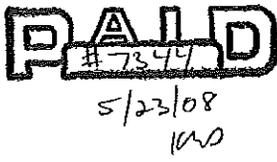


COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 508015
			State Highway No/Mp/Side 90/23.028/Right
Permit fee 100.00	Date of transmittal 04/29/2008	Region/Section/Patrol 05/03/19	Local Jurisdiction Montrose County

The Permittee(s); Applicant;

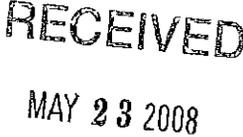
Stephen Antony
 Energy Fuels Resources Corporation
 44 Union Boulevard, Suite 600
 Lakewood, CO 80228



Is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location:
 Access is to be located on the south side of SH 90 , a distance approximately 152 feet east of milepost 23.

Access to Provide Service to:
Energy Fuels Resources Pinon Ridge Uranium Processing Mill.



Other terms and conditions:
 * See Attached Pages 2 and 3 and Other Enclosures for Additional Terms and Conditions.

COLORADO DEPT. OF TRANSPORTATION
 REGION 5
 TRAFFIC & SAFETY

MUNICIPALITY OR COUNTY APPROVAL
 Required only when the appropriate local authority retains issuing authority.

By (x)	Date	Title
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Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Greg Stacy with the Colorado Department of Transportation in Durango at 970-626-4377 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

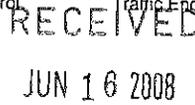
Permittee (x)	<i>Stephen P. Antony</i>	Date	5/21/08
Permittee (x)		Date	
Applicant (x)	<i>Stephen P. Antony</i>	Date	5/21/08

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION		
By (x)	Date (of issue)	Title
<i>Francine Tipton-Long</i>	May 27, 2008	Access Program Manager

Copy Distribution: Required: 1.Region, 2.Applicant, 3.Staff Access Section. Make copies as necessary for: Local Authority, MTCE Patrol, Inspector, Traffic Engin.

RECEPTION#: 791411, 06/11/2008 at 12:45:03 PM, 1 OF 15, ACCPER R \$76.00
 FRANCINE TIPTON-LONG, MONTROSE COUNTY, CO CLERK AND RECORDER



**State Highway Access Permit
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission or a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department Inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway

property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

LEVEL 3 - ACCESS PERMIT TERMS & CONDITIONS
LEFT TURN DECELERATION LANE

1. **Permit Number 508015** is issued by the Colorado Department of Transportation (CDOT) in accordance with the 1998 Access Code and is based upon the information submitted by the Permittee. Any changes in the herein permitted type and use and/or volume of traffic using the access, drainage, or other operational aspects shall render this permit void, requiring that a new application be submitted for review based upon currently existing and anticipated future conditions.
2. This permit Number **508015** is issued to permit and allow a new access to **State Highway 90 at approximate mile marker 23.028 Right**. This shall be a full movement access with highway improvements to State Highway 90 as required by CDOT after review of the March 10, 2008 Traffic Impact Study (TIS). **EXHIBIT "A"**, attached, identifies Conclusions and Recommendations of the Traffic Impact Study (TIS).
3. A new access application shall be submitted for review by CDOT prior to any increase in the herein-permitted vehicular volumes or any auxiliary lane construction activities. Under no circumstances will the access be allowed to operate in an unsafe manner. State of Colorado State Highway Access Code Volume 2, Code of Colorado Regulations 601-1 section 4 (e) states: "Unless specifically noted, all criteria in the Code are based on automobile operations and performance. To allow for the impact of larger trucks, buses and recreational vehicles, "passenger car equivalents" shall be determined. A passenger car equivalent of 3 for each bus and all trucks and combination at or over 40 feet in length or longer, or a passenger car equivalent of 2 for each vehicle or combination at or over 20 feet in length but less than 40 feet shall be used for these purposes."
4. The TIS identifies traffic impacts using passenger car equivalents (PCE) during the Mill Construction Phase and the Mill Operation Phase which occurs after construction of the Mill is completed. This Permit recognizes auxiliary lane requirements for the highest volumes generated from either of the phases.
5. The Permittee is required to install a **Westbound left turn deceleration lane**, and a **10-foot wide shoulder in the Eastbound direction** complete with all warranted improvements on US Highway 90 in conformance with Section Four of the 1998 State Highway Access Code, Volume Two, Colorado Code of Regulations 601-1, as amended. **The category for this section of highway is RB.**
6. The access and improvements will directly access State Highway 90 and serve the uses shown on Page one (1) of this permit as identified in the approved Traffic Impact Study (TIS) for the Energy Fuels Pinon Ridge Mill submittal dated March 10, 2008, prepared by Turnkey Consulting, Inc., and the property described more specifically as SW4SE4 SECT.5 & N2NW4 & N2NE4 & SE4NW4 SECT.17 T46N, R17W NMPM, as recorded in the Montrose County, Colorado Clerk & Recorder's Office at Reception No. 777303.

8. **The vehicular volumes using this access shall not exceed an ingressing Peak Hour Volume of 25 right-turning movements from the State Highway into the access.** In the 1998 Access Code, a passenger car equivalent of 3 is used for all truck traffic. The truck volumes using this access shall not exceed 8 Peak Hour right-turning movements from the State Highway into the access. If the vehicular volumes exceed the above values and/or it is determined they are a safety hazard as determined by CDOT, a dedicated right-turn deceleration lane will be required to be constructed.
9. **The vehicular volumes using this access shall not exceed an egressing Peak Hour Volume of 50 right-turning movements from the Access onto the highway.** In the 1998 Access Code, a passenger car equivalent of 3 is used for all truck traffic. The truck volumes using this access shall not exceed 16 Peak Hour right-turning movements from the access onto the State Highway. If the vehicular volumes exceed the above values and/or it is determined they are a safety hazard as determined by CDOT, a dedicated right-turn acceleration lane will be required to be constructed.
10. If any future development impacts this State Highway connection, CDOT will review changes on property that takes access from this connection to State Highway 90, and shall determine if a traffic study is needed, based on the degradation of the intersection below an acceptable level of service "C" for the category of highway that State Highway 90 currently enjoys. If, in the sole judgment of CDOT, the traffic study is needed, the traffic study shall be completed at no cost to CDOT and the new development shall be required to mitigate any impacts resulting from an anticipated unacceptable level of service at the intersection.
11. The terms and conditions of any previously-issued CDOT Access Permit for the properties being served shall become null and void.
12. Incorporated as part of this permit are the following: Application for Access Permit (Form No. 137) received January 18, 2008; Permit Pages 1-3, Page 101a, Access Permit Terms and Conditions Pages 1 through 11; EXHIBIT "A", (Traffic Impact Study - Conclusions and Recommendations); and EXHIBIT "B", reserved, (Plans and Specifications).
13. This permit is only for the purpose stated herein. Any changes in the type, use and/or volume of traffic using the access will require revision of the permit.
14. The access approach and all related highway improvements will be constructed in accordance with the approved design plans, EXHIBIT "B", reserved.
15. All required access improvements will be installed prior to the herein authorized use of this access.
16. The Permittee shall record a true and correct copy of this permit at the Montrose County Court House upon issuance by the Department of Transportation. Written certification of the recordation shall be provided to the Department within thirty (30) days of the permit issue date.

17. Prior to the issuance of the **Notice to Proceed (NTP)** for construction, the Permittee will furnish the Colorado Department of Transportation (CDOT) a minimum of five (5) stamped sets of the final approved design plans and specifications stamped by a Colorado registered professional engineer. The Department shall incorporate the stamped plans as part of this permit.
18. When accepted and approved, the final design plans and specifications will be labeled **EXHIBIT "B"** and signed as approved by CDOT. They shall be referred to as **EXHIBIT "B"**, reserved, in the remainder of the terms and conditions of this permit.
19. If Permittee wishes a **waiver from the design standards** of the State Highway Access Code, one must be requested using **CDOT Form 112** and approved by CDOT prior to issuance of the NTP.
20. The most current version of the CDOT Standards and Specifications for Highway and Bridge construction will override the design plans should an oversight, omission or conflict occur. CDOT assumes no liability or responsibility whatsoever for the accuracy, completeness or correctness of the Permittee's design plans and Specifications (**EXHIBIT "B"**, reserved). Any design errors are the sole responsibility of the Permittee/Engineer.
21. If necessary, minor changes, corrections, and/or additions to this permit will be ordered by the Region 5 Access Program Manager or other authorized Region 5 CDOT representative to meet unanticipated site conditions.
22. When the final approved design plans and specifications, including, but not limited to material specifications (including all signal components) and, Traffic Control Plans, Performance Bond, Liability Insurance with CDOT listed as insured and construction schedule are accepted and approved, and a pre-construction conference is held, and all other requirements stated herein are completed as required, a **Notice-to-Proceed (NTP)** shall be issued that will allow commencement of construction.
23. Proposed **mix designs** for Hot Mix Asphalt (HMA) and Concrete Mix, and **ALL** aggregate base materials must be submitted to the CDOT Region 5 Access Program Manager for approval a minimum of five (5) working days prior to Notice-to-Proceed (NTP). The mix design(s) shall be current (less than 1 year old). Construction shall **NOT** begin **PRIOR** to obtaining approval for all materials from the Region Materials Engineer (RME).
24. **Construction Traffic Control Plans** will be submitted to the Region 5 Access Program Manager for review and approval, a minimum of five (5) working days prior to Notice-to-Proceed (NTP). The Traffic Control Plan must be in conformance with the current version of the Manual On Uniform Traffic Control Devices (MUTCD), and all other applicable standards. No lane closures or traffic detours of any nature will be allowed unless pre-approved and authorized in writing by CDOT.
21. A **Performance Bond** to CDOT that will insure completion of the required highway improvements and all related intersection improvements in conformance with all CDOT standards and specification shall be required to be in place prior to the issuance of the Notice-To-Proceed (NTP). The bond must

be in the amount of at least 110% of the cost of the construction. A Cost Estimate certified by the Engineer and a draft of the bond must be provided to CDOT for review and approval by CDOT before acceptance of the final bond and before construction is allowed to commence.

22. Upon completion and acceptance of the highway improvements, CDOT will release the performance bond after an approved **Warranty Bond** in the amount of 20% of the cost of the construction is received. The warranty bond shall be held for two (2) years after the construction acceptance date.
23. The Permittee/Contractor is required to obtain **Liability Insurance** in conformance with Section 107.15 of the Standard Specifications. Copies of insurance coverage will be submitted to the Region 5 Access Program Manager before the Notice-to-Proceed (NTP) will be validated and a copy of that policy will be required to be available at the construction site at all times for inspection.
24. A **pre-construction conference** is required prior to the issuance of the Notice to Proceed (NTP). It is the responsibility of the Permittee to schedule and coordinate this meeting. At least five (5) working days prior to the pre-construction conference the Permittee will submit the following packet of information to CDOT for review:
 - a. Material Submittals
 - b. Asphalt and Concrete Mix Designs
 - c. Traffic Control Plans
 - d. Liability Insurance
 - e. Construction Schedule
25. You must contact the Region 5 Access Program Manager at 3803 North Main Avenue, Durango, CO or telephone (970) 385-8360 to schedule a **pre-construction conference**.
26. **Design of improvements** within the highway right-of-way shall be in compliance with the most current editions of the following manuals and documents:
 - a. Current CDOT Roadway Design Guide
 - b. Current CDOT Standard Plans M&S Standards
 - c. Current AASHTO Roadside Design Guide
 - d. Current AASHTO Policy on Geometric Design of Highways and Streets
 - e. Revisions to the Standard and Supplemental Specifications (Project Special Provisions)
 - f. CDOT Supplemental Specifications to the current Standard Specifications for Road and Bridge Construction (Standard Special Provisions)
 - g. Current CDOT Standard Specifications for Road and Bridge Construction
 - h. Current CDOT Field Materials Manual
 - i. Current CDOT Laboratory Manual of Test Procedures
 - j. Current CDOT Construction Manual
 - k. Current Manual on Uniform Traffic Control Devices (MUTCD)
 - l. 1998 State Highway Access Code, Volume 2, Code of Regulations 601-1, as amended
 - m. ITE Traffic Engineering Handbook
 - n. ITE Trip Generation Manual (6th Edition)

27. Cut slopes and embankment slopes shall not be steeper than 4:1 within the highway right-of-way unless otherwise allowed by the Department.
28. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards and Plans can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.
29. It is the responsibility of the Permittee/Applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" for details. **FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.**
 - a. ALL discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.
 - b. Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **However, construction activities may require a Construction Stormwater Permit.** Contact the CDOT Water Quality Program Manager at 303-757-9343.
 - c. ANY OTHER DISCHARGES may require Colorado Discharge Permit(s) or separate permits from CDPHE or the appropriate agency before work begins. For additional information and forms, go to the CDPHE website at:
<http://www.cdphe.state.co.us/wq/PermitsUnits/wqcdpmt.html>.
30. All utilities and utility work in the highway right-of-way must be shown in the design plans and be approved by CDOT.
31. **All Structural Concrete** shall conform to the requirements of Section 601 of the Standard Specifications and Supplemental Specifications, as modified by the attached Special Provision.
32. The following materials shall be used in conformance with the standard specifications, within the highway right-of-way:
 - a. Item 304 - Aggregate Base Course - Class 6, and Class 1 or 2

- b. Item 403 - Hot Mix Asphalt Grading S or SX
33. The required depth of Hot Mix Asphalt (HMA) shall be determined by a proper pavement design analysis and shall be provided and stamped by a Colorado registered professional engineer for CDOT Review and approval. The required depths shall indicate compacted material.
34. If a pavement design is not submitted, the minimum required pavement structure depths are as follows:
- a. Hot Bituminous Pavement - 6 inches
 - b. Aggregate Base Course (Class 6) - 6 inches
 - c. Aggregate Base Course (Class 1 or 2) -12 inches

BASE COURSE DESIGN REQUIREMENTS:

35. Aggregate Base Course shall conform to the requirements of Section 304 of the Standard Specifications, amended as follows:
- a. Materials for the sub-base shall be Aggregate Base Course (Class 1 or 2) as shown in subsection 703.03.
 - b. Materials for the base course shall be Aggregate Base Course (Class 6) as shown in subsection 703.03.
 - c. The Aggregate Base Course (Class 1 or 2) and (Class 6) must meet all requirements and have resistance values of at least 70 and 76, respectively, when tested by the Hveem Stabilometer method.

SIGNING & STRIPING DESIGN REQUIREMENTS:

36. All final signing and striping shall be installed by the Permittee in conformance with the Colorado M&S Standards, Typical Pavement Markings (S-627-1), unless otherwise agreed to by CDOT and Permittee. The final signing and striping plan shall be included in **EXHIBIT "B"**, reserved.
37. All final striping, including ling-line strips, stop-bars, crosswalks, words, and symbols shall be Type I Pavement marking material and shall be either rolled in hot during the paving operation, or ground and inlaid flush after completion of the final pavement surface.
38. Commencement of the final striping will not proceed without prior authorization in writing from CDOT. All final striping must follow the pavement joints.
39. No site drainage from the constructed access shall enter onto the roadway of the highway.
40. All existing drainage structures shall be extended to accommodate all new construction and safety criteria, according to appropriate CDOT standards and specifications.
41. All culvert extensions shall meet or exceed the minimum requirements for CDOT roadway clear-zone, as outlined in the AASHTO Roadside Design Guide.

- 42. Break points on slopes and in the bottom of ditches shall be rounded on construction for a pleasing appearance. The existing shoulder edge shall not be cut back until the future pavement is ready to be installed.
- 43. The depth and width of roadway drainage ditches shall be varied so as to provide proper storm water drainage.
- 44. A minimum of four (4) inches of topsoil shall be placed on all slopes that are to be seeded and mulched. Soil preparation, seeding, and mulching shall be required within the right-of-way limits on all disturbed areas not surfaced. The following types and rates shall be used:

Seed Requirements:

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>LBS. PLS/ACRE</u>
Western Wheatgrass (V. Arriba)	Pascopyrum Smithii	16
Slender Wheatgrass (V. San Luis)	Elymus Trachycaulus	6
Indian Ricegrass (V. Paloma)	Oryzopsis Hymenoides	6
Hard Fescue (V. Durar)	Festuca Ovina Duriuscula	6
Alsike Clover	Trifolium Hybridium	4
Sand Dropseed	Sporobolus Cryptandrus	<u>0.50</u>
Total lbs/acre		38.50

Seed shall be mechanically drilled to a depth of 0.25 or 0.5 inches into the soil on slopes flatter than 3:1. Seed shall be broadcast on slopes 3:1 or steeper and raked into soil.

- 45. **Mulching Requirements and Application:** 2 tons/acre straw mechanically crimped into soil on slopes flatter than 3:1. Place a soil retention blanket consisting of woven wood or straw coconut material on slopes 3:1 or steeper.

46. **Fertilizer Requirements:**

<u>Nutrient Type</u>	<u>% AVAILABLE</u>	<u>LBS/ACRE</u>
Nitrogen:	18	45
Phosphorus:	46	115

Fertilizer shall be incorporated to a depth of 2" to 4" into the topsoil.

- 47. **A COPY OF THIS PERMIT AND THE VALIDATED NOTICE TO PROCEED MUST BE ON THE JOB WITH THE CONTRACTOR AT ALL TIMES OR ANY WORK ONSITE AND OFFSITE WILL BE ORDERED TO BE IMMEDIATELY SUSPENDED UNTIL THIS TERM IS COMPLIED WITH.**

- 48. Upon completion of the work, the Contractor/Engineer **WILL** submit an "As Constructed" plan, showing in detail all right-of-way easements, all construction changes, modifications and revisions. **The "As Built" Plans shall also show all wiring, cabling, locations and depths of conduit, in**

conformance with Section 614.10(a) of the Standard Specifications. All changes, modifications or revisions shall be signed and sealed by the engineer.

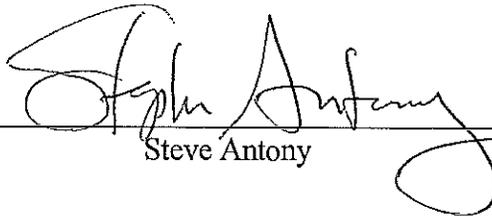
49. Upon completion of the final work, a letter certifying that all project materials, construction, inspection and workmanship is in accordance with the design plans and specifications will be submitted to the Region 5 Access Program Manager, Colorado Department of Transportation, 3803 Main Avenue, Suite 100, Durango, Colorado 81301. The certification letter must be signed and sealed by the engineer.
50. Final Project Acceptance will be by the Regional Transportation Director (RTD) or their authorized designee.
51. Reconstruction or improvements to the access will be required when the Permittee fails to meet the required design and/or materials specifications. If any construction element fails within two (2) years of CDOT's final acceptance due to improper construction or material specifications, the Permittee is responsible for all such repairs.
52. The Permittee/Contractor shall follow the applicable construction specifications set forth by CDOT in the latest edition of the Standard Specifications for Road and Bridge Construction.
53. The Permittee/Contractor is responsible for obtaining any necessary additional **Federal, State and/or City/County permits or clearances** required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. The Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
54. **The Permittee/Contractor shall comply with Revision of Section 107.06 of the CDOT Specifications regarding Safety, Health, and Sanitation Provisions.**
55. The Permittee/Contractor will be responsible for keeping the State Highway travel lanes and shoulders clear of any mud or debris tracked onto it throughout the construction of the signal and auxiliary lane improvements. Any mud or debris that is tracked onto the highway shall be removed daily or as otherwise directed by the CDOT. If mud and debris become a safety hazard to the traveling public, as determined by CDOT, all activities causing the mud and debris on the highway shall be shut down immediately and a plan that addresses mitigation of the hazards must be submitted to CDOT for review and be approved by CDOT before the activities shall be allowed to recommence.
56. The Permittee must notify owners or operators of **underground utility facilities** at least two (2) business days prior to beginning excavation in the vicinity of such facilities, as required under Section 9-1.5-103, Colorado Revised Statutes. Call Utility Notification Center of Colorado (UNCC), 1-800-922-1987 for marking of member utilities. Call non-member utilities directly. All utility permits and related construction coordination requirements shall be handled in accordance with the approved plans and specifications.

57. The Permittee will be responsible for verification of existing utility locations. If any damage occurs to these utilities during construction, it shall be the Permittee's responsibility to repair or replace the utility at no cost to the Department.
58. Any damage to any existing highway facilities shall be repaired by the Permittee prior to continuing other work.
59. Materials shall be placed in separate courses at the depths shown on the plans (EXHIBIT "B", reserved) in conformance with the latest version of the CDOT Standard Specifications for Road and Bridge Construction.
60. Excavation and Embankment operations shall conform to the requirements of Section 203 of the Standard Specifications.
61. Excavation and Backfill for Structures shall conform to the requirements of Section 206 of the Standard Specifications, as modified by the attached Special Provision.
62. All embankment material placed on existing slopes in excess of 4:1 shall be benched into the existing grade to provide a stable roadway foundation.
63. Construction of sub-grade, embankments and backfill shall comply with Section 203 of the CDOT Standard Specifications for Road and Bridge Construction.
64. Certified test results for each item shall be submitted to the CDOT Region 5 Materials Engineer (RME) as soon as those results become available. Out-of-specification material shall be replaced with acceptable material.
65. The Permittee shall follow the Colorado Procedure (CP) material testing procedures included in the CDOT Field Materials Manual.
66. Aggregate Base Course shall be sampled in accordance with CP-30.
 - a. Class 1 or Class 2 Aggregate Base Course - Gradation (CP-31), Atterberg Limits (AASHTO T89 & T90), and in-place density (CP-22 or CP-80) shall be determined every 2,000 tons, or fraction thereof. R-values shall be a minimum of 70 or equivalent.
 - b. Class 6 Aggregate Base Course - Gradation (CP-31), Atterberg Limits (AASHTO T89 or T90), and in-place density (CP-22 or CP-80) shall be determined every 2,000 tons, or fraction thereof. R-values shall be a minimum of 78 or equivalent.
67. Placement of aggregate base course materials shall be in accordance with Section 304 of the Standard Specifications. Compaction shall be in conformance with AASHTO T180 or T99, whichever is applicable for the soil conditions as approved by the Region 5 Materials Engineer (RME) PRIOR to any placement.
68. The sub-grade on which the Aggregate Base Course is placed shall be frost-free.

69. **Hot Mix Asphalt**
- a. Gradation (sampled in accordance with CP-30, CP-31) determination shall be performed every 1,000 tons, or fraction thereof, for Hot Mix Asphalt Grading S or SX. Project testing shall follow CDOT testing CP-31.
 - b. Asphalt content testing shall be performed every 500 tons, or fraction thereof, for Hot Mix Asphalt Grading S or SX. Project sampling shall follow CDOT procedure CP-41 and CP-55 and testing procedure CP-42 or CP-85.
 - c. In place density testing shall be performed every 500 tons, or fraction thereof, for Hot Bituminous Pavement. Project testing shall follow CDOT testing procedure CP-44 or CP-81.
70. Certified tests of each layer of material shall be submitted to the PE in responsible charge of the project and the Region 5 Access Program Manager as soon as each test is complete. Out-of-specification material shall be removed and replaced with acceptable material.
71. Compaction of Hot Mix Asphalt (HMA) shall comply with Section 401-17 of the latest version of the CDOT Standard Specifications for Road and Bridge Construction.
72. Hot Mix Asphalt (HMA) shall conform to the requirements of Sections 401 and 403 of the Standard Specifications, modified for this project by the attached Special Provisions.
73. Prime Coat and Tack Coat shall conform to the requirements of Section 407 of the Standard Specifications.
74. Any layer of Hot Mix Asphalt (HMA) that is to have a succeeding layer placed thereon shall be completed full width before succeeding layers are placed. No layer shall be less than 2 inches. Placement shall be in conformance with Section 401.16 of the CDOT Standard Specifications for Road and Bridge Construction.
75. The Hot Mix Asphalt (HMA Grading S and SX) job mix formula and asphalt cement content must be approved by the Region 5 Materials Engineer prior to placement. The CPL 5115 method shall be used in determining the job mix formula. Minimum stability of 28 and a lime additive shall be used. The mix shall meet a minimum TSR of 80 for the Lottman test. The Dry Split Tensile shall meet a minimum of 30.
76. The existing asphalt shoulder edge shall not be cut back until the future pavement is ready to be installed. The shoulder shall be saw-cut a minimum of one (1) foot from the existing pavement edge to assure a straight edge for placement of adjacent asphalt material.
77. For placement of patching or new asphalt pavement, the Permittee/contractor shall saw-cut the existing asphalt to assure a straight and uniform edge. Prior to the placement of the new asphalt, the exposed edge of the existing pavement shall be thoroughly coated with emulsified asphalt (slow-setting).

78. The transverse construction joint connecting the access improvements to the existing highway shall not differ by more than 3/16 inch in ten feet by measurement of an approved 10-foot straightedge and depth gauge furnished by the Permittee/Contractor. Areas showing high spots of more than 3/16 inch in 10 feet shall be marked and diamond ground until the high spot does not exceed 3/16 inch in ten feet.
79. The Longitudinal Pavement Surface Smoothness shall be tested and evaluated per Section 105.07 of the latest version of the Standard Specifications for Road and Bridge Construction.
80. No work within the highway right-of-way will be allowed on Saturdays, Sundays, legal holidays, or during periods of adverse weather conditions.
81. All construction activities within the state highway right-of-way will not be allowed to begin before sunrise and shall be required to cease prior to sunset. Traffic control operations may begin one-half hour before sunrise and continue until one-half hour after sunset.
82. No disruption of traffic flow, highway lane closures or one-way traffic will be allowed during the morning (7:00 AM to 8:30 AM) and evening (4:30 PM to 6:00 PM) peak hour traffic flows, unless otherwise authorized in writing by CDOT.
83. The use of appropriate advanced warning and construction signs, flasher barricades and flagging personnel are required at all times during construction. These devices shall be located within the State Highway right-of-way and shall be in conformance with the Manual On Uniform Traffic Control Devices (MUTCD), Part VI and the Colorado Supplement.
84. Any open cuts that will be left overnight shall be barricaded with slashed vertical panels as set forth in the Manual On Uniform Traffic Control Devices (MUTCD), Part VI.
85. All existing highway signs within the limits of the construction activities shall be removed and delivered to the CDOT Maintenance Shop for storage and future replacement by the Permittee unless otherwise agreed to by CDOT and Permittee. Installation shall be as directed by CDOT.
86. All temporary pavement marking(s) shall be installed by the Permittee in conformance with the latest version of the CDOT, Division of Highways, State of Colorado Standard Specifications for Road and Bridge Construction, Section 627 and all other applicable State standards.

PERMITTEE:


Steve Antony

DATE 5/20/08

RECEIVED

MAY 23 2008

COLORADO DEPT. OF TRANSPORTATION
REGION 5
TRAFFIC & SAFETY

Worker Safety and Health

All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations – including, but not limited to the applicable sections of 29 CFR Part 1910 – Occupational Safety and Health Standards and 29 CFR Part 1926 – Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:

- Head protection that complies with the ANSI Z89.1-1997 standard;
- At all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96;
- High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

Environmental Clearance

It is the applicant's responsibility to contact the appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include but are not limited to Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical, or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances and information about prohibited discharges; copy attached.