

APPLICATION & PERMIT FOR THE OCCUPANCY & USE OF STATE HIGHWAY RIGHT-OF-WAY

Application date _____, **20**_____

POLICE CHECKLIST: ITEMS 1 THRU 5.

Pursuant to the provisions of Chapter 264, Hawaii Revised Statutes as amended, application is hereby made to perform the following work, activity, or event, upon the state highway described below and at the location(s) specified below and at no other place.

1. Name of Highway _____ **Route # /Section** _____

2. Locations or limits on said highway _____

3. Description of work, activity, or event to be performed

() Engineering Survey () Maintenance () Inspection () Landscaping () Other

4. Dates between which work, activity, or event will be performed: _____

5. General Conditions

- a. No digging or disturbing of the highway will be permitted under this permit.
- b. The work, activity, or event may be performed only during off-peak hours unless otherwise approved in writing. Peak hours are from 6:00 AM to 8:30 AM and from 3:00 PM to 6:00 PM, Monday through Friday excluding State Holidays.
- c. All lanes shall be open to traffic during the hours from 6:00 AM to 8:30 AM, during the hours of 3:00 PM to 6:00 PM, and when no work is being done under this permit. Only one lane of traffic may be closed at any other time unless otherwise approved in writing.
- d. Parking permitted only in designated areas for vehicles actively engaged in, or loading or unloading materials for, the specified work, activity, or event. Unattended vehicles will not be permitted.

6. Special Conditions and/or Restrictions _____

7. Submittals Required

- a. () Traffic Control Plan (whenever there are lane closures)
- b. () Approved Landscaping Plan: It is agreed that upon final acceptance of the approved landscape work by the State, all improvements placed on said premises shall be and remain the property of the State and may be removed or otherwise disposed of by the State at any time.
- c. Proof of State Indemnity
 - Certificate of Insurance naming State of Hawaii as an additional insured, having minimum coverages for Bodily Injury or Death Per Person; Bodily Injury or Death Per Accident: and Property Damages Per Accident of:
 - () \$100,000, \$300,000, and \$500,000 respectively; or
 - () combined single limit of \$500,000
 - () Certificate attached or with Permit No. _____
 - () Federal Non-Liability Clause (See Item 11 on the back of this permit)
 - () Waived
- d. () Permit Fee \$_____ (make check payable to Dept. of Transportation, State of Hawaii)

The applicant hereby agrees that any agreement heretofore made or hereafter to be made, and the covenants and conditions stated on the reverse side hereof shall be binding upon him, his heirs, personal representatives, successors, contractors, and assigns.

APPLICANT: _____
(Name or owner, whether individual firm, partnership, corporation, governmental agency, etc)

ADDRESS: _____

TELEPHONE NUMBER: _____

(Print Name & Title of Applicant or Authorized Rep.)

(Signature)

PERMIT NO. _____ **DATE** _____, **20**_____

Permission to perform the above described work, activity, or event at the location(s) stated and between the dates set forth in said application is hereby granted. The applicant shall notify the issuing office in writing at least 24 hours before commencing work.

Director of Transportation or Authorized Representative

IN CONSIDERATION OF A PERMIT BEING ISSUED TO THE APPLICANT, THE APPLICANT HEREBY AGREES AS FOLLOWS:

Rules & Regulations

1. To observe and comply with and cause all his agents, servants, and employees to observe and comply with all existing laws, ordinances, and regulations.
2. To install, provide, and maintain all traffic control devices in accordance with the Administrative Rules Governing the Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways as adopted by the Director of Transportation, and the FHWA Manual on Uniform Traffic Control devices for Streets and Highways, Part VI, Traffic Controls for Highway Construction and Maintenance Operations.
3. To safeguard and facilitate the movement of vehicular and pedestrian traffic in accordance with the Administrative Rules Governing the Design, Construction, and Maintenance of Public Streets and Highways as adopted by the Director of Transportation; to place signs or barricades informing motorists or pedestrians of work to be done in a safe manner and remove same upon completion of work.

Workmanship: Responsibility

4. To diligently prosecute the work, activity, or event to completion, in a neat and workmanlike manner, within the dates and conditions set forth under said permit so as to minimize any inconvenience or interference to the public or traffic movements.
5. To remove all equipment and unused material upon completion of the work, activity, or event, repair any damages and leave the surface in a clean, safe, usable, and presentable condition.
6. To make, for a period of one (1) year after the expiration date of this permit, any necessary repairs to highway facilities disturbed and/or caused by the work, activity, or event performed under said permit; or to pay the actual cost of such repairs made by the Department of Transportation.
7. To make all repairs in such manner as may be required by Chapter 264, Hawaii Revised Statutes.

State Indemnity

8. To protect, defend, indemnify and save harmless, the state and its agents and representatives against any claim, liability, suit, or action of every manner and description, for any injury to or death of persons or for property damage, whenever such injury, death, or damage shall be inflicted or caused by him, his agents, contractors, or representatives in connection with the work, activity, or event covered by said permit.
9. To procure, at his own expense, and keep in force at all times when the work, activity, or event permitted under said permit is being done, a policy or policies of public liability and property damage insurance, naming the State as additional insured, covering the work, activity, or event to be done under said permit and for at least the minimum coverages set forth on the reverse side hereof. The State is to be given 30 days written notice of cancellation of said insurance.
10. To supply evidence satisfactory to the State that the required insurance has been procured and is in force prior to commencing the work, activity, or event approved under said permit.
11. If the death or injury to any person, or the loss or damage to any property, is caused by the United States Government in the course of its use of the property, the liability, if any, of the U.S. Government thereof shall be determined in accordance with the applicable provisions of the Federal Tort Claims Act (62 Stat. 869,982; 28 USC 2671-2680).

Nondiscrimination Covenants

12. No person on the grounds of race, color, religion, sex, or national origin shall be excluded from participating in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
13. In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, religion, sex, or national origin shall be excluded from participating in, denied the benefits of, or otherwise be subjected to discrimination.
14. The applicant shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulation, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.

Agreements

15. Any State highway representative or police officer has the right to stop any or all of the work or activity being performed under this permit if the work or activity is being conducted in an unsafe or unauthorized manner. The work or activity will not be allowed to continue until the deficiency has been corrected.
16. To surrender the permit herein applied for and surrender all rights thereunder whenever notified to do so by the State. The State may cancel this permit at any time.
17. To keep a copy of said permit available for exhibit upon request of any representative of the Department of Transportation or police officer.