



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

ODOT District 14  
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Ontario, OR 97914  
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John.W.EDEN@odot.state.or.us

April 24, 2012

File Code: PMT 4-23

Dan Fulleton  
3550 Fulleton Rd  
Vale, OR 97918

**Subject: Notification of Satisfactory Construction and Transmittal of Permit to Operate, Maintain and Use a State Highway Approach**  
Highway Number 007, (Central Oregon),  
at Mile Point 243.59  
Application Number 16553

The Oregon Department of Transportation (the Department) inspected the completed approach at the above mentioned location and determined that the approach was constructed in a satisfactory manner. All of the conditions required to issue a new permit have been satisfied. Thus, a **Permit to Operate, Maintain and Use Approach** is enclosed. The approach(es) can now be legally used.

The effective period of the *Permit to Operate, Maintain and Use an Approach* is set forth in OAR 734-051-0265, as follows:

## **734-051-0265**

### **Effective Period of Permit to Operate, Maintain and Use an Approach**

- (1) Except as otherwise provided, a Permit to Operate is effective unless:
  - (a) Revoked by mutual consent;
  - (b) Revoked for failure to abide by the terms and conditions;
  - (c) A change of use occurs as set forth in OAR 734-051-0045;
  - (d) Safety or operational problems exist as set forth in OAR 734-051-0275;
  - (e) The highway facility is significantly improved to meet classification of the highway, highway mobility standards, spacing standards, and safety criteria that are inconsistent with the approach; or
  - (f) By other operation of law.
- (2) The Permit to Operate is binding on successors and assignors including successors in interest to the property being served by the approach.
- (3) The operation, maintenance, and use of an approach are subject to the control of the legislature over the state highway system.
- (4) A Permit to Operate should not be construed to be beyond the power or authority of the legislature to control the state highway system.
- (5) Acceptance of a Permit to Operate is acceptance of all special provisions, mitigation measures, conditions, or agreements, identified and approved through the application process and acknowledgment that all rights and privileges may be changed or relinquished by legislative action.

EXHIBIT #

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If you have any questions regarding the operation, maintenance or use of your approach(es), please contact me at (541) 823-4016.

Sincerely,

John Eden, Permit Specialist  
ODOT District 14, Maintenance Office

*Attachments (Permit(s) to Operate, Maintain and Use a State Highway Approach)*



**PERMIT NO: 55030**

**PERMIT TO OPERATE, MAINTAIN AND USE A STATE HIGHWAY APPROACH**

Reason for Request: New approach  
Site ADT: 8

Appl No.: 16553 Turn Movement: Left Out  Right Out  Left In  Right In

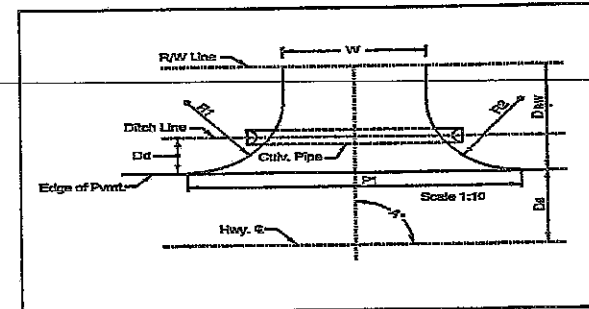
**Permittee Information**

Name: <b>Dan Fulleton</b>	
Company:	
Mailing Address: <b>3550 Fulleton Rd Vale, OR 97918</b>	
Phone: <b>(541) 881-7518</b>	FAX: ( ) -
eMail: <b>lfrn@hotmail.com</b>	

**Property Information**

Address: <b>1878 Hwy 20 Vale OR 97918</b>			
County: <b>Malheur</b>	District: <b>14</b>		
Highway: <b>Central Oregon</b>	Hwy #: <b>007</b>	Route: <b>US20</b>	
MilePoint: <b>243.59</b>	Engineering Station: <b>128+77</b>	Side of Hwy: <b>L</b>	Public/Private: <b>Private</b>
Permit Description:			

**Plan View**



**Effective Period**

A permit to operate, maintain and use an approach shall be in effect for an indefinite period of time unless:

- (a) revoked by mutual consent;
- (b) For failure to abide by the terms and conditions;
- (c) A change of use occurs as set forth in OAR 734-051-0045;
- (d) Safety or operational problems exist as set forth in 734-051;

Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of the facility by the Oregon Department of Transportation.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051.

**Specification**

Width (W): <b>24.00ft</b>	Angle (A): <b>90</b>
Radius 1 (R1): <b>20.00ft</b>	Radius 2 (R2): <b>20.00ft</b>
Paving Lmt (P1): <b>64.00ft</b>	Paving Lmt (P2): <b>20.00ft</b>
Surf (Ds): <b>14.00ft</b>	Ditch (Dd): <b>10.00ft</b>
	R/W (Drw): <b>9.00ft</b>
Culvert: <b>Plastic</b>	Diam: <b>12.00in</b>
	Len: <b>40.00ft</b>
Sub Base Crse:	Thickness:
Base Crse:	Thickness:
Level Crse:	Thickness:
Wear Crse: <b>Gravel</b>	Thickness: <b>8.00in</b>

**Land Use**

Land Use Description:	Units of Measure:
Residential	1.00 DU

**Tax Lot**

Township	Range	Section	Tax Lot
18S	44E	36	11400

**This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.**

Authorized ODOT Signature: *for Paul woodwards* Date: **4/25/12**

PERMIT NO: 55030

PROVISIONS FOR ENCROACHMENT,  
CONSTRUCTION ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation



Application Id: 16553 Highway Number: 007

MilePoint 243.59

PROVISIONS

Reason for Request: New approach

Applicant: Dan Fulleton

Company:

Maintenance of Approach

Prior to performing any maintenance work on the approach, which will interfere with or interrupt traffic upon or along the highway, the applicant shall obtain approval and necessary permits from the District Office. In all cases where traffic signals have been required, signal maintenance will be performed by the Oregon Department of Transportation or as assigned by a Cooperative Cost Agreement. The Permittee is responsible for maintenance of the approach in accordance with ORS 374.315

- 101.000 The complete text for the Oregon Standard Specifications for Construction can be found online at [http://www.oregon.gov/ODOT/HWY/SPECS/standard\\_specifications.shtml](http://www.oregon.gov/ODOT/HWY/SPECS/standard_specifications.shtml). Bound copies of the books are available for purchase at Contractor Plans (phone 503-986-6936). The following sections apply.
- 150.500 Cooperation with Utilities
- 150.750 Protection and Maintenance of Work During Construction
- 150.101 The permit and all specifications, details, typical drawings, provisions and standard drawings attached to the permit shall take precedence over all plans, drawings and specifications produced by the Architect or Engineer representing the Applicant or Contractor.
- 150.151 "Applicant shall be responsible for locating and preserving all existing survey monumentation within the work area in accordance with ORS 209.150 and/or 209.155. If a monument or its accessories are inadvertently or otherwise disturbed or destroyed, applicant shall be responsible for all costs and coordination associated with its reestablishment by a professional licensed surveyor."
- 150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.
- 150.501 Call before digging. The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work to be performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.
- 150.701 Maintain all existing highway signs. If any signs are damaged due to Contractor's operations, replace those signs before the end of that work shift - Avoid operations whose methods, conditions, or timing may injure people or damage properties. Damage includes staining surfaces with such things as mud and asphalt. When damage occurs, the District Manager will determine if it is to be corrected by repair, replacement, or compensatory payment. If compensatory payment is required, the District Manager will determine the amount.
- 150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.160.
- 150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.
- 170.303 Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc; (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.
- If the applicant impacts a legally protected/regulated resource, applicant/permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold harmless ODOT for such impacts and be responsible and liable to ODOT for any costs or claims that ODOT may have.
- 276.074 Upon completion of the work required under this Permit, the Permittee shall notify ODOT and request final inspection.
- 374.315 Construction under permits; maintenance after construction. All construction under the permits issued under ORS 374.310 shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, they shall be maintained at the expense of the applicant and in accordance with the rules and regulations adopted pursuant to ORS 374.310.

PERMIT NO: 55030

**PROVISIONS FOR ENCROACHMENT,  
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Application Id: 16553 Highway Number: 007

MilePoint 243.59

**PROVISIONS**

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200.022 The work area during construction or maintenance performed under this permit shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, US Department of Transportation, and the Oregon Department of Transportation supplements thereto. Flaggers must have ODOT certification and must carry proof indicating their certification. All traffic control devices shall be maintained according to the American Traffic Safety Services Association's (ATSSA) Quality Guidelines for Temporary Traffic Control Devices and Features.