



LEXINGTON COUNTY DEPARTMENT OF PUBLIC WORKS

Permit Number: _____

ENCROACHMENT PERMIT APPLICATION

Applications may be submitted digitally to encroachmentpermit@lexingtoncounty.sc.gov or hand delivered to 440 Ball Park Rd. Lexington, SC 29072.

Permittee: _____

Road Name: _____

Address: _____

TMS#: _____

Email: _____

Phone: _____

The undersigned applicant hereby applies to the Lexington County Department of Public Works, hereinafter referred to as "LCPW," for a permit for encroachment on County road right-of-way as shown and described below:

1. Type of Encroachment: _____

2. Physical Address of Encroachment: _____

3. Description of Encroachment: (Attach sketches/plans indicating type, size, depth, and length of pavement or shoulder cuts and other characteristics adequate to fully describe the conduits, cables, structures, or appurtenances being installed. Include roadway features such as pavement width, shoulder width, sidewalk, and curb and gutter location, significant drainage structures, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline or edge of pavement, and nearest intersecting road.)

The undersigned applicant hereby requests LCPW to permit encroachment on the County 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 General Provisions for Encroachment, as amended and special provisions below or attached hereto during the installation, operation and maintenance of said encroachment within the County right-of-way. The applicant hereby further agrees, and binds his heirs, successors, assigns, to assume any and all liability that LCPW might otherwise have in connection with accidents or injuries to persons or damage to property, including the roadway, that may be caused by the construction, maintenance, use moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify LCPW for any liability incurred or injury or damage sustained by reason of the past, present, or further existence of said appurtenances.

This permit does not relieve the Applicant/Permittee from securing any and all other permits required from Federal, State, or local entities exercising jurisdiction over the size, type, or location of work permitted herein. This permit is null and void if Applicant/Permittee fails to secure all appropriate permits.

In compliance with your request and subject to all provisions, terms and conditions and restrictions stated in the application and the General Provisions for Encroachment, attached hereto, LCPW approves the request. Permit shall become null and void unless the work contemplated herein shall have been started within 90 days of the approval date. Permit for work described herein expires six (6) months from the approval date.

Print Applicant Name: _____

Date Requested: _____

Applicant Signature: _____

Title: _____

LCPW Approval by: _____
For the County Engineer

Date: _____

General Provisions for Encroachment

1. For the purpose of this permit, Lexington County Department of Public Works shall be referred to hereinafter as "LCPW."
2. **NOTICE PRIOR TO STARTING WORK:** Before starting the work contemplated herein within the limits of the roadway right-of-way, LCPW should be notified sufficiently in advance so that a representative may be present while the work is underway. Notice to LCPW prior to starting backfilling operations is mandatory.
3. **APPLICANT:** The Permittee responsible for the construction or other activity.
4. **PERMITTEE:** For the purpose of this permit, the word Permittee shall mean the utility company, individual property owner, person, firm or corporation responsible for the on-going maintenance of the disturbed areas, pipes, conduits, or other encroachments and their appurtenances installed within County rights-of-way.
5. **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 LCPW or law enforcement officer on demand.
6. **PROTECTION OF ROADWAY TRAFFIC:** Adequate provisions shall be made for the protection of the roadway traffic at all times. Necessary detours, barricades, warning signs, and watchmen shall be provided by, and at, the expense of the Permittee. The work shall be planned and carried out so that there will be the least possible inconvenience to the roadway traffic. The Permittee agrees to observe all rules and regulations of LCPW while carrying on the work contemplated herein and take all other precautions that circumstances warrant. Ref: Sections 5 and 6 of the Manual on Uniform Traffic Control Devices for Streets and Highways.
7. **STANDARDS OF CONSTRUCTION:** All work shall conform to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way," "Standard Specifications for Highway Construction," and the "Lexington County Land Development Manual," latest editions, or as otherwise approved by the County Engineer. Adequate provisions shall be made for maintaining the proper drainage of the highway. All work shall be subject to LCPW's supervision and satisfaction.
8. **FUTURE MOVING OF ENCROACHMENT:** If, in the opinion of LCPW, it should ever become necessary to move or remove the encroachment, or any part thereof, contemplated herein, on account of change in location of the roadway, widening of the roadway, or for any other sufficient reason, such moving or removing shall be done at the request of LCPW at the expense of the Permittee. If and when the encroachment contemplated herein shall be moved or removed, either at the request of LCPW or at the option of the Permittee, the roadway and facilities shall immediately be restored to their original condition at the expense of the Permittee.
9. **COSTS:** All work in connection with the construction, maintenance, moving or removing of the encroachment contemplated herein shall be done by and at the expense of the Permittee. The Permittee shall be responsible at any time in the future for any and all damage of the roadway facilities or other permitted encroachments that occur as a result of this installation.
10. **PERMISSION OF ABUTTING PROPERTY OWNERS:** It is distinctly understood that this permit does not in any way grant or release any rights unlawfully possessed by the abutting property owners. Any such rights necessary shall be secured from said abutting property owners by the Permittee.
11. **LIABILITY:** Permittee assumes the sole responsibility for the safety and protection of the premises and of the employees and other persons and assumes liability for any injury or damage occurring on account of the performance of work under this encroachment permit, whether due to negligence, fault or default of Permittee or not. Such liability of Permittee under this encroachment permit is absolute and is not dependent upon any question of negligence on its part or on the part of its agents, servants, or employees, and neither the approval by the engineers or the County Engineer of the methods of doing the work nor the failure of the engineers or the County Engineer to call attention to improper or inadequate methods or to require a change in methods, nor the neglect of the engineers or the County Engineer to direct the Permittee to take any particular precautions or to refrain from doing any particular thing shall excuse the Permittee in case of any such injury to person or damage to property.
12. **INDEMNITY AGAINST LIABILITY:** Permittee shall indemnify Lexington County, its agents, officials, and employees against all injuries, deaths, loss, damages, claims, suits, liabilities, judgments, costs, and expenses that may in any way accrue against Lexington County in consequence of the granting of this encroachment permit or that may in any way result from that grant, whether or not it shall be alleged or determined that the act was caused through negligence or omission of the Permittee or the Permittee's employees, of the subcontractor or subcontractor's employees, if any, and the Permittee shall, at Permittee's own expense, appear, defend, and pay all charges of attorneys and all costs and other expenses arising from or incurred in connection with that activity, and, if any judgment shall be rendered against Lexington County in any such action, the Permittee shall, at Permittee's own expense, satisfy and discharge that judgment.
13. **REVOCATION:** LCPW reserves the right, at any time, to cancel the permit should the Permittee fail to comply with the terms and conditions under which it was granted.

Initial: _____



COUNTY OF LEXINGTON

Public Works Department

Encroachment Permit Checklist



Project Name: _____ Date Submitted: _____
Project Location: _____ Date Reviewed: _____
Encroachment Type: _____ Reviewed By: _____
Engineer/Applicant Name: _____ Design Firm: _____

The following checklist is provided as a tool to verify that all necessary documentation is included in the submittal. Some items may not apply to certain encroachment types.

Signed Permit Application - the Applicant is required to input their information, print, sign, and send the document as a pdf to LCPW

Complete Set of Site/Construction Plans – Site Plan, Existing Conditions/Demolition Plan, Sediment and Erosion Control Plans, Grading and Drainage Plan, Roadway Plan, Profiles, Standard Drawings, Pavement Design, Pavement markings and Signage etc. (PE Signed and Sealed)

Plans to Scale

Adequate Roadway Information (Name, Road Number, Posted Speed Limit, Road Ownership, Right of Way, Adjacent Property Information, etc.)

Roadway improvements, including modifications to County roads, must be fully detailed in the plans and comply with Lexington County and SCDOT design criteria. Refer to Chapter 22 of the SCDOT Roadway Design Manual for required information and sheet details, including horizontal, vertical, and cross-section design components.

Right of Way Requirements - Any development encompassing existing County Roads which do not have the standard 50 foot right of way shall dedicate this standard 50 foot width, or 25 feet on the side to be developed, to Lexington County per the Lexington County Land Development Manual (LDM) Section 10.3.1.2. Collector and commercial roads will require 33 feet on the side to be developed or 66 feet of total right of way.

Driveway Spacing – Show dimensions measured edge to edge from proposed driveway to nearest driveways and intersections on both sides of the roadway. (Figure 3-7, SCDOT ARMS Manual)

Dimensions of all proposed Driveway Features (radii, width, throat length etc.) (Chapter 3, ARMS) Intersection radii meet the minimum of 25 feet. Commercial intersections and/or driveways with higher percentages of nonpassenger vehicle traffic must design the radii per the AASHTO Policy on Geometric Design Section 9.6.1.4.

Pavement Marking and Signage Plan (Per SCDOT/MUTCD standards)

Actual Intersection Sight Distance Triangle Shown (Left and Right) on the plans at each requested Driveway (Figure 7-23, ARMS). Any obstruction blocking a sight line will be the applicant's responsibility to remove. The applicant will be required to obtain easements for the removal of obstructions on adjacent properties insuring that no obstruction will ever be in that line of sight. These easements shall be recorded in your final plat. Obstructions may include but not limited to roadside vegetation, signs, Utilities, or landscaping on adjacent right of way or private property. Sight line profiles may be required after the initial review by the County Engineer or his representative if obstructions warrant.

Pavement Design - Adequate asphalt section detail in accordance with Lexington County Guidelines for pavement section.

Driveway Profile (Figure 3-4, ARMS) - Show all utility line crossings on profile. Proposed **Roadway Profiles** must be designed to Figure A-6, ARMS.

Stormwater and Erosion Control Plans with existing and proposed drainage features and structures. All storm drainage pipes within the County Right of Way shall be reinforced concrete pipe.

New storm drainage pipes and structures tying to an existing County system will be privately maintained by the property owner. The following note shall be included on all plan sheets and recorded on the final plat. "Structure(s) *name/number* will be owned and maintained by *owner name* by way of encroachment in the Lexington County Right of Way."

Current Applicable Lexington County, SCDOT, SCDES, Municipal, Utility, and other Standard Drawings and Details - Lexington County Open Cut Repair for Asphalt Pavement is shown and referenced as needed. Reach out to LCPW for drawing.

Traffic Control Plan and Details - In accordance with SCDOT Standard Drawings Sections 601 - 610.

Utility installation must also include the following

Details of pipes and sizes

Boring and trenching details

Utilities shown at a minimum depth of 36 inches below the asphalt surface course for County maintained roads

Utilities shown at a minimum of 5 feet from the edge of pavement

Drainage Statement with Summary Table (PE Signed and Sealed) providing evidence of **ZERO increase to the Lexington County Right of Way** (Chapter 10, ARMS)

Pre and Post development discharge rates for 2, 10, and 25 year storms

Drainage Calculations - To include inlet/gutter spread calculations for inlets near or in the Lexington County right of way. Driveway culverts are to be designed to the 25 year storm. Show that crossline culverts can handle the 100 year storm without overtopping the roadway.

Traffic Impact Study (TIS) to be provided for developments greater than 100 units on a County maintained road or other guidelines in Table 6-10, ARMS. TIS requirements will follow Section 6B, ARMS)

Requirements for Paving Existing Non-Paved County Maintained Dirt Roads

Commercial Development: When developing a commercial property off of a County maintained dirt road, the developer must pave the existing dirt road to Lexington County standards to the nearest paved intersection. The pavement must not stop on a upslope hill, but must continue to the top of the hill to prevent dirt washing on to the paved portion of the roadway. See LDM Section 10.3.1.3.

Subdivision Development: Developers must pave the dirt road to County standards, covering the entire subdivision frontage up to the nearest paved intersection. The pavement must not stop on a upslope hill, but must continue to the top of the hill to prevent dirt washing on to the paved portion of the roadway. Subdivisions with less than 10 lots may apply for an exemption. See LDM Section 10.3.1.5.

Checklist Certification

Engineer/Applicant

Signature: _____

Date: _____