

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**THE APPLICATION OF NORTHEAST )**  
**WOODFORD COUNTY WATER DISTRICT )**  
**FOR AUTHORIZATION TO ENTER AN )**  
**ASSISTANCE AGREEMENT WITH THE )**  
**KENTUCKY INFRASTRUCTURE ) CASE NO. 2018-00351**  
**AUTHORITY AND FOR A CERTIFICATE OF )**  
**PUBLIC CONVENIENCE TO CONSTRUCT )**  
**AND REPLACE WATER MAINS AND )**  
**REPLACE A PUMPING STATION )**

**NOTICE OF FILING**

Pursuant to the Commission’s Order of November 6, 2018, Northeast Woodford County Water District gives notice that the Kentucky Transportation Cabinet has issued an encroachment permit for the proposed water main extension project’s crossing of Old Frankfort Pike (Ky. Route 1681). A copy of the permit is attached.

Dated: March 21, 2019

Respectfully submitted,



Joseph M. Hoffman  
Hoffman & Barnes  
100 United Drive, Suite 4B  
Versailles, Kentucky 40383  
Telephone: (859) 873-5427  
Fax: (859) 873-1024  
jhoffman@hbkylaw.com

Gerald E. Wuetcher  
Stoll Keenon Ogden PLLC  
300 West Vine St. Suite 2100  
Lexington, Kentucky 40507-1801  
Telephone: (859) 231-3017  
Fax: (859) 259-3517  
gerald.wuetcher@skofirm.com

*Counsel for Northeast Woodford County Water  
District*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that Northeast Woodford County Water District's March 21, 2019 electronic filing of this Notice is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Commission on March 21, 2019; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of the Application will be delivered to the Commission on or before March 25, 2019.

A handwritten signature in blue ink, reading "Gerald E. Wuetcher", is written over a horizontal line.

Gerald E. Wuetcher



*File*

**Matthew G. Bevin**  
Governor

**COMMONWEALTH OF KENTUCKY**  
**TRANSPORTATION CABINET**  
Department of Highways, District 7 Office  
800 Newtown Court  
Lexington, Kentucky 40511  
(859) 246-2355  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

**Grag Thomas**  
Secretary

December 20, 2018

NORTHEAST WOODFORD W.D.  
DALE GATEWOOD  
225 S. MAIN ST  
VERSAILLES, Kentucky 40383

*Case*  
Subject: Permit #: 07-2018-00732  
Permit Type: Utilities - Water  
Approval

Dear Applicant:

Attached is your permit approval and documentation for the subject permit.

Be advised that all work must be done in conformity with permit and application conditions. If you have any questions, please contact the Permits Section at this office.

Sincerely,

*Daniel Kucela*  
Daniel Kucela  
D7 Engineering Support - TEBM

Attachments



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KENTUCKY TRANSPORTATION CABINET  
Division of Maintenance  
Permits Branch

TC 99-21E  
01/2008  
Page 1 of 6

## ENCROACHMENT PERMIT GENERAL NOTES & SPECIFICATIONS

Permit No. ROAD BORE

If you need further assistance, please contact my staff at (502) 584-3940

### A. General Provisions

- All signs and control of traffic shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, Part VI, and safety requirements shall comply with the Permits Manual.
- All work necessary in shoulder or ditch line areas of a state highway shall be scheduled to be promptly completed so that hazards adjacent to the traveled way are kept to an absolute minimum.
- No more than one (1) traveled-lane shall be blocked or obstructed during normal working hours. All signs and flaggers during lane closure shall conform to the Manual on Uniform Traffic Control Devices.
- When necessary to block one (1) traveled-lane of a state highway, the normal working hours shall be as directed by the Department. No lanes shall be blocked or obstructed during adverse weather conditions (rain, snow, fog, etc.) without specific permission from the Department. Working hours shall be between 8:00 a.m. and 3:30 p.m.
- The traveled-way and shoulders shall be kept clear of mud and other construction debris at all times during construction of the permitted facility.
- No nonconstruction equipment or vehicles or office trailers shall be allowed on the right of way during working hours.
- The right of way shall be left free and clear of equipment, material, and vehicles during non-working hours.

### B. Explosives

- No explosive devices or explosive material shall be used within state right of way without proper license and approval of the Kentucky Department of Mines and Minerals, Explosive Division.

### C. Other Safety Requirements

- All workers within right-of-way shall wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/SEA 107-2004 publication entitled "American National Standard for Safety Apparel and Headwear"

Initials of the contractor shall be placed in the space provided on the drawings.

- \*All work necessary within the right of way shall be performed behind a temporary fence erected prior to a boring operation.
- \*The temporary woven wire fence shall be removed immediately upon completion of work on the right of way, and the control of access immediately restored to original condition, in accordance with applicable Kentucky Department of Highways Standard Drawings.
- \*All vents, valves, manholes, etc., shall be located outside of the right-of-way.
- \*Encasement pipe shall extend from right-of-way line to right-of-way line and shall be one continuous run of pipe. The encasement pipe shall be welded at all joints.
- The boring pit and tail ditch shall extend past the existing toe of slope or bottom of ditch line and shall be a minimum of 42 inches deep.

TOTAL P.10



**APPLICATION FOR ENCROACHMENT PERMIT**

KYTC KEPT #: \_\_\_\_\_

**SECTION 1: APPLICANT CONTACT INFORMATION**

<b>NAME</b> NORTHEAST WOODFORD W.D.	<b>ADDRESS</b> 225 SOUTH MAIN ST	<b>CITY</b> VERSAILLES
<b>EMAIL</b> northeastwood@aol.com		<b>STATE</b> KY
		<b>ZIP</b> 40383
<b>CONTACT NAME 1</b> Dale Gatewood	<b>EMAIL</b> northeastwood@aol.com	<b>PHONE #</b> (502) 695-2641
		<b>CELL #</b> (502) 395-0108
<b>CONTACT NAME 2 (if applicable)</b> Warner Broughman	<b>EMAIL</b> wabiii@prodigy.net	<b>PHONE #</b> (859) 271-1778
		<b>CELL #</b> (859) 229-1924

**SECTION 2: PROPOSED WORK LOCATION**

<b>ADDRESS</b> 704 Old Frankfort Pike	<b>CITY</b> Versailles	<b>STATE</b> Kentucky	<b>ZIP</b> 40383
<b>COUNTY</b> Woodford	<b>ROUTE #</b> KY 1681	<b>MILE POINT</b>	<b>LONGITUDE (X)</b> -84.64081764
			<b>LATITUDE (Y)</b> 38.10335972

**FOR KYTC USE ONLY**

**Permit Type:**  Air Right  Entrance  Utilities  Vegetation Removal  Other: \_\_\_\_\_

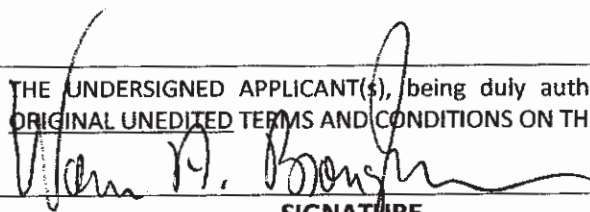
**Location:**  Left  Right  Crossing

**Access:**  Full  Partial  by Permit

**SECTION 3: GENERAL DESCRIPTION OF WORK**

Northeast Woodford Water District proposes to cross KY 1681 (Old Frankfort Pike) ith a 12" steel casing, 40' long, bored under the highway. The casing will be filled with a 6" PVC water main.

THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL ORIGINAL UNEDITED TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.

  
 \_\_\_\_\_  
 SIGNATURE

11/21/18  
 \_\_\_\_\_  
 DATE

This is not a permit unless and until the applicant(s) receives an approved TC 99-1B from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be a minimum of one year from the date the applicant submits their application.



## APPLICATION FOR ENCROACHMENT PERMIT

### TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
  - A. **PERFORMANCE BOND:** The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
  - B. **PAYMENT BOND:** At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
  - C. **LIABILITY INSURANCE:** Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
  - D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
4. A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.
5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.
9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.



## APPLICATION FOR ENCROACHMENT PERMIT

10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, "I (we), \_\_\_\_\_, hereby consent to the granting of the permit requested by the applicant along Route \_\_\_\_\_, which permit does affect frontage rights along my (our) adjacent real property." By signature(s) \_\_\_\_\_ subscribed and sworn by \_\_\_\_\_ on this date \_\_\_\_\_.
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.
12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.
13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, **shall defend, protect, indemnify and save harmless** the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.
15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.
16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.



## APPLICATION FOR ENCROACHMENT PERMIT

17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.
21. **Before You Dig:** The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.

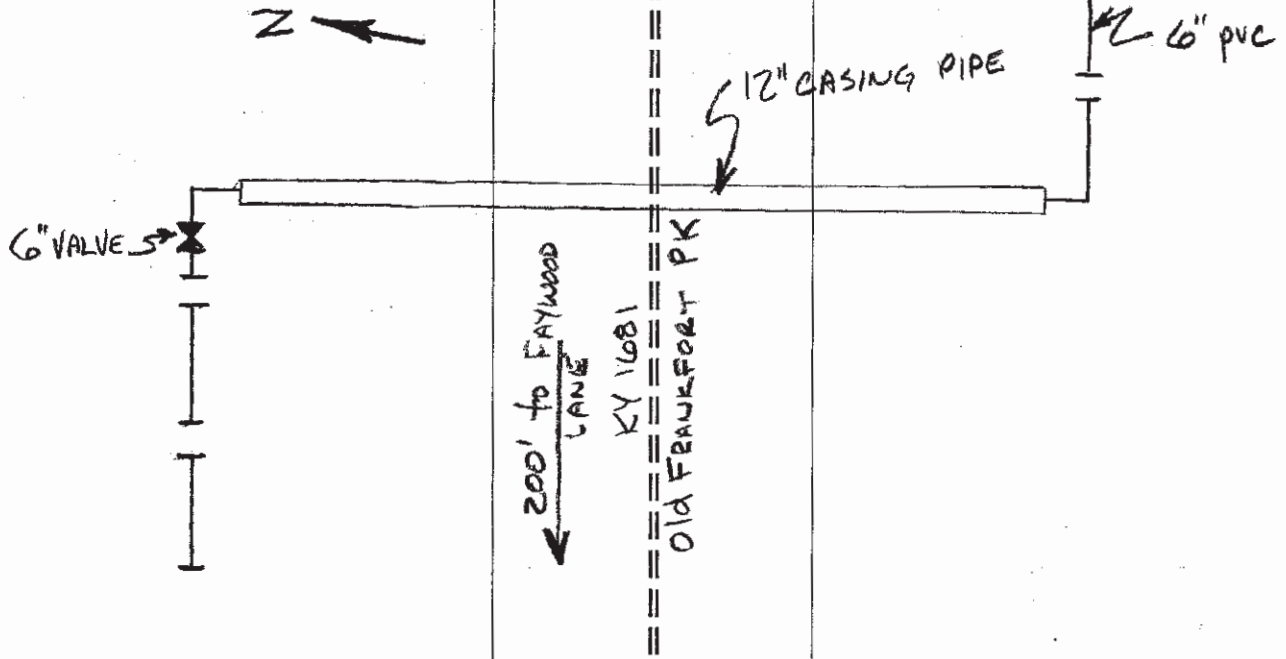


Know what's below. Call before you dig.

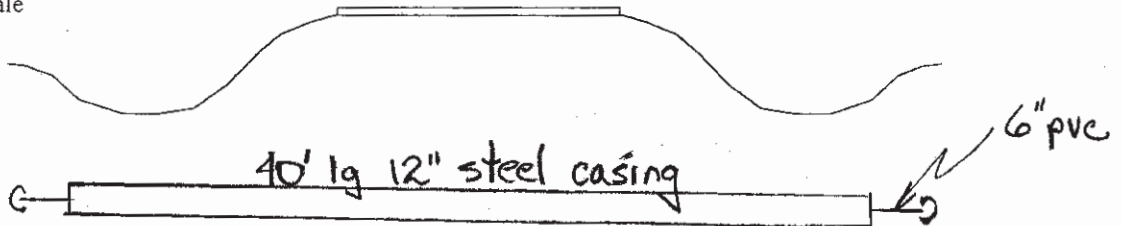
To Submit a Locate Request  
24 Hours a Day, Seven Days a Week:  
Call 811 or 800-752-6007



PLAN  
VIEW  
Not to Scale



TYPICAL  
CROSSSECTION  
Not to Scale



STATE HIGHWAY ENCROACHMENT PERMIT  
NE WOODFORD WATER DISTRICT

County: WOODFORD

Road: Old FRANKFORT PK (KY 1681)

Distance & Direction From  
Landmark:  
200 Feet EAST

Landmark Description:  
☒ of intersection with  
FAYWOOD LANE

N.E. Woodford Water Dist.  
(Name)

225 S. MAIN ST  
(Address)

VERSAILLES, KY 40383  
(Address)

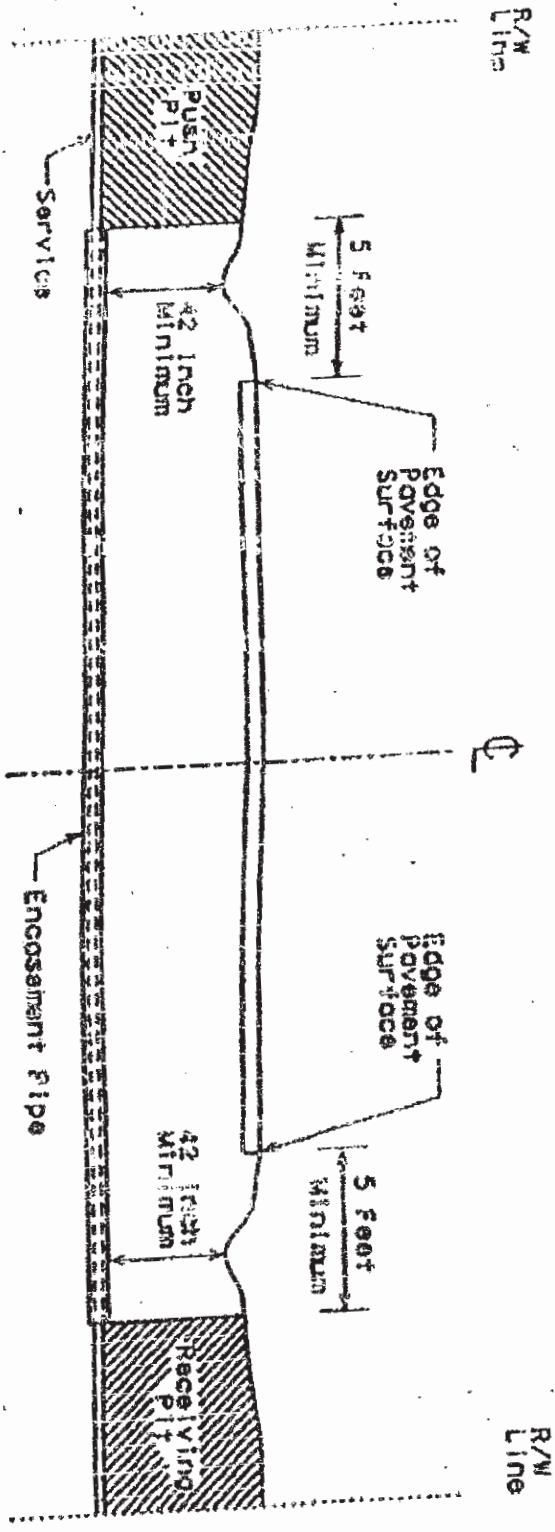
This Permit Submitted By:

Warner A. Broughman III  
and Associates

# Kentucky Transportation Cabinet Department of Highways Permits Branch

EXHIBIT  
TC 99-  
Rev. 9/7

## TYPICAL HIGHWAY BORING CROSSING DETAIL



Permit No. \_\_\_\_\_  
 Route No. \_\_\_\_\_  
 Pavement Width \_\_\_\_\_

1. Push Pit and Receiving Pit shall be backfilled and thoroughly compacted.
2. All ditch lines are to remain open at all times.
3. Seed and straw all disturbed areas immediately after completing the work.
4. Provide traffic control as required to insure the safety of the traveling public in accordance with the current edition of the Manual on Uniform Traffic Control Devices.

ALL SERVICES OVER 2" IN DIAMETER SHALL REQUIRE ENCASEMENT.

NOTICE OF COMPLETION OF ENCROACHMENT PERMIT WORK

PERMITTEE

Name: NORTHEAST WOODFORD W.D.  
Contact Person: DALE GATEWOOD  
Address: 225 S. MAIN ST  
City: VERSAILLES  
State: Kentucky  
Zip: 40383  
Telephone: (502) 395-0108

PROJECT IDENTIFICATION

Permit Number: 07-2018-00732

I wish to notify the Department of Highways that the above mentioned permit work and any necessary right-of-way restoration have been completed and are ready for final inspection.

Permittee

Please return this form to the address below when work is completed and ready for final inspection.

Please Return to: Permit Engineer  
Department of Highways, District 7 Office  
800 Newtown Court  
Lexington, Kentucky 40505  
(502) 246-2355  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

SUPPORT VOLUNTEERS		
Woodford - KY 1681	38.103340	-84.641092



Kentucky Transportation Cabinet  
Department of Highways  
Division of Maintenance  
Permits Branch

TC 99-1 (B)  
07/2018  
Page 1 of 1

ENCROACHMENT PERMIT

KYTC KEPT #: 07-2018-00732

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Permittee: NORTHEAST WOODFORD W.D.

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Permit Type / Subtype: Utilities / Water

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Work Completion Date: 7/1/2019

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DATE, TIME	OFFICER	03/26/04/26
FAX NUMBER	72103340	72103340
OPERATION	72103340	72103340
PAGE NO.	\$5,000.00	72103638
REEL	\$0.00	
MODE	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	

This permit has been: APPROVED  DENIED

Daniel Kucela	D7 Engineering Support - TEBM	12/19/2018
SIGNATURE	TITLE	DATE

The TC 99-1(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

Re: The Selling Advantage			
MR. BROUGHMAN	Wendford - KY 1881	38.103340	-84.841092

phone; you'll receive your...  
publication isn't productive for...

To Submit a Locate Request  
24 Hours a Day, Seven Days a Week:  
Call 811 or 800-752-5007