

CHAPTER 21 - PERMITS

Section 00170.03 lists the permits that the Agency will obtain for each Project, if required. The Contractor is responsible to obtain all other permits and rights of usage not listed in 00170.03 or as modified by the Project Special Provisions, that are needed to perform and construct the Work.

The responsibility for obtaining or modifying existing permits on Design-Build Projects may be different than described in this Chapter. Refer to the Design-Build Contract for specific permit requirements.

The Project Manager (PM) should assure that the Agency has acquired all of the required permits in order to allow Project Work to proceed. The PM should also be aware of and involved in communicating any special restrictions or operating rules that are included in the permits. The PM must provide the Contractor a copy of all required permits.

Other than the permits listed in 00170.03, the Contractor is responsible to acquire and maintain all permits in order to perform and construct the Work. The PM should request a copy of the Contractor's permit to review. If there are any unusual restrictions or obligations in the Contractor's permits, the PM must assure that the Contractor is abiding by those restrictions and obligations. The PM should work with the permitting or enforcement agency in resolving permit issues. This includes assuring that the enforcement agency has access to Project Site to verify conditions of the permits.

Many permits require that the PM and/or Contractor perform monitoring and/or reporting, including:

- NPDES 1200-CA permit requires frequent monitoring that is dependent upon rainfall or snow melt. [Refer to Chapter 12-A – Daily Reports – Diaries]
- U.S. Coast Guard permits require periodic reporting of restrictions in navigation channels.
- Army Corps of Engineers 401/404 permits for in-water work requires turbidity monitoring and reporting. [Refer to Chapter 12-A – Daily Reports – Diaries]

Check each permit for such required monitoring or reporting. Assure that the monitoring or reporting is done as required in order to avoid fines, Project Work suspensions, or problems in acquiring future permits and constructing other projects.

Review each permit to assure that it does not conflict with any of the constructability requirements or freight mobility goals. Refer to the ODOT Highway Mobility Operations Manual at:

http://intranet.odot.state.or.us/home/pdf/TrafficMobilityManual_complete.pdf.

The PM must assure that the Contractor notifies the Motor Carrier Services Unit prior to reducing the height or width of a roadway. The Motor Carrier Transportation Division (MCTD) Technical Coordinator will be listed in Section 00220.02 of the Special Provisions. [*Refer to Chapter 4 - Relations with Public or Other Agencies*]

If the Contractor disregards the requirements of any permit, or fails to correct deficiencies, the PM must address that when completing the required Prime Contractor Performance Evaluation. [*Refer to Chapter 34 - Contractor Performance Evaluation*]