

**Legal Department** 

American Electric Power 1 Riverside Plaza Columbus, OH 43215-2373 AEP.com

March 8, 2023

Ms. Tanowa Troupe, Secretary Ohio Power Siting Board 180 East Broad Street Columbus, Ohio 43215-3793

Hector Garcia Senior Counsel – Regulatory Services (614) 716-3410 (P) hgarcia1@aep.com

RE: Proof of Compliance with Condition Case No. 22-0752-EL-BLN Lee Extension 138 kV Transmission Line Project

Dear Ms. Troupe:

In satisfaction of Condition (2) of the Staff Report for this Project, AEP Ohio Transmission Company, Inc. submits this notice and attachment to inform you that the State of Ohio Department of Transportation permit has been approved for the abovereferenced Project.

If you have any questions regarding this information, please do not hesitate to contact me.

Respectfully submitted,

<u>/s/ Hector Garcia</u> Hector Garcia (0084517), Counsel of Record Counsel for AEP Ohio Transmission Company, Inc.

cc: John Jones, Counsel OPSB Staff Jon Pawley, OPSB Staff

MR 509	Office Use Only
Permit No. 10-11558	
State of Ohio Department of Transportation Permit	County or Jurisdiction ATH Rte SR681 Log Pt 7.409-7.64 Acc Cat

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

Name: AEP Ohio Transmission Company, Inc. Address: 1 Riverside Plaza Columbus OH 43215 Company Phone: 985-227-2000

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 attached to this permit.

To construct and maintain a temporary standard BP-4.1 field drive by installing a culvert pipe if necessary for drainage. The driveway shall slope down and away from the pavement edge and shall be constructed so that no water or debris will drain onto the state roadway. A minimum 2:1 slope shall be maintained from the edge of the proposed access to the flow line of the ditch. Any and all costs for the construction and maintenance of this driveway shall be borne by the applicant or his successors in title. Work performed shall be as shown on plan submitted with application and approved by the Ohio Department of Transportation dated 03/02/2023. All disturbed areas within state right of way must be restored to original condition upon completion of work. There shall be no deviations in this permit without prior approval from the Ohio Department of Transportation.

Description of Work: This 4 temporary construction entrance application is for a temporary entrance for an AEP Ohio Transmission project so that crews may access the construction area and perform necessary work activities. This work is scheduled to begin March 1, 2022 and will continue until March 1, 2023.

[2] This permit shall be in the possession of employees /agents of permittee 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.

Contact ODOT Representative 3 days before work begins, also contact ODOT Representative when work is completed for final inspection. Failure to notify the ODOT Representative could result in work stoppage!

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

ODOT Representative	Scott Sanders
Phone	740-568-4321
Email Address:	Scot.sanders@dot.ohio.gov

NOTE: Any work performed by the permittee may be stopped if this requirement is not met.

[4] Prior to any excavation in the highway right-of-way, the Ohio811, <u>https://www.oups.org/excavators</u>, must be contacted in accordance with ORC Section 3781.25 to 3781.32. Ohio811 can be reached at 1-800-362-2764 or 811.

[5] 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 mark as described, will result in the Department of Transportation being held harmless and no reimbursement for damage to your property.

[6] 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.

[7] 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 the 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 an including removal of the installation at the permittee's expense.

[8] Performance Bond Required?	Yes No	Company
Effective Date	Expiration Date	Amount \$

[9] 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 12/31/2023

Dated 03/02/2023

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 and within the time determined by the Director. 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 t he 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 or its agent 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 or remove such work and the permittee shall reimburse the Department for the costs and shall hold the Department harmless for all results of such work.

[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, its employees, agents, 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 Department's determination and given an opportunity to correct the problem. If the problem is not corrected timely or to the satisfaction of the Department, this permit will be revoked.

[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 and any materials such as pipes and tiles damaged during any installation or repair by the permittee or its employees or agents shall be repaired immediately at the sole cost of the permittee . Permittee shall timely notify the Department of any such damage and repairs thereto. Failure of the permittee to immediately repair the damage after it is discovered shall result in the Department performing the repair and the permittee shall reimburse the Department for the costs and shall hold the Department harmless for all the results of such work which may include removal of the permittee's facilities.

[10] Any damage to ODOT or another's property caused by the work shall be repaired by the permittee or permittee's agent or contractor in a timely manner and at the sole cost of permittee. If any emergency repairs to ODOT property are needed that cannot be performed by the permittee or permittee's agent or contractor, ODOT shall cause the repairs to be performed at the sole cost of permittee.

[11] 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.

[12] 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.

[13] 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.

[14] All underground utilities shall be installed at a depth and horizontal distance from the road surface and any appurtenances in accordance with state and national safety standards and as pre-approved by the Department. After installation, the exact location of the utility shall be provided to the Department. The Department shall be held harmless for any damage to utilities due to insufficient or inaccurate installation or identification and all repairs shall be at the sole cost of the permittee.

[15] 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.

[16] 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 any 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.

[17] 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, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the utility/facilities/ services of the permittee.

(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, Non-discrimination 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 non-discrimination 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.

This permit is granted subject to the following attached conditions:

(the remainder of this page is left blank intentionally)

### Access Road Notes:

1) Access roads are symbolized according to their material composition (see legend at bottom left).

2) The constructed width of each access road is site specific and indicated on the map sheet label corresponding to each access road. For example, D-15'-G where D = the existing roadway material (Dirt), 15' = the constructed width of the access road, and G = the roadway material to be installed (Gravel). See access road labeling on this page.

3) In areas of access road turns greater than 90 degrees – a wider roadway might be needed at that point (approximately 60' – 70' in width).

4) Standard depth of cover material. 6" of #2 stone and 3-4" of #304 as requested by TCR Supervisor.

5. O denotes locations where access roads change from one material to another

## **General Notes:**

1) No new laydown, marshalling yard, equipment storage area, timber storage area, or any other ground disturbance is permitted unless shown on this Plan.

2) Provide any proposed laydown, marshalling yard, or other ground disturbance to the TCR and AEP Environmental Specialist (See Cover for Name/Number), if not shown on this Plan.
 3) Provide any access road modification or additions to the TCR or AEP Environmental Specialist (See Cover for Name/Number), if not shown on this Plan.
 4) Work completed within 100 feet of cemeteries or burials should be considered sensitive. Contact the responsible AEP Environmental Specialist (See Cover for Name/Number) before proceeding with any work.
 5) Discovery during construction of any human or unidentified artifacts or other unknown objects that are unearthed or otherwise discovered requires construction to cease and immediate notification to the responsible AEP Environmental Specialist (See Cover for Name/Number).

6) Any modifications or additions must be added to this Plan, field checked, and permits updated as needed prior to construction.

7) Equipment access to wetlands is not allowed unless on a permitted access road crossing with timber mats. Parking equipment on timber mats overnight within a wetland is strictly prohibited.

8) Contractor is responsible for determining whether matting used for stream/wetland crossings is adequate to safely support weight of construction equipment ahead of use.

9) Orange Barrier Fence (OBF) shall be installed along streams and wetlands to provide a visual boundary and assist the Contractor in avoiding impacts. If an OBF is being installed to avoid disturbance to a stream/wetland, then a sign shall be installed that states, "STOP, Wetland Area, DO NOT DISTURB or cross with equipment."

10) Unless otherwise shown, do not place silt fence, filter sock or OBF within sensitive areas (e.g. Wetland or Stream).

11) Where feasible, provide and maintain a 50-foot undisturbed natural buffer around streams and wetlands. If this is not feasible, stabilization measures shall be employed within two days of construction completion or within two days of the most recent disturbance if the area will remain idle for more than 14 days.

12) No mechanized clearing or grubbing is permitted in stream/wetland areas. If clearing is needed, then only hand clearing is allowed.

13) The stockpiling of soil, mulch, aggregate or other similar materials shall be completely surrounded by filter sock and, if needed, temporarily seeded in accordance with the stabilization requirements included in the Plan. Any stockpiled material that is not used during the project shall be removed from the site, unless otherwise directed by AEP.

14) Spills of hazardous substances such as oil, diesel fuel, hydraulic fluid, antifreeze or other objectionable hazardous substances that are of a quantity, type, duration and in a location as to damage the waters of the state, shall be immediately reported to AEP.

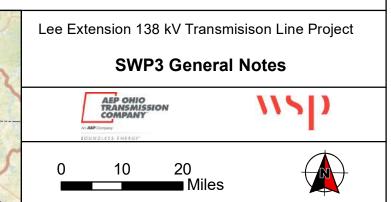
15) The Contractor is responsible for any existing culverts that are damaged by their activities, and the Contractor is responsible for determining whether an existing culvert crossing will support the weight of their construction equipment. The Contractor may mat such crossings to prevent damaging existing culverts. Culvert installation or replacement shall not be implemented without prior approval from the TCR and AEP Environmental Specialist (See Cover for Name/Number).

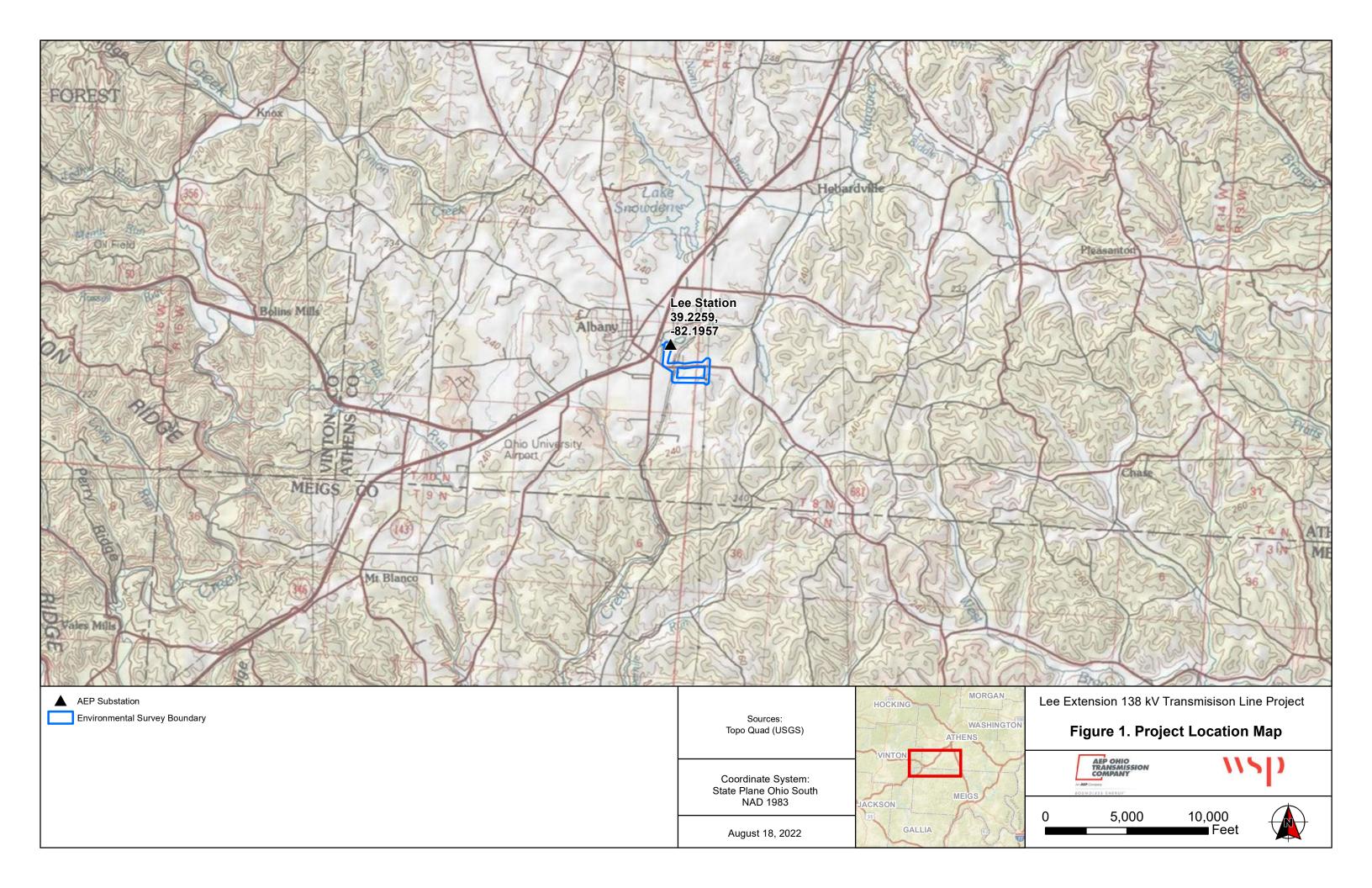
16) For rebuilds and retirement projects that include the removal of wood poles treated with creosote, all such poles must be physically removed from the right-of-way and properly disposed of in accordance with all applicable laws and regulations unless the poles will be given to the landowner for reuse. Cut or otherwise removed creosote treated poles contain hazardous constituents and may not be left in place or disposed of with other clean wood waste.

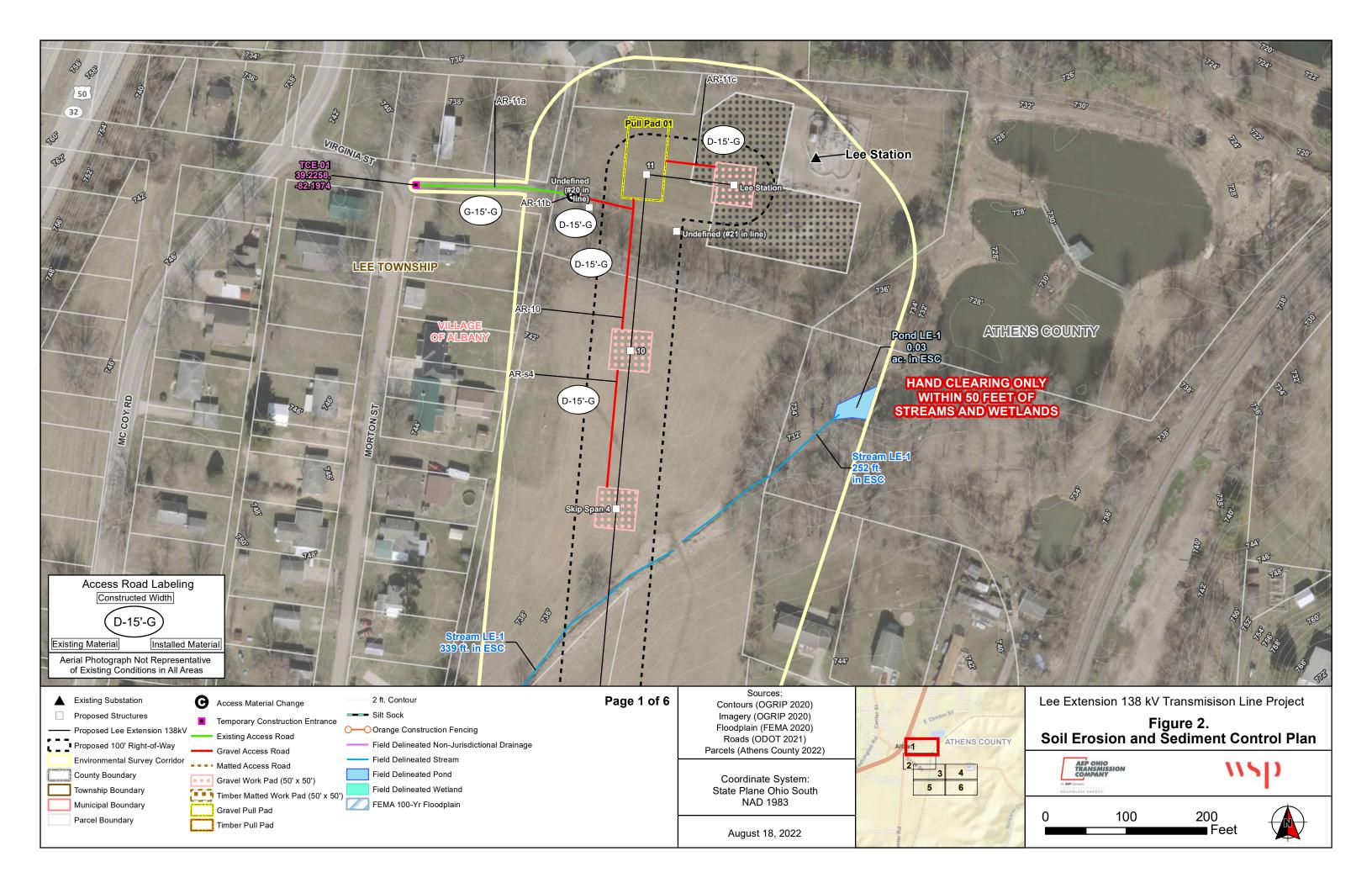
17) The conditions and restrictions shown on these plans are a part of the approved permits and must be strictly followed.

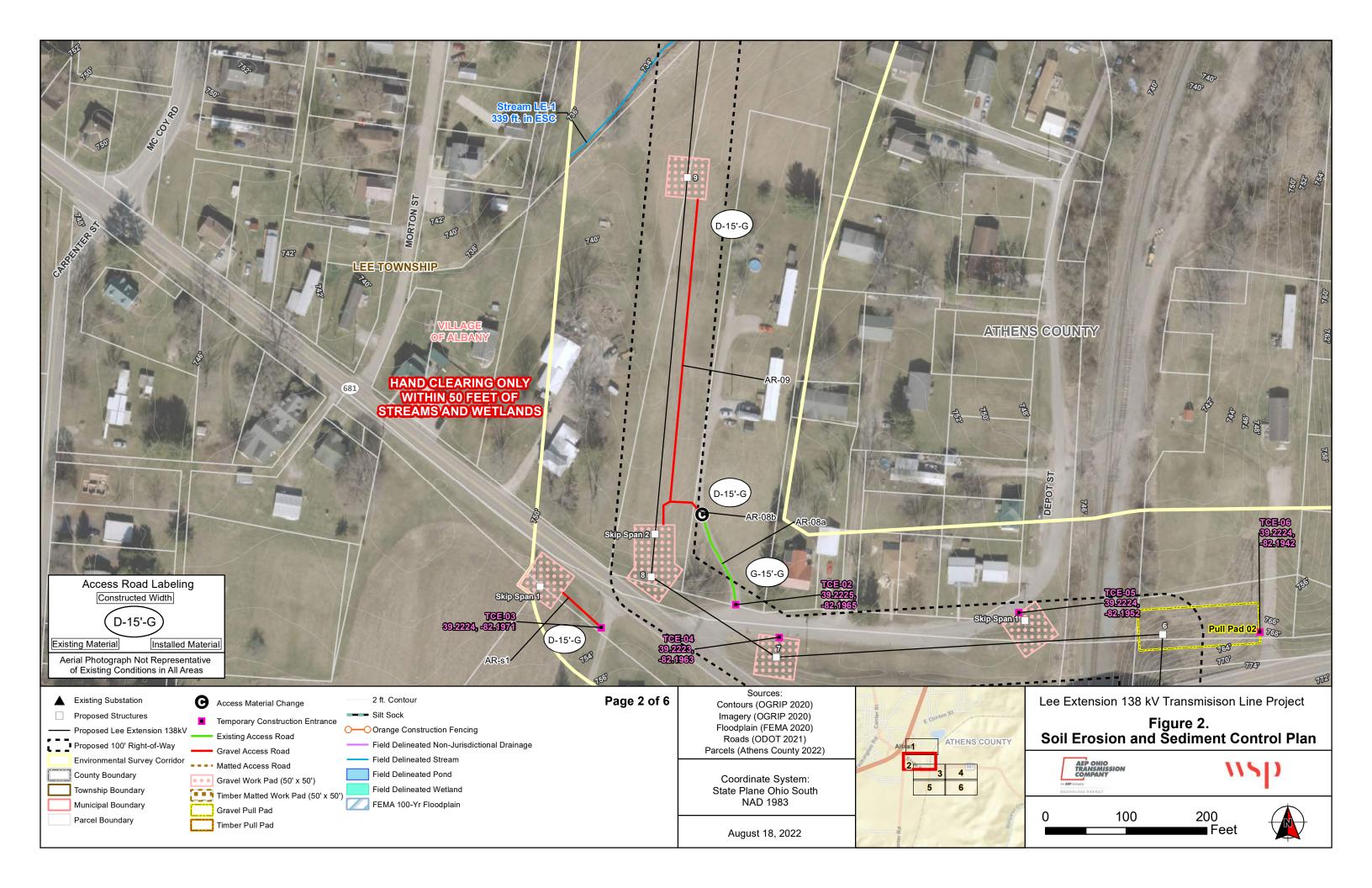
Type of Access Road	Existing Roadway Material	Roadway Material to be Installed	Line Symbol	Access Road Labeling		HOCKING COUNTY
Existing	Asphalt,	Asphalt,			Athens County, Ohio	Athens ATHENS COUNT
Access Road	Gravel	Gravel		( D-15'-G )		
New	Dirt	Gravel				
Access Road	Dirt	Glaver		Existing Material Installed Material	Coordinate System:	
Timber Mat	Dirt	TimberMat			State Plane Ohio South	
Access Road	Dirt	Timber Mat			NAD 1983	MEIGS COUNTY
					August 18, 2022	JACKSON COUNTY GALLIA COUNTY

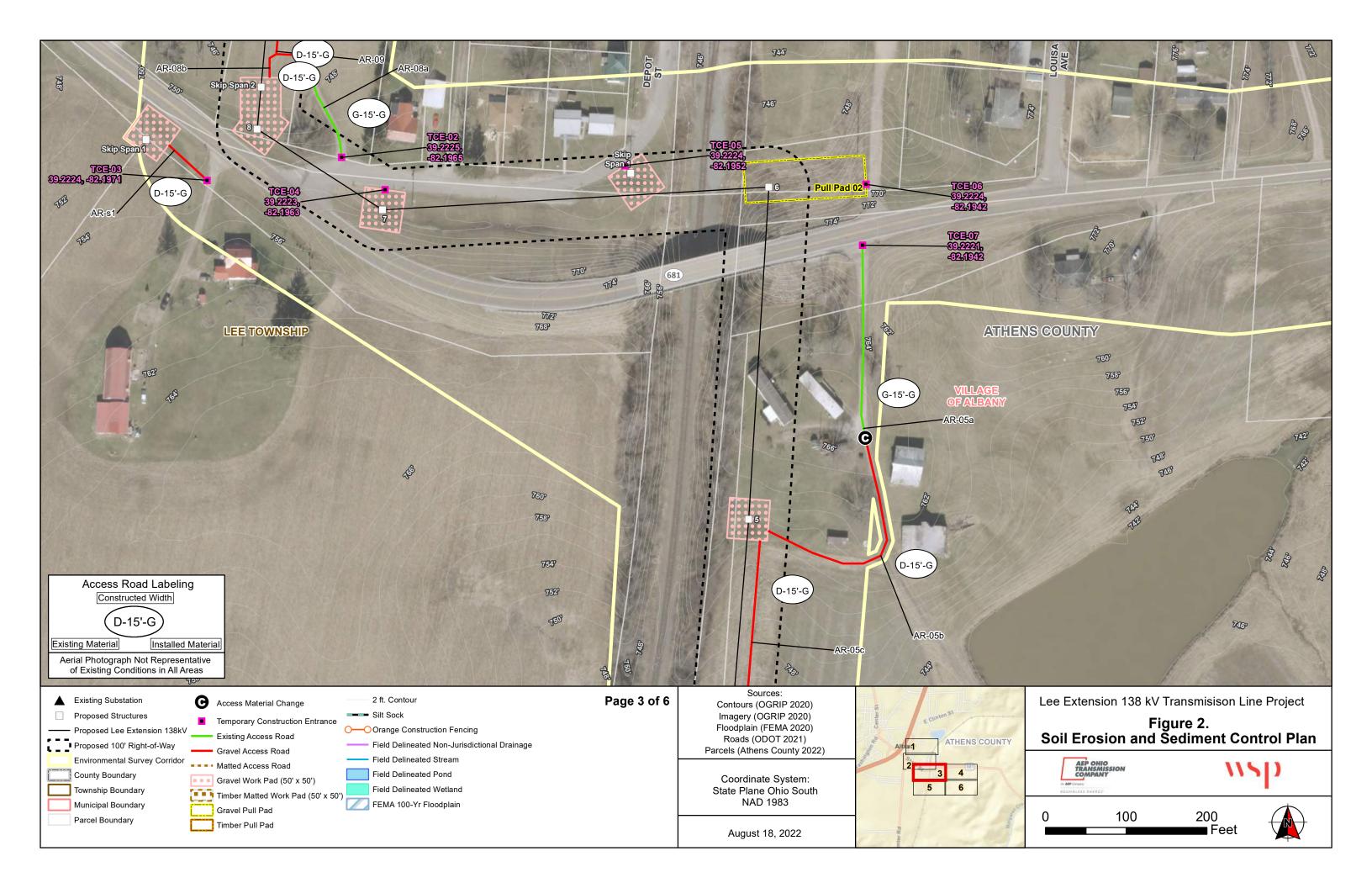
n a wetland is strictly prohibited. head of use. BF is being installed to avoid disturbance to a

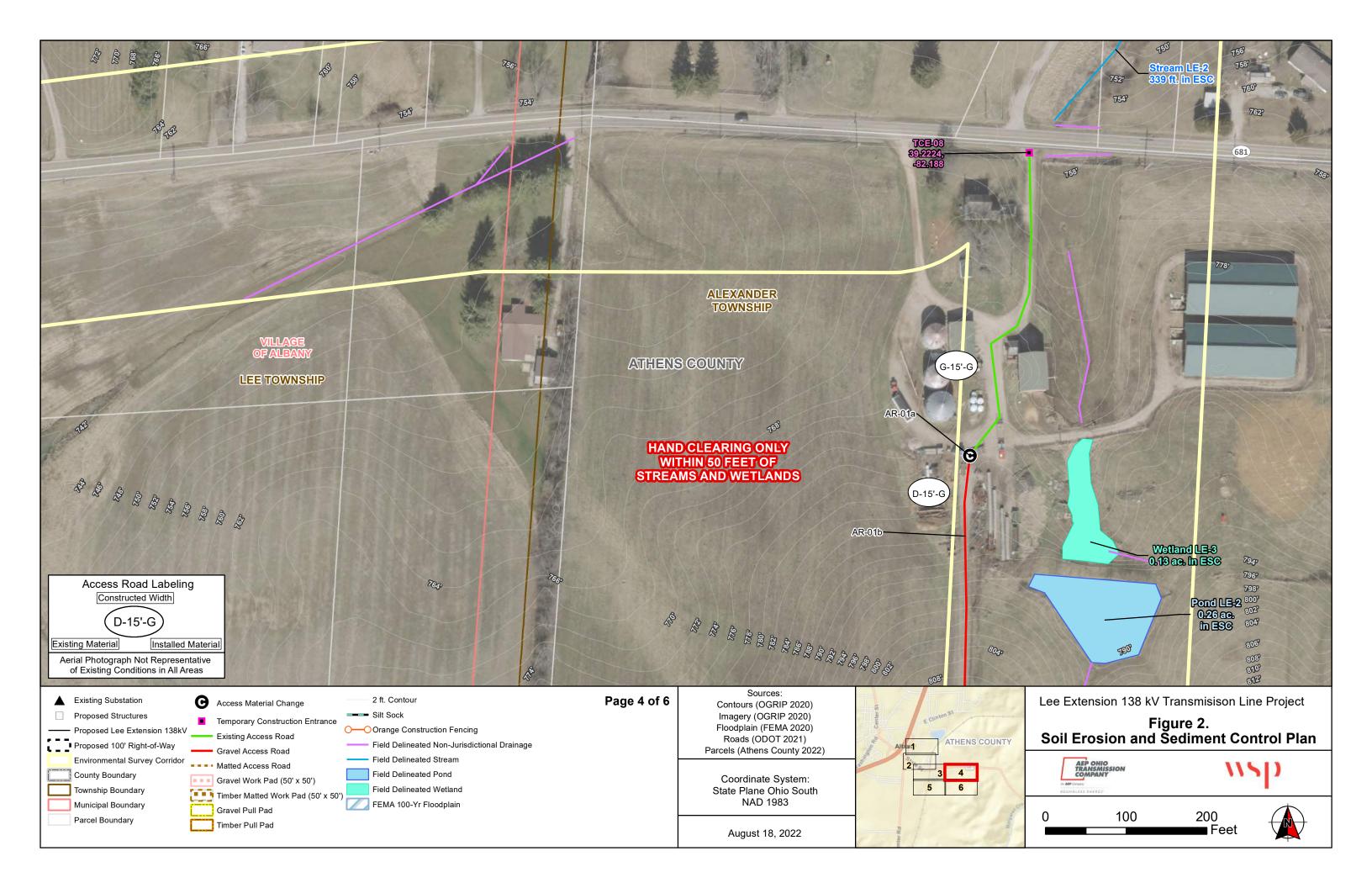


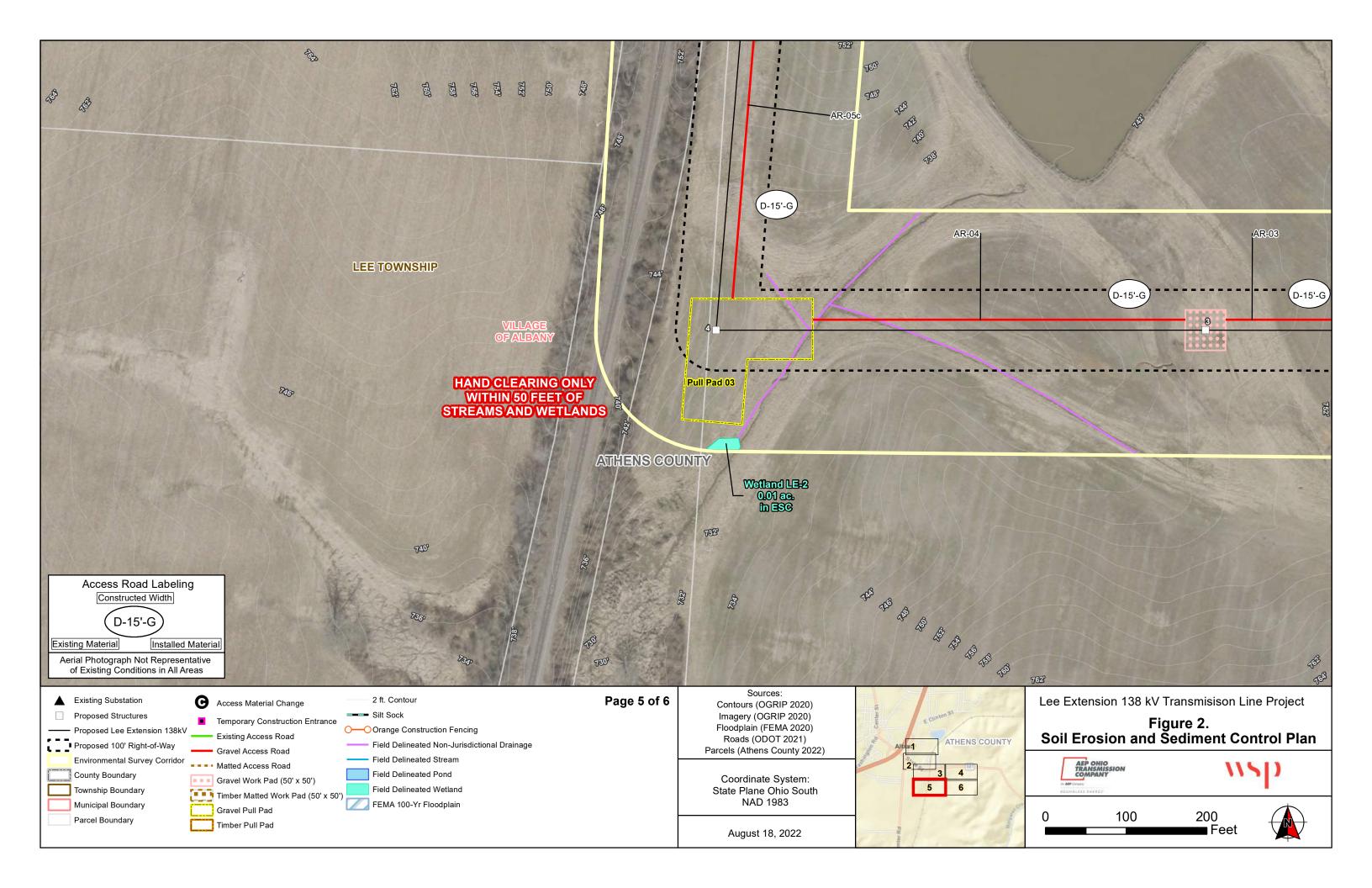


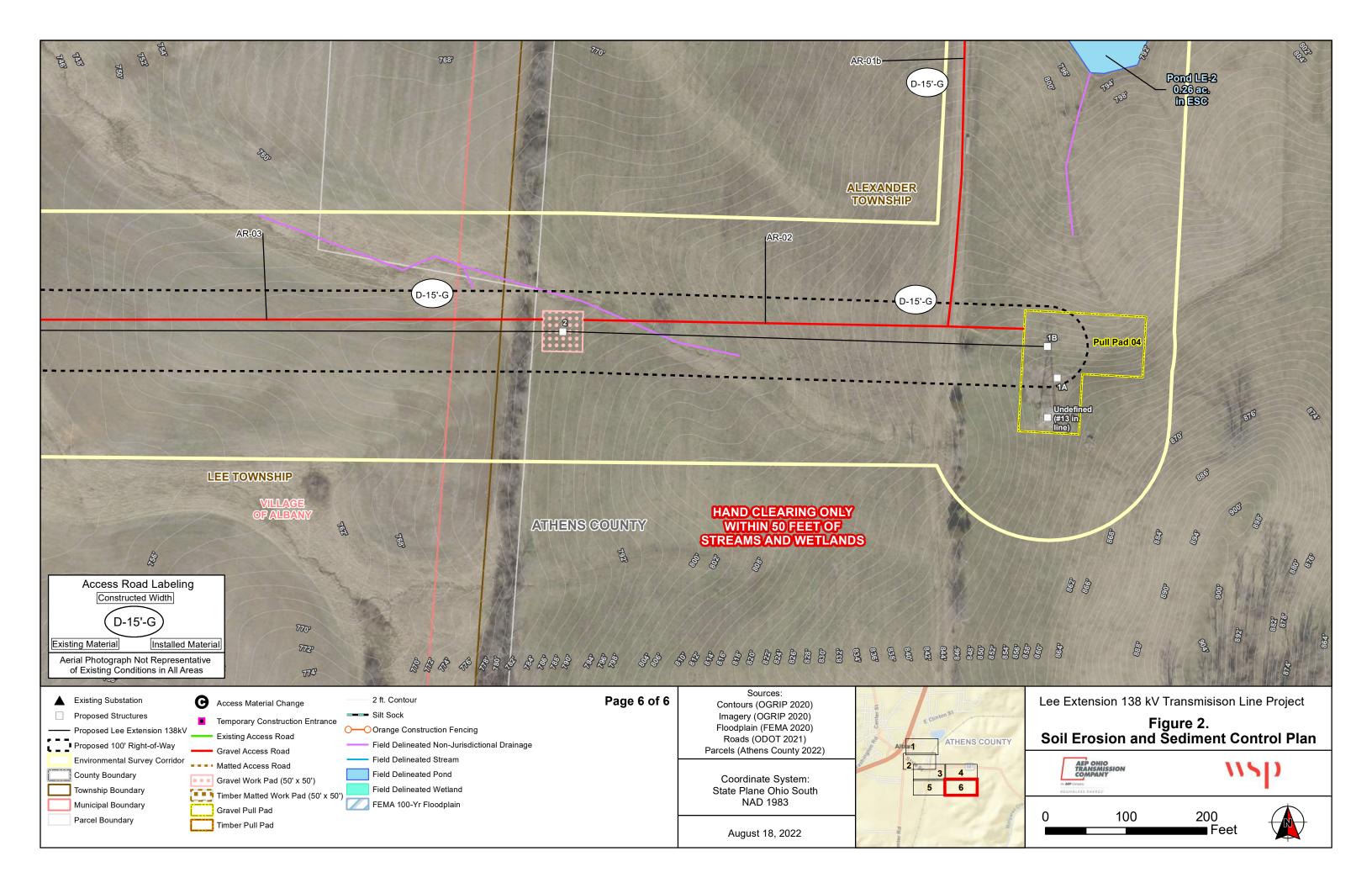


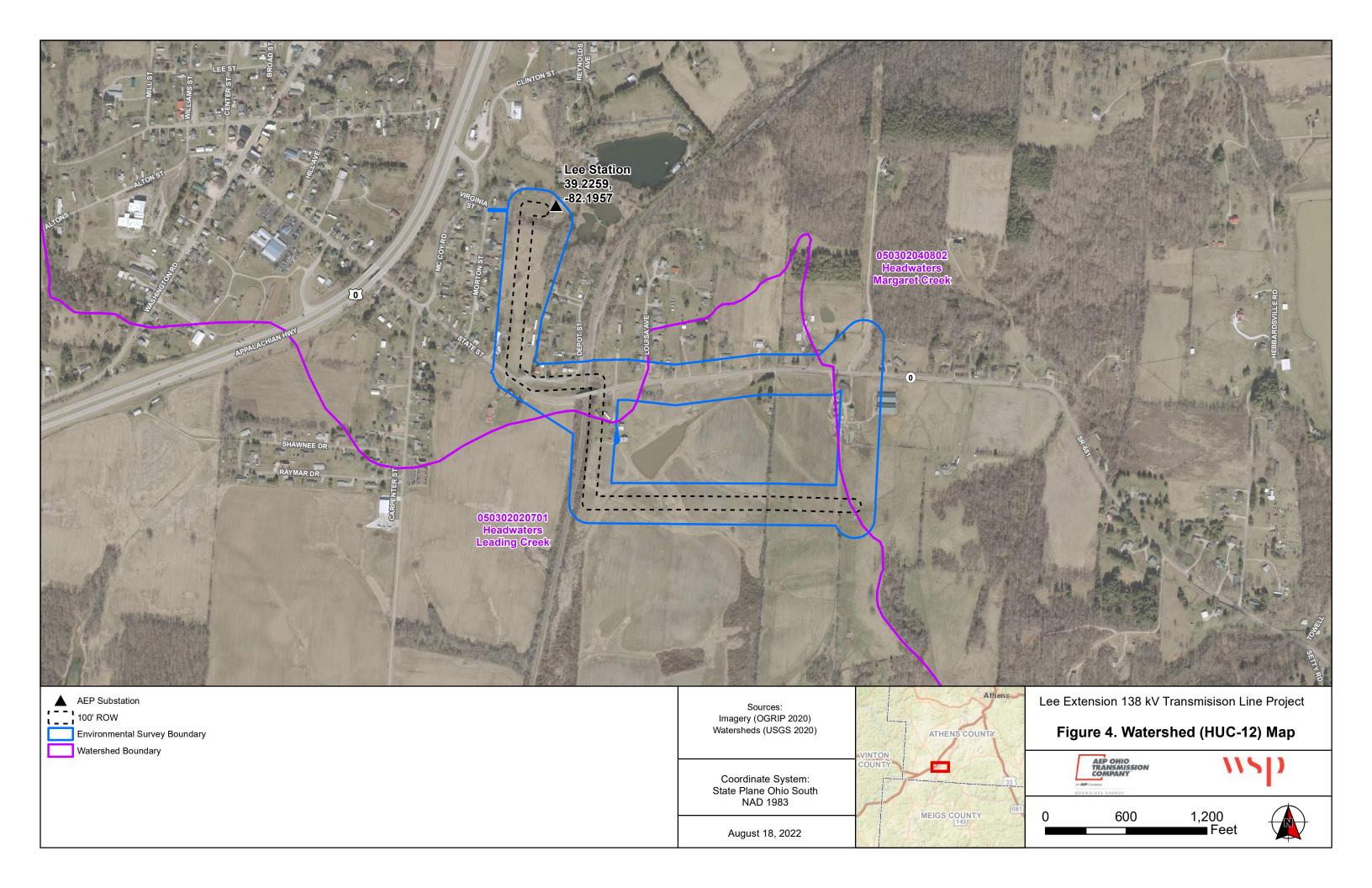


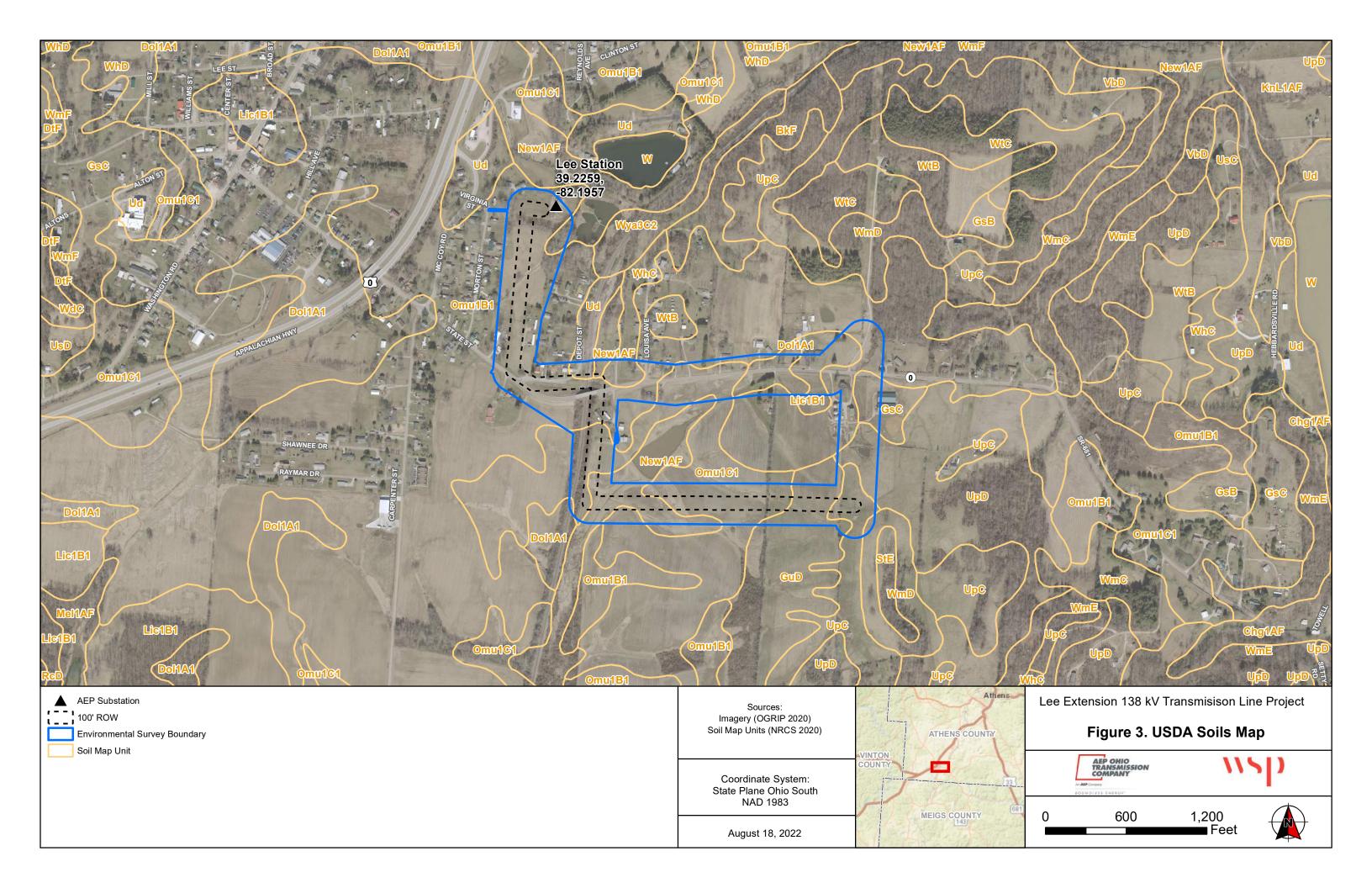




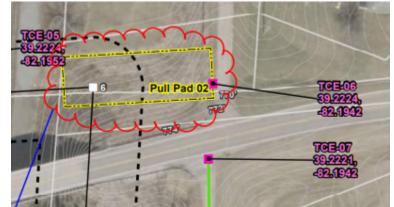








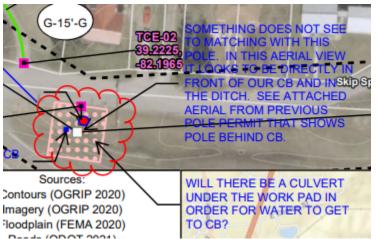
• STR 6 :



- HOW WILL THIS PAD BE CONSTRUCTED? ODOT WILL NOT PERMIT THE EMBANKMENT OF STATE ROUTE 682 TO BE EXCAVATED. PAD WILL HAVE TO BE BUILT ON TOP OF THE EXISTING GROUND.
  - The embankment will not be excavated and pad will be built on top of existing ground.
- STR 7:

0

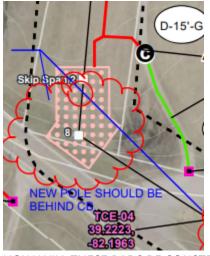
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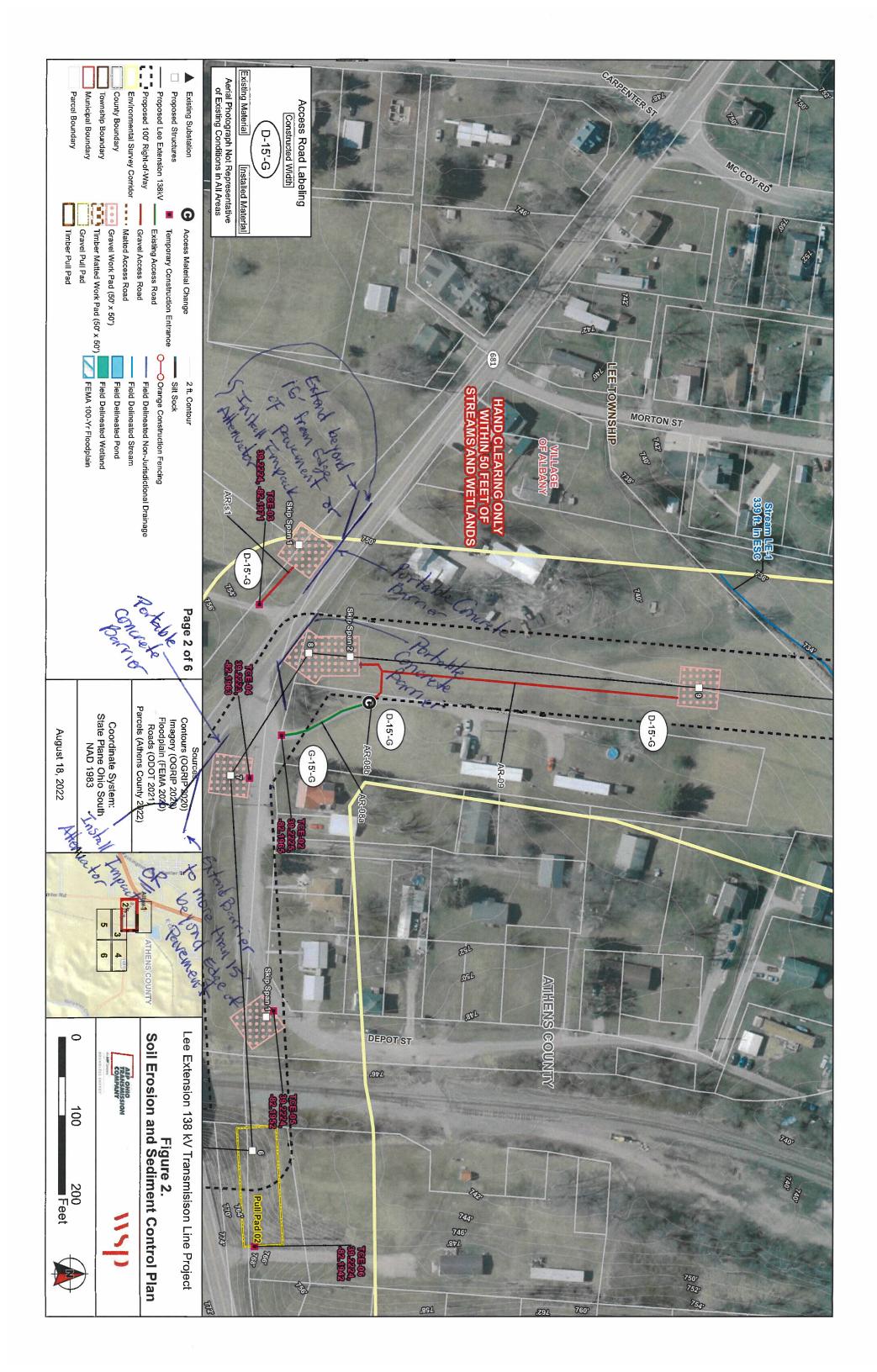
- HOW WILL THESE PADS BE CONSTRUCTED? ODOT WILL NOT PERMIT THE EMBANKMENT OF STATE ROUTE 682 TO BE EXCAVATED. PAD WILL HAVE TO BE BUILT ON TOP OF THE EXISTING GROUND. IF THE PAD IS CHANGED TO TIMBER MATTING, IT CANNOT BE MORE THAN 4" ABOVE EXISTING GROUND UNLESS IT IS MORE THAN 15 FT FROM THE EDGE OF PAVEMENT OR PROTECTED BY CONCRETE BARRIER.
  - The embankment will not be excavated and pad will be built on top of existing ground. Timber Matting and/or stone would both exceed the 4" above existing ground and concrete barriers will be installed accordingly. We would like to ensure clarity on the location requirements of the concrete barriers to ensure compliance.
- SOMETHING DOES NOT SEE TO MATCHING WITH THIS POLE. IN THIS AERIAL VIEW IT LOOKS TO BE DIRECTLY IN FRONT OF OUR CB AND IN THE DITCH. SEE ATTACHED AERIAL FROM PREVIOUS POLE PERMIT THAT SHOWS POLE BEHIND CB.
  - This SWPPP map reflects the original proposed pole location not the relocated ODOT field approved location. The Structure has indeed been moved out of the

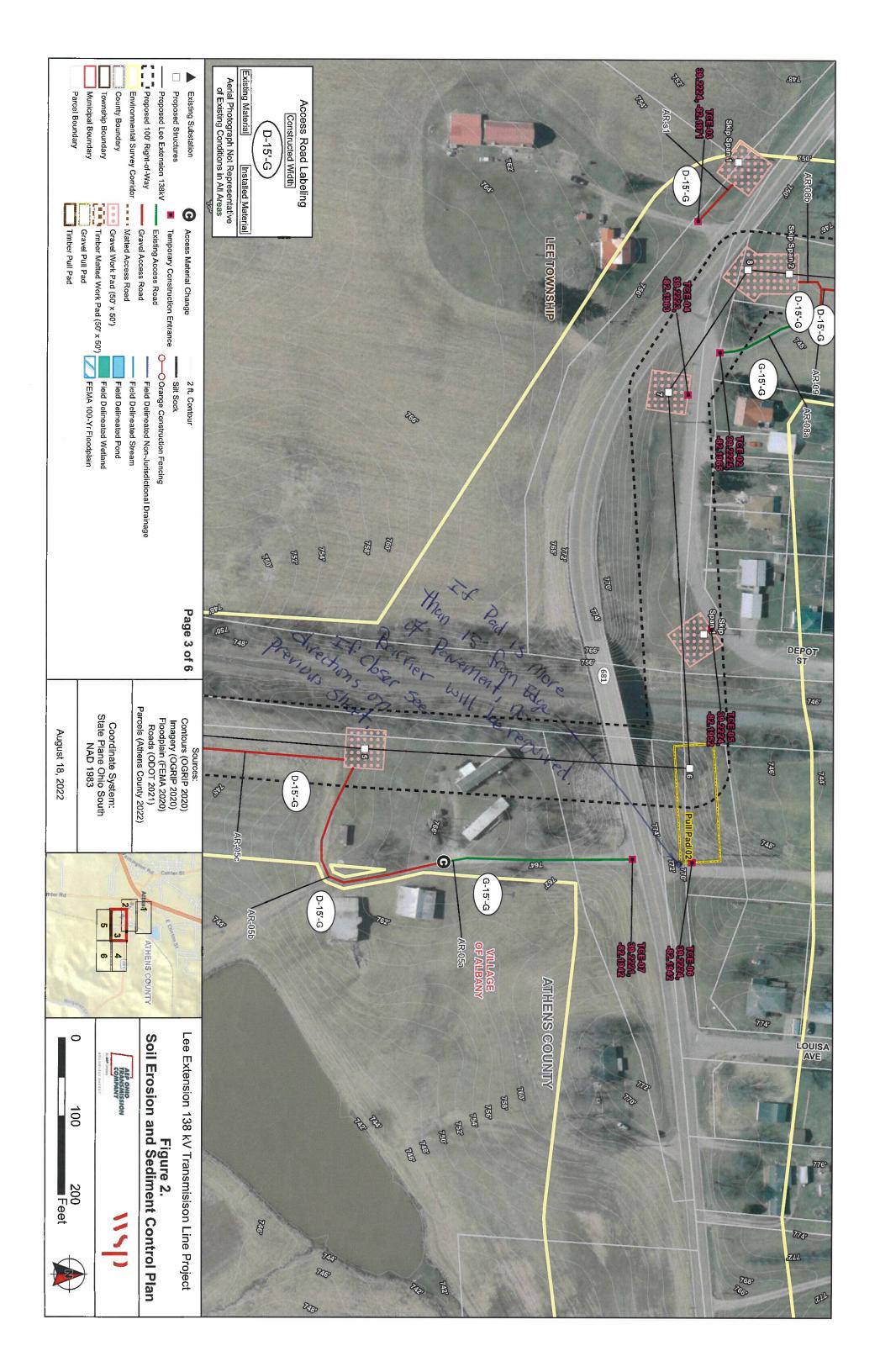
catch basin area but there has been no deviation to the structure after the last ODOT approval.

- WILL THERE BE A CULVERT UNDER THE WORK PAD IN ORDER FOR WATER TO GET TO CB?
  - A 15 inch temporary culvert the length of the pad site will be installed to ensure water to get to catch basin.
- STR 8:



- HOW WILL THESE PADS BE CONSTRUCTED? ODOT WILL NOT PERMIT THE
  EMBANKMENT OF STATE ROUTE 682 TO BE EXCAVATED. PAD WILL HAVE TO BE BUILT
  ON TOP OF THE EXISTING GROUND. IF THE PAD IS CHANGED TO TIMBER MATTING, IT
  CANNOT BE MORE THAN 4" ABOVE EXISTING GROUND UNLESS IT IS MORE THAN 15 FT
  FROM THE EDGE OF PAVEMENT OR PROTECTED BY CONCRETE BARRIER.
  - The embankment will not be excavated and pad will be built on top of existing ground. Timber Matting and/or stone would both exceed the 4" above existing ground and concrete barriers will be installed accordingly. We would like to ensure clarity on the location requirements of the concrete barriers to ensure compliance.
  - Please see mark up attached for concrete barrier location requirements.





### Notes for Figure 6H-1—Typical Application 1 Work Beyond the Shoulder

### Guidance:

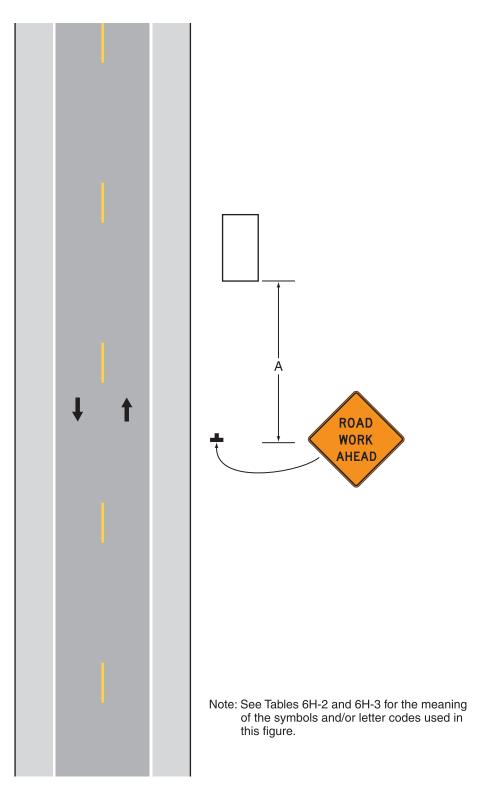
1. If the work space is in the median of a divided highway, an advance warning sign should also be placed on the left side of the directional roadway.

### Option:

- 2. The ROAD WORK AHEAD sign may be replaced with other appropriate signs such as the SHOULDER WORK sign. The SHOULDER WORK sign may be used for work adjacent to the shoulder.
- 3. The ROAD WORK AHEAD sign may be omitted where the work space is behind a barrier, more than 24 inches behind the curb, or 15 feet or more from the edge of any roadway.
- 4. For short-term, short duration or mobile operation, all signs and channelizing devices may be eliminated if a vehicle with activated high-intensity rotating, flashing, oscillating, or strobe lights is used.
- 5. Vehicle hazard warning signals may be used to supplement high-intensity rotating, flashing, oscillating, or strobe lights.

### Standard:

6. Vehicle hazard warning signals shall not be used instead of the vehicle's high-intensity rotating, flashing, oscillating, or strobe lights.



**Typical Application 1** 

## Notes for Figure 6H-6—Typical Application 6 Shoulder Work with Minor Encroachment

### Guidance:

- 1. All lanes should be a minimum of 10 feet in width as measured to the near face of the channelizing devices.
- 2. The treatment shown should be used on a minor road having low speeds. For higher-speed traffic conditions, a lane closure should be used.

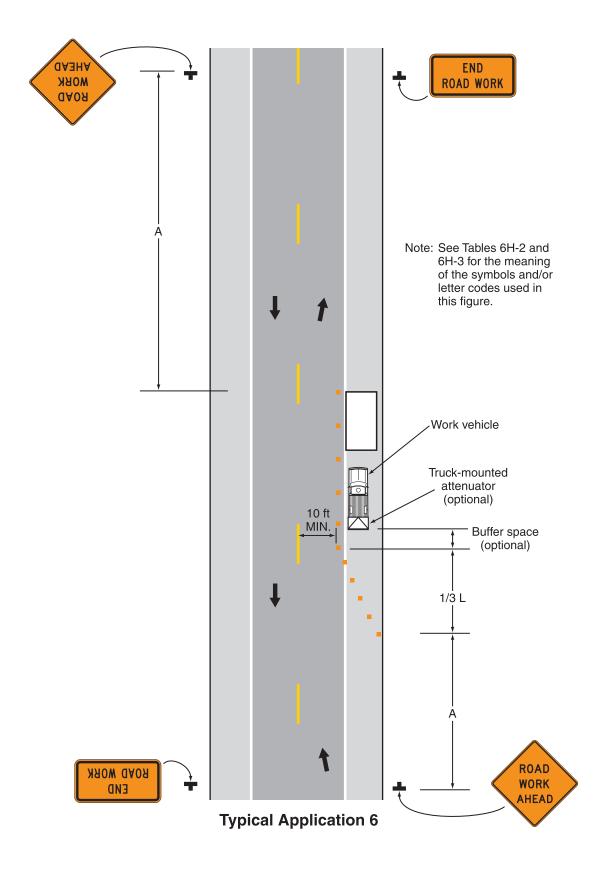
### Option:

- 3. For short-term use on low-volume, low-speed roadways with vehicular traffic that does not include longer and wider heavy commercial vehicles, a minimum lane width of 9 feet may be used.
- 4. Where the opposite shoulder is suitable for carrying vehicular traffic and of adequate width, lanes may be shifted by use of closely-spaced channelizing devices, provided that the minimum lane width of 10 feet is maintained.
- 5. Additional advance warning may be appropriate, such as a ROAD NARROWS sign.
- 6. Temporary traffic barriers may be used along the work space.
- 7. The shadow vehicle may be omitted if a taper and channelizing devices are used.
- 8. A truck-mounted attenuator may be used on the shadow vehicle.
- 9. For short-duration work, the taper and channelizing devices may be omitted if a shadow vehicle with activated high-intensity rotating, flashing, oscillating, or strobe lights is used.
- 10. Vehicle hazard warning signals may be used to supplement high-intensity rotating, flashing, oscillating, or strobe lights.

#### Standard:

- 11. Vehicle-mounted signs shall be mounted in a manner such that they are not obscured by equipment or supplies. Sign legends on vehicle-mounted signs shall be covered or turned from view when work is not in progress.
- 12. Shadow and work vehicles shall display high-intensity rotating, flashing, oscillating, or strobe lights.
- 13. Vehicle hazard warning signals shall not be used instead of the vehicle's high-intensity rotating, flashing, oscillating, or strobe lights.





### Notes for Figure 6H-10—Typical Application 10 Lane Closure on a Two-Lane Road Using Flaggers

#### Option:

- 1. For low-volume situations with short work zones on straight roadways where the flagger is visible to road users approaching from both directions, a single flagger, positioned to be visible to road users approaching from both directions, may be used (see Chapter 6E).
- 2. The ROAD WORK AHEAD and the END ROAD WORK signs may be omitted for short-duration operations.
- 3. Flashing warning lights and/or flags may be used to call attention to the advance warning signs. A BE PREPARED TO STOP sign may be added to the sign series.

### Guidance:

4. The buffer space should be extended so that the two-way traffic taper is placed before a horizontal (or crest vertical) curve to provide adequate sight distance for the flagger and a queue of stopped vehicles.

### Standard:

### 5. At night, flagger stations shall be illuminated, except in emergencies.

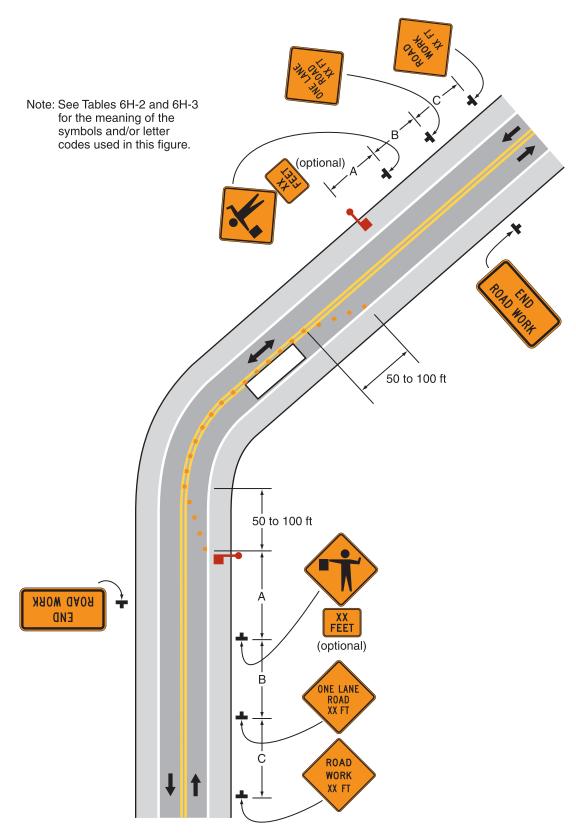
Guidance:

- 6. When used, the BE PREPARED TO STOP sign should be located between the Flagger sign and the ONE LANE ROAD sign.
- 7. When a grade crossing exists within or upstream of the transition area and it is anticipated that queues resulting from the lane closure might extend through the grade crossing, the TTC zone should be extended so that the transition area precedes the grade crossing.
- 8. When a grade crossing equipped with active warning devices exists within the activity area, provisions should be made for keeping flaggers informed as to the activation status of these warning devices.
- 9. When a grade crossing exists within the activity area, drivers operating on the left-hand side of the normal center line should be provided with comparable warning devices as for drivers operating on the right-hand side of the normal center line.
- 10. Early coordination with the railroad company or light rail transit agency should occur before work starts.

Option:

11. A flagger or a uniformed law enforcement officer may be used at the grade crossing to minimize the probability that vehicles are stopped within 15 feet of the grade crossing, measured from both sides of the outside rails.

# Figure 6H-10. Lane Closure on a Two-Lane Road Using Flaggers (TA-10)



**Typical Application 10** 

# This foregoing document was electronically filed with the Public Utilities

# Commission of Ohio Docketing Information System on

3/8/2023 4:42:26 PM

in

## Case No(s). 22-0752-EL-BLN

Summary: Correspondence Proof of Compliance with Condition. electronically filed by Hector Garcia-Santana on behalf of AEP Ohio Transmission Company, Inc.