VERMONT

State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
One National Life Drive [phone] 802-828-2653
Montpelier, VT 05633-5001 [fax] 802-828-2456
vtrans.vermont.gov [ttd] 800-253-0191

Agency of Transportation

June 11, 2015

Vermont Electric Power Company Inc.
Mark Ellingwood
366 Pinnacle Ridge Road
Rutland, VT 05401

Subject: Mendon, US4, L.S. 167+90 ~ 312+97 LT & RT and
Killington, US4, L.S. 0+00 ~ 124+20 LT & RT

Dear Mr. Ellingwood:

Your application for a permit to work within the State Highway right-of-way to install fiber optic cable on existing utility poles, at the location referenced above, has been processed by this office and is enclosed.

Please contact the District Transportation Office #3 prior to starting work in the state highway right-of-way. The telephone number in Mendon is (802) 786-5826.

Sincerely,

Theresa Gilman
Permitting Services Supervisor
Permitting Services Section

Enclosures

cc: District Transportation Office #3
Dan Murdough, Eustis Cable Enterprises

PERMIT ID# 39860

FOR AGENCY USE ONLY

Town: MENDON
Route: VS 4
Mile Marker: 3.18 ~ 5.93
Log Station: 167+90 ~ 312+97 LT & RT
AND KILLINGTON
VS 4
MM 0.00 ~ 2.35
L.S. 0+00 ~ 124+20 LT & RT

Applicant to Complete

VERMONT AGENCY OF TRANSPORTATION
19 V.S.A. § 1111 PERMIT APPLICATION

Owner's/Applicant's Name, Address & Phone No. VERMONT ELECTRIC POWER CO (VELCO) 366 PINNACLE RIDGE RD RUTLAND, VT. (MARK ELLINGWOOD 802-467-3436 O, 802-535-4664 M

Co-Applicant's Name, Address & Phone No. (if different from above) 802-379-1158
ELISTIS CABLE ENTERPRISES 9 HARRISON AVE WHITE RIVER JCT VT. 05001 DAN MURDOUGH

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
RTE 4 BETWEEN TENNY RD IN MENDON & KILLINGTON MTN. RD IN KILLINGTON

Description of work to be performed in the highway right-of-way (attach sketch) INSTALLING FO CABLE ON EXISTING POLES ALONG RTE 4 APPROX. 5.1 miles. NORMAL TRAFFIC CONTROL WILL BE UTILIZED AND FLAGGERS WILL BE PRESENT WHEN CREWS ARE WORKING ON THE PAVED SURFACE OF THE HIGHWAY.

Property Deed Reference Book:_____ Page:_____ (only required for Permit Application for access)

Is a Zoning Permit required? Yes ☐ No ☒ - If Yes, #_____
Is a 30 VSA § 248 permit required? Yes ☐ No ☒ - If Yes, #_____
Is an Act 250 permit required? Yes ☐ No ☒ - If Yes, #_____
Other permit(s) required? Yes ☐ No ☐ - If Yes, name and # of each _____
Date applicant expects work to begin 6/15 2015

Owner/Applicant: MARK ELLINGWOOD FOR VELCO Position Title: PROJECT MANAGER
(Print name above)

Sign in Shaded area:	Mark Ellingwood	Date:	6/8/15

Co-Applicant: DAN MURDOUGH Position Title: FIELD ENGINEER
(Print name above)

Sign in Shaded area:	Daniel Murdough @	Date:	6/8/15

INSTRUCTIONS:
-Contact the Agency of Transportation, Utilities and Permits Unit (802.828.2653), One National Life Drive, Montpelier, VT 05633, or your local area Agency Transportation Maintenance District to determine your issuing authority.
-Contact the issuing authority to determine what plans and other documents are required to be submitted with your, under Vermont Statutes Annotated, Title 19, Section 1111, permit application.
-Complete this TA 210 Form (some information may not apply to you) and attach all necessary documents and submit it to the issuing authority. We require this application to be signed by the property owner or their legally authorized representative. **Original signatures are required on an original TA 210 Form.**
-The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.
-If you have any questions contact the issuing authority.

PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the state highway right-of-way to install fiber optic cable on existing utility poles. All work shall be in accordance with the attached plan and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed November 30, 2015

Date work accepted: _____

By [signature] Issued Date June 11, 2015

Authorized Representative for Secretary of Transportation

By: _____
DTA or Designee

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

District #3, (802) 786-5826

PERMIT #_____
RECEIVED
JUN 11 2015
PERMITTING SERVICES

RESTRICTIONS AND CONDITIONS

DEFINITIONS:

"Agency" means the Vermont Agency of Transportation.
"Engineer" means the authorized agent of the Secretary of Transportation.
"Owner/Applicant" means the party(s) to whom the permit is to be issued.
"Co-Applicant" means the party who performs the work, if other than Owner/Applicant.
"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the conditions and restrictions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 ("Dig Safe") requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, before excavation and/or pavement grinding in or on the state highway right-of-way, the Permit Holder's Contractor must contact the Agency's District Transportation Administrator to obtain/verify the location of Agency's underground utility facilities or to confirm the absence of such facilities.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use blasting mats and bags of sand, if necessary, to prevent the stone from scattering. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night.

The Owner/Applicant shall not do any work or place any obstacles within the state highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to both the Chief of Utilities and Permits and the District Transportation Administrator.

ACCESS:

This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway. Direct connections shall <u>not</u> be allowed without written approval.

UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

Poles and appurtenances shall be located out of conflict with ditches and culverts.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.

SPECIAL CONDITIONS

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (*e.g.,* Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with the attached plan dated received, June 11, 2015.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection.

Should any portion of the utility facility installed within the State Highway right-of-way require relocation due to future highway improvements, the Permit Holder shall bear all expenses, and all necessary adjustments shall be completed in a timely manner.

All required trimming/cutting is approved in accordance with the Permit Holder's trimming standards and as agreed to by the abutting property owner, where necessary.

All trees, brush, and old utility plant, removed under this permit, shall be cut flush with the ground, or as close as practical, and removed from the State Highway right-of-way.

All wood chips from a chipping operation shall be blown into a suitable vehicle and removed from the State Highway right-of-way.

The Permit Holder must comply with all additional requirements under Vermont Statutes Annotated, Title 30, Section 2505 (Location near residence) and Section 2506 (Trees not to be injured; exception; penalty).

The Permit Holder, if a pole-owning utility, acknowledges and agrees that, pursuant to Vermont Statutes Annotated, Title 30, Sections 2522 and 2501, as well as Vermont Statutes Annotated, Title 19, Section 10(14), the State has a sovereign right to "attach wires for its own use to such posts and structures under such terms and conditions as [the State] deems just." Permit Holder acknowledges and agrees that while the State should give Permit Holder reasonable advance notice and straightforward documentation of the location of such attachments, and coordinate regarding any actual and reasonable make-ready actually caused by the State's intended attachments, that the State will not be required to agree to anything in the nature of a pole attachment tariff similar to anything that Permit Holder may have and use for non-sovereign parties who may want to attach to poles. Permit Holder specifically acknowledges that the State, as sovereign, will not undertake to indemnify or hold harmless the Permit Holder in relation to any such attachments. Permit Holder also specifically agrees that the State shall not be subject to ongoing rents or similar charges for such attachments. All of Permit Holder's new installations or replacements of pole plant within the highway right-of-way shall be built to standards and clearances sufficient to accommodate phone, cable television, one competitive facilities-based carrier, and also space for the State to attach a cable. If any future make-ready is done to accommodate a non-State attachment, such make-ready shall be done in a manner and to standards such that space and clearance for the State to attach shall remain available after the additional private attachment(s). Subject to applicable safety standards, the State and/or the State's contractors shall have the right to access such space on the poles for purposes of erecting, maintaining, or altering State attachments. Permit Holder acknowledges and agrees that the principles recognized in this paragraph apply not only to Permit Holder's installation(s) covered by this permit, but also to all past and future situations in which the State has attached or may seek to attach to any of Permit Holder's pole plant that is located in the State Highway right-of-way, wherever located, within Vermont.

The Permit Holder is responsible for coordination and assurance, and agrees to assure, that all vertical and horizontal offsets and clearances between Permit Holder's pole, and any infrastructure on that pole, are in compliance, when installed, with safety standards relating to distance from any and all other adjacent aerial utility infrastructure.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

When traffic control becomes so complex that the traffic control cannot be accomplished using Agency standards, the Permit Holder must submit a traffic control plan to the Agency's Permitting Services office for Agency approval prior to beginning work.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way -shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

As the utility operation moves, flagger signs shall be moved accordingly. At no time should the flagger symbol sign be more than 1,000 feet from the flagger station. Flagger signs shall be covered or turned away from traffic when flagging operations cease for longer than 15 minutes.

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

Insurance: Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

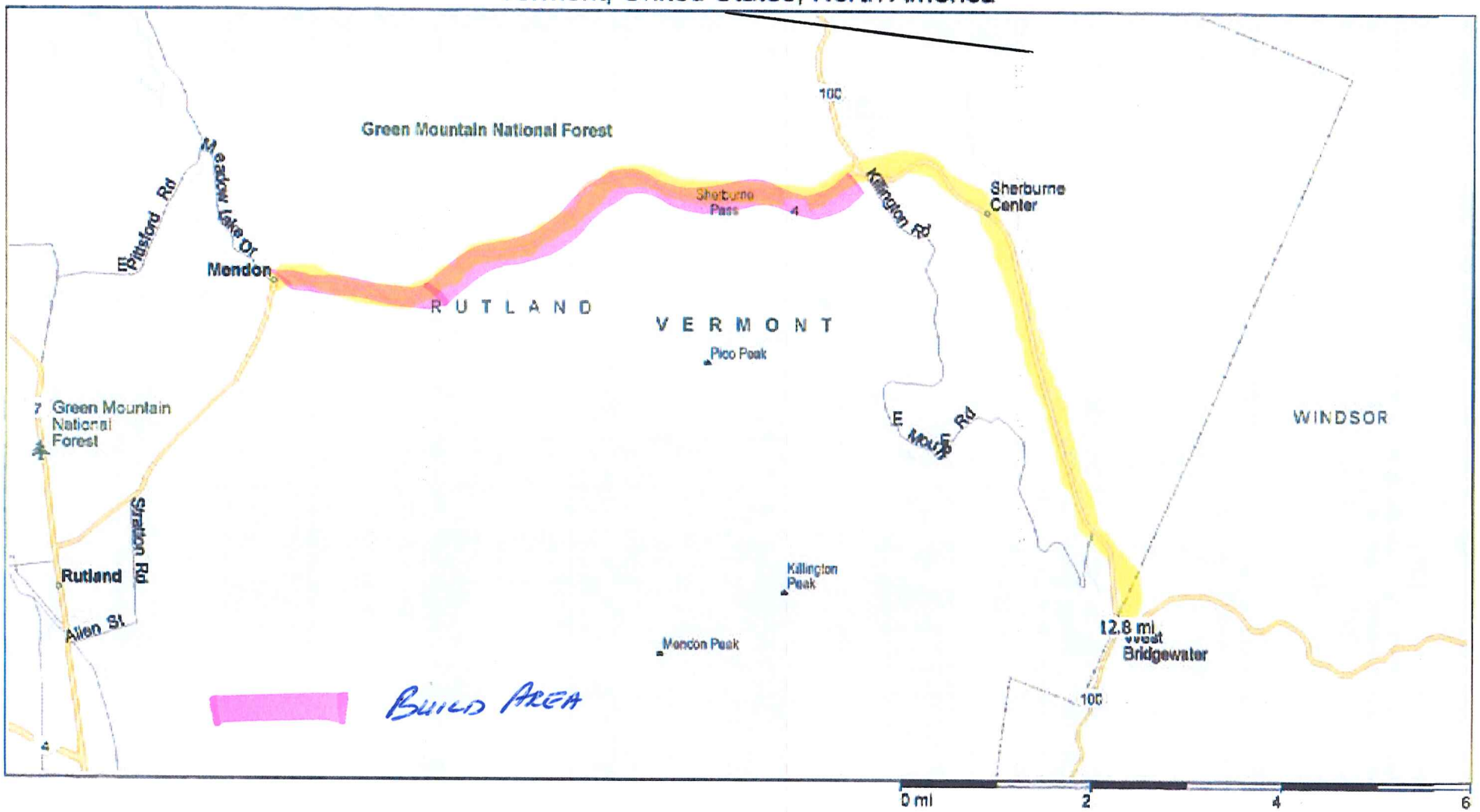
$2,000,000 Per Occurrence
$2,000,000 General Aggregate
$2,000,000 Products/Completed Operations Aggregate
$ 50,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: $1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Vermont, United States, North America



PERMIT # 39860
RECEIVED
JUN 11 2015
PERMITTING SERVICES

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