

April 28, 2020

Tanowa Troupe  
Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

**Letter of Notification**  
**Hanna-Newton Falls 138 kV Transmission Line Rebuild Project**  
**Case No. 19-1857-EL-BLN**  
**Supplemental Information**

Dear Ms. Troupe:

Please find enclosed copies of all five (5) ODOT Aerial Crossing Permits for the Hanna-Newton Falls 138 kV Transmission Line Rebuild Project.

As requested by Staff in the Staff Report of Investigation, recommended Condition #1, we are submitting this additional information into the docket. The remaining permits and approvals for this Project will be docketed as they are received.

Should the Ohio Power Siting Board desire further information or discussion of this submittal, please contact me at (330) 384-2526.

Sincerely,



Scott M. Humphrys  
Transmission Siting Supervisor  
Energy Delivery Transmission and Substation Design  
FirstEnergy Service Company

Attachments

MR 509

Permit No. **POR 14-41**

**State of Ohio**  
**Department of Transportation**  
**Permit**

**Office Use Only**

County or  
Jurisdiction Portage  
Rte 14 Log Pt 13.68  
AccCat N/A

[1] Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name American Transmission Systems  
Address 76 S Main St Akron OH 44308  
Phone (330) 384-2526 is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform work necessary in the manner described and at the location indicated in the following or as attached to this permit.

To install aerial transmission cable facilities on existing structures across SR 14 in Portage County at location and offsets as shown on plan. All requirements of ODOT Supplemental Specifications shall be complied with (see attached).

[2] This permit shall be in the possession of employees on site at all times who are in charge of the work and shall be shown, upon request, to any employee of the Department of Transportation.

[3] No work authorized by this permit shall begin until the permittee has contacted and received instructions from  
Mark Griffiths, County Manager Phone (330) 786-2281  
(Authorized ODOT Employee)

NOTE: Any work performed by the permittee may be stopped if the above requirements are not met.

[4] To the extent applicable, this permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by 12-31-2020

[5] All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[6] The permittee accepts the conditions, terms, and requirements printed, written on, or attached to this permit and understands that failure to comply fully with those conditions, terms, and requirements or any change in the use of this permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation, if applicable, at the permittee's expense.

[7] Performance Bond Required? Yes ☐ No ☒

Surety Company \_\_\_\_\_

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Permittee: \_\_\_\_\_

Director: 

Date: \_\_\_\_\_

Date: 04-23-2020

Rev 10/15/10

## General Provisions Applicable to All Permits

(Sections 5515.01 and 5515.02 of O.R.C.)

[1] This permit is not a substitute for satisfying the rights or obligations of any other party who may have an interest in the underlying fee interest.

[2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.

[3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.

[4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.

[5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.

[6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.

[7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.

[8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.

[9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.

[10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.

[11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.

[12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.

[13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

[14] The permittee certifies that he or she is fully authorized to sign this permit. This permit shall apply to and be binding upon the permittee and his/her successors in interest. No change in ownership of the underlying property or of the facility owned by permittee shall in any way alter the permittee's obligations under this permit.

[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

**STATE OF OHIO**  
**DEPARTMENT OF TRANSPORTATION**  
**Supplemental Specifications**

**ODOT Permit #POR 14-41**

1. **The ODOT Intelligent Transportation System (ITS) Infrastructure and devices are not currently listed in the Ohio Utility Protection Services (OUPS) program. Please send a copy of the OUPS ticket or locate request to the ODOT ITS Section via email to [CEN.ITS.LAB@dot.ohio.gov](mailto:CEN.ITS.LAB@dot.ohio.gov), in order to get the ITS utility infrastructure marked.**
2. Minimum vertical clearance on all crossings shall be equal to or greater than required by ODOT, at a height which is not less than 16.5 ft.
3. NO SMALL CELL/DAS EQUIPMENT PERMITTED!
4. All disturbed right of way must be restored to its original condition or better and seed and mulched as per Item #659, ODOT specifications.
5. Copy of permit must be on construction site at all times during work hours.
6. Do not travel reverse to traffic when installing cable.
7. Traffic shall be maintained at all times. Work zones shall be limited as not to impede the traveling public, road closures shall not be permitted.
8. No field changes permitted without prior ODOT approval.
9. ODOT shall have jurisdiction over any work in the ODOT right of way and has the authority to suspend any work for noncompliance of permit.
10. **No work within the ODOT right of way shall be permitted if visibility is limited due to rain, snow or fog.**
11. No storage of equipment or materials within the ODOT right of way shall be permitted at any time.
12. Except as authorized under the permit, no excavation shall be made or obstacles placed within the limits of the highway in such a manner as to interfere with travel over the road.
13. If grading or other work done under the permit interferes with the drainage of the highway in any manner, catch basins and outlets shall be constructed to properly handle the highway drainage.
14. All the work contemplated under the permit shall be done under the supervision and to the satisfaction of ODOT and the entire expense shall be borne by the party to whom the permit is issued.
15. Upon completion of the work under the permit, the highway is to be left clear of all rubbish, excess materials, temporary structures or equipment.
16. The permit applicant will abide by current State and/or local laws pertaining to storm water pollution prevention and/or erosion control.
17. The right is reserved by the Department to appoint an inspector who shall represent the interests of the State during the installation of the facility. Any compensation arranged for such inspection service shall be paid wholly by the permit holder.

**POR 14-41**

**American Transmission Systems**

18. Prior to any excavation in the highway right of way, the permit holder must contact the Ohio Utilities Protection Service (OUPS) and the Oil and Gas Producers Underground Protection Service (OGPUPS) and request all existing underground utility facilities be marked.
19. The acceptance of a permit, or the performance of any work under the permit, constitutes an agreement between ODOT and the party to whom the permit is granted. Compliance with all conditions and restrictions included with the permit is mandatory.
20. **If your utility is above ground in any way, you must mark your utility with a fluorescent colored marker that corresponds with the universal OUPS color code. The marker must be no shorter than six feet in height and you must maintain the marker. Guide wires must be marked a fluorescent yellow. Failure to do so will result in no reimbursement for damage to your property.**

The provisions and conditions as outlined on page 2 - 5 of this permit shall be applicable to the work to be done under this permit, including maintaining traffic and the use of barricades with lights for the safety of the traveling public, according to the requirements set forth in the Ohio Manual of Uniform Traffic Control Devices, unless otherwise herein stipulated. This work to be performed at no cost to the State of Ohio. This permit is not a substitute for satisfying the rights of any other party that may have an interest in the underlying fee.

\*Portage County across SR 14, .7 miles south of SR 5/44.

MR 509

Permit No. **POR 44-42**

**State of Ohio**  
**Department of Transportation**  
**Permit**

**Office Use Only**

County or  
Jurisdiction Portage  
Rte 44 Log Pt 3.51  
AccCat N/A

[1] Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name American Transmission Systems  
Address 76 S Main St Akron OH 44308  
Phone (330) 384-2526 is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform work necessary in the manner described and at the location indicated in the following or as attached to this permit.

To install aerial transmission cable facilities on existing structures across SR 44 in Portage County at location and offsets as shown on plan. All requirements of ODOT Supplemental Specifications shall be complied with (see attached).

[2] This permit shall be in the possession of employees on site at all times who are in charge of the work and shall be shown, upon request, to any employee of the Department of Transportation.

[3] No work authorized by this permit shall begin until the permittee has contacted and received instructions from  
Mark Griffiths, County Manager Phone (330) 786-2281  
(Authorized ODOT Employee)

NOTE: Any work performed by the permittee may be stopped if the above requirements are not met.

[4] To the extent applicable, this permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by 12-31-2020

[5] All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[6] The permittee accepts the conditions, terms, and requirements printed, written on, or attached to this permit and understands that failure to comply fully with those conditions, terms, and requirements or any change in the use of this permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation, if applicable, at the permittee's expense.

[7] Performance Bond Required? Yes ☐ No ☒

Surety Company \_\_\_\_\_

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Permittee: \_\_\_\_\_

Director: 

Date: \_\_\_\_\_

Date: 04-23-2020

Rev 10/15/10

## General Provisions Applicable to All Permits

(Sections 5515.01 and 5515.02 of O.R.C.)

[1] This permit is not a substitute for satisfying the rights or obligations of any other party who may have an interest in the underlying fee interest.

[2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.

[3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.

[4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.

[5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.

[6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.

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[9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.

[10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.

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[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
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**STATE OF OHIO**  
**DEPARTMENT OF TRANSPORTATION**  
**Supplemental Specifications**

**ODOT Permit #POR 44-42**

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3. NO SMALL CELL/DAS EQUIPMENT PERMITTED!
4. All disturbed right of way must be restored to its original condition or better and seed and mulched as per Item #659, ODOT specifications.
5. Copy of permit must be on construction site at all times during work hours.
6. Do not travel reverse to traffic when installing cable.
7. Traffic shall be maintained at all times. Work zones shall be limited as not to impede the traveling public, road closures shall not be permitted.
8. No field changes permitted without prior ODOT approval.
9. ODOT shall have jurisdiction over any work in the ODOT right of way and has the authority to suspend any work for noncompliance of permit.
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11. No storage of equipment or materials within the ODOT right of way shall be permitted at any time.
12. Except as authorized under the permit, no excavation shall be made or obstacles placed within the limits of the highway in such a manner as to interfere with travel over the road.
13. If grading or other work done under the permit interferes with the drainage of the highway in any manner, catch basins and outlets shall be constructed to properly handle the highway drainage.
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16. The permit applicant will abide by current State and/or local laws pertaining to storm water pollution prevention and/or erosion control.
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**POR 44-42**

**American Transmission Systems**

18. Prior to any excavation in the highway right of way, the permit holder must contact the Ohio Utilities Protection Service (OUPS) and the Oil and Gas Producers Underground Protection Service (OGPUPS) and request all existing underground utility facilities be marked.
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20. **If your utility is above ground in any way, you must mark your utility with a fluorescent colored marker that corresponds with the universal OUPS color code. The marker must be no shorter than six feet in height and you must maintain the marker. Guide wires must be marked a fluorescent yellow. Failure to do so will result in no reimbursement for damage to your property.**

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\*Portage County across SR 44, .36 miles south of Lake Rd.

MR 509

Permit No. **POR 44-43**

**State of Ohio**  
**Department of Transportation**  
**Permit**

**Office Use Only**

County or  
Jurisdiction Portage  
Rte 44 Log Pt 2.51  
AccCat N/A

[1] Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name American Transmission Systems  
Address 76 S Main St Akron OH 44308  
Phone (330) 384-2526 is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform work necessary in the manner described and at the location indicated in the following or as attached to this permit.

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[3] No work authorized by this permit shall begin until the permittee has contacted and received instructions from

Mark Griffiths, County Manager  
(Authorized ODOT Employee)

Phone (330) 786-2281

NOTE: Any work performed by the permittee may be stopped if the above requirements are not met.

[4] To the extent applicable, this permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by 12-31-2020

[5] All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

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[7] Performance Bond Required? Yes ☐ No ☒

Surety Company \_\_\_\_\_

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Permittee: \_\_\_\_\_

Director: 

Date: \_\_\_\_\_

Date: 04-23-2020

Rev 10/15/10

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(Sections 5515.01 and 5515.02 of O.R.C.)

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[2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.

[3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.

[4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.

[5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.

[6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.

[7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.

[8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.

[9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.

[10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.

[11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.

[12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.

[13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

[14] The permittee certifies that he or she is fully authorized to sign this permit. This permit shall apply to and be binding upon the permittee and his/her successors in interest. No change in ownership of the underlying property or of the facility owned by permittee shall in any way alter the permittee's obligations under this permit.

[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

**STATE OF OHIO**  
**DEPARTMENT OF TRANSPORTATION**  
**Supplemental Specifications**

**ODOT Permit #POR 44-43**

1. **The ODOT Intelligent Transportation System (ITS) Infrastructure and devices are not currently listed in the Ohio Utility Protection Services (OUPS) program. Please send a copy of the OUPS ticket or locate request to the ODOT ITS Section via email to [CEN.ITS.LAB@dot.ohio.gov](mailto:CEN.ITS.LAB@dot.ohio.gov), in order to get the ITS utility infrastructure marked.**
2. Minimum vertical clearance on all crossings shall be equal to or greater than required by ODOT, at a height which is not less than 16.5 ft.
3. NO SMALL CELL/DAS EQUIPMENT PERMITTED!
4. All disturbed right of way must be restored to its original condition or better and seed and mulched as per Item #659, ODOT specifications.
5. Copy of permit must be on construction site at all times during work hours.
6. Do not travel reverse to traffic when installing cable.
7. Traffic shall be maintained at all times. Work zones shall be limited as not to impede the traveling public, road closures shall not be permitted.
8. No field changes permitted without prior ODOT approval.
9. ODOT shall have jurisdiction over any work in the ODOT right of way and has the authority to suspend any work for noncompliance of permit.
10. **No work within the ODOT right of way shall be permitted if visibility is limited due to rain, snow or fog.**
11. No storage of equipment or materials within the ODOT right of way shall be permitted at any time.
12. Except as authorized under the permit, no excavation shall be made or obstacles placed within the limits of the highway in such a manner as to interfere with travel over the road.
13. If grading or other work done under the permit interferes with the drainage of the highway in any manner, catch basins and outlets shall be constructed to properly handle the highway drainage.
14. All the work contemplated under the permit shall be done under the supervision and to the satisfaction of ODOT and the entire expense shall be borne by the party to whom the permit is issued.
15. Upon completion of the work under the permit, the highway is to be left clear of all rubbish, excess materials, temporary structures or equipment.
16. The permit applicant will abide by current State and/or local laws pertaining to storm water pollution prevention and/or erosion control.
17. The right is reserved by the Department to appoint an inspector who shall represent the interests of the State during the installation of the facility. Any compensation arranged for such inspection service shall be paid wholly by the permit holder.

**POR 44-43**

**American Transmission Systems**

18. Prior to any excavation in the highway right of way, the permit holder must contact the Ohio Utilities Protection Service (OUPS) and the Oil and Gas Producers Underground Protection Service (OGPUPS) and request all existing underground utility facilities be marked.
19. The acceptance of a permit, or the performance of any work under the permit, constitutes an agreement between ODOT and the party to whom the permit is granted. Compliance with all conditions and restrictions included with the permit is mandatory.
20. **If your utility is above ground in any way, you must mark your utility with a fluorescent colored marker that corresponds with the universal OUPS color code. The marker must be no shorter than six feet in height and you must maintain the marker. Guide wires must be marked a fluorescent yellow. Failure to do so will result in no reimbursement for damage to your property.**

The provisions and conditions as outlined on page 2 - 5 of this permit shall be applicable to the work to be done under this permit, including maintaining traffic and the use of barricades with lights for the safety of the traveling public, according to the requirements set forth in the Ohio Manual of Uniform Traffic Control Devices, unless otherwise herein stipulated. This work to be performed at no cost to the State of Ohio. This permit is not a substitute for satisfying the rights of any other party that may have an interest in the underlying fee.

\*Portage County across SR 44, 100 ft. south of Hayes Rd.



## Office Use Only

County or  
Jurisdiction Portage  
Rte 225 Log Pt 13.60  
AccCat N/A

Permit No. **POR 225-44**

**State of Ohio**  
**Department of Transportation**  
**Permit**

[1] Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name American Transmission Systems  
Address 76 S Main St Akron OH 44308  
Phone (330) 384-2526 is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform work necessary in the manner described and at the location indicated in the following or as attached to this permit.

To install aerial transmission cable facilities on existing structures across US 225 in Portage County at location and offsets as shown on plan. All requirements of ODOT Supplemental Specifications shall be complied with (see attached).

[2] This permit shall be in the possession of employees on site at all times who are in charge of the work and shall be shown, upon request, to any employee of the Department of Transportation.

[3] No work authorized by this permit shall begin until the permittee has contacted and received instructions from

Mark Griffiths, County Manager  
(Authorized ODOT Employee)

Phone (330) 786-2281

NOTE: Any work performed by the permittee may be stopped if the above requirements are not met.

[4] To the extent applicable, this permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by 12-31-2020

[5] All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[6] The permittee accepts the conditions, terms, and requirements printed, written on, or attached to this permit and understands that failure to comply fully with those conditions, terms, and requirements or any change in the use of this permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation, if applicable, at the permittee's expense.

[7] Performance Bond Required? Yes ☐ No ☒

Surety Company \_\_\_\_\_

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Permittee: \_\_\_\_\_

Director: 

Date: \_\_\_\_\_

Date: 04-23-2020

## General Provisions Applicable to All Permits

(Sections 5515.01 and 5515.02 of O.R.C.)

[1] This permit is not a substitute for satisfying the rights or obligations of any other party who may have an interest in the underlying fee interest.

[2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.

[3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.

[4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.

[5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.

[6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.

[7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.

[8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.

[9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.

[10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.

[11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.

[12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.

[13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

[14] The permittee certifies that he or she is fully authorized to sign this permit. This permit shall apply to and be binding upon the permittee and his/her successors in interest. No change in ownership of the underlying property or of the facility owned by permittee shall in any way alter the permittee's obligations under this permit.

[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

**STATE OF OHIO**  
**DEPARTMENT OF TRANSPORTATION**  
**Supplemental Specifications**

**ODOT Permit #POR 225-44**

1. **The ODOT Intelligent Transportation System (ITS) Infrastructure and devices are not currently listed in the Ohio Utility Protection Services (OUPS) program. Please send a copy of the OUPS ticket or locate request to the ODOT ITS Section via email to [CEN.ITS.LAB@dot.ohio.gov](mailto:CEN.ITS.LAB@dot.ohio.gov), in order to get the ITS utility infrastructure marked.**
2. Minimum vertical clearance on all crossings shall be equal to or greater than required by ODOT, at a height which is not less than 16.5 ft.
3. NO SMALL CELL/DAS EQUIPMENT PERMITTED!
4. All disturbed right of way must be restored to its original condition or better and seed and mulched as per Item #659, ODOT specifications.
5. Copy of permit must be on construction site at all times during work hours.
6. Do not travel reverse to traffic when installing cable.
7. Traffic shall be maintained at all times. Work zones shall be limited as not to impede the traveling public, road closures shall not be permitted.
8. No field changes permitted without prior ODOT approval.
9. ODOT shall have jurisdiction over any work in the ODOT right of way and has the authority to suspend any work for noncompliance of permit.
10. **No work within the ODOT right of way shall be permitted if visibility is limited due to rain, snow or fog.**
11. No storage of equipment or materials within the ODOT right of way shall be permitted at any time.
12. Except as authorized under the permit, no excavation shall be made or obstacles placed within the limits of the highway in such a manner as to interfere with travel over the road.
13. If grading or other work done under the permit interferes with the drainage of the highway in any manner, catch basins and outlets shall be constructed to properly handle the highway drainage.
14. All the work contemplated under the permit shall be done under the supervision and to the satisfaction of ODOT and the entire expense shall be borne by the party to whom the permit is issued.
15. Upon completion of the work under the permit, the highway is to be left clear of all rubbish, excess materials, temporary structures or equipment.
16. The permit applicant will abide by current State and/or local laws pertaining to storm water pollution prevention and/or erosion control.
17. The right is reserved by the Department to appoint an inspector who shall represent the interests of the State during the installation of the facility. Any compensation arranged for such inspection service shall be paid wholly by the permit holder.

18. Prior to any excavation in the highway right of way, the permit holder must contact the Ohio Utilities Protection Service (OUPS) and the Oil and Gas Producers Underground Protection Service (OGPUPS) and request all existing underground utility facilities be marked.
19. The acceptance of a permit, or the performance of any work under the permit, constitutes an agreement between ODOT and the party to whom the permit is granted. Compliance with all conditions and restrictions included with the permit is mandatory.
20. **If your utility is above ground in any way, you must mark your utility with a fluorescent colored marker that corresponds with the universal OUPS color code. The marker must be no shorter than six feet in height and you must maintain the marker. Guide wires must be marked a fluorescent yellow. Failure to do so will result in no reimbursement for damage to your property.**

The provisions and conditions as outlined on page 2 - 5 of this permit shall be applicable to the work to be done under this permit, including maintaining traffic and the use of barricades with lights for the safety of the traveling public, according to the requirements set forth in the Ohio Manual of Uniform Traffic Control Devices, unless otherwise herein stipulated. This work to be performed at no cost to the State of Ohio. This permit is not a substitute for satisfying the rights of any other party that may have an interest in the underlying fee.

\*Portage County across US 225, .36 miles south of Gilbert Rd.

MR 509

Permit No. **TRU 534-37**

**State of Ohio**  
**Department of Transportation**  
**Permit**

**Office Use Only**

County or  
Jurisdiction Trumbull  
Rte 534 Log Pt 2.26  
AccCat N/A

[1] Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name American Transmission Systems  
Address 76 S Main St Akron OH 44308  
Phone (330) 384-2526 is hereby granted a permit under Section 5515.01 and 5515.02 of Ohio Revised Code, and permission to perform work necessary in the manner described and at the location indicated in the following or as attached to this permit.

To install aerial transmission cable facilities across SR 534 on existing structures in Trumbull County at location and offsets as shown on plans. All the requirements of ODOT Supplemental Specifications shall be complied with (see attached).

This permit shall be in the possession of employees on site at all times who are in charge of the work and shall be shown, upon request, to any employee of the Department of Transportation.

[3] No work authorized by this permit shall begin until the permittee has contacted and received instructions from  
Joe Parthemer, County Manager Phone (330) 786-4988  
(Authorized ODOT Employee)

NOTE: Any work performed by the permittee may be stopped if the above requirements are not met.

[4] To the extent applicable, this permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by 12-31-2020

[5] All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[6] The permittee accepts the conditions, terms, and requirements printed, written on, or attached to this permit and understands that failure to comply fully with those conditions, terms, and requirements or any change in the use of this permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation, if applicable, at the permittee's expense.

[7] Performance Bond Required? Yes ☐ No ☒

Surety Company \_\_\_\_\_

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Permittee: \_\_\_\_\_

Director: 

Date: \_\_\_\_\_

Date: 04-23-2020

Rev 10/15/10

## General Provisions Applicable to All Permits

(Sections 5515.01 and 5515.02 of O.R.C.)

[1] This permit is not a substitute for satisfying the rights or obligations of any other party who may have an interest in the underlying fee interest.

[2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.

[3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.

[4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.

[5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.

[6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.

[7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.

[8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.

[9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.

[10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.

[11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.

[12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.

[13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

[14] The permittee certifies that he or she is fully authorized to sign this permit. This permit shall apply to and be binding upon the permittee and his/her successors in interest. No change in ownership of the underlying property or of the facility owned by permittee shall in any way alter the permittee's obligations under this permit.

[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.



**STATE OF OHIO**  
**DEPARTMENT OF TRANSPORTATION**  
**Supplemental Specifications**

**ODOT Permit #TRU 534-37**

1. **The ODOT Intelligent Transportation System (ITS) Infrastructure and devices are not currently listed in the Ohio Utility Protection Services (OUPS) program. Please send a copy of the OUPS ticket or locate request to the ODOT ITS Section via email to [CEN.ITS.LAB@dot.ohio.gov](mailto:CEN.ITS.LAB@dot.ohio.gov), in order to get the ITS utility infrastructure marked.**
2. Minimum vertical clearance on all crossings must be equal to or greater than required by ODOT at a height which is not less than 16 ½ ft.
3. NO SMALL CELL/DAS EQUIPMENT PERMITTED!
4. Copy of permit must be on construction site at all times during work hours.
5. Do not travel reverse to traffic when installing cable.
6. Encroachment of highway pavement will require flag persons to assist in the control of traffic.
7. Traffic shall be maintained at all times. Work zones shall be limited as not to impede the traveling public, road closures shall not be permitted.
8. No field changes permitted without prior ODOT approval.
9. ODOT shall have jurisdiction over any work in the ODOT right of way and has the authority to suspend any work for noncompliance of permit.
10. **No work within the ODOT right of way shall be permitted if visibility is limited due to rain, snow or fog.**
11. No storage of equipment or materials within the ODOT right of way shall be permitted at any time.
12. All disturbed right of way shall be restored to its original condition or better and seed and mulched as per Item #659, ODOT specifications.
13. Except as authorized under the permit, no excavation shall be made, or obstacles placed within the limits of the highway in such a manner as to interfere with travel over the road.
14. If grading or other work done under the permit interferes with the drainage of the highway in any manner, catch basins and outlets shall be constructed to properly handle the highway drainage.
15. All the work contemplated under the permit shall be done under the supervision and to the satisfaction of ODOT and the entire expense shall be borne by the party to whom the permit is issued.
16. Upon completion of the work under the permit, the highway is to be left clear of all rubbish, excess materials, temporary structures or equipment.
17. The permit applicant will abide by current State and/or local laws pertaining to storm water pollution prevention and/or erosion control.

**TRU 534-37****American Transmission Systems**

18. The right is reserved by the Department to appoint an inspector who shall represent the interests of the State during the installation of the facility. Any compensation arranged for such inspection service shall be paid wholly by the permit holder.
19. Prior to any excavation in the highway right of way, the permit holder must contact the Ohio Utilities Protection Service (OUPS) and the Oil and Gas Producers Underground Protection Service (OGPUPS) and request all existing underground utility facilities be marked.
20. The acceptance of a permit, or the performance of any work under the permit, constitutes an agreement between ODOT and the party to whom the permit is granted. Compliance with all conditions and restrictions included with the permit is mandatory.
21. **If your utility is above ground in any way, you must mark your utility with a fluorescent colored marker that corresponds with the universal OUPS color code. The marker must be no shorter than six feet in height and you must maintain the marker. Guide wires must be marked a fluorescent yellow. Failure to do so will result in no reimbursement for damage to your property.**

The provisions and conditions as outlined on Page 2 - 5 of this permit shall be applicable to the work to be done under this permit, including maintaining traffic and the use of barricades with lights for the safety of the traveling public, according to the requirements set forth in the Ohio Manual of Uniform Traffic Control Devices, unless otherwise herein stipulated. This work to be performed at no cost to the State of Ohio. This permit is not a substitute for satisfying the rights of any other party that may have an interest in the underlying fee.

\*Trumbull County across SR 534, 370 ft. north of McClure East Rd.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 19-1857-EL-BLN**

Summary: Notice of Docketing of Approvals from the Ohio Department of Transportation, Office of Aviation electronically filed by Mr. Robert J Schmidt on behalf of American Transmission Systems Inc.