

Turnpike: _____
Mile Post: _____
License No: _____

**OKLAHOMA TURNPIKE AUTHORITY**  
**LICENSE FOR UTILITY CROSSING**

This license is executed in the original and three copies this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Oklahoma Turnpike Authority hereinafter called the Authority, Witnesseth.

That the Authority does by these presents, grant to:

Licensee	The City of Broken Arrow
Mailing Address	485 N. Poplar Ave., Broken Arrow, Oklahoma 74012-2336
Telephone	918-259-2400 ext 5414

A license to erect, construct, and maintain a sewer line along, upon, or across the Creek Turnpike for the purpose of transporting, sanitary sewage and shown on the attached drawing(s) and further described as follows: See Attached – Exhibit “A”. Any future maintenance must be approved at least one week in advance with the OTA Turnpike Maintenance Superintendent.

LOCATION FROM NEAREST MILE POST OR BRIDGE STRUCTURE: MP15.05, Bridge 15.05N, Bridge 15.05S and NIB No. 25974 and 25975

**Legal Description as Followed:**

SE/4 Quarter Section 19 Township 18N Range 14E, Tulsa County

The installation will be made in the following manner: Open trenching from Haikey Creek to the east side of Garnett Road and boring under Garnett Road under the elevated Creek Turnpike.

Size of line is 15” from Haikey Creek to the east side of Garnett. The road bore under Garnett will be an 8” line in 18” casing.

Before planning a utility facility on any Authority right-of-way, a license must be obtained, using standard forms furnished by the Authority. All information requested on the form must be supplied. Drawings clearly illustrating work to be performed within the right-of-way and all other utility facilities in the area of this license should be provided with the license application. Each crossing must be represented by an actual profile and cross-section, regardless of the type of utility being installed or its function. The fence on both sides shall be flagged to allow inspection of the proposed crossing.

This license is granted subject to the following conditions, requirements, and covenants, to-wit:

- A) The AASHTO publication “A Policy on the Accommodation of Utilities within the Freeway Rights-of-Way.”
- B) The OTA Turnpike Maintenance Superintendent must be notified when the work is to begin and when it is complete for final inspection. Under no circumstance will any work be done on Authority right-of-way until a license has been obtained. No work will be done on Authority right-of-way on Saturdays, Sundays, Holidays or after dark unless approved by the OTA Maintenance Superintendent. The OTA Maintenance Superintendent may require a pre-construction conference.

C) One copy of the approved license must be kept at the work site for inspection by the Engineer or his representatives. Licensee is to have an independent inspector from ODOT's list of approved inspectors or an engineer present at all times during construction to insure that installation is made in accordance with plans and specifications approved by the Authority. No deviation from the approved plans and specifications will be made without the written approval of the Authority.

D) The Licensee must agree to hold the Authority harmless for any damage or injury to persons or property caused by or resulting from the construction, maintenance, operation, or repair of his facilities on, under, or over the Authority right-of-way, and must further agree to reimburse the Authority for repair of any damage to Authority facilities caused by the construction, maintenance and/or operation of the facility. The applicant will be responsible for any damage resulting from deviation of the assigned crossing corridor.

E) No driveways, local roads, county roads, ditch liners, structures or surfaced areas will be cut unless approved by the Engineer.

F) All work on the Authority right-of way is to be done in accordance with the current "Standard Specification for Turnpike Construction," which is incorporated herein by reference as if fully set out. At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition. Cleanup will include replacing any protective grass cover destroyed by trenching or the operation of any equipment, and correcting any other damage that may have been caused, as directed by the OTA Maintenance Superintendent.

G) The Licensee must furnish all flagmen, lights, barricades, and warning signs during the construction, maintenance, or repair of his facilities on the Authority right-of-way, as required by "The Manual on Uniform Traffic Control Devices."

H) In some cases, the Licensee must post a performance bond in an amount determined by the Engineer. Necessity for such bond will be determined by the Engineer and the bond will be held in his office until the right-of-way is in a presentable condition.

I) Access for constructing a utility will be from outside the Authority right-of-way. Free use of through lanes or ramps by company personnel, machinery, or equipment to reach the work site will not be permitted. When construction equipment must be used within the right-of-way, the owner's plan must designate point of entry and departure of equipment. If deviation from access policy is to be requested, the Engineer should be consulted prior to development of a final plan.

J) When notified to do so by the Authority, the Licensee agrees to make all changes in the facilities on Authority right-of-way within the Authority's established time period at the applicant's own expense. When the Authority needs to make changes in the right-of-way the Licensee shall immediately proceed with relocating the utility lines as directed by the Authority. When notified the utility lines will be relocated at Licensee's own expense.

K) Aerial Facilities - Clearance above the traffic lanes of the highway at all pole line crossings should comply with applicable safety codes, and will not be less than 20 feet. All poles, posts, stubs, fixtures, down guys, wires, and other appurtenances must be kept in good repair at all times, and must be outside the highway right-of-way unless approved by OTA. Facilities located on the highway right-of-way outside the control of access limits must be kept free of weeds and brush within five feet of the installation. All crossings should be as nearly perpendicular as possible. Any deviation must be approved by the Engineer.

L) Underground Facilities - All encased crossings should have casing from right-of-way line to right-of-way line and be sealed at both ends with an approved conduit seal (standard neoprene, rubber and comparable seals will be approved) and vented outside the right-of-way lines. The top of the conduit should be a minimum of 60 inches below the top of pavement, but not less than 30 inches below the bottom of the ditches. The casing must be designed to sustain roadway loadings, contain and divert from the roadway the contents of the carrier pipe, and have a life expectancy equal to or greater than the carrier pipe. The vents should be sized to allow proper release of carrier pipe contents in case of failure. The minimum pipe size for vents is 2 inch nominal, and the vent must extend a minimum of 36 inches above natural ground level. The owner must install identification markers at each right-of-way fence, and should be placed over parallel underground facilities at each change in direction and not more than 1000 foot intervals. The markers may be in the owner's standard design, but must clearly identify the owner stating address, telephone number and emergency contact, size of facility, and must be at least 130 sq. inches in area. They must also be erected at a location plainly visible from within the highway right-of-way.

All underground electric cables crossing a highway must be placed in a conduit and be a minimum of 48 inches below the ditch flow lines. Conduit placed beneath a roadway should be steel. PVC or fiberglass conduit may be used if it

is designed to withstand highway loading and is properly protected. Encasement for underground power lines, or similar facilities, should comply with the above requirements for aerial facilities except for the installation of vents, and seals, and the ability to contain and divert. Methods for boring the roadway shall be the same as for any other bored crossing. Encasement for underground communication lines is not required.

Steel Pipelines crossing the OTA right-of-way shall be designed and constructed in accordance with the quality maintained by industry standards. Steel pipelines crossing the right-of-way may be installed without encasement if the installation is in accordance with the following: 1) carrier pipe material within the right-of-way must be superior to the carrier pipe material outside the right-of-way by being of steel at least one grade better and of the same wall thickness, or a minimum of one wall thickness greater and of the same alloy, 2) pipe must be 48 inches below the flow line of drainage ditches and all other highway drainage facilities, and must be properly protected from corrosion. When the construction consists of coated pipe and hard formations are encountered, the pipe being installed in bored or punched holes must be protected to prevent damage, 3) all installations will be made in accordance with the requirements of the Oklahoma Corporation Commission and the Oklahoma Turnpike Authority, and 4) all installation of facilities and repair work in the event of failure will be performed in accordance with the AASHTO publication "A policy on the Accomodation of Utilities of Freeway Rights-of-Way," and more specifically, service will not be rendered from through traffic lanes or ramps.

Water and sanitary sewer lines crossing the OTA right-of-way may be approved without encasement, if cast or ductile iron or material of equal design is used, with the understanding that maintenance in the event of failure will be performed in accordance with the AASHTO publication on Accomodation of Utilities noted above. If a replacement facility becomes necessary, replacement will be made by boring or punching under the roadway or by inserting replacement pipe through the existing pipe, or any other approved method that will prevent disturbance of the highway. HDPE AC, PVC, or equivalent material lines will not be permitted without the use of a steel or equivalent material, conduit. In any case, all conduit shall be sufficient ot withstand roadway loadings.

All underground crossings must be installed by boring or punching or other approved methods. The method and equipment for the installation must be approved by the Engineer. When boring beneath a roadway, drilling fluid may be used provided the elevation is a minimum of 5 feet below the subgrade. Sufficient drilling fluid for lubricating the bit is acceptable; however, jetting or pressure flushing of the bore will not be permitted. The alignment of the bore is to be established by drilling a pilot hold before beginning the full size bore. Monitoring shall be accomplished by computer generated bore logs which map the bore path based on information provided by the locating/tracking system. Readings or plots shall be obtained on every drill rod, and shall be provided to the Inspector on a daily basis. Upon completion of the bore applicant will furnish an As-built drawing along with a report of the Monitoring of the drilling fluids during the pilot hole and back reamed hole.

Excess drilling fluids shall be contained at the entry and exit points until recycled or removed from the site. The applicant shall ensure that all drilling fluids are disposed of in a manner acceptable to the appropriate local, state and federal regulations. The applicant's work will be immediately suspended by the inspector whenever drilling fluids seep to the surface other than in the boring entrance or exit pit, or when a paved surface is displaced. The applicant shall then propose a method to prevent further seepage and/or displacement, and shall remove and dispose of any drilling fluid, slurry and soil from the paved surface prior to resuming the boring operation.

When drilling fluid is used, the annular space outside the conduit or carrier pipe is to have grout placed at a minimum of 10 PSI pressure, to insure against cavities beneath the roadbed. No work or equipment will be permitted in medians.

When larger diameter pipe/conduit is placed, construction should be done by either jacking, dry boring, or tunneling. When boring in cohesionless materials, jacking, dry boring, or tunneling shall be done in conjunction with the advancement of a conduit/pipe. When boring in Bentonite Clay or equivalent material, drilling mud shall be required at the ends of the bore for a minimum distance of 1 foot. A natural clay or concrete plug will be acceptable for other bores.

Time to complete a bore shall be kept within the limits of open boring or advancing a conduit that can be properly reamed and cleaned out within one working day. Under no circumstances shall muck or water be left standing inside the bore at the end of a working day, or due to a break-down of equipment of more than eight hours.

Pressure grouting of the voids will be required when the diameter of any bore exceeds the outside diameter of the pipe by 2 inches or more. Other voids that could potentially impact the stability of the overlying pavement shall be grouted or otherwise backfilled, subject to Authority approval. No trenching will be allowed inside the control of access limits

unless approved by the Maintenance Superintendent. In the interest of safety, no trenching shall be performed or equipment parked within 30 feet of the edge of the traffic lanes.

M) The Licensee must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without approval of the Maintenance Superintendent. If it becomes necessary to disturb trees or shrubbery, the licensee's intentions must be plainly stated in the application which will include size and kind of trees and shrubs, and disposition during installation.

N) The applicant agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirement for pollution prevention including discharges from storm water runoff on this site. Further, the Applicant agrees as stipulated in the ODEQ's General Permit to secure a storm water permit with the ODEQ, when required. When required, the Applicant will prepare a storm water management plan for this permitted activity which shall include a location map in the form of plan sheets, specifications and schedule for accomplishing the temporary and permanent erosion control work. The Applicant agrees to have daily operational control of those activities at the site necessary to ensure compliance with plan requirement and permit conditions. The Applicant agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System (OPDES) permit with ODEQ which authorized discharges of storm water associated with utility activities from the site identified in the document.

O) It is uncertain as to whether there are environmental issues that may affect the strip or segment of land now maintained by the Authority as a Turnpike. Testing to determine the existence or extent of any such issues within the right-of-way of the Turnpike is determined to be both invasive and destructive and may well result in the compromise of the Turnpike structure. Therefore the decision may have been made to leave any such environmental issues in place and to make the use of the described strip or segment of land subject to restrictive covenants, generally filed of record within the County Courthouse. The Applicant is solely responsible for conducting a due diligence review of courthouse records to determine if any restrictive covenants have been filed privately or publicly due to the presence of environmental issues within the Authority's right-of-way. Applicant is, additionally, solely responsible for conducting the research and complying with any and all such restrictive covenants as recorded. Further, the Applicant is solely responsible for the safety of their employees and/or contractors as it relates to their work within the Authority's right-of-way. The strip or segment of land identified as to contain restrictive covenants shall now and hereafter be subject to the restrictive covenants and without the express consent of the Engineer, Engineering Division, there shall be no residential use of the described land; nor shall any activities be allowed which cause or allow for the erosion of the surface soils to expose any underground environmental issues; nor shall ground water to be taken from or used from the described lands; nor shall the drilling of wells on said lands be permitted, unless approved by the Engineer, Engineering Division. Generally, there shall be no excavation below the base material of the road bed.

P) The Applicant agrees to perform a Title Search of existing Authority right-of-way to determine if the area of placement of this facility will occupy right-of-way currently held by easement from the U.S. Department of Interior, Bureau of Indian Affairs or U.S. Army Corps of Engineers. If it is determined that this facility will occupy an easement of this nature, the Applicant will provide a copy of the easement granted by the appropriate U.S. Governmental Agency. The Applicant is solely responsible for this action and will hold the Oklahoma Turnpike Authority harmless for failure on their part to secure the necessary easement.

Q) The Licensee must be familiar with the AASHTO Policy referred to above, particularly that portion which prohibits the installation or future maintenance of a utility facility from through traffic lanes or ramps.

R) The Licensee must agree to hold the Authority harmless for any and all damages that the utility facilities might sustain while occupying Authority right-of-way.

S) The Licensee must agree to notify all owners who have facilities in the area encompassed by this license before beginning any work.

T) This license is granted subject to the Licensee operating in conformance with the terms and conditions of Department of Army Permit Number OKR2006339 (Exhibit B), as modified by the Corps of Engineers on November 27, 2017 (Exhibit C).

This license may be revoked for noncompliance or failure to begin work within a one year period of date of approval.

**PIPELINES**

Construction Specifications	Outside R/W	Inside R/W
Steel Alloy/Grade	_____	_____
Nominal Diameter	_____	8" and 15" SDR 35
Wall Thickness or Weight/Ft.	_____	pipe wall is .440 for 15"
Contents	_____	Sewage
Test Pressure (PSIG)	_____	N/A (non pressure pipe)
Working Pressure (PSIG)	_____	0
Maximum Pressure Pipeline will be Operated (PSIG)	_____	0

**ELECTRIC**

Voltage \_\_\_\_\_

Conductor Size \_\_\_\_\_

Type of Structure \_\_\_\_\_

Ruling Span \_\_\_\_\_

**TELEPHONE**

Wires/Pairs \_\_\_\_\_

Gauge \_\_\_\_\_

Cable Type \_\_\_\_\_

\_\_\_\_\_  
Licensee (President, Owner, or Authorized Agent)

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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AGREED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Oklahoma Turnpike Authority

Title \_\_\_\_\_

Date \_\_\_\_\_