ACCESS MANAGEMENT PLAN

FOR THE

FOLEY-BEACH EXPRESS

TOLL BRIDGE PROJECT
BALDWIN COUNTY, ALABAMA

MAY 1999

Prepared for the

BALDWIN COUNTY BRIDGE COMPANY

By

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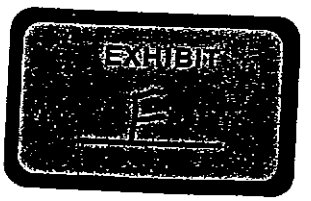

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FOLEY-BEACH EXPRESS

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ACCESS MANAGEMENT PLAN
FOLEY-BEACH EXPRESS

I. INTRODUCTION

Access Management is the practice of managing the location, number and spacing of connections, access units, median openings, and traffic signals on the highway system. Research and practical experience over the last 20 years shows that Access Management can lead to a significant increase in safety and capacity.

To clearly define initial and future access unit points (access from private property to the adjacent roadway) along the Foley-Beach Express project (the "Project"), this Access Management Plan (AMP) has been developed. This AMP addresses openings along the 13.5 mile distance of the Project caused by intersections with State, County and local roads, and private property owners, and sets the criteria for determining the suitability of future access units.

A toll bridge and roadway will be constructed by the Baldwin County Bridge Company (BCBC) and the City of Foley, extending from SR 180 north to SR 59 in Baldwin County, Alabama crossing the Gulf Intracoastal Waterway (GIWW). The toll bridge and approximately the first six miles of the roadway (SR 180 to CR 20) will be constructed by BCBC. In addition, a seven-and-one-half mile, four-lane section will be built from the northern terminus of the BCBC Project to SR 59 by the City of Foley. This road will remain the sole property of the City of Foley.

The toll bridge and adjacent one-half mile of the Project roadway will remain sole property of BCBC; however, the remaining roadway, being approximately five and one-half miles, will be gifted to Baldwin County. Figure 1 shows the proposed alignment for the Foley-Beach Express.

The landowners along the Project will gift their land to create the right-of-way and have agreed to the AMP by signing a Dedication Agreement. The AMP is practical in its design and balances the Project's traffic management needs, while planning for the orderly growth and expansion of future land developments and their access requirements. All property owners and/or occupants of abutting lands and other persons having access rights to and from the Project agree to do so according to the AMP as defined herein.

II. DEFINITIONS

The following words and terms, when used in this AMP, shall have the following meanings unless the context clearly indicates otherwise:

Access application means a document submitted to the Permitting Agency to initiate the access permit process.

Access level means the allowable turning movements to and from access points on a State highway segment based on the highway access classification.

Access Management Classification means an identification system for regulating access, based on function, environment, and traffic characteristics. The access classification system is applicable to all streets and highways within the Project. A change in the function, surrounding environment, characteristics, speed limit, or desirable typical section may be a basis for changing the access classification and associated access level.

Access Management Plan is the practice of managing the location, number and spacing connections, median openings, and traffic signals on the Project.

Access Unit means the property access to the Project including its intersections with the road and associated Speed Change Lanes. The design of an access unit whereby land owners whose land abuts the Project and have a minimum frontage of 1,320 feet (1/4 mile section) will use to access the Project from their respective properties. These designs are specifically displayed as Exhibits A through E.

Applicant means a private party or entity, municipality, county, or any public agency applying for an access permit. The applicant shall own the lot where the access is sought.

Auxiliary lane means a lane striped for use, but not for through traffic use.

Average Daily Traffic (ADT) means the highest estimated two-way traffic volume using a roadway facility during a 24-hour period.

Component factors means the road; right-of-way; grading, surface, and subsurface drainage provisions; curbs, gutters, catch basins, foundations, shoulders and slopes, wearing surfaces, bridges, culverts, retaining walls, intersections, private entrances, guide rails, trees, illumination, guideposts and signs, ornamentation, and monuments.

Connector means a road, driveway, or deeded access or other means of providing a right of access to and from the Project.

Corner clearance means the distance along the curbline between the point of curvature of the corner radius and the point of curvature of the nearest curbline opening at an intersection.

County Road (CR) means a road taken over by, controlled by, built by, maintained by, or otherwise under the jurisdiction of the Baldwin County.

Dedication Agreement means an agreement whereby a landowner agrees to give land to Baldwin County or the City of Foley in exchange for access to the Foley-Beach Express.

Directional Median Opening means an opening in a restrictive median which provides for U-turn only, and/or left-turn in movements. Directional median openings for two opposing left or "U-turn" movements along one segment of road are considered one directional median opening.

Distance between driveways means the distance measured along the curbline between curbline openings of two adjacent driveways.

Driveway means a private roadway providing access to a street or highway. A driveway is not a road, street, boulevard, highway, or parkway.

Foley-Beach Express - a toll bridge and four-lane roadway extending from SR 180 to SR 59 in Baldwin County, Alabama.

Frontage means the length along the highway right-of-way line of a single lot between the side lot lines.

Full Median Opening means an opening in a restrictive median design to allow all turning movements to take place from both the state highway and the adjacent connection.

Grandfathered Access - these are access situations whereby roads, driveways, deeded access existing before the date of the agreement or the first day of construction of the Project, will intersect or connect to these roads, driveways, or deeded accesses. In such event, the existing roadway is deemed to be "grandfathered" and the design of such intersections or connections will be performed by the engineers for the BCBC and the City of Foley.

Interchange means a grade-separated, bridged, system of access to and from highways where vehicles may move from one roadway to another without crossing mainline streams of traffic.

Intersection means an at-grade crossing of a local, county or state road with the Project.

Level of Service (LOS) means a description of traffic conditions along a given roadway or at a particular intersection. The level of service ranges from "A" which is the best, to "F" which is the worst. It reflects factors such as speed, travel time, freedom to maneuver, traffic interruptions, and delay. The "1985 Highway Capacity Manual" Special Report 209 has a detailed description of this concept.

Local road means the access classification for roads whose purpose is to provide direct access to abutting land and roads of higher classification. Mobility is lower than for other classifications and through movements are discouraged, especially in urban areas.

Lot centerline means the mid-point of the Project frontage of a lot. For partial denial of access lots, the lot centerline is presumed to be the point of beginning or ending of the denial of access.

Lot means a single tax map parcel or two or more tax lot parcels which are in common ownership, have a unity of use and are contiguous. All land adjacent to the Project is considered to be part of a lot.

Modification of access means changes to access in conjunction with the implementation of a highway improvement project, which results in changing the number of access points, changing the width of an access point by more than five feet, or changing the location of an access point by more than 10 feet.

Peak hour means the 60 consecutive minutes during which the highest traffic volume occurs along a roadway or through a driveway.

Permittee means the owner of a lot which has an access permit or the municipality or county having a permit for a street.

Permitting Agency means the City of Foley or Baldwin County jurisdiction authorized to regulate access to the Project.

Planned Controlled Access - is a transportation facility in which access is regulated by the owners of the facility, namely the City of Foley and Baldwin County, owners and occupants of abutting lands and other persons having a right of access to and from the Project at points and in such a manner as is allowed in Section III.

Public utility means every individual, co-partnership, association, corporation, or joint stock company, their lessees, trustees, or receivers appointed by any court, owning, operating, managing or controlling within the State of Alabama a railroad, canal, express, subway, pipeline, gas, electric, light, heat, power, water, oil, sewer, telephone, telegraph system, plant, or equipment for public use under privileges granted by the State or any political subdivision thereof.

Reasonable Access means the minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the Project based on the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use. The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the Permitting Agency's review of the connection permit application.

Reconstruction means the rebuilding of an existing improved road or access point, involving changes to its configuration.

Reduced Access Unit - the design of an access unit whereby landowners whose land abuts the Project and has less than 1,320 feet of frontage will use to access the Project from their respective properties as recommended by the Traffic Consultant and approved by the Permitting Agency.

Restrictive Median means the portion of a divided highway or divided driveway physically separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/or island, and a grassed or a-swaled median.

Revocation means termination of an access permit by the Permitting Agency after a determination that alternative access is completed and available for use.

Right-of-way means highway property and property rights, including easements, owned and controlled by the Project.

Road means a highway other than a street, boulevard, or parkway.

Route means a highway or set of highways including roads, streets, boulevards, parkways, bridges, and culverts needed to provide direct transportation between designated points.

Segment means the portion of the Project between the closest existing traffic signals on each side of or along the frontage of the applicant's lot.

Service Road means a public or private street or road, auxiliary to and normally located parallel to a controlled access facility, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to the controlled access facility.

Shared driveway or **shared access** means a single driveway serving two or more adjoining lots. A shared driveway may cross a lot line, enabling a lot without direct highway access to have access to the Project.

Shoulder means the portion of the roadway that lies between the edge of the traveled way and curbline, excluding auxiliary lanes.

Signal spacing means the distance between traffic signals along a roadway.

Significant increase in traffic means vehicular use exceeding the previously anticipated two-way traffic generated by a lot by:

1. 100 movements during the peak hour of the highway or the development; and/or
2. 10 percent of the previously anticipated daily movements.

Site means the lot which is the subject of an access application or permit.

Speed-change lane means an auxiliary lane, deceleration lane, or acceleration lane, including tapered areas, primarily for the deceleration or acceleration of vehicles entering or leaving the through traffic lanes.

State Road (SR) means the network of limited access and controlled access highways that have been functionally classified and which are under the jurisdiction of the State of Alabama.

Traffic Consultant means a professionally recognized firm with toll facility and/or traffic engineering experience in highway capacity/level of service analyses and access management to review all applications for connectivity to the Project.

Traffic Impact Study means a report analyzing anticipated roadway conditions with and without an applicant's development. The report includes an analysis of mitigation measures and a calculation of fair share financial contributions.

Traffic growth rate means the rate at which traffic volumes are projected to increase over a period of time. It is expressed as a percentage that is compounded annually.

Traffic signal means an electrically operated device that assigns time to conflicting transportation movements.

Traveled way means the portion of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Two-lane highway means a highway consisting of two traffic lanes (one per direction).

Undivided highway means a highway having access on both sides of the direction of travel.

US means Alabama State Route with "U.S." route designation.

V/C ratio means a fraction the numerator of which is the number of vehicles passing a given point in a unit of time and the denominator of which is the theoretical capacity of the roadway at that point for the same unit of time.

Vehicle trip means a car moving from an origination point to a destination point.

Waiver means the Permitting Agency's intentional relinquishment of its right to wholly enforce provisions of the AMP. Waivers may either reduce or eliminate requirements.

Weaving means the crossing of two or more traffic streams traveling in the same general direction along a significant length of highway, without the aid of traffic control devices. Weaving areas are formed when a merge area is closely followed by a diverge area, or when an entrance ramp is closely followed by an exit ramp and the two ramps are joined by an auxiliary lane.

III. ACCESS MANAGEMENT PLAN (AMP)

The AMP is designed to control vehicle ingress to, and egress from, the Project. The implementation of a classification system and standards is intended to protect public safety and general welfare, provide mobility of people and goods, and preserve the functional integrity of the Project. This section provides a set of standards, and policies and procedures that shall be the basis for connecting future land development to the Project.

A. Access Standards

As mentioned in the introduction, the Project passes through two separate permitting jurisdictions (City of Foley and Baldwin County) that have varied constituent access requirements. The six-miles of right-of-way being developed by BCBC between SR 180 and CR 20 will be built without median openings for developments along this corridor section, with the exception of median turn-around areas. Therefore, "only right turns" to and from private properties will be permitted in the Project section built by BCBC, except for those locations being grandfathered.

The seven and one-half miles of the Project being built by the City of Foley will permit left turns to and from private developments through median openings. The City of Foley will adopt this AMP and enforce it as a local ordinance.

A professionally recognized Traffic Consultant with toll facility and/or traffic engineering experience in highway capacity/level of service analyses and access management, to be picked by the Permitting Agency in question, will review all applications for connectivity to the Project. The Traffic Consultant will render opinions about the placement, capacity, and the safety of access units and median openings along the Project. The decision of the Traffic Consultant will be enforced by each Permitting Agency and no permits will be issued unless all the specifications of the AMP, as interpreted by the Traffic Consultant, are adhered to by the developer.

The following Access Management Standards were developed to meet current and future connections with the Project:

1. Median openings to facilitate intersections with State, County, and local roads are given "Grandfathered Access" points connecting to the Project. In addition, median access south of CR 20 will also be grandfathered. These median accesses are displayed as Exhibit F of this document. All Grandfathered access points will be incorporated in the plans and specifications provided by the BCBC to Baldwin County and the City of Foley. These locations may include but are not limited to US 98, CR 28, CR 20, CR 12, Doc McDuffie Road, Roscoe Road and Woerner Road.

2. Project access connections south of CR 20 governed by Baldwin County are restricted to right turns only. Median turn-around areas will be built so that motorists can change their direction of travel.

3. Project access connections north of CR 20 governed by the City of Foley permit right and left-turn movements to and from private property, immediately upon completion of the construction project. Left-turn movements are permissible and may not require signalization based on the Traffic Consultant's recommendation that estimated traffic from the proposed development will not meet the warrants for such a control.

4. Only one access unit is permitted for every 1/4 mile (approximately 1,320 feet) of frontage connecting to the Project. An access unit consists of a driveway opening, an acceleration lane, and a deceleration lane. The access unit must be contained within the property's frontage to prevent encroachment of adjoining properties access units. Exhibits A through E show typical access units for varied rights-of-way widths and varied frontage dimensions along the Project.

   Landowners who abut the Project and own less than 1,320 linear feet of frontage may build a "reduced access unit" that minimizes the distance requirement of the acceleration or deceleration lanes (or both), on a case-by-case basis. Such accesses are depicted on Exhibit B.

5. The AMP recognizes that small corner properties are often used for businesses where direct access to the Project may be desired. When alternative access is provided by an adjacent public road, right-turn in/out will only be permitted onto the said property corner.

6. The placement of median cross-over locations will be assessed on a "first come-first served" basis. Where existing median breaks are involved, the access unit on the opposite side of the Project shall line up and be shared to minimize and maintain the continuity of median openings.

7. The Traffic Consultant will review all applications for connectivity onto the Project. The Traffic Consultant will evaluate and render an opinion about the placement of the access unit, and the traffic control(s) required to assign intersection rights-of-

way to motorists. No permits shall be issued until the conditions set forth in the AMP are implemented and maintained thereafter.

8. The Traffic Consultant will certify that the approval of the proposed access would not cause the Project to operate at a Level of Service lower than "D" as defined by the Institute of Transportation Engineer's (ITE) Highway Capacity Manual (HCM), recognized industry standards. The permitting agencies will not permit access to the Project unless simultaneous companion improvements are made to the Project which would restore the overall traffic capacity reduction caused by such additional access. The sponsoring developer will pay for the cost of companion improvements unless otherwise negotiated with the Permitting Agencies.

9. The installation of traffic signals are based upon recognized authoritative criteria documented in Part C of the "Manual of Uniform Traffic Control Devices (MUTCD) for Streets and Highways," U. S. Department of Transportation, Federal Highway Administration 1988 edition (or superseding edition) as defined in Exhibit E. Based upon the Traffic Consultants' review on a case-by-case basis, at least one or more of the traffic signal warrants must be met to justify the installation of such a control device. In the event that the Traffic Consultant recommends that a signal control is initially warranted, the permitting agencies will not grant access to the Project unless a traffic signal is provided in accordance with operation plan recommended by the Traffic Consultant. The sponsoring developer will pay for the cost of these improvements unless otherwise negotiated with the Permitting Agencies.

10. The AMP provides for the Traffic Consultant to investigate the operation and safety of all existing, as well as proposed access units at any time. In the event that operating conditions on the Project change after an access unit is approved, a traffic signal may be warranted in the future. The private property owners agree to install a traffic signal if conditions change to meet MUTCD warrants.

11. If the landowner fails to implement said changes within a specified time period, the Permitting Agency may revoke and restrict the access unit to right-turn movements to and from the property to maintain safe and efficient traffic conditions on the Project.

12. The Traffic Consultant may also issue an opinion that a traffic signal control may be necessary from a safety standpoint as well. In the event that a property owner disagrees with the decision, a variance application can be made. If the variance review substantiates the need for a signal, and the property owner fails to install the signal control, the Permitting Agency may revoke and restrict the access unit to right-turn movements to and from the property to maintain safe and efficient traffic conditions on the Project until such time that the traffic signal is installed.

13. The applicant may propose a joint-use access with a consensual adjoining property owner to facilitate left-turn movements to a corner property. Two or more lots

sharing a common access unit will be treated as one unit, and the combined vehicular traffic volumes will determine the access control requirements. A perpetual condition shall be written into the deed for each lot establishing the shared access. These conditions will be reviewed by the Traffic Consultant on a case-by-case basis and a recommendation will be made to the Permitting Agency. If such a connection to the Project is determined to be reasonable by the Traffic Consultant, the connection may be approved by the Permitting Agency.

14. In the event that traffic generated by a private development can not be mitigated by the installation of traffic signal, additional lanes, or a combination thereof, a grade-separated interchange may be required to meet the development's access needs for safe and efficient traffic conditions on the Project.

B. Policies and Procedures

This AMP will run with the land and any changes of ownership which abuts the Project shall not alter or be deemed to alter the plan of access herein contained. The AMP will run with the land for 99 years or until such time as the City of Foley, Baldwin County, and BCBC, or its assigns, mutually agree to amend or terminate this agreement.

This section describes the connection permit application and procedures, the connection review process, requirements for closure of unpermitted and non-conforming connections to the Project, and the permitting agencies involvement in the approval process.

Every owner of property which abuts the Project has a right to reasonable access, but may not have the right to a particular means of access to the Project. All new connections or substantial connection changes made to existing connections or roadway improvements made to any road connecting to the Project shall require a connection permit (Exhibit H).

1. Local Permits/Approvals

Connection permits may be issued, only after or in conjunction with issuance of site plan or development approval by the local governmental entity (City of Foley/Baldwin County) having jurisdiction where such approval is required. Connection permit applications will be issued by the respective Permitting Agency and consist of information such as application fee, site plans, drawings, traffic data and studies, and connection and roadway information as described in this section. All connection and roadway design documents that may include traffic signals, auxiliary lanes, or modifications to the median and the traveled way, shall bear the dated seal and signature of a registered Professional Engineer, qualified in the area of traffic/transportation engineering.

2. Connection Construction

Connection permits authorize the initiation of construction of connections within the Project right-of-way and the maintenance of connection(s) according to the permit provisions and adopted AMP standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction. The cost of all construction related to the permit shall be the responsibility of the permittee.

Additional information required for all permit applications include:

a.) Trip Generation Data: The applicant will estimate daily traffic volumes by development phase as well as the peak hour trip generation. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. Estimates shall be made in accordance with the 5th Edition Trip Generation Report, published by the Institute of Transportation Engineers, Washington, D.C., or other Generally Accepted Professional Practice. The Traffic Consultant will review trip generation by the applicant for accuracy and appropriateness, and may request that additional trip generation analysis be performed by a registered Professional Engineer qualified in the area of traffic/transportation engineering if the information provided requires supplemental support.

b.) Site Plan: Each site plan submitted with the application for a connection shall include any physical features or natural features which may have an impact on circulation and sight distance on the Project.

3. Median Opening Requests

Requests for median openings include both new connections and changes/modifications to existing connections. New median openings or changes to existing openings proposed as part of new driveway connections shall be reviewed as part of the connection application review process as stated in B1. Traffic signals, median openings or any other transportation improvements on the Project, which has been approved as part of an agreement, is not a vested right to have use of this feature, which may be changed or closed as site, roadway conditions, or adopted standards change.

4. Access Plans not Consistent with Access Management Standards

If the requirements of the Access Management Standards cannot reasonably be fully complied with, the applicant may submit alternative access plans which will require a favorable recommendation from the Traffic Consultant and Permitting Agency approval as stated in Subsection C (Variance Procedures). The acceptance

of any alternative access plans shall be based upon maximum achievement of the traffic flow and safety goals and objectives of the AMP.

5. Temporary Connections

Temporary connections will be permitted for a limited period of time for a specific property, for a specified use and specific estimated traffic volume. Such uses may include land clearing or construction activity. The Permitting Agency reserves the right to remove any temporary connection with good cause. Further, a temporary connection permit does not bind the Permitting Agency, in any way, to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee's own cost, the temporary connection at the end of the period and shall apply for a new permit.

6. Traffic Study Requirements

The following traffic study requirements apply to any application for a new median opening, modification to an existing median opening, or an access unit requiring a traffic signal:

a.) Critical peak hour turning movements from each proposed connection in graphic form.

b.) Traffic Study Proposal: The applicant must submit a "Traffic Study Proposal" that contains the calculations and analysis necessary to determine if a traffic study will be required. The proposal will include the trip generation estimates estimated as stated in Section B2(a).

c.) If a traffic study is required, then the "Traffic Study Proposal" shall identify how each of the following subjects will be addressed as recommended by the Traffic Consultant:

- Extent of study (intersections, weaving areas, ramps, and road segments to be analyzed using recognized traffic engineering principles)
- Traffic hours to be examined (A.M. peak, P.M. peak, weekend peak, facility hour, etc.)
- Time horizons to be examined (build year for each phase, area transportation horizon year, etc.)

d.) The extent of the study area will be determined on the rationale expressed by the Traffic Consultant and presented by the applicant in the "Traffic Study Proposal" with regard to the extent of the study area. The traffic study may range from a cursory review to a detailed study with reasonable latitude for the engineer to tailor the traffic analysis to the specific situation.

The specific detail and content of the report will vary depending upon existing and projected traffic volumes, highway capacity and congestion levels, and safety data.

e.) If the Traffic Consultant determines that more traffic analysis is needed than what is proposed in the applicant's Traffic Study Proposal, the Traffic Consultant shall request the additional information based on good cause and justification. Such cause or justification may include extreme traffic congestion, or other safety concerns.

f.) Any traffic study (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed and dated by a registered Professional Engineer qualified in the area of traffic/transportation engineering. All work submitted by the Professional Engineer will be reviewed by the Traffic Consultant.

7. Construction and Maintenance of Traffic Requirements

All construction and/or maintenance on the Project right-of-way (ROW) shall conform to the Federal "Manual on Uniform Traffic Control Devices" (MUTCD). For safety and operational purposes, the Traffic Consultant may recommend and the Permitting Agency may require or restrict hours of construction to minimize disruption of traffic on the Project. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on the Project, the Permitting Agency shall advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

As a condition of the permit, construction shall be completed within one year of the date issued. As a condition of the permit, the Permitting Agency may further limit construction time due to safety concerns. For any permit which expires for failure to construct the connection within the specified period of time, the permittee shall submit a new application.

8. Performance Bond

A performance bond will be required if the permit requires extensive work within the Project ROW, such as auxiliary lanes, median modifications, signals, or any connections with expected connection traffic (not necessarily site traffic) over 10,000 ADT or over 1,000 vehicles per hour. A performance bond may also be required for other activities within the project right-of-way, as required by the Permitting Agencies.

9. Permit Modification and Revocation; Closure of Permitted Connections

The Permitting Agency can initiate action to revoke or restrict any permit:

a.) If the connection was not constructed at the location or to the design specified in the permit;

b.) If the permit provisions are not met by the permittee;

c.) If the connection causes a safety or operational hazard on the Project substantiated by an engineering study prepared by the Traffic Consultant. Such engineering study shall consider the following:

- Any documents, reports, or studies obtained by the property owner and provided to the Permitting Agency;
- Accident analysis directly involving the access points or similar access points, or a traffic conflicts analysis of the site;
- What impacts, if any, will the closure, modification, or revocation, have on maintenance or safety on the Project;
- What impacts, if any, will the closure, modification, or revocation, have on traffic patterns and circulation on the Project; and
- Consideration and development of an alternative solution proposed by the applicant.

The Traffic Consultant shall conduct an on-site review with the property owner or the owner's representatives.

d.) The permittee, assignee, or current user of the permit shall be responsible for the costs of correcting deficiencies and the closure due to revocation.

10. Maintenance of Traffic Control Devices

The maintenance and operation of highway lighting (if any), traffic signals, associated equipment, and other necessary devices shall be the responsibility of the Permitting Agency having jurisdiction of the equipment or devices. During the construction of the connection(s) and its provisions the permittee may be required to operate, repair, replace or provide temporary maintenance if the above traffic control devices are affected by the permittee's operations.

If the City of Foley, Baldwin County, federal agency, corporation, or individual requests changes or modifications to the AMP, a "variance" must be recommended by the Traffic Consultant. The Traffic Consultant will review the "request for variance." If a consensus cannot be made by the City of Foley, Baldwin County, or BCBC, then the Traffic Consultant selected by the Permitting Agency will be the consultant selected to review the requested variance. The variance procedure is covered in the following subsection.

C. Variance Procedures

It is possible that in future cases, land may have been divided such that the frontages are less than the connection spacing standards for the Project. In such cases, where there is a property that cannot meet the Access Management Standards of the Project, and for which no reasonable means of access to another roadway exists, a single conforming connection will need to be reviewed to determine whether a non-conforming median-crossover should be allowed. These instances will be reviewed by the Traffic Consultant, on a case-by-case basis.

Re-classification can be requested by application through the variance procedure defined herein. A written request may be made to the Traffic Consultant to review a property's access requirements at any time. Such a request should include specific justification for the change being sought, and shall indicate the desired access being requested.

EXHIBITS

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FOLEY - BEACH EXPRESS
TYPICAL ACCESS UNIT
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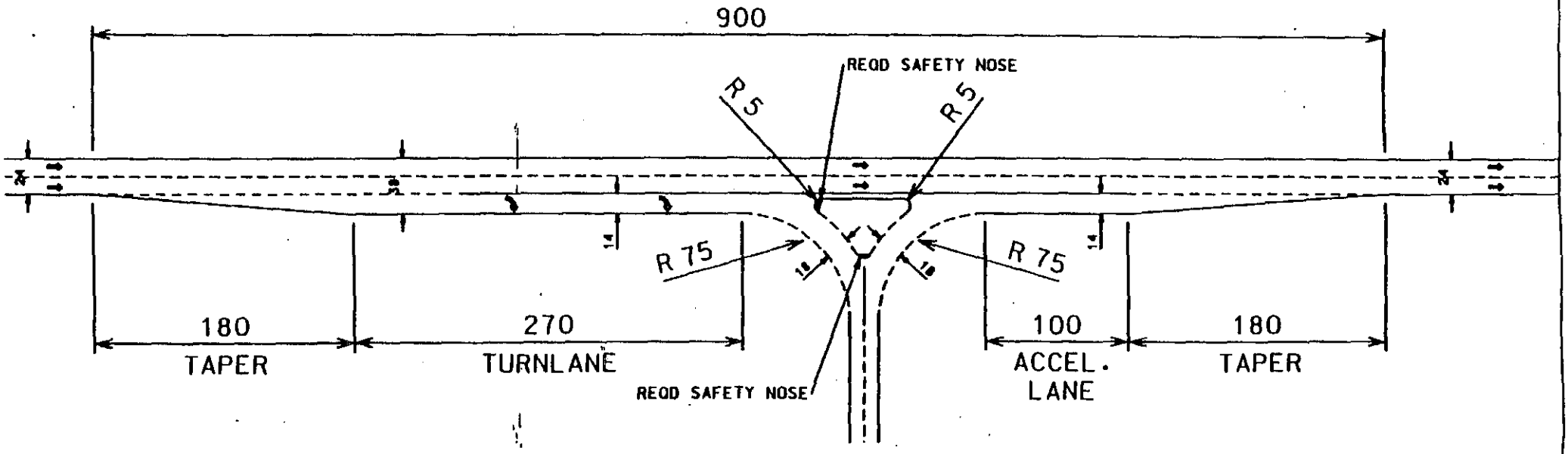
EXHIBIT A



FOLEY - BEACH EXPRESS
REDUCED TYPICAL ACCESS UNIT
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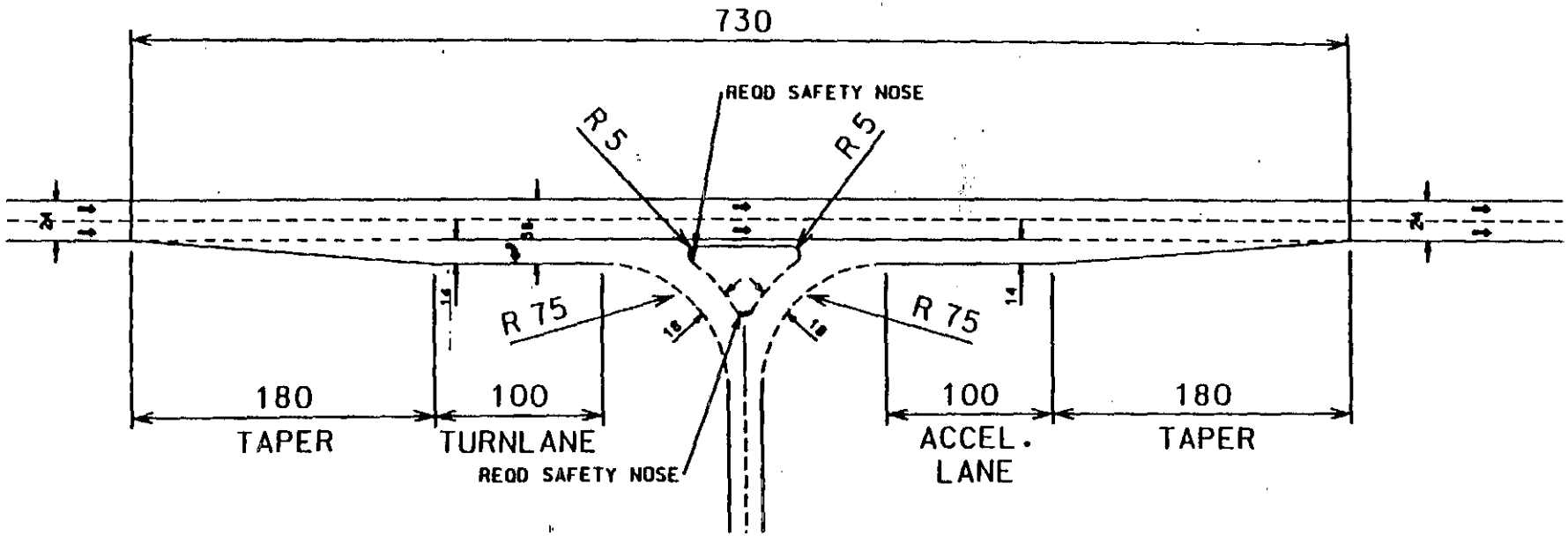
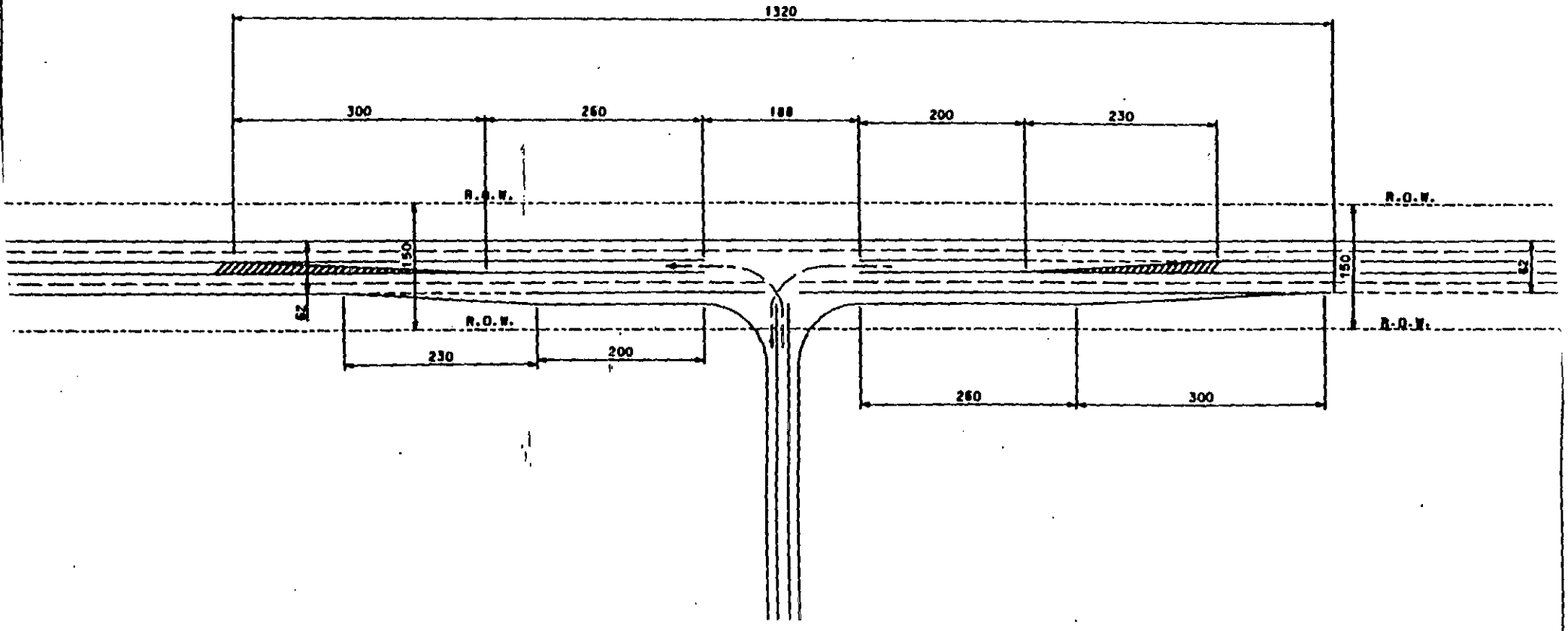
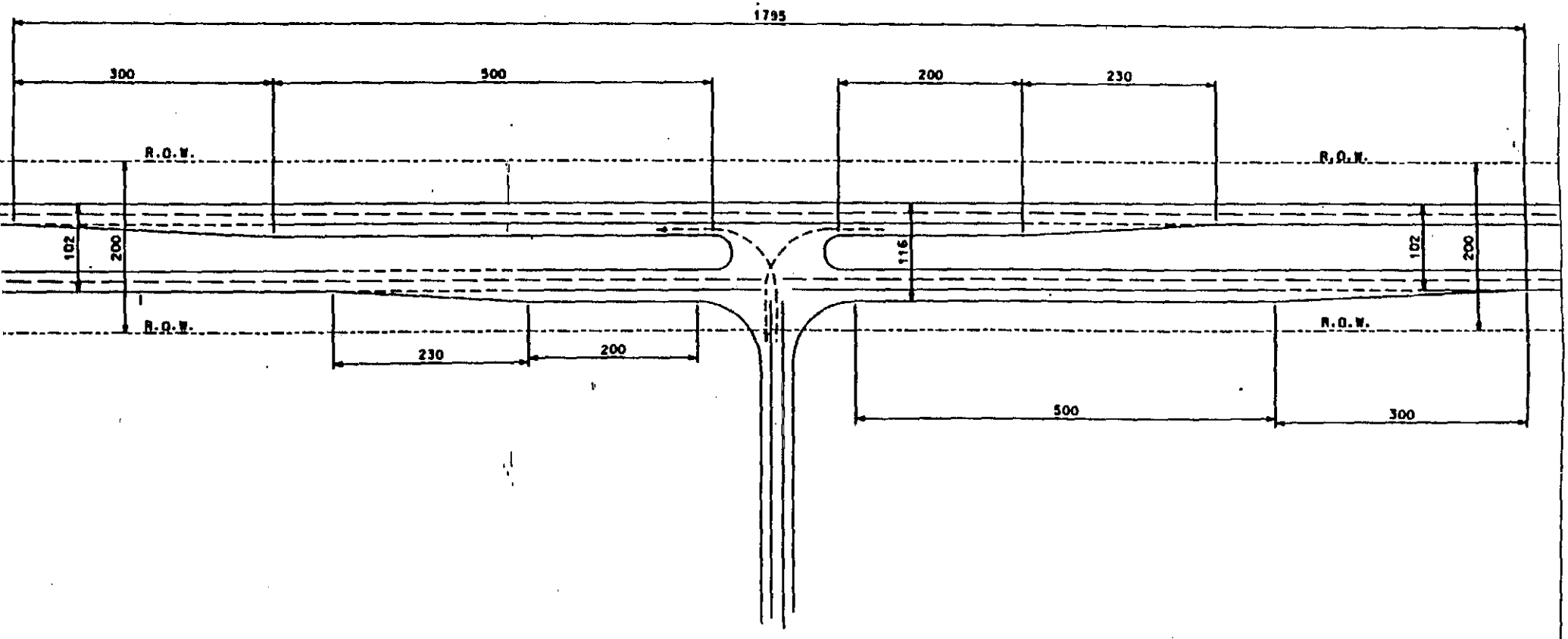
EXHIBIT B



FOLEY - BEACH EXPRESS
TYPICAL CROSS-OVER ACCESS UNIT
FOR 150' RIGHT OF WAY
EXHIBIT C



FOLEY - BEACH EXPRESS
TYPICAL CROSS-OVER ACCESS UNIT
FOR 200' RIGHT OF WAY
EXHIBIT D



FOLEY - BEACH EXPRESS
TYPICAL DUAL CROSS-OVER ACCESS UNIT
FOR 200' RIGHT OF WAY
EXHIBIT E

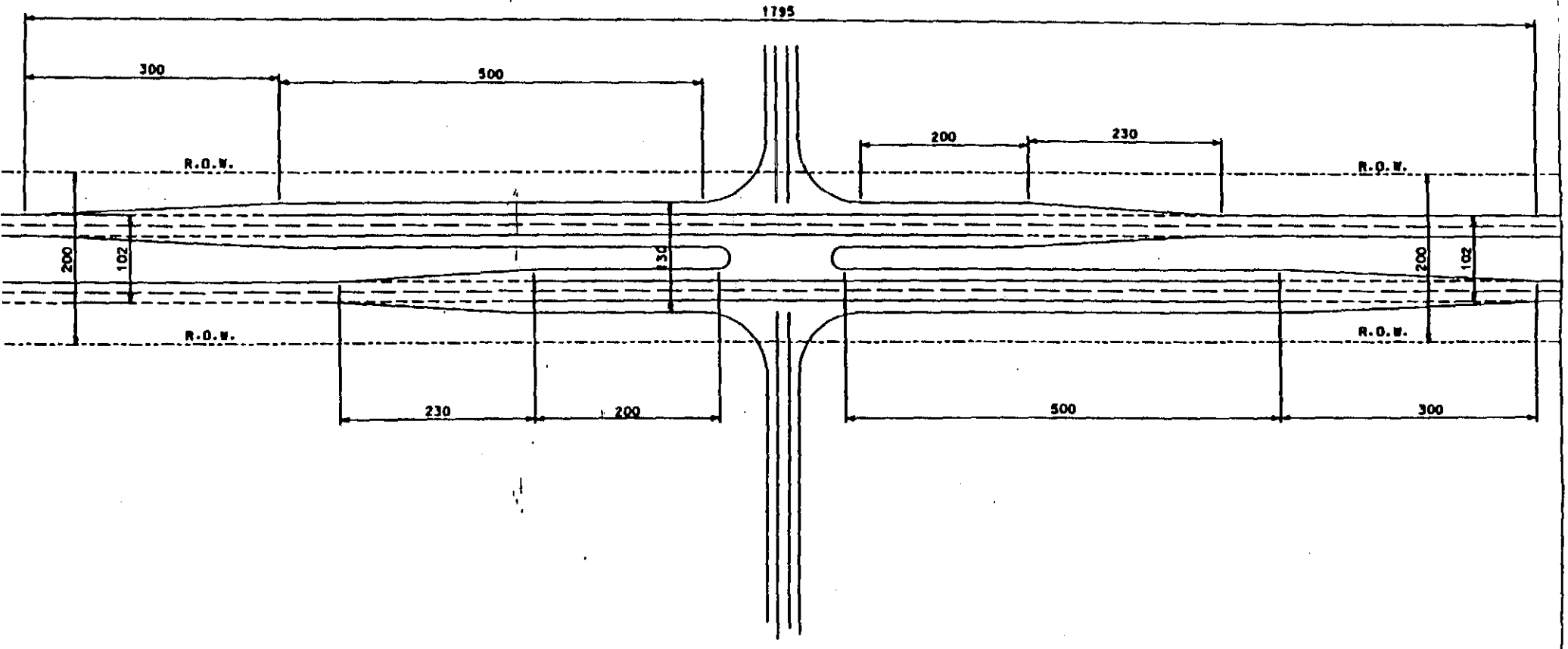
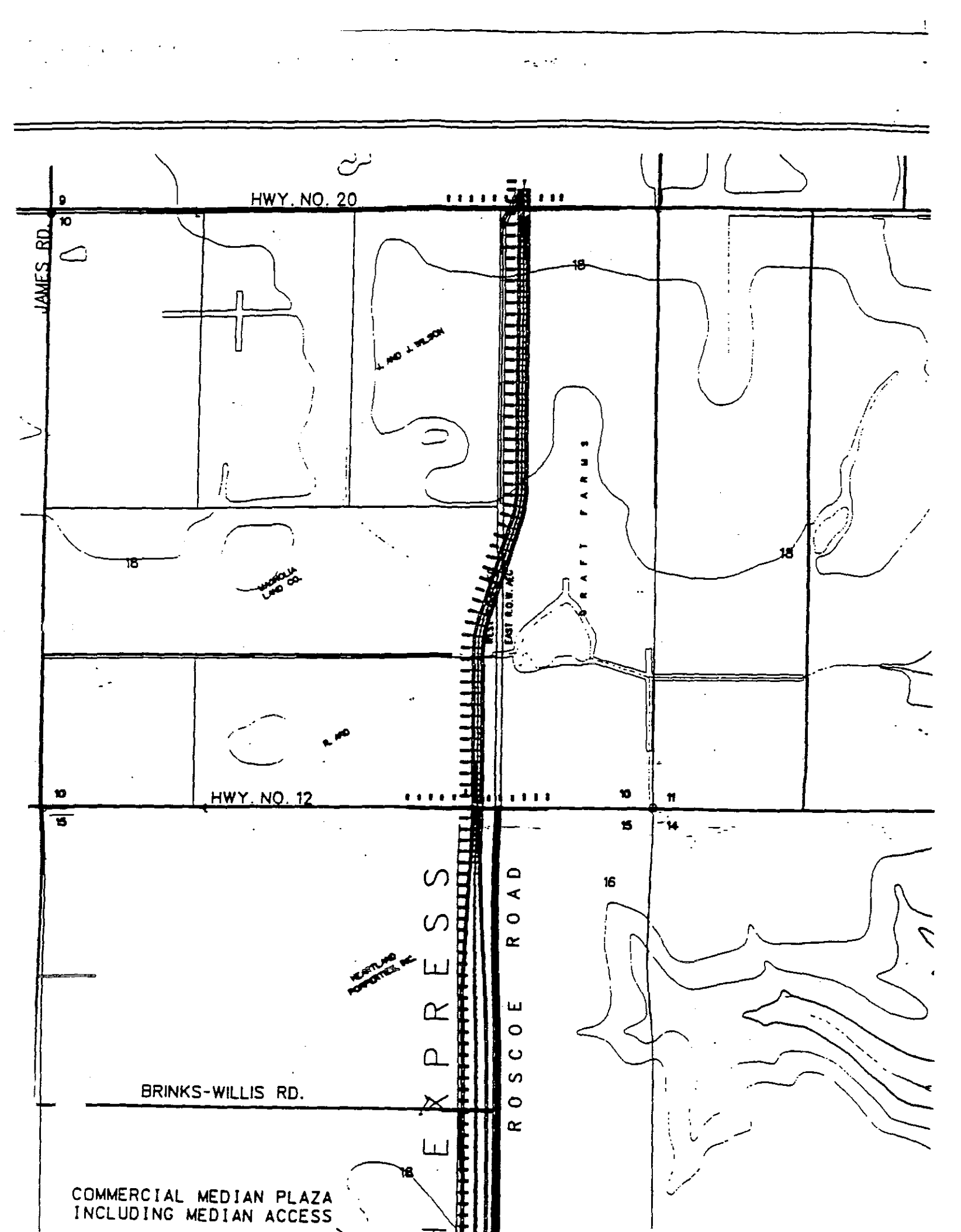
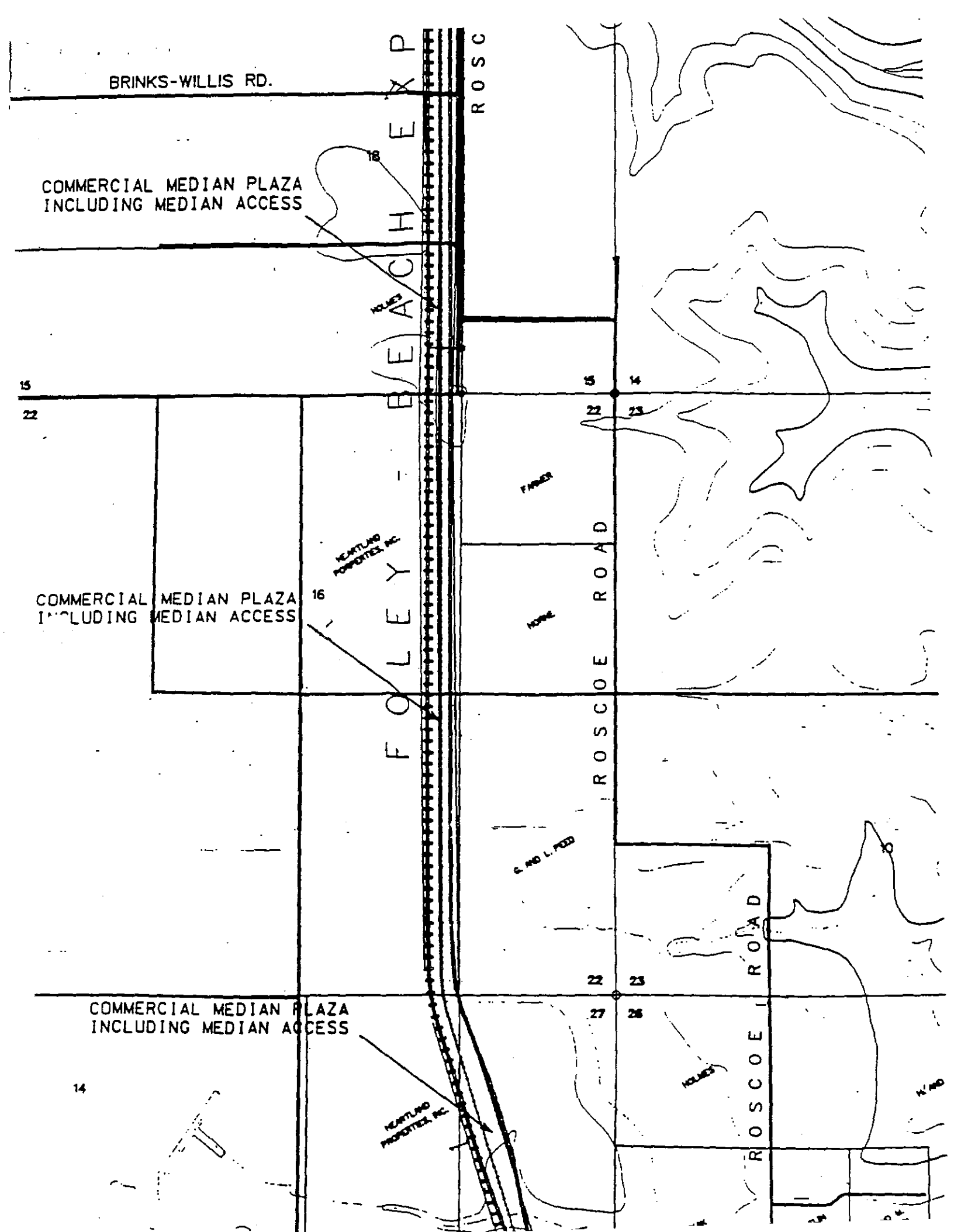


EXHIBIT F

COMMERCIAL MEDIAN PLAZA LOCATIONS


HWY. NO. 20
JAMES RD.
HWY. NO. 12
BRINKS-WILLIS RD.
ROSCOE ROAD
EXPRESS
DRAFT FARMS
COMMERCIAL MEDIAN PLAZA
INCLUDING MEDIAN ACCESS


BRINKS-WILLIS RD.
FOLEY - BEACH EXP
ROSCOE ROAD
COMMERCIAL MEDIAN PLAZA
INCLUDING MEDIAN ACCESS
COMMERCIAL MEDIAN PLAZA
INCLUDING MEDIAN ACCESS
COMMERCIAL MEDIAN PLAZA
INCLUDING MEDIAN ACCESS
HOUSES
FARMER
HOME
15
16
22
23
27
26
14

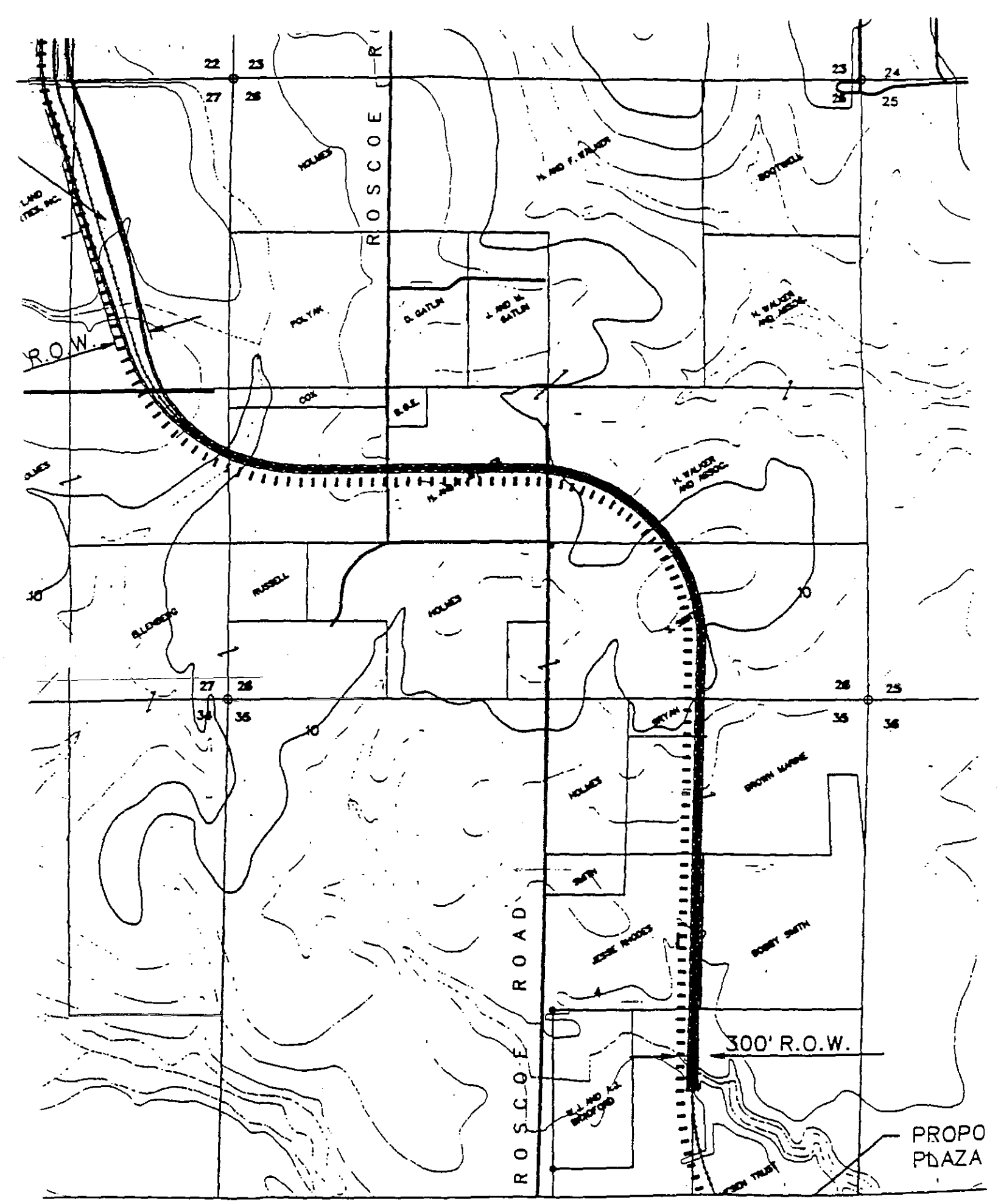

ROSCOE R
ROSCOE ROAD
R.O.W.
300' R.O.W.
PROPO
PLAZA

EXHIBIT G

TRAFFIC SIGNAL WARRANTS

(b) **Scope.** This manual details the factors considered of primary importance in determining the need for signal control; describes various signal indications, intervals and sequences; and discusses the characteristics of several types of signal systems.

(1) The design, application, location, and operation of traffic signals lend themselves to a certain degree of standardization. This manual establishes basic principles for the use of signals and prescribes standards for such items as the number of indications and their position in the signal face, operating features, and the number and location of signal faces.

(2) Modification is permissible to the extent necessary to meet a specific situation. The modifications shall not, however, deviate from basic principles and standards except on authorization from the Department of Transportation.

270.4 Continuity of operation.

(a) **Dark indication.** Motorists approaching a traffic signal must presume that it is intended to function. If their controlling indications are not illuminated, they must presume, except in the case of ramp metering or automatic toll collection signals (see sections 275.6 and 275.7), that the reason is equipment failure.

(b) **Stop-and-go operation.** A traffic control signal, except as otherwise provided in this manual, should be operated as a stop-and-go device. A new signal may be operated in the flashing mode prior to operation as a stop-and-go device, to alert motorists to its presence.

PART 271

WARRANTS FOR TRAFFIC CONTROL SIGNALS

Sec.		Sec.	
271.1	Engineering considerations	271.6	Warrant 4, school crossing
271.2	Consideration of warrants	271.7	Warrant 5, progressive movement
271.3	Warrant 1, minimum vehicular volume	271.8	Warrant 6, accident experience
271.4	Warrant 2, interruption of continuous traffic	271.9	Warrant 7, combination of warrants
271.5	Warrant 3, minimum pedestrian volume		

Section 271.1 Engineering considerations.

(a) **Basic data.** The need for a traffic control signal should be determined by comprehensive investigation of prevailing traffic conditions, physical characteristics, and expected traffic conditions at the location. A thorough study is also desirable to obtain data for the proper design and operation of the signal. The data should be evaluated as a whole and should include:

(1) The number of vehicles entering the intersection each hour, from each approach, during at least eight hours of an average day. The period selected should include the eight hours during which the greatest amount of intersectional conflict occurs. An average day is one with traffic volumes representative of those which normally and repeatedly exist at the location. Usually it is necessary to collect more than eight hours of data to determine the eight critical hours.

(2) Pedestrian volumes on each crosswalk during the same hours as the vehicular counts in paragraph (1), and also during highest pedestrian volume hours. Where young or elderly persons need special consideration, pedestrians may be classified, by general observation, and recorded in age groups as under thirteen years, thirteen to sixty years, and over sixty years

(3) The eighty-five percentile speed of vehicles on the uncontrolled approaches to the location.

(4) A condition diagram showing details of the physical layout and including such features as intersection geometrics, channelization, grades, sight-distance restrictions, bus stops and routings, parking conditions, pavement markings, street lighting, driveways, location of nearby railroad crossings, distances to nearest signals, utility poles and fixtures, and adjacent land use.

(5) A collision diagram showing accident experience, for at least one year, by type, location, direction of movement, severity, time of day, date, day of week, and weather and roadway conditions.

(b) **Vehicular volumes.** Vehicular volumes, for each traffic movement from each approach, should be classified by type (heavy trucks, passenger cars and light trucks, transit vehicles, etc.) during each fifteen minute period of the four hours during which total traffic entering the intersection is greatest. The following data are also desirable and may be obtained during the same four hours:

(1) Vehicle-seconds of delay, determined separately for each approach.

(2) The number and distribution of gaps in vehicular traffic on the artery when side road traffic finds it possible to use the intersection safely.

(3) The eighty-five percentile speed of vehicles on controlled approaches near the intersection, but at locations unaffected by the control.

(4) Pedestrian delay time for at least two thirty-minute peak pedestrian delay periods on an average weekday, or like periods on a Saturday or a Sunday.

(c) **Geometric considerations.** Adequate roadway capacity is desirable at a signalized intersection. Both artery and side road widening may be warranted to reduce delays caused by assignment of right-of-way at intersections controlled by traffic signals. Side road widening is often beneficial to operation on the artery because it reduces the signal time that must be assigned to side road traffic.

(1) In urban areas, the beneficial effect of widening may be achieved by prohibiting parking on intersection approaches.

(2) It is always desirable to have at least two lanes for moving traffic on each approach to a signalized intersection.

(3) Additional width may be necessary on the intersection exit, as well as on the approach, to clear traffic through the intersection effectively.

(4) Before an intersection is widened, the additional green time needed by pedestrians to cross the widened roadways should be checked to ensure that it will not exceed the green time saved through improved vehicular flow.

271.2 Consideration of warrants.

(a) **General.** Analysis of conditions at many traffic signal installations, coupled with the judgment of engineers with extensive traffic signal experience, has produced a series of warrants that outline minimum conditions under which a traffic control signal may be justified.

(b) **Scope.** The warrants in this part apply to all traffic control signals except ramp metering and toll collection signals. Selection of signal type at a specific location should be based on a thorough engineering study of the adaptability of the control to the traffic requirements. Normally, traffic-actuated signals are preferable to pre-timed signals, particularly where there are fluctuations in traffic conditions.

TABLE 271-1
MINIMUM VEHICULAR VOLUMES FOR WARRANT 1

NUMBER OF LANES FOR MOVING TRAFFIC ON EACH APPROACH (EXCLUDING AUXILIARY LANES)		VEHICLES PER HOUR ON ARTERY (TOTAL OF BOTH APPROACHES INCLUDING AUXILIARY LANES)	VEHICLES PER HOUR ON HIGHER-VOLUME SIDE ROAD APPROACH (ONE DIRECTION ONLY, INCLUDING AUXILIARY LANES)
ARTERY	SIDE ROAD		
1	1	500	150
2 or more	1	600	150
2 or more	2 or more	600	200
1	2 or more	500	200

271.4 Warrant 2, interruption of continuous traffic.

(a) **Application.** The interruption of continuous traffic warrant applies where the traffic volume on an artery is so heavy that side road traffic suffers excessive delay or hazard in entering or crossing the artery. The warrant is satisfied when, for each of any eight hours of an average day, the traffic volumes in table 271-2 exist on the artery and higher volume side road approach to the intersection, and the signal installation will not seriously disrupt progressive traffic flow.

(b) **Volume criteria.** These artery and side road volumes are for the same eight hours, which need not be consecutive hours. During these eight hours, the direction of higher volume on the side road may be on one approach during some hours and on the opposite approach during other hours.

TABLE 271-2
MINIMUM VEHICULAR VOLUMES FOR WARRANT 2

NUMBER OF LANES FOR MOVING TRAFFIC ON EACH APPROACH (EXCLUDING AUXILIARY LANES)		VEHICLES PER HOUR ON ARTERY (TOTAL OF BOTH APPROACHES INCLUDING AUXILIARY LANES)	VEHICLES PER HOUR ON HIGHER-VOLUME SIDE ROAD APPROACH (ONE DIRECTION ONLY, INCLUDING AUXILIARY LANES)
ARTERY	SIDE ROAD		
1	1	750	75
2 or more	1	900	75
2 or more	2 or more	900	100
1	2 or more	750	100

(c) **Analysis factors.** An investigation of the need for a traffic control signal should include, where applicable, at least an analysis of the factors contained in the following warrants:

(1) Warrant 1, minimum vehicular volume (section 271.3).

(2) Warrant 2, interruption of continuous traffic (section 271.4).

(3) Warrant 3, minimum pedestrian volume (section 271.5).

(4) Warrant 4, school crossing (section 271.6).

(5) Warrant 5, progressive movement (section 271.7).

(6) Warrant 6, accident experience (section 271.8).

(7) Warrant 7, combination of warrants (section 271.9).

(d) **Progressive movement.** An important consideration in determining whether to install a traffic control signal may be the signal spacing necessary for reasonable two-way progressive movement. A time-space chart should be prepared for the artery and used as a basis for identifying the side roads which best fit a time-space relationship between adjacent signals. This should be done prior to the installation of isolated signals which may not fit a future signal system. It may be advisable to install a signal at a nearby side road which fits such system, rather than at a side road which would not fit, if there are highways parallel to the artery so that traffic can readily divert to the signal.

(e) **Judgment.** The warrants should be used as guidelines. Engineering judgment must enter into any signal study. Certain types of traffic or facility may create confusion in evaluation. For the purposes of signal warrant investigation, for instance, a divided highway intersection should be evaluated as a single intersection. Bicycle traffic should be considered as pedestrian traffic for all warrants. Where a bicycle facility crosses a highway facility, however, bicycles may be considered as vehicles.

(f) **Compliance.** A signal, and all related traffic control devices used, shall be installed according to the standards in this manual. It is presumed that signal indications are properly phased, roadways are properly designed, adjacent traffic control signals are properly coordinated, there is adequate supervision of the operation and maintenance of the signal and all related devices, and the type of signal will be selected on the basis of engineering study and judgment.

271.3 Warrant 1, minimum vehicular volume.

(a) **Application.** The minimum vehicular volume warrant applies where the volume of intersecting traffic is the principal reason for consideration of a traffic control signal installation. The warrant is satisfied when, for each of any eight hours of an average day, the traffic volumes in table 271-1 exist on the artery and on the higher volume side road approach to the intersection

(b) **Volume criteria.** These artery and side road volumes are for the same eight hours, which need not be consecutive hours. During these eight hours, the direction of higher volume on the side road may be on one approach during some hours and on the opposite approach during other hours.

(c) **Seventy percent warrant.** When the eighty-five percentile speed of artery traffic exceeds forty miles per hour, or when the intersection is within the built-up area of an isolated community having a population of less than ten thousand, the eight-hour minimum vehicular volumes are seventy percent of those in table 271-1.

(c) **Seventy percent warrant.** When the eighty-five percentile speed of artery traffic exceeds forty miles per hour, or when the intersection is within the built-up area of an isolated community having a population of less than ten thousand, the interruption of continuous traffic warrant minimum volumes are seventy percent of those in table 271-2.

271.5 Warrant 3, minimum pedestrian volume.

(a) **Application.** The minimum pedestrian volume warrant is satisfied when, for each of any eight hours of an average day, not necessarily consecutive hours, both the following volumes exist:

(1) On the artery, six hundred or more vehicles per hour enter the intersection (total of both approaches); or where there is a raised median island four feet or more in width, one thousand or more vehicles per hour (total of both approaches) enter the intersection on the artery; and

(2) During each of the same eight hours, at least 150 pedestrians cross the artery in the highest volume crosswalk.

(b) **Seventy percent warrant.** When the eighty-five percentile speed of artery traffic exceeds forty miles per hour, or when the intersection lies within the built-up area of an isolated community having a population of less than ten thousand, the minimum vehicular and pedestrian volumes are seventy percent of those in paragraphs (1) and (2) above.

(c) **Signal type.** A traffic control signal installed under this warrant at an isolated intersection should be traffic-actuated, with push buttons for pedestrians crossing the artery. If such a signal is within a signal system, it should be equipped and operated with control devices which provide proper coordination.

(d) **Pedestrian indications.** Signals installed under this warrant should be equipped with pedestrian indications conforming to requirements set forth in part 273 of this manual.

(e) **Mid-block locations.** Signals may be installed at mid-block locations provided the requirements of this warrant are met, and the related crosswalk is not within 150 feet of another signalized crosswalk. Vehicular parking should be prohibited for at least one hundred feet in advance of, and at least twenty feet beyond, the crosswalk.

(1) Phasing, coordination, and installation shall conform to the standards of this manual.

(2) At non-intersection locations, special attention should be given to signal head placement, and to the signs and markings used to make drivers aware of this special application.

271.6 Warrant 4, School crossing.

(a) **General.** The alternate gaps and platoons in the vehicular traffic stream form different patterns for each crossing location. A pedestrian should wait for a gap sufficient to permit crossing the roadway without interference from vehicular traffic. If delays between adequate gaps become excessive, children may become impatient and attempt to cross the roadway at inopportune times.

(b) **Criteria.** Analysis of potential hazard is necessary at any such location. Delay between adequate gaps may be considered excessive when the number of adequate gaps in the traffic stream during the period when children are using the crosswalk is less than the number of minutes in that same period. An adequate gap in traffic includes both perception-reaction time and the time needed to walk across the roadway without coming into conflict with passing vehicles.

(c) **Application.** A traffic control signal may be warranted at an established school crossing when a traffic engineering study of the frequency and adequacy of gaps in the vehicular traffic stream, as related to the number and size of groups of school children at the school crossing, shows that the number of adequate gaps during the period when children use the crossing is less than the number of minutes in the same period.

(d) **Signal type and indications.** When traffic control signals are installed solely under this warrant:

(1) Pedestrian indications shall be provided at least for each crosswalk established as a school crossing.

(2) At an intersection, the signal should be traffic-actuated, with push buttons for pedestrians crossing the artery. As a minimum, it should be semi-traffic-actuated, but full actuation with detectors on all approaches may be desirable. Intersection installations adaptable to progressive signal systems should be coordinated with adjacent signals.

(3) At a non-intersection crossing, the signal should be pedestrian-actuated. Parking and other visual obstructions should be prohibited for at least one hundred feet in advance of, and at least twenty feet beyond, the crosswalk. The installation should include suitable standard signs and pavement markings. Special police supervision and/or enforcement should be provided for a new non-intersection installation.

271.7 **Warrant 5, Progressive movement.**

(a) **General.** A traffic control signal may be justified at an intersection as part of a coordinated signal system, even though other warrants are not satisfied, if the signal would serve to sustain progressive movement and proper vehicle grouping at the system speed. Normally, such signals are not necessary if the distance in feet between signals is less than one-half the system cycle length in seconds multiplied by the system speed in feet per second. To the extent possible, signals in a system should approximate this spacing.

(b) **Application.** The progressive movement warrant is satisfied when:

(1) On a one-way roadway, or on a highway which has predominant traffic flow in one direction, the adjacent signals are so far apart that they do not provide the necessary degree of vehicle platooning and speed control, or

(2) On a two-way highway, adjacent signals do not provide the necessary degree of platooning and speed control, and the proposed and existing signals would constitute a progressive signal system.

(c) **Speed and spacing.** The installation of a signal under this warrant should be based on the eighty-five percentile speed, unless an engineering study indicates that another speed is more appropriate. Installation of a signal according to this warrant should not be considered where the resultant signal spacing would be less than one thousand feet.

271.8 **Warrant 6, Accident experience.**

(a) **Application.** The accident experience warrant is satisfied when:

(1) Adequate trial of less restrictive remedies with satisfactory observance and enforcement, has failed to reduce accident frequency, and

(2) Five or more reported accidents of types susceptible of correction by a traffic control signal, have occurred within a twelve month period, and

(3) Vehicular and pedestrian traffic volumes are at least eighty percent of the requirements specified either in the minimum vehicular volume warrant, the interruption of continuous traffic warrant, or the minimum pedestrian volume warrant; and

(4) The signal installation will not seriously disrupt progressive traffic flow.

(b) **Signal type.** Any traffic control signal installed solely on the accident experience warrant should be semi-traffic-actuated with control devices which provide proper coordination, if installed at an intersection within a coordinated system. It should be full-traffic-actuated if installed at an isolated intersection.

(c) **Accident type.** Types of accidents have an important bearing on the need for signalization. However, installation of a signal because of one spectacular, or highly publicized, accident is not justified.

(1) Traffic control signals cannot be expected to reduce the following types of accidents:

(i) Rear-end collisions (which usually increase after signalization).

(ii) Collisions between vehicles proceeding in the same or opposite directions, where one turns across the path of the other, if no independent signal interval will be provided for these turn movements.

(iii) Accidents involving pedestrians and turning vehicles, when both move during the same "go" interval.

(2) Traffic control signals, when obeyed by drivers and pedestrians, can be expected to reduce the number and severity of the following types of accidents:

(i) Substantially right-angle collisions, or those involving conflicts between vehicles which approach on intersecting highways.

(ii) Those involving conflicts between straight-moving vehicles and crossing pedestrians.

(iii) Those involving straight-moving vehicles and left-turning vehicles approaching from opposite directions, if a protected left turn interval will be provided during the signal cycle for the left turn movement.

271.9 Warrant 7, Combination of warrants.

(a) **Application.** In exceptional cases, signals may be justified where no single warrant is fully satisfied, but where at least two of warrants 1, 2, and 3 are satisfied to at least eighty percent of the normally required volumes.

(b) **Alternatives.** Trial solutions which cause less delay and inconvenience to traffic, using remedial measures other than traffic control signals, should precede consideration of installing traffic control signals under this warrant.

PART 272

TRAFFIC CONTROL SIGNALS

Sec.		Sec	
272.1	Terminology	272.10	Signal lenses
272.2	General	272.11	Number of signal faces
272.3	Future needs	272.12	Location of signal faces
272.4	Display of traffic signal indications	272.13	Height of signal heads
272.5	Meanings of signal indicationns	272.14	Color of signal heads
272.6	Application of go indications	272.15	Pedestrian signal heads
272.7	Application of change indications	272.16	Operation
272.8	Application of stop indications	272.17	Type of control
272.9	Prohibited displays	272.18	Auxiliary features

Section 272.1 Terminology. For definitions of terms used in this part, see sections 200.6 and 270.1.

EXHIBIT H

MUNICIPAL PERMIT APPLICATION

ALABAMA DEPARTMENT OF TRANSPORTATION
PERMIT TO CONSTRUCT A TURNOUT
TO PROVIDE ACCESS TO A STATE HIGHWAY

This form to be used for commercial entrances and for private entrances where the applicant constructs the turnout.

Permit No. _____
Division _____
District _____
Maint. Section _____
Milepost _____

Name of APPLICANT _____

Address _____

Description of Work _____

_____

The APPLICANT hereby requests permission of the Alabama Department of Transportation to permit APPLICANT to construct a turnout to the highway above noted and agrees with the Alabama Department of Transportation that upon approval of this request by the Alabama Department of Transportation, the permission for the applicant to construct, maintain and/or use such turnout shall be subject at all times to revocation by the Department of Transportation, and the permission to construct, maintain and/or use the turnout by the APPLICANT, shall be especially subject to the following terms and conditions as respectively applicable, and that such permission will be revoked or denied by the Alabama Department of Transportation at any time the APPLICANT fails to comply with any such term or condition hereinafter stated:

1. The turnout shall be in compliance with applicable provisions of Chapter 4 of the Alabama Department of Transportation Maintenance Manual, Alabama Department of Transportation current highway design standards, and with the drawing(s) attached hereto. (Information is available from any Alabama Department of Transportation District Engineer to assist APPLICANT in this regard).

2. The access turnout will be constructed in such a manner that no damage will be occasioned to the state highway, and no hazard to the traveling public will be created.

3. The APPLICANT is not granted any right, claim, or control over any part of the highway right-of-way. The APPLICANT is not permitted to use the access turnout or adjacent highway right-of-way for any purpose other than for highway access and for maintenance of the access turnout. All structures, including gas pumps, tanks, sheds, signs, etc., must be placed beyond the R.O.W. and in no way encroach thereon.

4. The Clean Water Act, 1987 and the Alabama Nonpoint Source Management Program, 1989 are hereby made a part hereof by reference and will be conformed to by the APPLICANT as the provisions thereof are applicable hereto.

The APPLICANT will conform to the regulations of the Environmental Protection Agency (EPA) and of the Alabama Department of Environmental Management (ADEM), (latest edition), for both installation and maintenance of permitted facilities.

5. If hazardous material is encountered in the execution of this Agreement it will be the responsibility of the APPLICANT to notify the proper agency responsible for said hazardous material and comply with any and all environmental regulations as established by the Environmental Protection Agency (EPA), Alabama Department of Environmental Management (ADEM), and of the Occupational Safety and Health Administration (OSHA) in the proper disposition of the hazardous material encountered.

6. The APPLICANT will maintain, and keep in satisfactory condition, at the sole cost and expense of the APPLICANT, any drainage structure(s) that may be necessary in connection with this turnout and keep same cleaned at all times.

7. If it becomes necessary to remove and/or reconstruct this access turnout, the Alabama Department of Transportation or its Contractors have the right to remove and/or reconstruct said turnout without any payment whatsoever to the APPLICANT.

8. The APPLICANT will not make additions to or otherwise modify the access turnout after its completion without obtaining a new permit from the Alabama Department of Transportation. This stipulation applies to the turnout itself and adjacent highway right-of-way.

9. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore highway in the work area in as good condition as the same was prior to the work and will maintain the accomplished work and highway work area in a condition satisfactory to the Alabama Department of Transportation for a period of one year from the acceptance by the Department of the work applied for by APPLICANT.

10. The APPLICANT will file with the Alabama Department of Transportation an acceptable certified check or bond in the penal amount of $_____ to guarantee the faithful performance of this permit in it's entirety. Upon satisfactory completion and acceptance of all the work provided for in this permit contract, the check or bond, as applicable, will be returned to the APPLICANT; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be applied to complete and fulfill the permit contract terms.

11. During construction of this turnout, traffic control devices shall be used in accordance with the national Manual on Uniform Traffic Control Devices.

12. Nothing in this permit shall be construed to permit violation of the denial of access as indicated on the Alabama Department of Transportation's right-of-way maps relating to the highway in the work area provided for hereinunder, which maps are of record within the Alabama Department of Transportation.

13. To the fullest extent permitted by law, the APPLICANT shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and their agents and employees from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the APPLICANT, anyone directly or indirectly employed by APPLICANT or anyone for whose acts APPLICANT may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.

The term "hold harmless" includes the obligation of the APPLICANT to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and their agents and employees.

14. Under all conditions, a slope of not less than 1/2" per ft. will be maintained from shoulder line to a point in line with typical ditch section on both sides of turnout. The slope from this point to R.O.W. limits may vary according to section desired by property owner.

15. In no case shall post development drainage from beyond the R.O.W. Limits, directed toward the roadway, be greater than the pre-construction runoff.

16. This permit terminates one year from its date and all construction, work and activity provided for must be completed within such one year period. Once work is begun on the turnout, the APPLICANT shall pursue the work continuously and diligently until completion.

17. The decision of the Alabama Department of Transportation will be final on any question that may arise hereunder and concerning any work performed or to be performed pursuant hereto.

In Witness whereof the parties hereto have caused this Agreement of permit to be executed by their respective officers, officials, and persons thereunto duly authorized and the same to be dated and to be effective on the _____ day of _____ 199_____.

_____
Legal Name of APPLICANT

APPROVED AS TO FORM:

_____
Chief Counsel

By_____

_____
Address

_____

_____
Telephone Number

RECOMMENDED FOR APPROVAL:

_____
District Engineer

_____
Division Engineer

APPROVED:
ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS TRANSPORTATION DIRECTOR

BY:_____
Maintenance Engineer/Division Engineer

Date_____