REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY

North Dakota Department of Transportation, Maintenance Division
SFN 50909 (Rev. 12-2014)

Highway & Mile Posts | | | | | | | | |

District Number | | |

Name of Person Requesting Permit (Applicant)		Date
Address		Phone Number
City	State	Zip Code

LOCATION OF PROPOSED WORK (to be completed by the applicant)

Size of Drainage Area in Total Acres Acres	Water Resource District		
County	Section	Township	Range
Description of proposed work.			

WETLAND REVIEW (to be completed by the applicant)

This application is for the single purpose of cleaning a ditch to its original design elevation and will not require a wetlands review:

☐ Yes ☐ No

If you answered no to the above, the applicant is required to work with the Natural Resources Conservation Service and, if necessary, the Corps of Engineers, US Fish and Wildlife and North Dakota Game and Fish, to ensure no wetlands are impacted by the proposed project.

Wetlands impacted: ☐ Yes ☐ No

APPLICANT:

Name (Type or Print) _____ X _____ Signature

Title _____ Date _____

TO BE COMPLETED BY THE THE WATER RESOURCE DISTRICT AND NDDOT

Action Required by Water Resource District - **Please note:** The signature receiving or approving the Water Resource Districts Action should be by a representative of the Water Resource District given the authority to sign.

Received by Water Resource District:	Approved by Water Resource District:	Approved by North Dakota Department of Transportation:
X Signature	X Signature	X District Engineer Signature
Name (Type or Print)	Name (Type or Print)	Name (Type or Print)
Date	Date	Date

Work shall be completed by:

Date

(Original to District File, copy to Applicant)

See Specifications on Back

SFN 50909

Request for Drainage on Highway Right of Way Specifications

Landowners Request for Drainage on Highway Right of Way must be reviewed or approved by the Water Resource District.

Written confirmation from the Natural Resources Conservation Service and, if necessary, the Corps of Engineers, US Fish and Wildlife and North Dakota Game and Fish, is required to verify there are no wetland impacts. Written confirmation shall be submitted with SFN 50909.

Requirements for Projects involving Ditch Maintenance:

1. When the drainage work involves ditch cleaning, ditch elevations should be re-established to the original grade line to match the existing invert culvert elevations.

2. Disturbed areas shall be left in a neat appearing condition. The existing in slope and back slopes shall be maintained.

3. All disturbed areas shall be re-seeded. Measures shall be taken to prevent erosion from occurring.

4. All work and associated costs are the responsibility of the applicant.

5. The applicant is responsible for obtaining all utility locates prior to beginning any work within the highway right of way.

6. Effective November 24, 2008, the applicant shall be required to wear an ANSI/ISEA 107-2004 Class II high visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.

7. Drainage work shall be conducted so as to ensure the safety of the public as well as the people who are working at the site.

8. The highway access control fence may be temporarily relocated during ditch cleaning. The fence shall be replaced in its existing location and restored to its original condition or better.

Requirements for Projects other than Ditch Maintenance:

Requests for lowering ditch grades or culverts, adding culverts or increasing culvert sizes, installing berms or ditch blocks or changes in the size of the drainage area, the following information will be required:

1. A hydraulic analysis shall be performed and approved by a Registered Engineer in the state of North Dakota. The hydraulic analysis shall show size of drainage area, discharges for 10, 25, 50 and 100 year peak flows, depth of flow for peak flows and headwater elevations for peak flows. All peak flows shall be calculated using the USGS Method (*Techniques for Estimating Peak-Flow Frequency Relations for North Dakota Streams*) for rural areas or Rational Method for urban areas for existing and proposed conditions. Upstream and downstream impacts need to be identified.

2. A Set of Construction drawings approved by a Registered Engineer in the state of North Dakota shall be submitted showing existing and proposed ditch and culvert elevations. Cross section drawings will be required for ditches, approaches, berms and ditch blocks.

3. If the request is approved by the District Engineer, a NDDOT Drainage Permit will be required to perform the work.

Requirements for Field Drain Tile and Pumping Adjacent to State or Interstate Roadways:

See Attachment A. Attachment A is needed when processing requests for field drain tile and pumping only. It does not need to be attached for standard day to day drainage requests.

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SFN 50909 (Rev.11-2014)

ATTACHMENT A

Requirements for Field Drain Tile and Pumping Adjacent to State or Interstate Roadways:

1. The Applicant shall be responsible for all costs incurred for all items of work, complete in place. The Applicant shall include the furnishing of all labor and equipment needed for maintenance, removal or relocation if necessary. If the Applicant fails to maintain, remove or relocate, the NDDOT will then make any corrections necessary and assess costs to the Applicant. The Permit shall transfer with ownership of the property being drained.

2. The location of the discharge of the drain tile shall match the Original Contour and elevation of the property. If the Applicant needs to discharge the drain tile in a location that does not follow the original contours, the Applicant will need to get approval from the local water board regardless of the size of the drain tile acreage. In addition, the Applicant may be permitted/required to clean a short portion of the highway ditch if needed to reestablish the original ditch grade line. Example: If the field originally drains towards the NE corner of the property the drain tile shall discharge in the NE corner of the property. The Applicant will need to verify to the NDDOT with a contour map.

3. Water from the drain tile system shall be discharged off of the NDDOT right of way. The water shall enter the NDDOT right of way through an approved above ground ditch. All permanent structures, pumps, energy dissipation devices shall be constructed entirely off of the NDDOT right of way. The NDDOT shall not be held responsible for water backing up into drain tile system.

4. If there is a need for the drain tile system to cross NDDOT right of way, the crossing shall be perpendicular to the centerline of the roadway. Installation shall be from edge of right of way to edge of right of way. If there is a legal drain located within the highway right of way, the crossing will be allowed to terminate at the drain provided approval from the Water Resource District. All crossings shall require a **Utility Permit** and if it involves interstate right of way, the NDDOT may consult with the FHWA. The NDDOT Policy for Accommodation of Utilities on State Highway Right of Way shall be followed. Utility Permit fees shall be applied. In the event the crossing needs to be removed or relocated to accommodate construction or maintenance of a highway, the applicant or any successors shall relocate the facility. All risk and damage costs to the crossing pipe shall be the responsibility of the Applicant. The Applicant shall be responsible for all locates requested by parties working within or planning to work within highway right of way. The Applicant shall register the location, use purpose, and material type with One-Call or the local utility locate agency. All costs now and in the future for initial and ongoing registration shall be the responsibility of the Applicant.

5. All disturbed areas shall be seeded according to the NDDOT seed mixture specifications. Erosion control devices shall be installed prior to construction and maintained until 70 percent of the vegetation is reestablished, the Applicant shall then remove the devices.

6. The Applicant shall be responsible for future erosion and sedimentation in the right of way as a result of the installation of the drain tile system on NDDOT right of way. The Applicant shall make immediate repairs for erosion and removed silt, when needed, or at the request of the NDDOT. The Applicant will need a Right to Enter Agreement or a new Request for Drainage on Highway Right of Way from the NDDOT to perform the repairs or to remove silt.

7. Pumps shall not be allowed to operate if they cause ice to form in ditches and culverts to become plugged with ice.

8. In the event the NDDOT has a roadway construction or maintenance project in which the drain tile system will affect the NDDOTs ability to do work on the project the drain tile system shall be shut off when directed by the NDDOT. Requirements shall be made to assure gravity systems have the ability to shut off flow into the NDDOT right of way.

9. NDDOT specifically reserves the right to revoke or change the terms and conditions of this Permit with or without cause and upon notice to the Applicant.

10. NDDOT specifically reserves the right to plug or terminate any drainage facility located on NDDOT right of way if the Applicant cannot be reached or is non-responsive within 30 days of written notice.

11. All work on NDDOT right of way shall be done in a neat and professional manner, subject to inspection and approval by the NDDOT.