoulder Work, Median Work.

This form must be filled out and submitted to the appropriate permit coordinator via email by the close of business (COB) Wednesday, the week prior to the scheduled work.

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

- Instructions:**
- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
 - Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
 - Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
 - Submit an application for each access affected.
 - If you have any questions contact the issuing authority.
 - For additional information see CDOT's Access Management website at <https://www.codot.gov/business/permits/accesspermits>
- Please print or type**

1) Property owner (Permittee) EVT Parker Colorado, LLC., C/O Eisenberg Company		2) Applicant or Agent for permittee (if different from property owner) Dan Skeeahan, P.E.								
Street address 2710 E. Camelback Road, Suite 210		Mailing address 4582 S Ulster Street, Suite 1500								
City, state & zip Phoenix, AZ 85016	Phone # 602.468.6100	City, state & zip Denver, CO 80237	Phone # (required) 303.228.2318							
E-mail address ryan@ramatopc.com and polly@eisenbergcompany.com		E-mail address if available dan.skeeahan@kimley-horn.com								
3) Address of property to be served by permit (required) None assigned										
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:12.5%;"><small>county</small> Douglas</td> <td style="width:12.5%;"><small>subdivision</small> Parker Auto Plaza</td> <td style="width:12.5%;"><small>block</small> 3</td> <td style="width:12.5%;"><small>lot</small> 1</td> <td style="width:12.5%;"><small>section</small> 16</td> <td style="width:12.5%;"><small>township</small> 6S</td> <td style="width:12.5%;"><small>range</small> 66W</td> </tr> </table>				<small>county</small> Douglas	<small>subdivision</small> Parker Auto Plaza	<small>block</small> 3	<small>lot</small> 1	<small>section</small> 16	<small>township</small> 6S	<small>range</small> 66W
<small>county</small> Douglas	<small>subdivision</small> Parker Auto Plaza	<small>block</small> 3	<small>lot</small> 1	<small>section</small> 16	<small>township</small> 6S	<small>range</small> 66W				
5) What State Highway are you requesting access from? SH-83		6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W								
7) How many feet is the proposed access from the nearest mile post? 1900 feet <input type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: 61		How many feet is the proposed access from the nearest cross street? 490 feet <input type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: Fine Lane								
8) What is the approximate date you intend to begin construction? 6/1/2020										
9) Check here if you are requesting a: <input type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: _____) <input type="checkbox"/> improvement to existing access <input checked="" type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)										
10) Provide existing property use Vacant land										
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____										
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe: _____										
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.										
14) If you are requesting agricultural field access - how many acres will the access serve? N/A										
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.										
<small>business/land use</small> Day Care Center	<small>square footage</small> 13000	<small>business</small> Fast Food Restaurant w/ Drive Thru	<small>square footage</small> 6000							
Shopping Center	17000	Car Wash and Gas Station with Store	8210							
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?										
<small>type</small> Mid-Rise Multi-Family Residential	<small>number of units</small> 175	<small>type</small>	<small>number of units</small>							
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.										
Indicate if your counts are <input checked="" type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.		<small># of passenger cars and light trucks at peak hour volumes</small> 188	<small># of multi unit trucks at peak hour volumes</small> 0							
<small># of single unit vehicles in excess of 30 ft.</small> 4	<small># of farm vehicles (field equipment)</small> 0	Total count of all vehicles 192								

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- | | |
|--|---|
| a) Property map indicating other access, bordering roads and streets. | e) Subdivision, zoning, or development plan. |
| b) Highway and driveway plan profile. | f) Proposed access design. |
| c) Drainage plan showing impact to the highway right-of-way. | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies. |
| | i) Proof of ownership. |

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/ procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.


Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <https://www.codot.gov/business/civilrights/ada/resources-engineers>

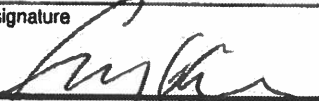
If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature 	Print name Dan Skeeahan, P.E.	Date 3/12/2020
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If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature 	Print name Craig F. Eisenberg	Date March 13, 2020
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