

5.0.00 Overview

When the developer review process concludes that a development has significant adverse impacts then mitigation is warranted. The Traffic Impact Analysis usually recommends conceptual improvements that will mitigate the impacts. A Local Agency will typically require that the developer satisfy WSDOT with regard to the details of that mitigation. Such details are usually resolved in an agreement between the developer and WSDOT that permits construction of highway improvements (or traffic mitigation payment to a WSDOT project).

The previous chapter discussed how to analyze a proposal and determine the necessary mitigation measures. Chapter 5 covers various forms of Agreements that permit a developer to construct improvements within the state right of way or make the required traffic mitigation payment. Part 1 covers how to coordinate review and approve the plans that become parts (exhibits) of the agreements. Parts 2-4 discuss the various forms of agreements with developers and local agencies.

PART 1 Coordinating Plan Review

5.1.01 General

When a mitigation determination results in a requirement for highway improvements the agreement process begins. A developer is typically directed by the local agency to coordinate the construction details with the WSDOT.

5.1.02 Time To Process An Agreement

The agreement process requires a technical review and approval of all plans that become part of the agreement. The length of time required to complete an agreement varies depending on the complexity of the project and the number of revisions required for the plans and specifications. In most cases the agreement preparation process requires several months to complete, with most agreements taking four months or longer.

The overall time to complete this process is primarily based on the quality and quantity of plans submitted by the developer. The closer the plans are to WSDOT standards, the more efficiently the review will proceed. Incomplete or poor quality plans and specifications require multiple reviews and take more time.

5.1.03 Reimbursable Account

Why do we need it?

The developer is responsible to compensate the State for its actual (direct and related indirect) costs to review plans and prepare an agreement. Administration of compensation for these review charges is through a reimbursable (JX) account. When a reimbursable account is set up for a proposed development, State forces can charge time and other expenses against it. The developer is billed on a monthly basis for the outstanding balance in the account.

When do we need it?

A quick review of the developer (or a local agency or a federal agency), proposal and SEPA checklist will usually indicate the likelihood of impacts to WSDOT facilities. The reimbursable account is usually established prior to plan review and often prior to TIA review. Reimbursable costs include: TIA reviews, channelization plan reviews, construction plan reviews, agreement preparation and construction inspection, and administrative overhead. These costs vary depending on the complexity of the project, the number of required revisions to plans and the amount of time required for construction inspection. An amount in the range of \$2,000 to \$50,000, depending upon the estimated level of WSDOT involvement, is usually sufficient to cover reimbursable costs.

WSDOT normally does not charge for review time when:

- There are no review comments from the region office.
- The review only deals with a simple Access Connection Permit application to a farm, single-family residence, or a short plat.
- The review only deals with a simple SEPA checklist, such as a Notice of Application or simple SEPA DNS.
- If the applicant is a local agency or a federal agency, i.e., cities, counties, tribes, FHWA, and NO work is being proposed within the state highway right of way.
- The amount of money chargeable is not worth the cost of collection. An example of this is a project that requires a single one-hour review of a TIA.

Each region should develop an objective set of guidelines that define when a developer must open a reimbursable account. For example, a region may require reimbursable accounts only from developments that are directly adjacent to a state route and generate 10 or more peak-hour trips.

How do we set it up?

Establishment of a reimbursable account requires developer authorization. This is usually done by an authorization letter, which is sent to the developer for signature. A Federal Tax Identification Number (FTIN) or Social Security Number is required to open an account. WSDOT will assign a reimbursable account (JX) number to the project, and return a copy of the executed letter to the developer. The J(x) account number is obtained from the region's financial services office. Examples of a reimbursable account form can be found in Appendix 7.

Project review costs will be billed monthly to the developer. Failure to pay in full each month may result in stopping the review and approval process for the project. To ensure timely payment to WSDOT, a Surety Bond or Assignment of Escrow account may be required depending on the size and scope of the project.

5.1.04 Plans Review Process

Once mitigation has been determined, the development services staff will contact the developer/consultant to request submittal of required plans and specifications for WSDOT review and approval. The staff must determine which support offices are appropriate and route the plans to them for review and approval.

The development services engineer acts as the project engineer in the review and approval of development plans by coordinating, screening and consolidating the review comments. Very few first draft developer plan sets can be approved. When the initial reviews are complete, the development services engineer compiles comments and returns the plans to the developer and/or consultant for revisions.

When all of the review comments have been addressed and plan revisions made, the development services staff will obtain the necessary approvals/signatures for the plans.

PART 2 Developer Agreements

5.2.01 General

There are several forms of agreements that can be used to permit work within state right of way. The most common form for any significant highway improvement is the Developer Agreement.

The Developer Agreement is a contract between WSDOT, the developer and sometimes a local agency, stating each party's rights and responsibilities, and describing the proposed work. It typically includes a standard agreement form, right of way plan sheet(s), and a complete set of specifications and engineering plans. Any alteration to the standard wording on the pre-printed developer agreement form must be approved by the Attorney General's office prior to execution of the agreement.

This section provides general guidance for processing developer agreements, but each region may have its own specific requirements.

5.2.02 Types of Developer Agreements

There are three standard types of Developer Agreements that may be used by developers. These agreements are:

- **“Developer Agreement: Construction by Developer at Developer Expense”** This is the most common type of agreement. It is a two party agreement between the developer and WSDOT.
- **“Developer/Local Agency Agreement: Construction by Developer at Developer Expense”** This agreement is a three-party agreement which involves the developer, a local agency and WSDOT. This type of agreement is required if part of the improvement to be constructed is also located on local agency right-of-way in addition to state-owned right of way.
- **“Developer Agreement: Construction by WSDOT at the Developer's Expense (as part of an existing WSDOT project)”** Under this form, the developer agrees to pay WSDOT to build the highway improvements for the developer, by adding the developer's work to a state contract.

5.2.03 Developer Agreement Process

Overview

The Developer Agreement Process consists of three main stages:

- Plans review and approval
- Assembly and execution of the agreement package
- Construction administration

See Appendix 6 for a flowchart of the Development Agreement Process.

5.2.04 Developer Agreement Plans Review

A typical Developer Agreement includes a set of engineering plans and specifications prepared by the developer; i.e., intersection/channelization plans, signal/illumination plans, etc. WSDOT reviews the plans and specifications, and upon approval, assembles the Developer Agreement.

Design Standards

All developer projects must be designed to WSDOT standards. The primary design references for developing plans and specifications (special provisions) are: the Design Manual, WSDOT Standard Specifications, and the Standard Plans.

The WSDOT Design Manual provides guidance for three levels of design for highway projects: basic, modified, and full design. The design matrices within Chapter 325 of the Design Manual are used to identify the design level(s) for a project, the associated design standards, and the processes and approval authority for granting design deviations. The design matrices are intended for use on state projects, but they may be applied to developer projects as well. Contact the region design office to determine the appropriate design criteria for a given project.

Other design resources that may be needed include:

- Construction Manual
- Highway Runoff Manual
- Hydraulics Manual
- LAG Manual (Local Agency Guidelines)
- Manual on Uniform Traffic Control Devices (MUTCD)
- Washington State Modifications to MUTCD
- Plans Preparation Manual
- Sign Fabrication Manual
- Traffic Manual
- Utilities Manual
- Work Zone Traffic Control Guidelines

These references are contained in the Engineering Publications CD Library or they may be downloaded from the WSDOT Engineering Publications homepage: www.wsdot.wa.gov/fasc/EngineeringPublications/library.htm#M.

The list above includes most sources of design and construction standards for WSDOT facilities but it is the developer's responsibility to use whatever resources are necessary to properly design the proposed highway improvement.

5.2.05 Intersection/Channelization Plans

Most projects that require a developer agreement involve intersections. When the mitigation calls for intersection improvements, a new or revised intersection plan (channelization or "chan" plan) is required. Design and drafting of the intersection plan is an important first step in the developer agreement process. The intersection plan is the basis for all of the construction drawings and essentially defines the scope of the project.

The Department's initial review of the Intersection Plan for Approval will take about three weeks before comments are returned. Subsequent reviews of this plan will require up to two additional weeks each time the plan is resubmitted.

The intersection plan includes all the geometric dimensions of the roadway such as lane widths, shoulder widths, taper lengths, corner radii, etc. Design Manual Chapter 910 provides the design criteria for intersections. The intersection plan should also show all existing access connections, both public and private, on both sides of the state highway, and the plan must label what property use each access connection serves. The plan should also include the required design data pertinent to the improvements being proposed. Intersection plans checklist and example plans are provided in Appendix 8.

Any Channelization outside of the state highway right-of-way will require confirmation that the design meets the local agency's design standards. Bus stop pullouts may be required as well.

WSDOT approves the intersection plan by signature and retains the original as the permanent design document on file. A copy of the approved plan is returned to the developer.

5.2.06 Construction Plans

The construction plans for a developer agreement are similar to those that are required for a WSDOT state contract for highway improvements. As such, the same design criteria and materials certifications are required. Developer projects are often not as complex as WSDOT projects, however. The WSDOT development services staff must use judgment in matching the level of plan complexity and review to the level of detail warranted by a developer project. Whereas WSDOT plans preparation conventions may require separate plan sheets for each feature, a developer's consultant may combine several "plans" on a single sheet. Clarity of construction details and specifications is more important in a developer agreement than strict adherence to plans that include preparation conventions.

The plan descriptions below are brief descriptions of plan types that may be required by a developer project. Not all of the plan types will be required for every developer agreement. Neither is the list below a comprehensive list of plan types that may be needed. Again, it is important that the WSDOT development services staff exercise discretion in determining what the appropriate plan requirements are to ensure compliance with WSDOT specifications without placing an undue burden on developers. It is highly recommended that the Plan Review Checklist in Appendix 26 be used to assure appropriate plans are included in developer agreements. For more detailed discussion of plan requirements consult the references listed in the Design Standard section, under 5.2.04. An example set of developer agreement construction plans are included as part of the exhibits within the example Developer Agreement, Appendix 5.

1. Site Plan

A site plan is often included to show the topographic layout of a project and such features as the earthwork "footprint," structures on site, landscaping, or any other important features that do not normally fall into the plan categories below.

2. Roadway Section

When roadway widening is required, a roadway section must be included in the set of plans. A roadway section is a cross section, showing the depths and types of materials to be used and their relative locations in the roadway prism. The roadway section also provides slope criteria and the typical ditch depth. More

than one roadway section may be required if the project is complex. Typically new construction must match existing pavement depths. The existing pavement section and recommended surfacing depths are obtained from the Region Materials Engineer. Shoulders must have the same surfacing depths as the adjacent driving lane. When widening is required, saw cutting or planning is usually required to leave a smooth, clean construction joint.

The Region Materials Engineer must approve roadway sections. See Appendix 9 for an example of a roadway section.

3. Signal Plan

Signal plans are required whenever there is a new signal installation or a modification to an existing signal system. Developer Agreements that include signal work may be complex because of the technical details that are required. Signal design is so closely related to the intersection layout that the plans are often developed concurrently.

Signal systems on non-limited access state highways within an incorporated city with the population of 22,500 and over, are owned operated and maintained by the city. In such cases, the signal permit and plan reviews will be processed by the city.

Before signal design review begins, a WSDOT Signal Permit must be obtained. The developer must fill out a 5-part Signal Permit form (see Appendix 10), which requires a signal warrant analysis and other documents. The developer must complete the permit package and submit it to the Development Services office. It is then forwarded to the Region Traffic Office for analysis. Final approval of a signal permit must come from the Region Administrator. Once a signal permit number has been assigned and the channelization plan is approved, review of the signal design may begin.

A signal plan is a plan view of the intersection which includes, but is not limited to, the location of signal controller and service cabinets, all mast arms, signal heads, detection loops, emergency vehicle detection, phase diagram, signal display detail, wiring schedule, breaker schedule, wiring termination diagram, input file and display panel layout, signal standard detail chart, foundation depths with supporting soils report (see Geotechnical Report), and construction notes as required. Written signal technical specifications are also required.

For a new signal installation, it is the developer's responsibility to coordinate and bear the expense of power and telephone connection and to acquire any service agreements through the WSDOT region utilities office. See "Utility Services Connections" under Section 5.2.06(5). The developer may be required to pay the ongoing utility bills for the signal. If so, this should be clearly stated in the Developer Agreement as an on-going obligation. Usually WSDOT will assume full maintenance responsibility for signals after construction. In such cases, an account should be established in the developer's name on a temporary basis during construction. The account will be transferred to WSDOT after final inspection and approval. WSDOT will only accept metered service. All signal poles, junction boxes, electrical service cabinets, etc., must be located within state highway right-of-way.

4. Illumination Plan

Basic illumination is required at signalized intersections and/or channelized intersections. Refer to Design Manual and consult with region Traffic Section for requirements. Illumination for new channelized intersections must be operational before the intersection is open to traffic.

An illumination plan will show the location of light standards, mounting height, size, and type of all luminaries, wiring details, size and type of service, source of power, and foundation information. For a simple project, the illumination plan may be combined with other details on a sheet, but not on the intersection plan. Many projects will require a separate illumination plan sheet.

Illumination systems on a non-limited access state highway within an incorporated city or town, regardless of the population is the responsibility of the city or town involved, including the service agreement. However, at a city's request, WSDOT will review and comment on illumination systems.

It is the developer's responsibility to inform the city or town involved that it will be responsible for the maintenance and payment of electric bills upon completion of the illumination system.

The developer is required to maintain existing illumination during construction of new systems, as per Standard Specification 1-07.23(1). This may require temporary connections and/or systems to keep the facilities operational. WSDOT must inspect any new service prior to hook-up. It is the developer's responsibility to contact the appropriate utility for hook-up before final inspection by WSDOT.

When possible it is recommended (or required depending on local jurisdictional ordinance) that directional or shielded illumination be used to preserve night sky darkness and reduce light pollution.

5. Utility Service Connections

All utility service connections are handled through a Region's Utility Section. A service agreement is between the developer and the applicable utility company; WSDOT is not responsible for this agreement. Coordination of utility service connections for facilities that require electrical power or telephone service, such as signal and illumination systems, will be the developer's responsibility. The developer must establish the new service account in his/her name, and pay the initial service connection costs and fees. After final inspection and acceptance by the state, the account will be transferred to either WSDOT or the appropriate city or town. The WSDOT will be responsible for transferring any accounts to itself, while the developer is responsible for transferring any accounts to the applicable city or town.

6. Utility Plan

It is the developer's responsibility to determine which utilities are within the project limits and to identify them accurately on a utility plan. General information is available from the owners of the utility facilities and from WSDOT records. However it is the developer's responsibility to call for a "locate" of buried utilities and to survey their locations as well as overhead lines and poles relative to WSDOT facilities. In some cases, it may be necessary to dig test holes ("potholing") to locate buried utilities that cannot be detected electronically or which need the exact depth identified.

A utility plan typically includes the following:

- Highway alignment and right-of-way limits.
- Proposed roadway configuration, as shown on the channelization plan, including final location of all driveways and intersecting roads.
- Locations of all existing utility facilities and appurtenances, such as lines, poles, cabinets, vaults, valves, and hydrants. Refer to the Plans Preparation Manual (M22-31) for standard symbols and conventions.

Agreements

- Design Clear Zone.
- Distance from the proposed outside edge of the traveled lane (fog line).
- Height of lines for overhead utilities.
- Depth for underground utilities.
- Other applicable information, such as pipe size, voltage, size of telecommunication lines, etc.

It is the developer's responsibility to determine the utility conflicts associated with the project, and to work with the owners of the affected utilities to provide relocation strategies that are acceptable to the WSDOT and consistent with the State Utilities Accommodation Policy.

If relocation of utilities will be necessary on the project, the applicable utility relocation forms must be completed and accompany the utility plan. See Appendix 31 for "Guideline for Determining Responsibility for Developer Required Utility Relocation" as a guide for utility relocations. Copies of the Utility Relocation List - Underground Utilities and the Utility Object Relocation Record - Above Ground Objects and the Utility Relocation List - are provided in Appendix 6 of the Utilities Manual.

It is the Department's policy that underground utilities will not normally be located beneath the driving lane, shoulder, or ditch foreslope except for utility crossings. Exceptions for existing utilities will be considered on a case-by-case basis where roadway widening is proposed. All above-ground utility facilities must comply with the WSDOT Utility Control Zone Guidelines in Appendix 5 of the Utilities Manual.

Most utilities exist within the state's right-of-way by utility permit or franchise. Utility permits are required for utilities that cross WSDOT right-of-way and are longitudinal to the highway for no more than 300 feet. A franchise is required when a utility will longitudinally occupy WSDOT right-of-way for more than 300 feet.

In general, the developer will be responsible for utility relocation costs where the roadway improvements are for the benefit of the developer, such as driveways, deceleration and acceleration tapers, auxiliary lanes and turning lanes associated with access to the development. Where roadway improvements are being made that are for the benefit of the general public, such as additional through lanes, the utilities that are under WSDOT utility permit or franchise may be required to relocate at their own cost. Projects will be evaluated on a case-by-case basis. Please see Appendix 31, "Cost Guidelines for Developer Required Utility Relocation."

The Region Utilities Engineer must approve the proposed utility relocations prior to execution of the Developer Agreement.

7. **Hydraulic Report/Stormwater Site Plan**

A hydraulic report with supporting calculations, plans and details showing proposed improvements is needed anytime storm water runoff enters state right of way from a development site, or modifications are proposed for existing facilities' out falling to state facilities. Also a storm water site plan showing the temporary erosion control (TESC) features proposed during the construction activities will be needed. This portion of the documentation shall be on site during all construction activities for use by a contractor, inspector, and any resource agency staff who may request to see it during the construction stage.

The Hydraulic report shall provide information on the existing drainage and site conditions, local drainage requirements (if any), with citation of design criteria applied to the design, discussion and design backup of the proposed drainage and permanent erosion control work to be accomplished, including delineation of drainage catchment areas, calculations for sizing and placement of all storm water and erosion control facilities, plan sheets showing locations, profiles and any details of specialty items to be installed. A listing of contents of the Hydraulic and Storm Water Site Plan (TESC elements) may be found at:

<http://www.wsdot.wa.gov/regions/Northwest/RP&S/Enviromental/HWQ/StormwaterReportTemplate.pdf>.

The web site includes a template for a Storm Water Report, which should be used for developer projects. The template provides checklists, references to additional materials, as well as indicating which elements are required for WSDOT projects only.

Information called for above supplement by letter with appended attachments.

Drainage design and selection of TESC best management practices (BMPs) shall be done in accordance with the following manuals or the local jurisdiction's storm water standards including any applicable approved basin or action plan, whichever is more stringent, prior to discharge to the state right of way:

- WSDOT's Hydraulic Manual
<http://www.wsdot.wa.gov/fasc/EngineeringPublications/Manuals/HydraulicsManual.pdf>.
- Washington State Department of Ecology's Stormwater Management Manual for Western Washington
http://www.ecy.wa.gov/programs/wq/stormwater/Manual%20PDFs/searchable_file.pdf.
- Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington
http://www.ecy.wa.gov/programs/wq/stormwater/eastern_manual/index.html.
- WSDOT Highway Runoff Manual
<http://www.wsdot.wa.gov/fasc/EngineeringPublications/Manuals/Highway.pdf>.

A field review of the downstream path must be conducted as called for in the above-manuals and documentation provided identifying the features and conditions for the drainage or stormwater path. An analysis shall be provided which ensures and documents that these downstream facilities have adequate capacity and the proposed improvements will not adversely degraded the existing system. Any potential degradation in water quality or increase in the rate of discharge of storm water from the site will require mitigation in accordance with the Washington State Department of Ecology's requirements, or the local jurisdiction's storm water standards if more stringent, prior to the discharge to state right of way.

The storm water site plan portion of the documentation shall identify the best management practices (BMPs) selected and shall be appended with plan sheets showing their proposed locations. BMPs shall minimize and control erosion and sediment transport from the construction site. Construction runoff shall not exceed allowable levels as defined in WAC 13-201A.

More information on completing and submitting a TESC Plan may be found at the web site: <http://www.wsdot.wa.gov/eese/environmental/TESSChecklist.pdf>.

Documentation will be reviewed for compliance with state and local requirements and more specifically checked to ensure storm water has been treated for detention and water quality prior to discharge to the state facilities, and degradation of downstream facilities do not occur or have been adequately mitigated for.

8. Air Quality

Certain types of developer projects have the potential to create both regional and local air quality problems. Traffic mitigation in the form of additional traffic lanes through-lanes, re-striping to create new traffic lanes, channelization/turn lanes, installation of traffic signals and traffic synchronization are the main areas where air quality is a concern. Please follow the process set out in the WSDOT Environmental Procedures Manual, Air Quality chapter, to fulfill the air quality requirements when impacting state highways or local roads that affect state highways. Note that air quality technical studies and conformity determinations must include the current year, the year of opening, and the horizon year for the appropriate regional long-range transportation plan. The Manual can be found at the following web link: <http://www.wsdot.wa.gov/fasc/EngineeringPublications/Manuals/EPM/425.pdf>

For additional information on air quality see the WSDOT Air Quality web page at: <http://www.wsdot.wa.gov/regions/Northwest/rp&s/environmental/aa/default.htm>. Contact the WSDOT Air Quality program manager for any questions or concerns.

9. Noise

Developments may create traffic volume increases that require mitigation in the form of (1) additional highway lanes, (2) the horizontal or vertical realignment of a highway, (3) the addition of a new highway, or (4) modification of highway right of way topography to reduce shielding to sensitive locations. If any of the four conditions occur as a result of a developer project a technical noise study needs to be conducted by the developer to determine highway noise impacts on sensitive locations. The study will also need to address noise mitigation that may be reasonable and feasible per WSDOT requirements. The policy and procedures for noise study are found on the WSDOT Acoustics web page at: <http://www.wsdot.wa.gov/regions/Northwest/rp&s/environmental/aa/policies.htm>. The Environmental Procedures Manual, Noise Chapter can be found at: <http://www.wsdot.wa.gov/fasc/EngineeringPublications/Manuals/EPM/446.pdf>

Some additional pitfalls of development adjacent to roadways as a result of developer action do occur even when new traffic lanes or alignments are not made on the adjacent highway. Residential developers obtain approval from the local land use authority to construct homes next to the highway. This occurs even though existing or predicted traffic noise levels have made the land incompatible with residential

development. New residents then complain that the highway is too noisy and demand that WSDOT put up noise walls to protect their new investment. WSDOT is not responsible for developer placement of sensitive receivers near roadways and the developer needs to take responsibility to mitigate noise impacts within the development plan as applicable. One method of reducing noise impacts to residential areas is to place outdoor use areas in places that will be shielded by buildings or topographic features. Contact the WSDOT noise program manager for additional information and best management practices as needed.

10. Pavement Markings (Striping Plan)

A pavement-marking plan shows the type, size and location of the pavement markings. It is required if there are any striping changes and/or additions. Pavement markings are based on the approved intersection plan and may sometimes be included on the intersection plan if they do not unduly complicate it. The type of pavement markings should be designated in the developer agreement using the standard terminology listed in Section 8-22 of the Standard Specifications.

11. Signing Plan

A signing plan is required if signs are added, removed, or relocated as a result of the proposed roadway improvement. Most projects do not require a separate signing plan. The signing details can be added to another plan sheet, provided that the plan sheets are legible and titled accordingly.

If only a few signs are needed, it is acceptable to call out the sign type, size and mounting requirements with a note adjacent to the sign location on the sheet. If multiple signs are required, this information should be noted in a sign schedule table.

The size, lettering style and spacing, graphics and materials for signs are specified in the Sign Fabrication Manual.

12. Right of Way Plan

In most cases, the required mitigation such as widening for turn lanes or shoulder improvements can be accommodated within existing right-of-way. However, if insufficient right-of-way exists, the developer must donate the necessary land to WSDOT. The right-of-way must provide a wide enough corridor to include drainage facilities (the back of the ditch), all signal and illumination facilities, utilities under franchise, and any other feature that requires access for highway maintenance. WSDOT will not exercise eminent domain authority (condemn property) to obtain right of way for a private development.

WSDOT can request right of way donation from a developer to mitigate developer traffic impacts to state highway based upon engineering plans, rather than approved right of way plans. However, the donation must have a nexus to the direct impacts and be proportional to these impacts.

Right-of-way donations must be completed before the Developer Agreement is executed. A right of way plan shall be submitted showing stations and offsets of the proposed donation area (fee or easement area). The Region's Real Estate Services section will prepare the deed and/or easement that transfers title and/or property rights to the state. Right-of-way revisions must be shown on the Channelization (Intersection) Plan and the Utility Plan pending formal revision of the Right of Way plan.

13. Traffic Control Plans

Traffic Control Plans (TCP's) prepared according to the Manual on Uniform Traffic Control Devices (MUTCD) are required for every project within WSDOT right of way. The Region Traffic Control Engineer must approve them. No construction requiring Traffic Control may begin without approved Traffic Control plans.

Traffic control plans provide a detailed description of traffic operations during construction of the project. The plans must fully address the safety of construction workers and the traveling public while limiting disruption of normal highway operations. The working hours for the traffic control plan will be determined during the review of the traffic control plan needed. They must cover the entire area affected by the construction project, from the advance warning signs, through the work zone, to the termination area. A separate plan is required for each work area and stage of construction that impacts the highway. The length of the traffic control zone depends on highway speeds, lane configurations, intersections, traffic signals and topographic constraints.

Other construction plans that may be required:

14. Spill Prevention Control And Countermeasure (SPCC)

A Spill Prevention Control and Countermeasure (SPCC) plan may be required for a Developer Agreement in order to minimize the potential for environmental damage. An example of a previously approved SPCC plan can be obtained from the Development Services homepage at: <http://www.wsdot.wa.gov/regions/olympic/planning>.

Because the SPCC plan is usually prepared by the contractor hired to construct the highway improvement, WSDOT will allow approval of the SPCC plan to occur after execution of the Developer Agreement, but prior to a pre-construction meeting.

15. Fugitive Dust

In some cases, a fugitive dust plan is required to minimize dust emissions. The "Guide to Handling Fugitive Dust From Construction Projects" is available from the regional development services office. The guide lists some of the regulations that apply and provides a list of best management practices. However, the developer must still contact its local Air Pollution Control Agency, County Health Department and/or Public Works Department to find out the specific requirements for the area in which the project is located.

16. Asbestos

Developers must abide by asbestos regulations and guidelines when demolishing existing infrastructure. Information on asbestos is available through local clean air agencies, the state Department of Ecology, Labor and Industries, and the Federal Environmental Protection Agency. When demolitions are involved with a project the local jurisdiction is responsible to adhere to applicable regulations. The Association of General Contractors provides a "Guide to Handling Asbestos-Containing Materials" brochure and the WSDOT's "Asbestos Operations and Maintenance Manual, M27-80" (August, 1999) may be helpful. The Department of Ecology website provides contact information for all the applicable Clean Air Agencies or Pollution Control Districts with the state at: <http://www.ecy.wa.gov/programs/air/local.html>.

17. Geotechnical Report

A Geotechnical report may be required if the project involves any of the following:

- Bridges with cuts and fills greater than 3 feet deep
- Retaining walls
- Signals and light standards
- Sign bridges and cantilever signs
- Culverts larger than 3 feet in diameter
- Soft or otherwise unstable soils

WSDOT Headquarters Materials Laboratory approval of a Geotechnical report is required for the following:

- All Bridges
- Retaining walls higher than 10 feet
- Rock Walls higher than 5 feet
- Gabion walls higher than 6 feet
- Culverts larger than 3 feet in diameter
- Cuts and fills greater than 10 feet deep
- Fills, structures and culverts on soft soils

The Geotechnical report must be prepared by a licensed geotechnical engineer and typically includes a brief geologic history of the area, a description of the subsurface materials, drill logs, a discussion of the bearing capacity of the soils, and foundation recommendations. The Region Materials Engineer must approve the Geotechnical report findings.

Allow extra time in the review and approval schedule if the project requires Materials Laboratory review. Examples of Geotechnical Reports are available upon request.

18. Survey monumentation

Any survey monument disturbed by a developer project must be restored to its original condition at developer's expense.

5.2.07 Assembly, Execution, Routing and Archiving Of Developer Agreements

Assembly and execution: When the engineering/construction plans and specifications are reviewed and approved, the developer services staff adds them to the Developer Agreement form along with a right of way plan and any other required exhibits, completing the agreement package. The developer must first sign the completed Developer Agreement. If required, the developer obtains the appropriate local agency signature. The developer or local agency must return the signed agreement to the Development Services office for WSDOT signature and final execution. Signature authority for Developer Agreements varies among the different regions. See Appendix 5 for an example of a Developer Agreement.

Routing and archiving: Reference the Developer Agreement distribution checklist and put the checklist in an exhibit. The original executed Developer Agreement should be sent to Headquarter Financial Services for filing. Once the Developer's project is completed and closed, the agreement should be kept within Region for six years. All agreements should be filed in numeric order for easy access and finding. Archiving Developer Agreements and back up information after six years is handled differently by each Region.

5.2.08 Surety Bond, Assignment of Escrow Account or Savings Account/Certificate of Deposit¹

WSDOT requires a surety bond from the developer to ensure timely and proper construction of the project according to the developer agreement. The developer (usually his/her consultant) must provide an itemized estimate of construction costs. WSDOT staff should review the estimate to ensure that it represents typical costs for similar types of work. The amount of the surety bond is based on this cost estimate, including all utility work and may also include a surcharge to cover cost overruns. Bonding for local agency projects is at the discretion of the Department and in most cases will not be required.

Bonding is usually secured through a standard WSDOT bond form, which names the developer and the surety company. A bond certificate is attached to the form. The developer may choose to provide an “assignment of escrow account” or “assignment of savings account/certificate of deposit” in lieu of the bonding. The surety bond, escrow account, or savings account/certificate of deposit is released after final WSDOT inspection and approval of the construction. In some cases, a release of funds may be only after a specified period of time to ensure performance of the improvement. Make sure that the original bond, escrow account, savings account/certificate of deposit clearly states the time of release, such as 30 days after final acceptance, 12 months after final acceptance, etc.

Collection of the bond, or a portion thereof, may be pursued if the work is not completed to the Department’s satisfaction. The Department must give 30 thirty days written notice prior to any action to collect on the bond. The notice must include a detailed list of the incomplete items or outstanding payments, and the name and phone number of the appropriate Department contact.

At the discretion of regional development services staff, the bond may be required prior to the execution of the Developer Agreement or, at the latest, at the time of the pre-construction meeting. In any case, no work should be allowed on WSDOT right-of-way until the bond is secured.

“Surety Bond” form, “Assignment of Escrow Account” and “Assignment of Savings Account”/“Certificate of Deposit” forms as well as an example of a bond release letter can be found in Appendix 24.

5.2.09 Construction Administration

After a Developer Agreement is executed, the construction work must be administered much the same as a state contract would be. In some regions the development services manager oversees the construction phase of the project, including materials certification, field inspection, schedule management, and final documentation. In some regions a WSDOT Project Engineer is assigned review oversight of the construction work as with a state contract.

In any case, the appropriate level of attention must be given to developer projects to ensure that they are constructed to WSDOT standards and specifications common to any work performed on state highways.

¹ WSDOT shall only accept a bond, assignment of escrow account or assignment of savings account/certificate of deposit from the developer, never the developer’s contractor. Otherwise, WSDOT may not have financial recourse against the developer.

1. **Materials Certification**

All materials incorporated into WSDOT facilities must be certified according to the WSDOT Standard Specifications and the special provisions of the Developer Agreement. Materials certification is obtained through developer (or contractor) submittal of Request for Approval of Materials Source (RAMS.) Testing and approval requirements are given in Chapter 9 of the Construction Manual and in the Standard Specifications. While many materials require testing at the Headquarters Materials Lab, the Qualified Products List can streamline this process. Acceptance of some materials by Manufacturer's Certificate of Compliance is also an acceptable practice, especially for the minor quantities associated with many developer projects. Nevertheless, all materials must be approved by the WSDOT on a RAMS form (Form No. 350-071 EF) and all materials must meet WSDOT specifications.

Hot Mix Asphalt (HMA)

Hot Mix Asphalt (HMA) is one material that normally requires a lengthy, expensive approval process for state contracts. Many sources and HMA designs in the Puget Sound area are pre-approved by WSDOT and do not require repetitive approvals. On the east side of the state an abbreviated approval process that is acceptable is to allow the use of a mix design and supplier that has been previously used on a state contract. Acceptance may be by manufacturers' certificate of compliance.

Signals/Illumination

Electrical materials require technically demanding testing procedures. The use of the Qualified Products List simplifies the approval process. If the developer's contractor does not use pre-approved poles, signal pole shop drawings must be approved by HQ's Bridge/Structures office.

For signals under WSDOT jurisdiction (cities under 22,500), signal controllers must be tested at the WSDOT Headquarters or Regional Materials Lab (testing responsibility may vary from Region to Region). This typically takes three to six weeks.

Approved Source for Aggregates

Aggregates may be approved by manufacturers' certificate of compliance. They must be produced from a WSDOT approved source. This should be communicated, in writing, to the developer or his/her contractor early in the process.

2. **Pre-construction Conference**

A well-planned pre-construction conference is an important first step to a successful construction project. This meeting is required before construction can begin. The purpose of the pre-construction conference is to introduce the developer's contractor to the WSDOT representative and to review the details of the project. The developer is required to submit a progress schedule and the SPCC plan, when required, at the pre-construction conference. Other recommended attendees include the prime contractor, subcontractors, the consultant engineer and, if applicable, a representative from the local agency. It is especially important to review scheduling, traffic control, outstanding materials certification issues, coordination issues, and any items that are not explicitly detailed in the Developer Agreement. If the surety bond was not secured prior to execution of the Developer Agreement, it should be required no later than the pre-construction conference.

Guidelines for a pre-construction conference can be found in Sections 1-2.1C through 1-2.2C of the WSDOT Construction Manual.

Liability Insurance

A contractor must have liability insurance for at least \$1,000,000 to work within WSDOT right of way. A certificate of liability insurance naming WSDOT as an insured party should be provided at the pre-construction conference.

3. Construction Inspection

The level of field inspection required for a developer project varies with the project complexity and regional policy. In some regions the development services offices have their own inspectors. Other regions assign inspection of developer projects to a WSDOT Project Engineer. Regardless of the complexity of the project, the project manager must ensure that construction of all work on WSDOT facilities is adequately inspected for compliance with the Standard Specifications and special provisions.

Any proposed changes in the project, after execution of the Developer Agreement, must be reviewed and approved by the WSDOT. Changes may be required by the State if on-site conditions do not prove to be as expected. Minor changes may be resolved in the field with adequate documentation by the WSDOT representative. For any significant design change, WSDOT must notify the developer in writing, stating the specific conditions that must be resolved before the project will be approved. The developer must submit a written proposal, with plans and supporting documentation, showing what changes will be made to meet the Department's requirements. Plan revisions and addenda will require support office review as was required for the original plan set.

Documentation

Inspection of the project must be documented. Use of a "Daily Diary" or the WSDOT Inspector's Daily Report (IDR) form is recommended. IDR's and/or "Daily Diaries" must be kept with a project file with materials certification information, compaction reports, photos, and any other information that is pertinent to construction administration.

Certified Traffic Control Supervisor

For large and complex projects, the developer or his contractor must employ a certified traffic control supervisor as detailed in Section 1-10.2(1)B of the Standard Specifications to manage work zone traffic control.

4. Final Inspection/Acceptance

At the conclusion of construction, a final inspection must be completed using the Construction Inspection Checklist. See Appendix 27. Upon satisfactory completion of the project, the WSDOT shall write a letter of final acceptance. If the agreement is a Developer/Local Agency Agreement, then acceptance by the local agency is a prerequisite to final acceptance by WSDOT. Bond, escrow account, or savings account/certificate of deposit release may be made in the final acceptance letter, or it may be held for the longer period of time specified on the bond, escrow account, or savings account/certificate of deposit to ensure performance of the improvements.

PART 3 Interlocal Agreements

5.3.01 General

WSDOT, counties and cities have successfully used Interlocal Agreements to provide an equitable and predictable development review process. Appendix 11 provides an Interlocal Agreement model to be used by WSDOT with a city or county. Although the work involved in negotiating these agreements may be time consuming, they can eliminate many issues encountered between local agencies and the Development Services Staff.

5.3.02 Legal Basis For Interlocal Agreements

GMA (the Growth Management Act) mandates that local governments must plan for orderly growth. SEPA (State Environmental Policy Act) requires state and local agencies to review proposed development plans for significant adverse environmental impacts, including impacts to transportation facilities, and to provide for the mitigation of those impacts.

State highways are considered public facilities and an important part of the transportation infrastructure. Local agencies are responsible for informing the WSDOT regional Development Services office about proposed developments that may impact the state highway system.

WSDOT is responsible for reviewing developer proposals in a timely manner. If established traffic thresholds are exceeded², WSDOT shall propose appropriate mitigation measures to the local agency as requested conditions of plan approval.

5.3.03 Benefits

An Interlocal Agreement provides a timely and predictable means of determining whether a developer project will cause significant adverse impacts to the state highway system and provides a stream-lined mechanism by which mitigation measures are calculated and required as a condition of plan approval, if necessary, for all parties involved.

- WSDOT benefits by being able to leverage limited funds and advance needed improvements to state highways adversely impacted by new development.
- Local government benefits by having needed transportation improvements constructed.
- Taxpayers benefit by not subsidizing the mitigation of transportation impacts caused by new development.
- Developers benefit by knowing up-front what type of mitigation will be required and what it will cost. Each developer will be treated equitably and the requirement for traffic analysis for smaller developments is eliminated.

5.3.04 Basic Interlocal Agreement Elements

Development Services Staff and local agencies negotiate the terms of each Interlocal Agreement. These agreements may contain elements that are unique to the local jurisdiction. But every Interlocal Agreement contains the framework following:

Notification

The local agency will notify WSDOT of all development proposals that are subject to SEPA review.

Thresholds

The Department and the local agency will agree upon the level of impact, which will trigger WSDOT review of a development proposal. This threshold is normally based on the number of trips, LOS and/or accident history of the section of impacted highway³. Having frontage on a state highway also will trigger WSDOT's review of a development plan.

Review Time

The local agency will allow WSDOT an agreed upon minimum review period once a developer plan is received. Regional Development Services staff has the responsibility to thoroughly review the proposal, which may include consultation with staff who have traffic and environmental expertise. The Interlocal Agreement specifies the amount of time that the local agency and/or SEPA will allow for department review. Typically, this ranges from 14 to 21 days for SEPA DNS projects and 21 to 30 days for projects requiring an EIS.

5.3.05 Local Jurisdiction Mitigation Commitment

Provide in the Interlocal Agreement that the local jurisdiction agrees to collect traffic mitigation payments and/or impose certain channelization improvements and/or require right of way dedication/donation on behalf of WSDOT.

5.3.06 How It Works

An Interlocal Agreement establishes city or county and WSDOT procedures for development plan review and determination of transportation impacts. It clarifies when traffic analyses are required and helps to define mitigation measures. The agreement also provides a reasonable timeline for review of development plans.

Interlocal Agreements also provide the following:

- A list of WSDOT improvement projects for the next ten years, subject to amendment updates.
- Mitigation charges based on ADT or Peak-Hour Trip for developer traffic; i.e., Traffic Mitigation Payment, channelization revision, signalization, right of way dedication/donation, etc.
- A procedure for requiring traffic studies, including a checklist for those studies.
- How intersection LOS requirements will be met and addresses High Accident Location (HAL).
- A procedure for transfer of mitigation payments from local agency to WSDOT.
- A procedure for dedication/donation of right of way to WSDOT and/or provides for establishment of setbacks for future highway projects.
- A method for allowing credits against traffic mitigation payments for developer construction work, and/or right-of-way dedications/donations that benefit the highway or future highway construction projects.
- Reference to appeal process for developers who dispute WSDOT requirements.
- Unilateral termination of the agreement by WSDOT or Local Agency.

5.3.07 Who Is Affected?

Interlocal Agreements apply to: (1) all developments having frontage on OR requiring direct access onto a state highway AND/OR (2) all developments, which will be subject to SEPA review. Single family residences, duplexes, short plats and certain small commercial developments are excluded, consistent with SEPA regulations unless they are located adjacent to a state highway.

5.3.08 When Is It Worth Doing?

Some local agencies are located in areas with rapid population and commercial growth. Developers in high growth counties and cities may generate several projects a year, affecting state highways. In these situations, there is a definite long-term benefit to having an Interlocal Agreement in place.

Interlocal Agreements normally take a significant amount of staff time to set up. There are preliminary negotiations, review of draft agreements, meetings with city councils or county commissioners. All this occurs while your other work continues. But once in place, the agreement soon repays the time invested.

5.3.09 TBD And LID Policy

WSDOT desires to treat developers fairly. In some instances developers have agreed to participate in cost sharing as part of a Traffic Benefit District (TBD) or Local Improvement District (LID). If these contributions are wholly or partially used to mitigate developer impacts to the state highway, WSDOT will not seek further mitigation.

5.3.10 Local Transportation Act (RCW 39.92)

This statutory provision authorizes local governments to develop and adopt programs for the purpose of jointly funding, from public and private sources, transportation improvements necessitated in whole or in part by economic development and growth within their respective jurisdictions. This supplemental authority allows local governments to enact, if certain procedures are followed, ordinances that will set forth the procedures for calculating, assessing and spending transportation impact fees. This procedure can be used only if monies or improvements have not been collected through SEPA and/or RCW 82.02. For more information on this please refer to RCW 39.92 in Appendix 28.

PART 4 Other Agreements

5.4.00 Overview

Other forms of agreements may be used, including custom written agreements between various entities and WSDOT. Whatever form an agreement takes, it must be written to ensure consistent application of WSDOT design standards, access management rules, construction practices, etc. Below are examples of agreements that are sometimes used for developer projects.

5.4.01 General Permits

General permits are another form of agreement for documenting terms for allowing work to be done on state right of way. General permits are often used for improvements initiated and financed by a local agency, for road approach/intersection improvements on limited access highways (in lieu of an access connection permit), or for roadside work that does not fit the normal range of projects for which a developer agreement would apply.

Agreements

Like developer agreements, general permits use a boilerplate form with accompanying special provisions and are usually supplemented by construction plans or drawings and specifications. The plan development and review process is the same as it is for developer agreements, but it may be greatly simplified, depending on the complexity of the project.

5.4.02 Access Connection Permits

The access connection permitting process is covered in detail in Chapter 6. Most access connection permits are for simple road approaches. But, some are for commercial businesses with high volume, large vehicles, or other special impacts. Such uses warrant considerable design analysis and engineering. For commercial approaches a Developer Agreement is often written as a companion document to the access connection permit to detail the construction requirements. In other cases the permit may include all of the construction plans and specifications. When this is the case, the same plans development and review process must be followed as for a Developer Agreement in order to meet the WSDOT development services objectives.

5.4.03 Developer Agreement: Construction by State At Developer Expense (as a stand-alone project)

Under this agreement form, WSDOT agrees to build the project for the developer as a separate project. The project will have to go through the normal bid and award process. This type of agreement is required by FHWA if the improvements are constructed on the Interstate system and may impact the mainline traffic. An example would be a developer-funded signal installation on an off-ramp where it is likely the construction will impact the mainline traffic. See Appendix 5 for an example.

5.4.04 Developer Mitigation Agreement: Collection of Pro Rata Share Contribution Toward a WSDOT Project.

This is a non-standard agreement that establishes a contract between the WSDOT and the developer whereby the developer can contribute toward a programmed WSDOT project to mitigate impacts to the state highway system. It can be modified to include a third-party when the WSDOT has a joint project with a city or county.

The Developer Mitigation Agreement form can be found in Appendix 30.

5.4.05 Subterranean Monitoring Permits

All monitoring wells and piezometers will be handled by a Subterranean Monitoring Permit. This permit allows the use of WSDOT's property for the installation, monitoring and removal of subterranean monitoring devices. The consideration shall include supplying WSDOT with all reports, data and analysis related to the studies conducted on the property.

The applicant will submit requests to the Development Services Office in the Region where the monitoring device will be located. The Regional Development Services Office may forward the request to another regional office for processing of the permit.

Each permit application will include the following:

- The real property identified by sketches, maps, construction plans and must include an annotated WSDOT Right of Way plan.
- The number of proposed devices/borings including the exact location, type and the purpose.
- The proposed duration including construction dates and inspection/frequency of monitoring.
- Proof of all local and environmental permits and approvals.
- Access to each individual boring/device including traffic control plans, if required.

WSDOT will review the written notification and determine the following:

- Verification of ownership and research to determine that the property is not currently under lease, franchise, permit, and other encumbrance that would prohibit the use of the identified property for the proposed use.
- The property is not presently, nor in the foreseeable future, needed for highway purposes.
- The proposed devices/borings can be accommodated on the WSDOT property.

Note: In some instances the location will require a break in Limited Access that will require additional reviews and approvals from the WSDOT's HQ Access & Hearings Office. The Region Development Services office will coordinate the additional review process. The Region Development Services office may obtain additional input from other WSDOT offices based on device/boring locations (i.e. – environmental, hydraulics, traffic, maintenance, etc.)

The Region has the responsibility and authority to:

- Issue Subterranean Monitoring Permits.
- Deny a permit application.
- Enter the permit information into the Roadway Access Permit Management System (RAMPS) database.

The Subterranean Monitoring Permit will be substantially the same form as the draft exhibit attached hereto and made a part of.

5.4.06 Transit Stop Permits

The Washington State Department of Transportation is hereinafter referred to as the “STATE”, the Federal Highway Administration is referred to as “FHWA”, and the Transit Stop Permit applicant is referred to as the “AGENCY.” The transit stop, with or without a shelter or other amenities, is referred to as the “FACILITY.”

The STATE may issue a Transit Stop Permit, for an AGENCY requested FACILITY on a state highway or Interstate under the jurisdiction of the STATE and/or FHWA, provided the FACILITY meets the requirement of the STATE and/or FHWA as listed below. FHWA approval is required on all FACILITIES located within Interstate right-of-way.

The STATE may issue Transit Permits for a FACILITY provided the following conditions are met:

- At no time shall the FACILITY exceed 1,000 square feet in size on STATE right-of-way and/or Interstate (with or without a shelter). The roadway pavement for the bus pullout, sidewalks integral to the STATE highway, and any fiber optic service and/or utilities that will serve the FACILITY will not be counted against the 1,000 square foot FACILITY limit.
- At no time shall the Transit Stop Permit be used for a FACILITY located on an Interstate Highway mainline.
- No advertising will be allowed at any Transit Stop.
- The FACILITY is 1,000 square feet or less and no two FACILITIES may adjoin each other on the same side of the STATE highway. If the FACILITY is over 1,000 square feet, then an Air Space Lease is required.
- The FACILITY may have more than one shelter, provided the overall square footage, as described above, is less than 1,000 square feet.
- STATE does not issue permits within incorporated cities or towns on managed access highways. Cities and towns issue permits within their incorporated boundaries on STATE managed access highways. The STATE will issue permits on all limited access highways.

Based upon the FACILITY’S proposed location, the AGENCY may submit an Application for Transit Stop Permit to the appropriate STATE (WSDOT) Regional Office. The Regional Development Services Office may forward the request to another regional office for processing of the permit.

The STATE’s Regional Office will:

- Verify WSDOT’s ownership and that the property is not currently under lease, franchise, permit, and other encumbrance that would prohibit the use of the identified property for the proposed use.
- Verify the property is not presently, nor in the foreseeable future, needed for highway purposes.
- Coordinate a review of any application on Interstate property with the HQ Development Services & Access Manager.

Transit Stop Permits are issued at no cost to the AGENCY, provided the STATE's effort to process and prepare the permit, including any field inspection that may be needed, is routine or minimal as determined by the STATE. In the rare occurrence when the AGENCY requested Facility will result in the STATE expending additional time and resources beyond what would normally be expected for a typical review, the STATE may require a reimbursable account to be established with the AGENCY to recoup those extraordinary expenses. The STATE's applicable regional Development Services Office will coordinate the additional review process.

The STATE has the responsibility to:

- Issue Transit Stop Permits as noted above, utilizing the guidance of the WSDOT Design Manual Chapter 1430.
- Deny a permit application for safety or operational concerns.
- Notify the AGENCY if there are any site plan deficiencies or other items that must be corrected before a Transit Stop Permit can be issued.
- Retain ownership of the state highway right of way on which the transit stop improvements are made.
- Enter the permit information into the Roadway Access Permit Management System (RAMPS) database.
- Hold responsibility for all revisions to the Transit Stop Application, Transit Stop Permit and the Transit Stop Policy, and will coordinate all requisite manual updates.
- Not charge rent for the FACILITY after construction, except as noted above when an Air Space Lease is required.

The AGENCY is required to:

- Maintain the FACILITY in a safe and presentable condition and remove all trash, repair damage, and remove graffiti in a timely manner, and any other conditions that may be specified in the Transit Stop Permit.
- If requested by the STATE, a preconstruction conference must be held within ten (10) working days at which the STATE, the AGENCY and the AGENCY's contractor (if applicable) shall be present.
- Retain ownership of all improvements constructed/installed on the STATE right of way for by the AGENCY for the FACILITY.
- Remove the FACILITY at its sole expense within 90 calendar days after receiving written notice of termination from STATE, or immediately in the case of an emergency as determined by the STATE.
- If any additional parties request to use the FACILITY as a transit stop, AGENCY shall require that the additional party obtain a Transit Permit from STATE prior to using the FACILITY.

The Transit Stop Application and Transit Stop Permit will be in substantially the same form as the draft exhibit attached hereto and made a part of.

